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ANGER IN MEDIATION By Michael P. Stokamer

Did you ever regret something you said or did in anger? Most people have. When actions are controlled by emotions, people do not think about consequences.

Many people going through divorce are angry. Some people are so angry with their spouses that they are barely on speaking terms, or perhaps not on speaking terms at all. They may believe that they can't sit in the same room, let alone mediate their disagreements. But, in fact, they can. Many angry people mediate their divorces successfully.

If you do not mediate your divorce, you will have to litigate in court. The litigation process raises anger levels in people. Did you ever notice that the caption of a court case reads like a prize fight: "Jane Doe, Plaintiff versus John Doe, Defendant"? The titles of the court papers that start the case, *summons*, *complaint*, *answer*, *counterclaim*, predict a battle. Each paper contains charges of wrongdoing by the other side. Often they are exaggerations, or even lies. The nature of the litigation process makes angry and frustrated people even angrier and more frustrated. The process takes "forever". Decisions are often based on emotions, rather than needs or interests. Litigation is not for angry or frustrated people. It makes them more frustrated and angrier. The movie *War of the Roses* is a highly exaggerated account of a divorce case, but its appeal and popularity is a result of the basic truths of a divorce action.

Mediation does not reduce or eliminate anger. It is not therapy or counseling. Rather, the mediation process recognizes anger and manages it. Mediation helps people set aside their anger temporarily so that they can make decisions based on what is in their own best interests and the best interests of their children. Couples in mediated divorces focus on making realistic plans for the future, not on the deeds and misdeeds of the past. People have the opportunity to be heard, and to listen. Often, the effect is to lessen anger.

When a divorcing couple has children, especially young children, they will need to communicate with each other for many years. Children's needs change as they get older. Divorced couples may need to modify Parenting arrangements to accommodate the changing needs of their children as they get older. Both parents will want to attend life events, such as graduations, confirmations, bar/bat mitzvahs, weddings, etc. The parents will have many occasions over the years where they will need to communicate with each other. The mediation process teaches them that it can be done without going to Court.

Will Mr. and Mrs. Rose ever be able to have a civilized conversation, let alone agree on anything after the divorce? Studies have shown that the re-litigation rate (i.e. going back to court after the divorce) in mediated divorce is much less, a mere fraction, of the re-litigation rate for litigated divorce. The difference is not because the parties were angrier. It is because couples who chose a mediated divorce learned how to manage their anger and make decisions with their brains, not their emotions.

Mediation is the best way for angry people to settle their divorce issues.