

COURSE:	LAWS 5705 – Mediation in Family Matters
TERM:	Winter 2018
CLASS:	Lectures March 16, 17, 18 and 24, 258:30 a.m. to 5:30 p.m. daily Mandatory Attendance. Attendance will be recorded and graded.
	Room: Please check Carleton Central for current room location
INSTRUCTOR:	Kathleen Chapman, B.A. (Hons), LL.B., Acc.FM, CP Med., Acc.EM
CONTACT:	Office: Office Hrs: By appointment Telephone: 519-933-9358 Email: kchapman@mediationcentre.com

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You may need special arrangements to meet your academic obligations during the term. For an accommodation request the processes are as follows:

Pregnancy obligation: write to me with any requests for academic accommodation during the first two weeks of class, or as soon as possible after the need for accommodation is known to exist. For more details visit the Equity Services website: <http://carleton.ca/equity/>

Religious obligation: write to me with any requests for academic accommodation during the first two weeks of class, or as soon as possible after the need for accommodation is known to exist. For more details visit the Equity Services website: <http://carleton.ca/equity/>

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You can visit the Equity Services website to view the policies and to obtain more detailed information on academic accommodation at <http://carleton.ca/equity/>

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Plagiarism is presenting, whether intentional or not, the ideas, expression of ideas or work of others as one's own. Plagiarism includes reproducing or paraphrasing portions of someone else's published

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Student Services: The Centre for Student Academic Support (CSAS) is a centralized collection of learning support services designed to help students achieve their goals and improve their learning both inside and outside the classroom. CSAS offers academic assistance with course content, academic writing and skills development. Visit CSAS on the 4th floor of MacOdrum Library or online at carleton.ca/csas

Department Policy

The Department of Law and Legal Studies operates in association with certain policies and procedures. Please review these documents to ensure that your practices meet our Department's expectations.

<http://carleton.ca/law/current-students/>

COURSE DESCRIPTION

This course is offered as part of the GDC program. It is also the 40 hour Basic Family Mediation Training required as one of the requirements to become an accredited mediator with the Ontario Association of Family Mediators (OAFM).

CPD credits pending.

The course provides a variety of demonstrations and sufficient context to allow participants to role play the family mediation process from beginning to end, as mediator, mediation clients and as observer.

The course will be taught in a flipped format. Students are expected to complete all the required readings and review all posted materials before each day. This will allow for deeper class discussions and maximize time for exposure to the process and the skill-set of family mediation.

COURSE OBJECTIVES

Students will:

- Understand the nature of mediation as a distinct resolution process
- Know the four stages of a facilitative family mediation process model

- Know about other process options
- Interview prospective family mediation participants
- Observe and understand the principles of screening
- Review the Family Mediation Agreement
- Learn skills for communicating and facilitating in family mediation
- Open a mediation
- Facilitate storytelling
- Form an agenda
- Debrief participants
- Review a Progress Report
- Facilitate eliciting perspectives, probing for interests, generating options, and developing criteria
- Appreciate the roles of family relations professionals in family mediation
- Mediate parenting disputes
- Appreciate the roles of financial professionals in family mediation
- Mediate child and spousal support disputes
- Mediate property disputes
- Overcome mediation impasse
- Caucus
- Review a Memorandum of Understanding
- Recognize the importance of continuing learning
- Engage in reflective practice
- Respond to Ethical Dilemmas

REQUIRED COURSE TEXT/READINGS

Folberg, F., Milne A. L., & Salem, P. (Eds.) (2004). *Divorce and Family Mediation: Models, Techniques and Applications*. New York: Guilford, pp. 209-224, 304-335, 225-247, 129-154, 180-208.

Landau, B., Wolfson, L., & Landau, N. (2009). *Family Mediation, Arbitration and Collaborative Practice Handbook* (5th ed.). Markham, Ontario, Canada: LexisNexis. Chapters 1 and 2, Appendix I, Chapters 3, 4, 9 and 10, 11, and 13.

Moore, C. W. (2014). *The Mediation Process: Practical Strategies for Resolving Conflict* (4th ed.). San Francisco: Jossey-Bass, Chapters 2, 3, 6-9, 10-13, and 14-19.

