

Divorce mediation has become an accepted alternative to litigation in the resolution of the complex issues raised in family restructuring. The Divorce Mediation Clinic is designed to provide both practical mediation experience and theoretical insight into divorce mediation and family law practice. While this clinic is ideal for those considering incorporating divorce mediation in their practice after graduation, it also provides useful practical experience for students interested in either ADR or family law.

One day each week, students serve as mediators at the courthouse in matrimonial cases referred from the Supreme Court through a program of the Office of Court Administration. Students co-mediate with the instructor at the start of the semester; they then progress to act in student co-mediation teams, and may eventually have an opportunity to mediate solo, all under direct faculty supervision. Students are responsible for mediating all aspects of divorce, including a couple's parenting arrangements, child support questions, asset division, spousal maintenance, grounds, and tax issues; students then draft settlement agreements and prepare and file divorce papers. A two-hour seminar once each week focuses on the substantive law of custody, support and equitable distribution, an analysis of mediation techniques, models and methods, a discussion of cases currently in the Clinic, and controversial topics in mediation, such as the limits of confidentiality, the appropriateness of mediating when domestic violence has occurred, and ethical questions concerning conflicts of interest and drafting legal documents. In addition to the four hours spent at the courthouse each week, students are expected to devote an additional four hours each week to related practice tasks such as drafting agreements and divorce filings, preparing a seminar presentation on a topic of their selection, and independent study and field work projects.

Students must be available for a four-hour block of time for mediations each week, and there is a 2-hour weekly seminar. In addition to the four hours spent at the courthouse mediating, students will be expected to devote an additional four hours every week to related practice tasks such as drafting separation agreements and divorce papers for their couples, analyzing mediations, observing mediations, journaling their experiences, preparing seminar presentations, and reviewing and critiquing mediation sessions.