



*Mediation Services*

 **DISHON & BLOCK**  
ATTORNEYS AT LAW

## **Fair and peaceful resolution is possible**

'Founded on the basic principle that the best path to resolution is reached through effective communication, proper goal setting and a clear understanding'

Dishon & Block prides itself on helping people resolve their differences. Our goal is to bring people to the table to successfully settle their disagreements and reach closure.



We act as neutrals to serve all parties in legal disputes. We work as a team and we also mediate conflicts that have not reached the litigation stage such as family and property division, custody matters and separation. Several members of our firm including the Founding Partner, Aaron Dishon are trained as divorce mediators and hold advanced degrees in alternative dispute resolution. As attorneys who have been handling mediation for many years, the team at Dishon & Block can assist clients in this process in a non-adversarial manner. Often, mediation is an expeditious and cost-effective way of handling the marital termination and its attendant complications, in which both parties leave the situation in a satisfied manner. In divorce cases, as in any family situation, Dishon & Block is responsive to your individuality and committed to providing an environment of kindness and support in which reaching a fair and peaceful resolution is the outcome.

Divorce mediation and custody mediation are a way to resolve divorce or custody disputes allowing you to control the outcome. The only people making decisions are those involved in the dispute, unlike arbitration or litigation where a judge or an arbitrator makes the final decision.



Divorce mediation and custody mediation typically consist of several joint meetings between spouses which last several hours each. During those meetings, the parties discuss the issues that need to be resolved in the case. The mediator is there to facilitate the discussion, assist with communication, provide information and suggestions and use specialized training to assist the two of you to resolve your differences. The mediator will also draft an agreement that is fair to both of you, and if you have children, in their best interests as well. With the right commitment, mediation can work for almost any divorcing couple or parents with custody conflicts. While cooperating couples may choose mediation from the onset, even families with high-conflict divorces can benefit from family, custody or divorce mediation. Because litigation encourages acrimony and conflict, it's actually the high-conflict divorces and custody cases that can benefit most from mediation. Separation and divorce are among the most painful and disruptive events an individual and family can experience. The problems are both financial and emotional, deeply touching all members of the family. Mediation aims at reducing this tension, not increasing it. With the help of a mediator, couples negotiate their own settlement and learn the techniques for resolving future differences. Mediation is for couples who want to retain control over the decisions that affect their lives and don't want their children caught in the middle.

Our team of experienced mediators do not act as your attorney or therapist, but rather as mediators providing professional expertise while maintaining an atmosphere of sensitivity, fairness and mutual respect throughout the mediation process.



We help parties effectively improve their ability to communicate by identifying the barriers to settlement, and creating solutions that meet the needs of all. Dishon & Block was established by Aaron Dishon, an attorney with a strong understanding of the dynamics involved in family conflict and the needs of lawyers and clients. Dishon founded the firm of Dishon & Block, formerly known as The Law Offices of Aaron Dishon, in 1996. Shortly thereafter, he founded [californiadivorce.info](http://californiadivorce.info), a divorce resource site devoted to helping people navigate their way through the complex maze of divorce in California. Carrie Block is an attorney that specializes in Family Law, Domestic Relations Law, Divorce Law, Child Custody Law, Paternity Law and Alimony Law. She has excellent negotiating and interpersonal skills, and an insightful, compassionate style of conflict resolution that has proved invaluable in conducting successful mediation sessions.

Mediation is the most practical choice for a person to make when facing a divorce. It helps avoid the stress of litigation, it saves money and helps put the unpleasantness of divorce behind you as quickly and peacefully as possible.