Fisher, R., Ury, W., & Patton, B. (2011). *Getting to Yes: Negotiating Agreement Without Giving In.* (rev ed.). London, England: Penguin Books

SUPPLEMENTARY READING

Please refer to each day for additional resources.

EVALUATION:

(All components must be completed in order to get a passing grade)

1. Preparation for Class, Attendance, Participation (10%)

The course will involve lectures, class discussion, small group work, student presentations, and mediation role-play practice. Students are required to have read the required readings and other posted materials in advance of each class and come prepared to offer informed and analytical comments. Students will be assessed on your willingness to participate in the class activities, to ask questions that advance your own understanding and build knowledge for others, to participate in class discussions that deepen the conversation, to encourage the participation of others, and to attend to group process. Students will also be assessed on the quality, fullness, and consistency of their participation.

2. Independent Learning Initiative: Maintaining a Learning Journal (15%)

Students will be required to maintain a learning journal throughout the course, beginning with the pre-course assignment and continuing as they complete the final written assignment. This allows for self-reflection at a deep level.

This journal is to be handed in on the last day of the course, March 25, 2018.

See guideline for keeping journals on GDCR webpages under Independent Learning Initiatives - <https://carleton.ca/law/future-students/gdcr/ili/>

3. Pre-Class Assignment (25%)

Students are required to submit an essay on the richness and complexity of mediation in family matters. The paper must be no less than 6 pages and no more than 8 pages, typed, double-spaced, using 12 point font and one inch margins. In this paper explore your views of the appropriateness, advantages and disadvantages of at least two of the various approaches to mediation in the mediation of family matters. Include your views of how these approaches resonate with your values, beliefs and personal style. The course textbook, previous course materials, and your personal experiences/insight will provide sufficient resources for this essay.

This assignment is to be handed in on the first day of the course, March 16, 2018.

4. Final Paper (50%)

Students will be required to submit a paper on any topic relevant to Laws 5705. The principal objective is to produce an analytical research paper and not a descriptive paper. An analytical paper presents an in-depth assessment and critical (and rigorous) analysis of a chosen topic; a descriptive paper presents an overview of synthesis of the literature

and does not incorporate any analysis. In choosing your topic, consider that a narrowly focussed topic will allow you to explore issues in great depth and with rigorous analysis, while a broadly focussed topic is likely to result in a descriptive paper. The paper's topic, thesis (argument), and the scope must be submitted to, and approved, by the Instructor. You may not change the topic after it has been approved. The paper must be no less than 14 pages and no more than 17 pages, typed, double-spaced, using 12 point font and one inch margins. Assignments may be submitted directly to the Instructor by email provided that prior approval is given. Faxed assignments are not acceptable. Late assignments will be penalized with 5 percentage points lost for each day late.

This paper is to be handed in on the last day of the course, March 25, 2018.

Agenda

LAWS 5705 – MEDIATION IN FAMILY MATTERS

DAY ONE

Friday, March 16, 2018

8:30 am – 8:45 am: Introductions and Overview

- Overview of Course and Learning objectives
- Journaling

8:45 am – 9:30 am:

- The scope of Mediation in Family matters, including child protection and elder mediation
- The changing face of the family
- Family diversity
- Families in transition
- Family conflict and disputes
- Approaches to Mediation including facilitative, interest based, narrative, therapeutic, harm reduction, transformative, insight, and evaluative mediation processes

9:30 am – 10:30 am: The role of the Mediator in Family matters

- Process and Style
- A Facilitative process model in family mediation including informing potential participants about the mediation process, confidentiality, the initial private interview and screening assessment, preparation by the mediator, contracting with the parties
- Intake
- Setting boundaries while building rapport
- The importance of strength based questioning.
- Screening instruments and direct questioning
- Hearing the narrative
- Understanding each person's perspective
- Showing empathy without alignment
- Assessing suitability for mediation
- Assessing the need for referrals
- Explaining the process
- Dealing with fears and concerns
- Discussion of other process options
- Obtaining consent to mediate

10:30 am – 10:45 am: BREAK

10:45 am – 11:15 am: Continuation of a Facilitative Family Mediation Model including, Preparation by the mediator following all initial interviews, Screening for readiness to mediate, Power imbalances, Domestic Violence, High Conflict

Please note that this is an overview of the process, which is covered in the 21 hour Course in Domestic Violence, (Should you have concerns about emotional triggers that this subject may have for you please contact the instructor in advance.)

