

A Q&A with Miriam Gardner-Frum and Paige Stevens Quilliam on divorce mediation

By KAREN C. L. ANDERSON

Attorneys Miriam Gardner-Frum and Paige Stevens Quilliam are among several lawyers in southeastern Connecticut who have embraced the process of mediation (also sometimes called collaborative divorce) as an alternative to the traditional divorce.

Mediation is designed to minimize the conflict and costs of dissolving a marriage.

Gardner-Frum has practiced law for 22 years and has offered mediation services through her own practice, the Law Offices of Miriam Gardner-Frum in New London, for 20 years. Mediation became her primary focus in 1995.

Quilliam is a partner with Stevens, Harris, Guernsey & Quilliam, P.C. in Niantic. She has been with the firm since 1999 and has been offering mediation services since 2005.

What is divorce mediation?

Gardner-Frum: Mediation is a step-by-step problem-solving process facilitated by a neutral mediator (preferably an attorney) who assists couples in reaching a mutually acceptable settlement agreement for issues such as parenting plans, family support, and division of assets and debts.

Quilliam: As a mediator, I assist both parties (versus requiring each individual to hire his or her own attorney) with all aspects of the dissolution of marriage action. Because I am an attorney I can also draft the necessary procedural documents for filing with the court and oversee the required exchange of information to ensure that each party is fully informed. When issues between a couple arise, I can provide information regarding what our relevant statutes say and how other courts have ruled on similar issues.

How did mediation evolve?

Quilliam: Alternate forms of dispute resolution have become more common over the past 10 or 15 years. I started a mediation component of my practice after a decade of representing children in contested custody cases. I represented parents in contested cases as well, but once I saw the impact of divorce on children – having sat down with them and actually been involved as their advocate, having their teachers/pediatricians/therapists talk to me – I changed.

What's the difference between mediation and a "regular" divorce?

Gardner-Frum: A regular divorce starts out and progresses in



Miriam Gardner-Frum



Paige Stevens Quilliam

the court system, which by its nature is adversarial. Resolving disputes means that one party wins and the other loses, one party is right and the other is wrong. It's a very polarizing process. In a mediated divorce, both parties win and each is able to identify their interests, needs and concerns versus their positions. In the midst of mediation, I often see a couple start to problem-solve together.

Quilliam: Procedurally, the process is the same. The same paperwork is filed with the court. But from the court's perspective, the parties are representing themselves and the mediator is behind the scenes walking them through the process.

What are the nuts and bolts of mediation?

Gardner-Frum: I meet with both parties, describe the process, both the legal aspect and where mediation comes into it. We gather all relevant information, work on a parenting plan (if there are children), discuss how they've parented in the past, and look at all financial aspects of their lives. An "average" mediation takes three to four sessions. Once papers have been served and returned, which takes 30 days, there a 90-day waiting period and the couple is then eligible for a final hearing.

What are the benefits of divorce mediation?

Quilliam: In a contested (regular divorce) setting, a party is literally leaving the fate of their finances and possibly their relationship and access to their children up to the decision of a judge – a stranger who will only get a snapshot of what life is like for that family. Judges take great pains to make the right decisions, but how do they truly know the nuances of life in a way that the parties do? I would much rather be the arbiter of my own fate, than leave it up to anyone else.

I had a recent case where a couple with financial difficulties came to me for mediation. Not only were they struggling with the general realities of divorce and the effect it would have on their son, they were about to have two sets of expenses and no proportionate increase in their income to offset that. We looked at the income and expenses for each party and negotiated areas where each could meet the other half-way, and were able to resolve it. They hadn't each gone out and spent substantial money in attorneys fees to argue about dividing up the same pie – and as a result, they didn't have additional indebtedness in attorneys fees to worry about on top of an already difficult situation.

See page 28

Gardner-Frum: One of the biggest benefits is that mediation gives the individuals involved a space to understand that their anger is a secondary emotion to fear or pain and to then address and resolve those emotions before the actual divorce. This is especially beneficial for children.

I had a case in which the husband had his heels dug in on a specific issue and he wouldn't budge. At one point he started crying. There was something in his past that was causing him a lot of pain and fear. Once we were able to identify that, the healing began and the process continued successfully.

Are there cases where mediation just won't work?

Gardner-Frum: Yes, especially if one or both parties are drunk, high, and/or mentally ill and untreated, and/or if there's domestic violence involved.

Why do you choose to provide this service?

Gardner-Frum: I believe the world has enough conflict and so I handle very few regular divorce cases any more. Not only does regular divorce bring out the worst in everyone (including the lawyers involved), it's also hard on everyone. And I think there's a ripple effect in the world when people choose a more civil alternative. There's nothing more satisfying than having a couple come to me in crisis and at the end of the process they're civil and respectful and each has ownership of the decision.

Are more and more couples who divorce using mediation?

Quilliam: I think so. I have more mediation clients now than I ever have. Since expanding my mediation practice a few years ago I have only had two cases that have not been successful – and one went on to settle with separate attorneys.

women in real estate

These Eastern Connecticut Realtors® possess the knowledge and competence to make your home buying or selling a positive experience!




RE/MAX Home Team
217 Boston Post Rd.
Waterford

Marilyn earned the prestigious designation of Certified Distressed Property Experts® from the Distressed Property Institute in Austin, Texas.

Marilyn Lusher
Broker/Owner

There are solutions to avoiding foreclosure. Call Marilyn today if you are a struggling homeowner. She will help you resolve your debt and get your home sold.



Call Marilyn today at 860-444-7362




MARKET REALTY, LLC

Judi Caracausa is the Broker-Owner, ABR of Market Realty, LLC. A Real Estate Brokerage Firm Located in Historic Downtown Mystic in the Mystic River Park at, 28 Cottrell Street. With over 25 years of Real Estate experience Judi is your Local Independent Shoreline Real Estate Expert. Judi began her business career with her sister Celeste in 1980.

Knowledge - Integrity - Results

Call Judi today at 860-912-9903
Historic Downtown Mystic, CT 06355
Cellular: 860-912-9903 Office: 860-572-1155
Fax: 860-572-9057 email: buymystic@aol.com

NEW TO REALTY3 VILLAGE & SHORELINE PROPERTIES




CHARITY MACPHERSON
860.460.2804

MELANIE TARY
860.235.6607

Bringing nearly 20 years of combined experience in Real Estate to Southeastern CT!



77 MAIN STREET
STONINGTON BOROUGH
860.415.8199