

MEDIATION ROLE PLAY

(Teacher's note: For more details of family mediation see article at <http://www.tnmediators.com/articles/settlementvsmediation.html>.)

Mr. and Mrs. Porpington are getting divorced after 32 years of marriage. The marriage has been unhappy for a few years but now their daughter is 17 they have decided to separate. So far they have only managed to argue about how to split up their assets and have not thought much about their and their daughter's future relationships.

Mr Porpington (aged 59) has been the Managing Director of an exclusive chain of clothing stores for 7 years. He's worked evenings, weekends and even forsaken going on holiday with his daughter in order to help his career. He feels his hard work earns him a bigger share.

Mrs. Porpington (aged 52) used to do some clerical work before having their daughter. For the last eighteen years, as well as bringing up their daughter, she's been supporting Mr. Porpington in his rise up the corporate ladder by putting on superb dinner parties, luncheons and charity events. But because she has not worked herself she will not have a pension to live off. She feels that her service to her husband and family entitles her to a substantial share of the estate.

Their daughter Kathryn is 17 years old. Although she presently lives at home next year she will be going to York University. Her parents would of course like to set her up financially.

The property consists of...

1 house with a swimming pool and tennis court in Kent worth £450,000

3 cars -1 Convertible worth £25,000

1 Mercedes worth £45,000

1 runabout worth £14,000

1 villa in the South of France worth £52,000

1 joint bank account worth £46,000

Mr. Porpington earns £100,000 a year

Mr. Porpington on retirement will get a lump sum of £150,000 and a yearly pension of £50,000. If they were still married this would support Mrs. Porpington as well.

Aim of mediation

The aim of the mediation is to come to some mutually acceptable solution to your problem. It is not decided by lawyers but by the parties involved and aims to benefit them all. They are given the opportunity to voice their feelings in an open and trusting environment.

The eventual aim is to come to a comprehensive settlement for both Mr. and Mrs. Porpington as well as their child. The feelings of all involved are considered and the process has not been successful if anyone leaves unhappy.

Steps of Mediation

1. Mr. and Mrs. Porpington each meet with their lawyer and tell them what they want out of the settlement. Ms. Lane (Mr Porpington's new partner) accompanies Mr. Porpington at his meeting with his lawyer and attempts to get him to stick up for his rights. Kathryn is included in the meeting with her mother's lawyer.
2. The lawyers each meet with the mediator and put forward their client's position.
3. The mediator has an introductory meeting with the parties (no lawyers).
4. Mr. Porpington and Ms. Lane and Mrs. Porpington and Kathryn each have a separate meeting with the mediator.
5. The mediator has a further meeting with the parties together. Each is given the opportunity to voice their feelings about the divorce, and to state their position. They will be asked why they want these things, so consider beforehand why you are asking for them.
6. The mediator will try to make each party understand the feelings and interests of the other parties so that they can come to a mutually satisfactory agreement.
7. The mediator records their agreement in a Memorandum of Understanding.

The lawyers remain available for the parties to consult. However they are now mainly observers, and may stop the action and suggest why the mediation is not working and how it can be improved.

As Bahá'ís you will of course know how to consult in a loving and open way already. But for the sake of the role play think carefully about how your character would actually respond in this situation. The Porpingtons are all hurt and unhappy. All four of you are worried that you will not get what you deserve and don't feel much love towards the other party at the moment. And so while it is important not to be too good at consulting at first it is also important not to carry on arguing just for the sake of arguing. Remember this type of mediation is about listening as much as being heard.