- Identifying forms of Domestic Violence and recording your conclusions
- Preparation by the Mediator
- Review of all interview notes and screening tool and assessment notes
- Determination of suitability for mediation
- Considering any barriers to mediation
- Record any accommodations or process changes which may be required
- Recording any safety planning or referrals made or required to be made
- Communicating with the parties if the case is not suitable for mediation or the Mediator does not wish to take the case

11:15 am – 1:00 pm: Screening

- The dynamics of power
- Balancing power
- Identifying forms of Domestic Violence including coercive control, situational couple violence, separation instigated violence, violent restraint violence
- The importance of differentiating between Domestic Violence and High Conflict

1:00 pm – 1:30 pm: LUNCH**1:30 pm – 2:30 pm: Demonstration of an initial intake meeting and Discussion****2:30 pm – 3:30 pm: Role Play #1**

Students are divided into groups of 4. One person will play the role of a mediator and conduct an initial intake and screening with one of two separated parties. The fourth person will be an observer.

Discussion

3:30 pm – 3:45 pm: BREAK**3:45 pm – 4:45 pm: Role play #2**

Students remain in the same group of four. The observer now takes on the role of the mediator and interviews the other party.

Discussion

4:45 pm – 5:05 pm: Working Group Discussion - Preparation for first session

Students return to their group of four and prepare for and plan for the mediation process. Among other things they will consider:

- Readiness for mediation
- Any necessary referrals or supports
- Whether DV or High Conflict was identified. If so the nature and history of the parties
- Appropriateness for mediation
- Joint, shuttle or by technology
- Safety plans
- Professional responsibility
- Evaluative, or facilitative (rights based or interest based)
- Co-mediation?
- Who will be the participants?
- Lawyer involvement
- Briefs and productions

5:05 pm – 5:20 pm: Role Play #3 – Contracting

Students remain in their group of four and each will role play presenting one quarter of the Agreement to Mediate with the others, inviting questions.

5:20 pm – 5:30 pm: Journaling

Learning Objectives:

- Knowledge-based

➤ The student will know:

- The Essence of Mediation
- The Mediator Grid
- Evaluative and Facilitative Mediation
- Alternative approaches to Mediation
- Family Mediation Process Model
- Interviewing
- Screening
- Planning
- Contracting

- Skills-based

➤ The student will develop skills to:

- Interview prospective mediation participants
- Facilitate informed process choice

- Screen for appropriateness to participate
- Plan a Mediation
- Describe the Family Mediation Agreement
- Commit to client-centred and strength based interviewing
- Value informed process choice
- Commit to the stages of setting the table

Required Readings:

Landau, B., Wolfson, L., & Landau, N. (2009). *Family Mediation, Arbitration and Collaborative Practice Handbook* (5th ed.). Markham, Ontario, Canada: LexisNexis, Chapters 1 and 2, Appendix I.

Lang, M. (2004). Understanding and Responding to Power in Mediation. In Folberg, F., Milne A. L., & Salem, P. (Eds.) (2004). *Divorce and Family Mediation: Models, Techniques and Applications* (pp. 209-224). New York: Guilford.

Lowry, L. R. (2004). Evaluative Mediation, In Folberg, F., Milne A. L., & Salem, P. (Eds.) (2004). *Divorce and Family Mediation: Models, Techniques and Applications* (pp. 27-91). New York: Guilford, Chapter 4.

Mayer, B. (2004). Facilitative Mediation. In Folberg, F., Milne A. L., & Salem, P. (Eds.) (2004). *Divorce and Family Mediation: Models, Techniques and Applications* (pp. 29-52). New York: Guilford, Chapter 2.

Milne, A. L. (2004). Mediation and Domestic Abuse. In Folberg, F., Milne A. L., & Salem, P. (Eds.) (2004). *Divorce and Family Mediation: Models, Techniques and Applications* (pp. 304-335). New York: Guilford.

Moore, C. W. (2014). *The Mediation Process: Practical Strategies for Resolving Conflict* (4th ed.). San Francisco: Jossey-Bass, Chapters 2, 3, 6-9.