Dishon & Block believes that the agreements reached through mediation are more thoughtful and tailored to your individual circumstances and your family's circumstances, than the typical court judgment. As a result, the adherence rate to mediated agreements is typically much higher than that of adherence to court orders. When nothing else has worked, Dishon & Block can help families in serious conflict. The public exposure of going to court is often unthinkable for those who want to preserve family relationships. A great deal of conflict can fester in this area, where divided loyalties, emotions and conflict of interest often come into play. Effective mediation can help create workable and durable agreements, and often strengthen the underlying relationships. Beyond simply reducing the risks inherent in litigation or unaddressed conflict, our services have the potential to create hope where there is despair. The process of mediation—which is conducted in a comfortable, informal, yet structured forum—allows people to trust that they will be heard, which calms emotions and allows the beginning of mutual understanding. When trust is established, the focus shifts from the pain of the past to productive solutions for the present and future.

- Clients are given the control to determine the schedule and the issues to be discussed. By putting the control of setting the schedule in clients' hands, divorce mediation is much faster than family litigation because the case doesn't rely on the court's schedule
  - Clients control the cost of the mediation, which is typically three times less than the cost of a traditional divorce case involving litigation
  - Mediation is efficient. Settlement can be achieved more quickly when the approach shifts from polarizing debate to creative solution-seeking.
  - Clients are given the flexibility to take the time needed to consider how a decision reached in mediation will affect their future. They can agree to "reality test" agreements to see how they work, and make changes after seeing how these agreements work in practice. You make the decisions you'll be living with—not a judge.
  - When clients participate in each decision, the outcome is better tailored to the needs of the family. When clients choose to litigate and have a judge make the decisions, the outcome can be unpredictable, as well as impractical for the family.
  - Divorce mediation can be healthier for the family, since part of mediation is learning to communicate better, which is especially important when children are involved. Mediation helps preserve a good relationship with your spouse and reduce the tension for the sake of the children. Spouses who mediate their divorce typically are better able to communicate and cooperate and to keep tensions down for the sake of the children.
- Agreements made in mediation have a higher degree of compliance and success than those negotiated in the courthouse, because clients control the outcome. The mediation experience builds a base for future cooperation between the parties and teaches clients how to resolve issues in a cooperative manner.
  - Mediation allows the client to make choices. Settlements are not dictated in mediation. Agreement is reached only when the parties say "yes" to each other. Typically the parties are more satisfied by having arrived at their own "solutions" to the problems as opposed to having a judge make the decisions.
  - Divorce mediation is confidential and private. Clients can discuss the important issues in the privacy and comfort of the mediator's office, rather than a crowded courthouse hallway or less desirable location. A mediator's files are confidential – court files are public records that anyone can view.
  - Clients always have the choice to litigate if mediation is unsuccessful. It's much more difficult to mediate after litigation has flared up emotional conflict and made it more difficult for spouses to communicate and trust each other.
  - The mediator's job is to ensure that everyone gets a chance to express all of their concerns. If one spouse has been more controlling in the marriage or the other too afraid to express themselves, the mediator can help balance the power between the two. In court, it's often becomes a matter of who has the stronger, more vocal attorney.
  - Mediation provides long-term benefits. The possibility of future conflict is reduced, and relationships are often transformed, when agreement is reached through this collaborative process. Typically those spouses who mediate their own settlement are much more satisfied with their divorce.

The goal of our mediation team is to help you negotiate and resolve issues such as custody, visitation, property division and support. Once both sides have agreed to use divorce mediation as an alternative to hiring separate family law attorneys, Dishon & Block will schedule an initial meeting session. During this first session, both sides receive an orientation to the mediation process and you can ask any questions that you wish. We offer the mediation orientation because getting divorced and choosing a mediator are very personal, important decisions. We want to make sure you choose the right professional mediator and mediation office for your needs. The number of sessions needed to reach agreement depends on the complexity of the issues, and upon the parties' ability to work toward a solution. Often, people find they need more information before an agreement can be reached or before the session can continue. When this occurs, we can either move on to another issue, or stop the session and schedule another appointment, so either party will have time to gather the information they need, speak to accountants, lawyers, or other advisor(s). Mediation works best when people don't feel rushed to make an agreement and when they have all of the information they need to make a good, informed decision.

