

FAMILY MATTERS[®]

Trend of the Law: Mediation

By Phoebe P. Hall, Attorney, Mediator and Former Judge

Mediation is a wonderful way of resolving family law matters that is gaining popularity. Couples who need help working out an agreement regarding custody, visitation or financial matters can turn to a trained mediator.

The mediator will help them identify the decisions that have to be made, exchange the necessary information and documentation, and communicate more effectively about these matters. With mediation, you don't have to go into a court system that is designed more for big corporations than for family members who need

to settle financial matters in a less stressful and more cost-effective manner.

There is a power in mediation because the decisions come from the couple themselves, not from the mediator. The mediator can provide a structure for the discussion, help them stay on target, brainstorm for alternatives, and come to resolution. Mediation involves problem solving rather than power grabbing.

Mediation is useful for people who have conflicts they can't resolve readily on their own but who will

make a good use of the services of a neutral third party trained to help them resolve their differences and reach agreement. It is good for people who want to be fair with each other and who will use the process appropriately.

Mrs. Hall is an attorney and mediator. She formerly was a substitute judge in the Richmond Juvenile and Relations Court.



“Mediation involves problem solving rather than power grabbing.”

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Important News at Hall and Hall

Our law firm is dedicated to family law matters, and we are called upon by people from all walks of life to counsel them about courses of action they are contemplating and situations they are facing, or to provide ongoing representation.

- Our services include:*
- Wills and estates
 - Separation
 - Divorce
 - Mediation
 - Custody and visitation
 - Child support
 - Spousal support
 - Equitable distribution

- We help with:*
- Prenuptial agreements
 - Property settlement agreements
 - Negotiations
 - Litigation
 - Uncontested matters

We seek to provide what our clients need and want.

- Special points of interest:**
- *Serving Richmond for over 30 years*
 - *Convenient offices in Chesterfield & Henrico*
 - *Offering prompt and affordable services*
 - *Friendly and experienced staff*
 - *Client centered options*
 - *Contested and uncontested matters and mediation*

Marriage Minders

Much has been written about the communication styles of men and of women, yet couples still find it difficult to relate clearly to each other. Good communication is critical in order to build strong relationships. Men and women do think differently!

Men have what is referred to as compartmentalized minds. Their compartments may be wife, children, football, golf, job, even yard work. In order to think about a topic in one compartment, the other compartments have to shut down.

Women have global minds. They can think about what they are going

to prepare for dinner, what time to pick up the kids, the list of things needed at the grocery store, their job, their children, their husband - all at the same time.



Men and women do think differently!

The schedules of families today work against good communication and the building of strong relationships.

Relating to each other takes lots of good old-fashioned communication.

Women have a need to share their days, their emotions, and their hearts. Men find it easier to tell what they think about something rather than how they feel about something.

Set aside time each week just to talk with each other during a time when the man's open compartment is his wife and family. The vital part of listening is not just hearing the words, but being open to them.

Smart Choices

CHOOSE US AS A MEDIATOR

- You must come together as a couple, and we are neutral.
- We can provide a process for you to work out an agreement.
- We walk you through the decision step by step.
- We facilitate communications.
- We provide information, but not advice.
- You decide things with our help.

CHOOSE US AS YOUR ATTORNEY

- You must come as an individual. We cannot represent both parties.
- We can provide advice, drafting services, negotiating services, advocacy and litigation as needed.
- We are not neutral. We represent you.
- We can help you as your attorney, work out an agreement or resolve things in court if a voluntary agreement is not possible.

HOT Tips

- ♥ You can engage in mediation at any stage of the proceedings.
- ♥ Not all couples are suited for mediation, but should you and your spouse wish to seek an alternative to costly legal and

court fees, mediation could be an effective way to get the same results.

- ♥ Mediation requires the parties working in good faith for a solution.



Looking At Issues

By Franklin P. Hall, Esquire

Mediation is a cooperative process whereby a neutral professional facilitates communications between the parties. The mediation process allows the parties to tell their stories and helps them work together



*The written law
in the
Commonwealth*

to develop a creative solution. Child custody, visitation and support are key areas in which mediation can be effective because the parties have an ongoing relationship as parents, even though their spousal relationship has ended.

It provides a way for the parties to create a positive parenting relationship outside the context of marriage. It also can be used to resolve issues of spousal support and equitable distribution of assets and liabilities.

Wills and Estates

You work hard all your life to accumulate an estate and if something happens to you, you want to be sure that it is handled the way you desire. The way you can do this is by making a will. If you don't make a will, the state makes one for you, and most of us do not want the government doing this for us. It is important to understand what property passes under a will and what does not. For example, jointly

held property with right of survivorship does not pass under your will unless both people are deceased. And life insurance with a named beneficiary does not pass under the will unless you name "my estate" as the beneficiary. You also want to be sure that you name the beneficiaries to take the share you want them to have in the proper way.

Our experienced attorneys can help you understand how these matters work and draft the necessary documents for you such as wills, trusts, powers of attorneys and advanced medical directives.



Kids Corner

WHOSE CHILD WOULD YOU LIKE TO BE?

"Mom and Dad hate each other. Whenever I am with one of them, they are trashing the other one."

"They can't agree on the vacation weeks I will spend with each of them, and they never consider my planned activities."

"My mom and dad are so inflexible. They don't care about my plans for the weekend and how much I am inconvenienced by their plans. They treat me as if I were property they own and not a part of the family."



"I know my parents do not always agree with the other, but they respect each other as a parent and do not say critical things."

"When my parents could not agree on the issues of custody and visitation and vacation schedules, they worked things out through mediation."

"Both of our parents love us a lot and work together to make sure we have a chance to be kids and do the things kids our age like to do. Even though we are not a family living together, we know we can count on both of them."



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More Learning by Tracy H. Spencer, Esquire

Mediation is a process where a neutral third party assists the parties in reaching decisions on such matters as custody, visitation, support and equitable distribution. The parties make the decisions, not the mediator. Both parties have the opportunity to review any agreement from mediation with their own legal counsel.

How do you know if you are a good candidate for mediation? First, both parties have to be willing to participate. One party may not be ready to accept the



You are never too old to learn

separation and deal with the issues yet, and if so, they are not a good candidate for mediation. Second, both parties have to be open and honest throughout the mediation. They have to be

willing to share information, such as financial documents explaining their assets and liabilities. Third, both parties understand that what is discussed in mediation is confidential. If the parties cannot reach an agreement in mediation, the mediator cannot be subpoenaed to court later. Confidentiality makes the process more open and encourages parties to discuss the issues freely.

Mediation can be a very effective tool for people going through a separation and who need some assistance in reaching an agreement.