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DAY TWO

Saturday, March 17, 2018

8:30 am – 9:00 am: Review of day one curriculum and questions

- Review of journaling from day one
- Review agenda for day two

9:00 am – 10:00 am: Communication in mediation

- Miscommunication
- Nonverbal communication
- Verbal communication
- Questioning
- Active listening
- Listening to the narrative
- Respectful responses
- Reframing
- Modelling

Demonstration and exercise-active listening.

Students will observe an interaction between parties and apply the principles of active listening.

Discussion

10:00 am – 10:30 am: Continuation of facilitative process model

- Opening the mediation
- Breaking the ice
- Reviewing expectations for the day
- Confirming understanding of the process
- Review and execute agreement to mediate
- Whether to “impose” behavioural and communication guidelines
- Congratulate parties for committing to the process
- Communicate your confidence in the process

10:30 am – 10:45 am: BREAK

10:45 am – 11:15 am: Demonstration - engaging each party in narrative

Discussion

11:15 am – 11:30 am: Demonstration - opening the mediation

Discussion

11:30 am -1:00 pm: Role-play #4

Opening the mediation

Students are divided into groups of four. One person will play the role of the mediator who will open the mediation of the parties and engage each in providing an outline of the topics they wish to discuss in mediation. The mediator will obtain the consent of both parties to discuss all topics and identify priorities of the parties and potential deadlines.

1:00 pm – 1:30 pm: LUNCH

1:30 pm – 2:00 pm: The power of building the agenda

Demonstration- building the agenda

- Debriefing
- Obtaining feedback
- Assigning homework
- Preparation of progress report

Discussion

2:00 pm – 2:30 pm: Facilitating negotiation

Approaches to mediation:

- Rights based
- Interest based

Approaches to negotiation:

- Positional bargaining
- Principled negotiation
- Competitive negotiation
- Cooperative negotiation
- Interest-based negotiation

2:30 pm – 3:00 pm: Preparing to facilitate negotiation in mediation

- Mapping instruments

- The triangle of satisfaction
- The circle of conflict
- Consider the amount and accuracy of the information each has on their positions
- Consider assumptions and presuppositions that underlie each party's approach to negotiation
- Consider what is motivating each of them in their approach
- Evaluate how much faith each has in the process

3:10 pm – 3:30 pm: Group exercise - mapping

Students divide into two groups and map the substantive emotional or psychological interests and procedural or process interests for each person into the mapping instrument. They will then re-examine common and competing interests.

Discussion

3:30 pm – 3:45 pm: BREAK

3:45 pm – 4:00 pm: Facilitating an interest-based negotiation

- Setting the stage
- Hearing the story
- Mapping the interests
- Identifying issues
- Eliciting party perspectives
- Creating the agenda
- Probing for underlying interests
- Generating creative options
- Evaluating options
- Reality checking
- Determining objective criteria
- Use ethical values of respect for people, integrity and process

4:00 pm – 4:20 pm: Demonstration - facilitating an interest-based negotiation

4:20 pm – 5:25 pm: Role-play #5 - Problem-solving

Students return to groups of four, two will play the role of a mediator playing the role of the mediator. The first mediator will facilitate discussion of perspectives and probe for interests, the second mediator will facilitate the generation and evaluation of options and develop objective criteria.

Discussion

5:25 pm – 5:30 pm: Journaling

Homework

Learning Objectives:

- Knowledge-based

- The student will know:
 - Communication
 - Opening the Mediation
 - Storytelling
 - Forming the Agenda
 - Debriefing and reporting
 - Understanding the problem
 - Facilitating
 - Eliciting perspectives
 - Probing for underlying interests
 - Generating creative options
 - Developing objective criteria
 - Problem-solving

- Skills-based

- The student will develop skills to:
 - Apply the Communication Loop
 - Open the Mediation
 - Facilitate storytelling
 - Facilitate eliciting perspectives
 - Facilitate probing for underlying interests
 - Facilitate generating creative options
 - Facilitate developing objective criteria
 - Facilitate problem-solving

Required Readings:

Landau, B., Wolfson, L., & Landau, N. (2009). *Family Mediation, Arbitration and Collaborative Practice Handbook* (5th ed.). Markham, Ontario, Canada: LexisNexis, Chapters 3 and 4.

Meireding, N. R. (2004). Managing the Communication Process in Mediation. In Folberg, F., Milne A. L., & Salem, P. (Eds.) (2004). *Divorce and Family Mediation: Models, Techniques and Applications* (pp. 225-247). New York: Guilford.