- An initial meeting is held during which both spouses attend and general goals of the parties are discussed
- A written agreement between the parties themselves as well as the mediator is reviewed and signed
- The mediator will assign certain tasks at the initial meeting, such as bringing in certain documentation for the next meeting

### Subsequent Appointments

- A series of subsequent meetings are then conducted. Most will consist of conjoint sessions (both spouses and the mediator) but sometimes the mediator may have individual meetings (one spouse and the mediator)
- The number of meetings will depend on the number of issues the spouses need to negotiate and the degree to which they are willing to compromise
- The frequency of meetings is scheduled according to how much time spouses need to complete "homework assignments" and/or to "think" between sessions

### Agreement

- At each session the mediator makes detailed notes of agreements as they are reached
- When all issues are resolved as a result of the mediation sessions, the mediator will draft a settlement agreement (a document summarizing the agreements that have been made)
- The mediator will recommend that the spouses take the agreement to a "consulting attorney" to look over the final document before signing
- Once signed, the document is sent to Court for approval by the Judge and the matter is concluded.

### **Custody**

- Typically the mediator will try to ensure that both parents have frequent and continuing regular contact with their children
- The mediator will also want to create a positive environment for the children in which both parents are flexible and foster a relationship with the other parent
- It is important that both parents are respectful of one another and that they never make negative remarks about the other parent

### **Disclosure**

- Mediation can only work if each spouse is honest and openly discloses all facts, records, and documents required to ensure an informed and fair agreement
- If a mediator believes that such disclosure is not taking place, they will steps to ensure that it does. If there is still a disclosure issue, the mediator may decide to terminate the mediation

### **Fairness**

- It is important that both parties feel that mediation is a fair forum in which to resolve their concerns and differences
- The mediator does not represent either party and will not take a stand on any particular position
- The mediator must ensure that the forum is fair and that neither spouse is being pushed, threatened or bullied into reaching an agreement
- Both parties must feel comfortable with the agreement

### **Use of Consulting Professionals**

- The mediator may request that the spouses consult with other professionals during the proceedings, such as an accountant who may be needed to address tax issues, or an appraiser to establish the value of a residence.
- Each spouse is highly encouraged to consult their own attorney to have them review the written agreement or settlement which results from mediation

### **Confidential**

- Everything that occurs during mediation is fully confidential
- The mediator will not divulge anything the spouses say to him or her to the other partner or to anyone without written permission
- The mediator may not be brought into court

### **Commitment to Success**

- In order for mediation to succeed, each spouse must be committed to working toward an out-of-court resolution of their divorce
- The parties must cooperate and focus on reaching resolution rather than personally attacking the other
- The parties must be respectful, listen to each other and not interrupt one another

