

Broken Love: The Intersection of Divorce and Therapy

A Legal Perspective by Dina Haddad, Esq. LLM

Putting Your Clients Back in the Driver's Seat of Their Divorce



Dina Haddad is the founder of Families First Mediation, a family law mediation boutique, and provides family law mediation services in San Jose. She is a panel neutral for Agency for Dispute Resolution, headquartered in Beverly Hills, and sits as judge pro tempore for the Santa Clara County personal property arbitration program. She may be reached at (408) 357-3486, dina@ffmediation.com, or through her website at www.ffmediation.com.

If you have a topic you'd like to see addressed, or comments and questions about this column, feel free to reach me at (408) 357-3486 or dina@ffmediation.com

Occasionally, I have the opportunity to step in as a temporary judicial officer for personal property arbitrations. I enjoy working with these parties because the cases are litigated the parties are often having their first opportunity to mediate – albeit at the tail end of their case. Recently, I was poignantly reminded how important the client's role is in the divorce process. Jennifer and Mark (not their real names) had not spoken to each other for over a year. Jennifer was not even sure why she was before me, and I soon learned that Mark was not sure either. Both believed they had resolved the out-standing issues related to personal property and were beyond ready to settle all remaining issues. In fact, they genuinely assumed the other was unwilling to settle, based on the information they received from their attorneys.

I was disheartened. Here, both Jennifer and Mark wanted to treat each other fairly, and desperately wanted a safe space to speak with one another to resolve their case. However, the only way they

communicated was through their attorneys. Somehow the parties' messages were lost. Divorcing parties need to actively participate in their divorce, or risk losing their decision-making power.

How can you equip your clients in a divorce to stay in the driver's seat?



First, the client should understand the process. How does it start, what has to happen, and how does it end? There are many re-sources available through the courts, online, and in print. Additionally, I have written past columns on this topic that are available at www.scv-camft.org. Most divorcing parties are fearful because they simply do not know what to expect, and then "lawyer-up," or make fear-based decisions. Knowledge is power.

Second, encourage your client to have a divorce process vision. A few examples of this vision

might be: a cost-effective divorce, a fair resolution, or a secure financial future. Remind them of that vision throughout the process. When the client sees that the divorce is no longer in line with their vision, (s)he should immediately find out why, and how it might be corrected.

Third, your client should know what the divorce professionals are doing on his/her behalf. Are the attorneys working towards settlement? What are the conversations between the attorneys? What is the billing structure?

Fourth, help your client understand what (s)he wants, and why. If he knows why he wants 50/50 custodial time, or she wants the family home, they will be better able to express it to an ex-spouse, attorney, mediator, or judicial officer. When wants are substantiated, an ex-spouse may be more inclined to agree, and if not, your client can be assured that (s)he has been an active participant in the process. ■