Moore, C. W. (2014). *The Mediation Process: Practical Strategies for Resolving Conflict* (4th ed.). San Francisco: Jossey-Bass, Chapters 2, 3, 6-9.

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DAY THREE

Sunday, March 18, 2018

8:30 am – 9:00 am:

- Review of day two curriculum and questions
- Review of journaling from day two
- Review agenda for day three

9:00 am – 10:00 am: Family relationship issues

Note: this is an overview only. These topics are covered in the 21 hour family relations course.

- Family systems theory
- Family disputes
- Trauma and grief
- Ages and stages of development
- Attachment
- Impact of separation on children and adults
- Voice of the child
- Children in the middle

10:00 am – 10:30 am: Role-play #6 - Intake discussion with the family and children

Students divide into types of four. Two people will play the role of a mediator conducting an intake interview with respect to the historical relationship of the parties, the family, other meaningful people to and to the children, and the impact of separation on each person and each child.

Discussion

10:30 am – 10:45 am: BREAK

10:45 am – 11:00 am: Bringing the voice of the child into the mediation

- Right of a child
- Role of the OCL
- Voice of the Child Reports
- Co-mediation (interviews each child in attendance at the mediation to provide information that the child has agreed may be shared)

- Including a child in the mediation process
- Safeguards to protect children's rights

11:00 am – 11:45 am: Review of the comprehensive parenting plan

Discuss a comprehensive parenting plan document including:

- Forms of parenting and co-parenting
- Residence
- Apportioning time
- Decision making
- Holidays and vacations
- Travel
- Activities
- Healthcare
- Religion
- Mobility
- Dispute resolution
- Child support payable under the Child Support Guidelines

11:45 am – 1:00 pm: Role-play #7 - Mediating parenting disputes

Parents divide into groups of 4, one plays the role of a mediator who facilitates mediating a parenting dispute over the principal residence of the two children, and one is an observer.

Role-play #8 – Co-parenting Communication

The Student who was the observer plays the role of a mediator who facilitates effective co-parenting communication. Another student becomes the observer.

1:00 pm – 1:30 pm: LUNCH

1:30 pm – 3:15 pm: Role-play #9 - Mediating parenting disputes

The students returned to their groups of four. A student who formerly played a parent is the mediator who facilitates mediating a parenting dispute over holidays, Long weekends, March break, the summer schedule, and Halloween. The other is the observer. The students who were formerly mediator and observer play the roles of the parents.

Discussion

Role-play #10 – Mediating a comprehensive Parenting Plan

Students remain in their groups of four. The student who was formerly the observer is the mediator who facilitates the development of a comprehensive parenting plan. Two others

play the roles of the parents with a student who was formally the mediator as the observer.

Discussion

3:15 pm – 3:30 pm: Mediating parenting plans with high conflict parties

- Accommodating the process
- Facilities
- Safety planning
- Staggered arrival and departure times
- Instructions regarding parking
- Separate waiting areas
- Support persons
- Referrals to the Family Court support worker
- Seating arrangements
- De-escalating and stabilizing the process

3:30 pm – 3:45 pm: BREAK

3:45 pm – 5:25 pm: Guest presenter – Elder mediation

- What is elder mediation?
- Insight mediation
- Questioning and Curiosity
- Questions and discussion

5:25 pm – 5:30 pm: Journaling

Learning Objectives:

- Knowledge-based

➤ The student will know:

- The role of the family professional in mediation
- Family systems theory, families in transition, attachment theory, and the impact of separation on parents and children
- Ways to bring the voice of the child into mediation
- How to manage high conflict parents
- Mediating parenting disputes
- The Parenting Plan
- The role and process of Elder Mediation

- Skills-based

➤ The student will develop skills to:

- Mediate a parenting dispute

- Value professional competence
- Commit to interest-based problem-solving of parenting disputes
- Use curiosity as a tool to increase understanding and communication
- Apply the principles of insight mediation

Required Readings:

Landau, B., Wolfson, L., & Landau, N. (2009). *Family Mediation, Arbitration and Collaborative Practice Handbook* (5th ed.). Markham, Ontario, Canada: LexisNexis, Chapters 9 and 10.