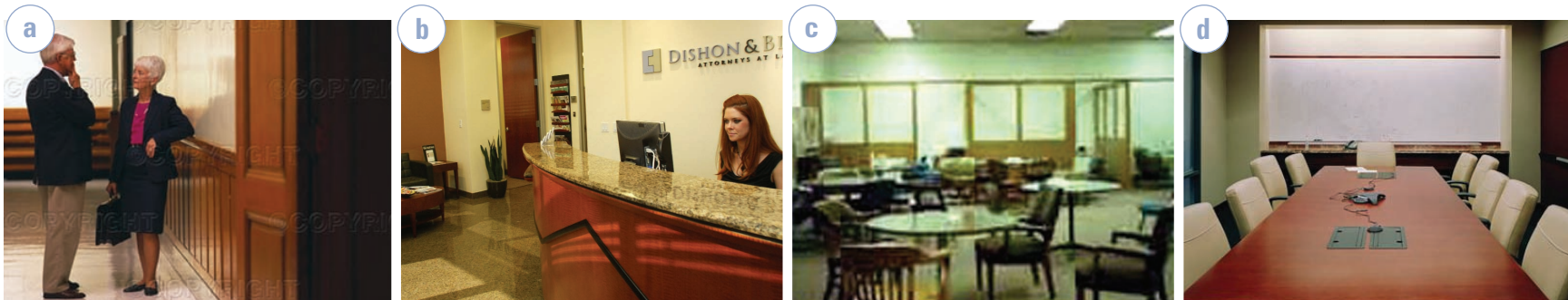
### Divorce Courts

- Lengthy process and time consuming
- Judges have limited time to hear details of each divorce case, often less than 5 minutes
- Scheduling conflicts between courts and litigants cause expensive delays
- There may only be a minute or two to testify about your case
- Unpredictable outcomes
- You may have to make critical decisions about the divorce settlement on the spot in a crowded courthouse hallway
- No confidentiality—all court files are public records. Soon, they will be available online
- Costly—each hour a lawyer spends waiting, there's a fee, even if no progress on a case is made
- Stressful
- Courts by their adversarial nature encourage combat, which is not conducive to a healthy family life after the legal divorce proceedings are over

### Divorce Mediation or Custody Mediation

- You determine the schedule and issues
- You control the mediation cost, which is usually about 1/10 to 1/3 the cost of a typical divorce case
- You make the decisions in mediation that you'll be living with
- You have the flexibility in mediation of taking time to consider how a decision will affect your family long term
- Mediation is confidential
- You control the outcome in mediation, and because of this, agreements made in mediation typically work better than those negotiated in the courthouse hallway minutes before a divorce trial
- You can always go to court if mediation doesn't work
- Cost-effective
- Faster
- Less stressful
- Healthier for you and your family, since part of mediation is learning to communicate better, which is especially important when children are involved

## Family Law Court VS. Mediation at Dishon & Block



**a /** At the courthouse, This is where you will wait until your case is called and where last minute decisions are made. Now imagine 200 other people doing the same thing.

**b /** When you arrive at Dishon & Block, this is where you will be greeted. There's no receptionist at the courthouse, and there's certainly no upholstered chairs!

**c /** At the courthouse, this is the conference facility where you will talk to your lawyer and make your most important decisions. Now imagine 35 other people in this room doing the same thing.

**d /** Dishon & Block mediations take place in a private conference room, where there is plenty of time to consider the important decisions you'll need to make. We're offer a law library, computer support, telephones and a private lunch room if you need to take a break. You'll never feel pressured to make a snap decision because mediation is tailored to your needs, not the set schedule of the court's calendar.

**Do you really want to spend your children's college education account,  
your vacation and the full value of your home on a divorce?**

Consider divorce mediation or custody mediation as a cost-efficient, low-stress alternative:

## Comparison of The Average Cost of Divorce fees

Divorce Mediation vs. Divorce Litigation / Custody Mediation vs. Custody Litigation

Mediation	Litigation*	Life Beyond Divorce	Savings by Using Mediation Instead of Litigation	Time Value of Money (Savings) Over 20 Years**	Total Savings By Using Mediation
2 sessions at 3 hours each, \$475 per hour *** plus preparation of paperwork and consultation with independent attorneys to review settlement options: \$5100	Low conflict divorce, with some negotiation but uncontested final judgment. Both spouses have attorneys who charge \$475 per hour: \$20,000	Trip to Hawaii for two, two weeks, all-inclusive package including room with a view: \$5000	\$14,900	\$26,671	\$26,671 Enough for over 5 trips to Hawaii.
3 sessions, paperwork, consultation attorneys to options: \$7500	Limited contested divorce case, no children, trial on common financial issues: \$65,000	1976 Rolls Royce Silver Shadow classic automobile, fully refurbished: \$15,000	\$58,000	\$91,682	\$91,682 Enough for 6 classic Rolls Royce cars.
5 sessions, preparation of paperwork and consultation with attorneys to review settlement options: \$7000	Contested divorce case with custody issues which settles right before trial date: \$75,000	Undergraduate education, 4 years in-state tuition, Indiana University (Bloomington): \$19,000	\$86,000	\$154,469	\$154,469 Enough to send 8 children to CSU for an undergrad college education.
8 sessions, paperwork, consultation with attorneys to review options: \$12,000	Fully contested custody and financial issues case involving child custody evaluators and forensic valuation experts for business, pensions, etc.: \$250,000	4 bedroom, 2 bath home with water view, Ft. Lauderdale, Florida , \$225,000	\$238,000	\$538,976	\$538,976 Enough for 2 houses in Ft. Lauderdale with enough left over to send a child to college and law school.

