



**Ontario Association
for Family Mediation**
accredited family mediators

Editorial Submission

Date: February 22, 2010

“Mediation Becoming the First Choice for Separating Families in Ontario”

Toronto, Ontario – There is no doubt that the modern Ontario family is living in the fast-lane. Unlike previous generations, families with double incomes have become the rule. Whether it is to maintain a nice home for the family or the long climb to get there, Ontario families are working more and working harder.

Combine this with the record amounts of debt that many of us are carrying, and it becomes clear that financial stress alone is enough to shake the foundations of the most solid family relationship. It is no wonder that Canada’s divorce rate hovers between thirty-five and forty percent.

The negative impacts of divorce are well-known, including the emotional and financial toll which adversarial law and especially litigation inflicts on separating parents and their children.

In the midst of this, there might be a bright spot on the horizon as the practice of family mediation gains momentum across the province.

Hilary Linton, Accredited Family Mediator and Principal at Riverdale Mediation in Toronto, offers this perspective: “The biggest shift I’ve seen is in the sheer volume of people looking for family mediation services. In the last two years, I’ve had to add two mediation associates to my practice and we all are pretty busy. That is quite a change.”

The growth of Riverdale Mediation’s case-load is significant. But perhaps the more promising trend is the increase Linton has seen, over the same time, in demand for her workshops for professionals in the field.

“I split my time between mediating individual cases and providing seminars and internships for mediators, family lawyers and other professionals seeking training in alternative dispute resolution. The idea of family mediation is growing on a scale that demands more professionals. This is a very positive development for the family law system in Ontario.”

As a former family litigator, and former chair of the Ontario Bar Association’s Alternative Dispute Resolution section, Linton knows well the virtues—for many separating couples-- of

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is the first choice for resolving family conflict.”*



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mediation over litigation, traditional lawyer-to-lawyer negotiations, and even collaborative law.

“It used to be that mediation was something people did only after everything else failed – including litigation. Now, we’re seeing that many couples just can’t afford the financial and emotional costs associated with other forms of negotiation, let alone facing each other in the adversarial family court system.

“Mediation allows the two parties in conflict to safely and affordably discuss their needs and fears about their separation with an objective, skilled professional. This allows each of them to stay focused and discuss their concerns without feeling defensive or having to take ridiculous positions.

“It is not the best process for everyone; but it is almost always worth trying first. Mediation is usually not very expensive, and if it does not work, they still have all the other process options available”.

Linton believes that the growing success of family mediation is largely because mediators are getting better.

“The process is becoming more sophisticated. Mediators are better trained, more skilled and more experienced. Mediators are taking negotiation training, and they are more aware of the impact that power imbalances and abuse or violence can have on the process. They are trained to deal with these factors and they know how to provide an effective, balanced and safe negotiation process.”

Another main driver she says is the increasing judicial support of the process. **“One of the best books on separation ever written is Justice Harvey Brownstone’s “Tug of War”. It is a ringing endorsement of all forms of out-of-court negotiation, including mediation and collaborative law.”**

It was the fair and effective nature of family mediation that drew Linton towards the practice.

“As a family lawyer, I knew that there had to be a saner way for couples to settle their disputes. It made so little sense for people to spend a good chunk of their life savings on a court battle, each with lawyers focused only on their client ‘winning’. When I realized what this was doing to the parties and their children, I wanted to contribute in a more positive way.”

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The association which represents and offers accreditation to family mediators in Ontario, the Ontario Association for Family Mediation, has seen an increasing number of family lawyers joining the profession.

“Many of the people taking courses and seeking mediation internships are senior family lawyers”, Linton notes. “Accredited mediators with a family law background can offer a great service to their clients: insight and experience from the legal perspective, along with their refined negotiation skills.” She adds that while they can offer legal information, family mediators do not provide legal advice to either side and mediation clients should have family lawyers to turn to for advice and support during the process.

With the public’s perception of family lawyers making big money on divorcing couples, it may come as a surprise to learn that many referrals to family mediators in fact come from family lawyers.

“Marriage counselors and mental health professionals have traditionally been the largest referral group, but we’re now seeing many referrals coming from family lawyers. Whether this is a reflection of how bogged-down the family court system is, or whether family lawyers are becoming more comfortable with the process, I’m not sure – probably a little of both.”

Linton observes that one of the biggest changes over the past few years is the way in which a range of family law professionals - lawyers, mediators, therapists, child psychologists, financial planners, accountants and business valuers – are working together. “We’re all talking to one another in a way which was rare in the past. Couples will often jointly retain an accountant or financial planner who will attend the mediation with them. It is an incredibly productive process.”

Research shows that people who use mediation services are almost always satisfied with both the process and the outcome. This has obvious benefits to the couple and the taxpayer, but the most significant benefit could be the mitigated psychological and emotional effects on children. With family mediation taking a more active role in the Ontario family law pyramid, perhaps it will be associated with even more positive social trends.

For more information, please contact Ontario Association for Family Mediation at; 1-800-989-3025, Fax: 1-866-352-1579 or, e-mail; oafm@oafm.on.ca or visit www.oafm.on.ca.

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About Ontario Association for Family Mediation

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Founded in 1982, OAFM is a not-for-profit association promoting family mediation as a dispute resolution process for separating couples and for families in conflict. OAFM promotes professionalism within the family mediation community by providing accreditation for family mediators in Ontario and by supporting professionals who practice family mediation. OAFM is run by a volunteer Board of Directors comprised of members from across Ontario.

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