

# Cutting Divorce Costs

By Nicole Wise

**D**ivorce is unavoidably painful, not only to the psyche but to the pocketbook as well. Increasingly, though, couples who turn to mediation to work out their agreement are finding the parting of ways to be more peaceful and less expensive than the traditional practice of hiring separate attorneys and then setting them on each other like pit bulls.

“I can just about guarantee that hiring a mediator will cost half what a traditional divorce would,” says Michael Becker, an accountant and attorney in Westport who specializes in divorce mediation. “It saves time, because you avoid all that legal posturing and maneuvering, not to mention the endless hours of hearings. And you hire only one of me, instead of two lawyers.”

Becker is currently helping a high-income couple in Fairfield County work out a fairly complex divorce agreement, with legal and tax analyses, custody and other considerations.

A mediator works for both husband and wife, bringing them into a neutral office, outlining the issues to be addressed, and acting as a facilitator to help the couple arrive at a settlement both feel is fair. Mediators don’t usually meet separately with either party, and they make sure both individuals have access to all legal and financial information, so neither spouse carries more clout.

“It’s an important trend,” says James Wu, an attorney with the Waterbury firm of Carmody & Torrance, and chairman of the family law section for the Connecticut Bar Association. “There are real benefits for divorcing couples, in that mediation can reduce the level of hostility and give both parties input, which is a less confrontational way to resolve disputes. And it’s considerably less expensive than litigation, assuming you arrive at a settlement.”

**M**ost couples do settle, Wu notes, but he advises against mediation for couples who engage in power struggles, particularly where one partner is domineering and the other weak. Those with a history of domestic abuse might do better hiring their own attorneys as well, he adds.

Kane agrees that a pattern of abuse—as opposed to a single incident—disqualifies a person. Still, she says she has been surprised at some of the people who have been able to get through mediation successfully, including those with some form of instability, alcoholism or mental-health problem. “You don’t have to be a perfect person to complete the process successfully,” she says, “but you do have to be committed to doing things in a cooperative way to permit the family to go forward. In my experience,” she adds, “97 percent of those who start the process complete it successfully.” Parenthetically, she notes that men seem to need more support socially for choosing mediation. “Their buddies,” she says, “tend to undermine their resolve, suggesting that fighting is more ‘masculine’ than compromise.”

While many family therapists, marriage counselors and psychologists also do divorce mediation, Wu believes that hiring an attorney with experience in mediation gives you more bang for your buck: “Hopefully, a lawyer is familiar with the divorce laws, and those dealing with custody, visitation, alimony and child support,” he says.

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