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Mulford Mediation pioneers communication alternative to divorce litigation

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Mediation is a term with which many of us are familiar. But what does it mean exactly and how can a mediator help couples who may be going through the painful process of divorce?

Couples who are considering divorce but are not certain if mediation would work for them now have a convenient way to figure that out. Local Philip Mulford, who has been in mediation for 17 years, has an online radio talk show designed to dispel myths associated with mediation and provide information on how mediation can help couples going through a divorce.

From his offices in Warrenton and Fairfax, Mulford helps divorcing couples come to mutually agreeable terms for a divorce, civilly and in a much less costly way than a typical divorce, where each spouse retains an attorney, he said. Mulford estimates mediation costs about a tenth of what a divorce costs. In addition, the agreement the couple creates is binding, which means it can be enforced by the law if necessary. Also, mediation can help the soon to be ex-spouses plan for their children's future in a way that is fair.

His online show, which also

has a stockpile of previously aired shows, is designed to explain the mediation process and clear up the common misunderstandings of mediation. For example, Mulford said he regularly takes calls from potential clients who say the soon-to-be ex-spouses are on relatively good terms and, therefore, believe mediation will work for them. Mulford said it likely would. In addition, however, he has dealt with clients who can't even be in the same room with each other, which is why he has two separate offices in Warrenton, and they, too, can successfully coordinate a divorce agreement.

Some people see mediation as a "guarded secret," but Mulford is there to let that secret out, his wife Lisa, who now helps the practice full-time, said.

Mediation is a "wonderful alternative" to litigation. Plus, she says, Mulford offers, something few or possibly none of the others offer, a full-time dedication to divorce mediation, Lisa said. Her research shows he's the only full-time professional mediator in the area. "He's kind of a pioneer in the industry."

Mulford has "carved out a wonderful" way to help couples go through the painful process of divorce. Particularly when children are involved, Lisa said, clients have



Attorney Philip Mulford offers full-time dedication to divorce mediation. He estimates 90 percent of the couples who go thru mediation successfully create a mutually acceptable agreement.

Gretchen L. H. O'Brien / the Bull Run Observer

been amazed at what he can do to help them create an environment that allows them to be the parents

they want to be and focus on their collective goals. Mulford works to make sure clients' anger and frustra-

tion don't deter them from attaining those goals, Lisa said.

Lisa said her husband brings not only his extensive experience in mediation to the table but also "amazing patience and understanding" and a calming presence to help couples when they may be at their worst.

Mulford does have a calming presence about him. He's low-key and soft spoken, but he appears to have strength behind the soft veneer. He speaks of mediation with a passion that reveals his prolific mediation background.

He started out as a lawyer, working with real estate transactions in Texas. In the 1980s, when the savings-and-loan scandals were peaking, Mulford brought lenders and borrowers together to create a situation that worked better than the "threats of litigation" for both parties, he said.

That's when he discovered both his knack for and his God-given gift for mediation. He became an official neutral party, a mediator, and has continued to help his clients gain "mutual benefit" from the mediation process.

When Mulford moved to the

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Mediator Phil Mulford: calming, neutral third party strives for "mutual benefit" for his clients

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area, he intended to continue business mediation. However, he got so many calls for divorce mediation that he decided that was the place for him.

The two mediation types are not so different, he noted, because mediation comes down to a common theme, "communication effort." It's his job to bring an awareness of communication between parties to "allow them to create solutions by first allowing them to discuss their issues."

Often, individuals are focused on their own messages, not on listening to what the other person is saying, which is where communication can break down.

Communication also enables the husband and wife to talk about more than just how the money will

be split when they divorce. It also enables them to explain, either directly to each other or to the mediator, what that money may mean to them.

Fear, Mulford noted, can play a big part in divorce. Typically, divorcing parties have a great deal of fear: "Fear that goes along with having a family nucleus, which is now completely undone," and fear of handling financial and parental responsibilities.

Mediation, specifically Mulford Mediation, helps clients come to agreement. Whereas, the focus of litigation, he said, is for both attorneys to focus on how to maximize the situation for their clients.

Add that inflammation of energy to the costs of litigation, to the tune of \$20,000 to \$40,000 per spouse, and litigation seems costly

emotionally and financially.

Mediation, on the other hand, costs \$2,500 to \$5,000 per spouse and helps, over the course of three to five approximately three-hour meetings, the divorcing parties to create a written agreement that addresses their concerns and, again, is enforceable by law, he said. Mulford recommends his clients have an attorney review the draft agreement before signing.

Mulford makes it his business to stay abreast of the law, however. He is active in Prince William, Fauquier and Fairfax county bar associations to maintain a clear understanding of the law and how it is applied, he said.

As a mediator, Mulford sees his job as a way to give people control at a time in their lives when things seem out of control, according to the law. This, he said, as-

suages the emotional anger and gives them the ability to take control of their lives and create a peaceful plan option in what are typically "very, very challenging circumstances." The agreement they draft gives the soon-to-be exes the best option for them and for their children.

Mulford also sees his job as an opportunity, a way to help change the culture of communication so that people, and not just people going through divorce, can learn to communicate in a loving, peaceful, positive and constructive manner. He describes this as "a very different process" from the current understanding of communication.

Mulford has a law degree from the University of Virginia. He is a native Virginian and has published an opinion in "UVA Lawyer," where he says U.S. Supreme Court justices

have published. He was recently named as part of "Virginia Business" legal elite.

As a mediator, Mulford hopes to turn the communication process on its head so more people hear, really hear, what others are saying and learn to "take responsibility for the one person" each has any control over, him/herself. His track record to date is impressive. He estimates 90 percent of the couples who go thru mediation successfully create a mutually acceptable agreement.

To learn more about mediation, listen in to Mulford's show, which can be accessed through his Web site at www.mulfordmediation.com. Mulford's Warrenton office, at 30 Main St., can be reached at 540-341-4615; his Fairfax office, at 11350 Random Hills Rd., Suite 800, can be reached at 703-222-0124.