McKnight, M. S., & Erikson, S. K. (2004). The Plan to Separately Parent Children after Divorce. In Folberg, F., Milne A. L., & Salem, P. (Eds.) (2004). *Divorce and Family Mediation: Models, Techniques and Applications* (pp. 129-154). New York: Guilford.

Saposnek, D. T. (2004). Working with Children in Mediation. In Folberg, F., Milne A. L., & Salem, P. (Eds.) (2004). *Divorce and Family Mediation: Models, Techniques and Applications* (pp. 155-179). New York: Guilford.

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DAY FOUR

Saturday, March 24, 2018

8:30 am – 9:00 am: Reviewing day three curriculum and questions

- Review of journaling
- Review agenda for day three

9:00 am – 10:00 am: Mediating child and spousal support disputes

Note: this is an overview. The topic is part of the 21 hour course family Law.

- Gathering the financial data
- Disclaimers
- Financial statements
- Referrals to counsel
- Use of Financial professionals
- Priority of child support
- Support is the right of the child
- Understanding the Child support guidelines
- Form of parenting must first be determined; Sole, Shared, Split
- Determining income for the purpose of child support (basic scenarios)
- Determining child support if split or shared parenting
- Determining child support when children live in different homes with past partners
- Using DivorceMate software to calculate child and spousal support
- income tax consequences
- Using the Child support tables
- Special and extraordinary expenses for children
- Net expenses
- Apportionment
- Child budgets
- Form of payment
- Amount of payment
- Duration payment

10:00 am – 10:30 am: Spousal Support

- Spousal support-eligibility
- the spousal support advisory guidelines
- Using DivorceMate software-the SSAG calculations
- Form of payment

- Amount of treatment
- Duration of payment
- Healthcare
- Benefits
- Life insurance
- Saving and financial planning
- Determining objective criteria

Discussion

10:30 am – 10:45 am: BREAK

10:45 am – 11:15 am: Demonstration - Mediating child support

Discussion

11: 15 am – 12:25 pm: Role-play #11 – Mediating Child Support

Students are divided into groups of four. One plays the role of the mediator who facilitates mediating a child-support dispute on income determination, table amounts and considerations in a shared parenting context. Section 7 expenses are also in dispute. Two students play the roles of the parents and the fourth student is the observer.

Discussion

12:25 pm – 1:00 pm: Demonstration-mediating spousal support

Discussion

1:00 pm – 1:30 pm: LUNCH

1:30 pm – 2:30 pm: Role Play #12 – Mediating Spousal Support

Students remain in their groups of four. The student who was formerly the observer plays the role of a mediator facilitates mediating a spousal support dispute on entitlement, amount and duration. Two student's play the role of the parties with the student who was formerly the mediator is observer.

Discussion

2:30 pm – 3:30 pm: Mediating property disputes

- The equalization process under the family Law act
- Division of property between married persons using the net family property statement/worksheet
- Exclusions from a party's net family property

- Significance of date of cohabitation, date of marriage, date of separation ,valuation date and present values
- Ownership and valuation of assets
- Trusts
- Unmarried parties
- Joint family ventures
- Determining objective criteria
- Income tax consequences
- Matrimonial home
- Family home
- Sale division and transfer of property
- Post separation adjustments

3:30 pm – 3:45 pm: BREAK

3:45 pm – 4:00 pm: Demonstration using the NFP worksheet

Discussion

4:00 pm– 5:00 pm: Equalization and Role-play #13

Students returned to their groups of four a student who formerly played one of the parties is the mediator facilitates the equalization issues. The other of them is the observer. The members who were formerly mediator and observer play the roles of the parties.

Discussion

5:00 pm – 5: 20 pm: Division of property and Role-play #14

Students remain in their group of four. The student who was formally the observer is the mediator who facilitates the division issues. Two others play the roles of the parties with the student who was formerly the mediator as observer.