\* Think we've exaggerated the costs of litigation? Consider this quote from one of Los Angeles' top family law judges made at the Beverly Hills Bar Association meeting in September 2002: "By the time we see [divorce] cases in court, most people have spent all of their communities on the divorce itself. By that time, we're just dividing debts and allocating attorney's fees."

\*\* For this calculation, we've used a 4% simple interest rate and subtracted the cost of mediation from the cost of litigation. This figure represents the amount of money you'd save by mediating your divorce instead of litigating, and how much that savings would be worth if you invested it at 4% interest for 20 years.

\*\*\*Our fees change from time to time, so please call us for current rates. Keep in mind that even with an increase in our fees, the cost of mediation is still a fraction of the cost of litigation.

### **What is mediation?**

Mediation is a process in which parties to a conflict voluntarily participate in a joint effort to reach a settlement. A neutral third party, the mediator, facilitates the communication between the parties, addresses the barriers to resolution and helps fashion a settlement to which all the parties can agree.

### **Why is mediation typically more effective?**

1. you get a chance to fully discuss an issue before you agree on it
2. you can try out agreements before the judge makes the divorce final
3. you learn to communicate better which makes new and old issues less likely to turn into arguments, or worse still, days in court
4. you can take time in between each appointment to think about whether or not a proposed solution makes sense
5. if you need to change a solution before finalizing your divorce in court you can do it quickly and easily

### **Why is mediation more cost-effective?**

Mediation is cost-effective because it's faster and more direct. Most people come to mediation willing to work on the issues and to learn how to communicate better. That willingness translates into a less expensive divorce because resolving a case is almost always cheaper than taking it to trial. Rather than speaking through lawyers, you speak with each other (with the mediator's help, of course) about your goals and issues. Even if lawyers are involved with your mediation, they aren't spending hours in court waiting for the judge to be free to hear your trial or billing for endless back-and-forth phone calls about the smallest details of your case. When you're using your lawyer, they're actually working on your case and helping to settle. Consequently, their fees are typically much lower than in a case which is brought to court to litigate.

### **How does mediation differ from arbitration?**

In mediation the parties have more control of their future. Mediators are process experts, not decision-makers. A mediator will help parties to reach agreement, but cannot impose or dictate a settlement.

**Is there a role for my attorney?**

Your attorney can play an important role by advising you, clarifying legal issues, and helping to draw up agreements. At Dishon & Block Mediation Services, we are accustomed to working closely with parties and their attorneys to further the shared goal of resolution.

**Do you receive a percentage of the settlement?**

No. Mediators work on an hourly fee basis. This fee can be paid by one or both parties, in any sharing arrangement they agree upon. In some cases a fixed fee rate can be agreed upon instead.

**If we reach a settlement, is it legally binding?**

Yes, either the mediation will close with a signed agreement, or the attorneys for the parties will commit to ending the lawsuit with a formal settlement and release agreement.

**How is mediation different from collaborative law?**

Mediation is both complementary to and different from collaborative law. In collaborative law, attorneys for opposing parties agree to cooperate to find an agreeable settlement. This is accomplished by bringing both parties and their counsel together in joint meetings, which allows a greater likelihood of compromise than in adversarial litigation. Even in collaborative law, however, each attorney has a legally mandated responsibility to make it their first priority to protect their own client's interests. Mediation, on the other hand, is a process that creates a neutral space for the exploration and resolution of issues to all parties' satisfaction. Because mediators are not representing either party, they are free to have private meetings with each side when it is helpful, and to engage in subtle diplomacy if that will further the progress of the negotiations. Mediators have a range of options not available to the lawyer with a client.

**What if we can't reach agreement?**

You are free to return to litigation if you choose to do so. The mediation process you have gone through remains confidential, and your mediator cannot be called to testify in court, if you choose to litigate after mediation.