Discussion

5:20 pm – 5:30 pm: Journaling

Learning Objectives:

- Knowledge-based
 - The student will know:
 - The roles of financial professionals in family mediation
 - Mediating child support disputes
 - Mediating spousal support disputes
 - Preparing a DivorceMate Tools report
 - Preparing a budget

- Valuing assets
- Preparing a Net Family Property Statement
- Mediating Equalization of net family property disputes
- Mediating division of property disputes

- Skills-based

- The student will develop the skills to:
- Mediate a child support dispute
- Mediate a spousal support dispute
- Mediate an equalization of net family property dispute
- Mediate a division of property dispute
- Value professional competence
- Commit to interest-based problem-solving of child and spousal support disputes
- Commit to interest-based problem-solving of property disputes

Required Readings:

Landau, B., Wolfson, L., & Landau, N. (2009). *Family Mediation, Arbitration and Collaborative Practice Handbook* (5th ed.). Markham, Ontario, Canada: LexisNexis, Chapter 11.

Rose, C. (2004). Financial Issues: Theoretical Framework. In Folberg, F., Milne A. L., & Salem, P. (Eds.) (2004). *Divorce and Family Mediation: Models, Techniques and Applications* (pp.180-208). New York: Guilford.

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DAY FIVE

Sunday, January 28, 2018

8:30 am – 9:00 am: Reviewing day four curriculum and questions

- Review of journaling
- Review agenda for day five

9:00 am – 11:00 am: Getting to Agreement – Overcoming Impasse

- The Trainer provides an overview of strategies for overcoming impasse.

Role Play #15

Students are divided into groups of four. One student in the group is the mediator who facilitates overcoming impasse in a joint session. Two other students will play the role of John or Jane with the fourth student act as the observer.

Role Play #16

Students remain in their groups of four. One student plays the mediator with two others playing the parties. The fourth student is the observer. The mediator facilitates a caucus to overcome impasse.

11:00 am – 11:15 am: BREAK

11:15 am – 11:45 am: Getting to Agreement – Final Bargaining and Commitment

- Overview of final bargaining and commitment.
Demonstration: Facilitating final bargaining and commitment.

11:45 am – 12:30pm: Getting to Agreement – Drafting the Settlement Document

- Overview of the settlement document options available to a mediator.

12:30 pm – 1:00 pm: Getting to Agreement – Closing the Mediation

- Overview of closing the mediation.

1:00 pm – 1:30 pm: LUNCH

1:30 pm – 2:30 pm: Family Mediation in Practice – Continuing Learning

- Overview of continuing learning

Group Work

Students divide into groups of four to six. Each of them describes a reflective learning experience to the others and together they frame the insight required.

2:30 pm – 3:00 pm: Family Mediation in Practice – Organizations

- Overview of the principal ADR and mediation organizations.

3:00 pm – 3:15 pm: BREAK

3:15 pm – 4:00 pm: Family Mediation in Practice – Certification

- Overview of accreditation/certification programs offered by the principal ADR and mediation organizations.

4:00 pm – 5:30 pm: Family Mediation in Practice – Ethics

- Overview of the professional codes of conduct and ethics of practice created by the principal ADR and mediation organizations.

Group Discussion

The students review the FMC Members Code of Professional Conduct, the OAFM Standards of Practice, and the FDRIO Standards of Practice. The trainer will distribute summaries of ethical dilemmas and facilitates a discussion of how mediators might respond.

Learning Objectives:

- Knowledge-based

- The student will know:
 - Impasse and strategies for overcoming impasse
 - Final bargaining and commitment
 - Settlement document options
 - Closing the mediation
 - The principal ADR and mediation organizations
 - The accreditation/certification programs offered by the principal ADR and mediation organizations
 - The professional codes of conduct and ethics and standards of practice of created by the principal ADR and mediation organizations

- Skills-based
 - The student will develop skills to:
 - Facilitate overcoming impasse
 - Review a Memorandum of Understanding and understand settlement documents
 - Provide structure and clarity in the language of settlement documents
 - Reflectively learn
 - Resolve ethical dilemmas

Required Readings:

Landau, B., Wolfson, L., & Landau, N. (2009). *Family Mediation, Arbitration and Collaborative Practice Handbook* (5th ed.). Markham, Ontario, Canada: LexisNexis, Chapter 13.

Benjamin, R. (2004). Strategies for Managing Impasse. In Folberg, F., Milne A. L., & Salem, P. (Eds.) (2004). *Divorce and Family Mediation: Models, Techniques and Applications* (pp .248-279). New York: Guilford.

Moore, C. W. (2014). The Mediation Process: Practical Strategies for Resolving Conflict (4th ed.). San Francisco: Jossey-Bass, Chapters 14-19.