

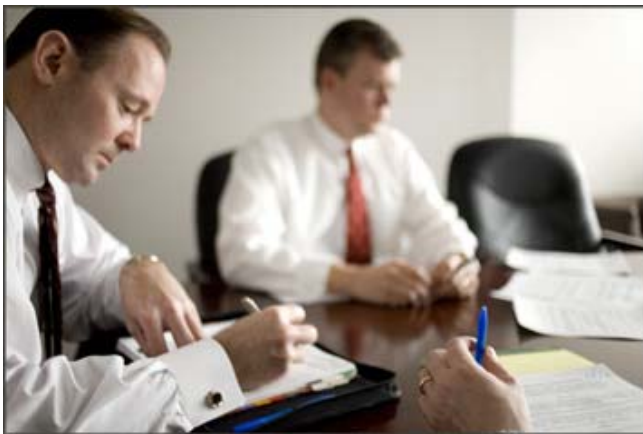


Putting FAMILY back into the Family Office

The Benefits of Private Mediation to Settle Intra-Family Legal Disputes

It has been said that all families are dysfunctional; it is just a matter of to what extent. Conflict is normal in everyday life. How you handle conflict, especially intra-family conflict, is critical to sustaining healthy long-term relationships.

In today's busy and transient society, many families no longer have the luxury (or the curse, depending on your view) of having multiple generations live in the same three-flat building or on the same block or even in the same state. Distance can create a breakdown in communication and a divergence of goals relative to the family business and legacy planning for future generations. This is one reason Handler, Thayer & Duggan recommends, at the very least, an annual family meeting to keep all members of the family informed and on the same page with regards to the family mission and vision.



Sometimes; however, personal conflicts arise or have been on-going between specific family members that never seem to get addressed or resolved. The parties just keep going around and around the same discussions and continuing the same argument over and over. Neither party is going to change the other party's mind unless something happens to make the parties realize that it might benefit him or her to consider alternatives. These ongoing conflicts can create rifts in the family that destroy the common mission and vision, and can prevent the family from moving forward in a healthy and productive manner.

This is where private mediation can help.

A mediator can help the parties quickly identify the true issues and see alternatives. Mediation gives the parties an avenue to express their feelings and to speak openly about what is on their mind. It is important that each party is able to be heard and to be validated. Additionally, private mediation offers those persons who are able and willing to sit down together the opportunity to negotiate their own agreement without the significant time, cost and publicity associated with a court action.

How does Private Mediation Work?

Mediation is a voluntary process in which two or more parties involved in a dispute work with an impartial party, the mediator, to generate their own solutions in settling their conflict.

Unlike a judge or an arbitrator whose decisions often subject one party to win and the other party to lose, mediation is about finding a solution that works for both parties.

During the mediation process, the parties will usually meet face to face; however, there are times when the parties may meet separately for a private meeting with the mediator. In the private meeting, positions may be clarified, questions asked, proposals tendered, offers or counter offers made, and messages sent between the parties.

In What Other Situations Might Parties Consider Mediation?

Mediation is always an option if you are thinking about taking your dispute to court; however, it is not necessary for cases to have legal issues and/or lawsuits pending in order to be mediated.

Other signs where mediation may be helpful are:

- 1) if the dispute has been ongoing;
- 2) if you want to preserve a relationship being affected by the conflict;
- 3) if the dispute is upsetting and affecting your daily life;
- 4) if you cannot afford the time, cost and publicity involved with litigation;
- 5) if you would like to speak to the other party so they may hear your concerns; and/or,
- 6) if you would like to resolve the dispute yourself without a third-party judgment.



Mediations may involve families, business partners, tenants and landlords or neighborhoods. Further, they may deal with disputes in the workplace, corporate, employment, construction, real estate, health care, church and community arenas.

What Happens if Mediation doesn't Work?

Mediation does not work for everyone. Sometimes one or both parties may not be ready or willing to sit down and talk. At other times, there may be an issue involving some type of abuse or the inability of a person to control their anger, thus making mediation impractical.

In truth, there is no downside to mediation. In the worst case scenario, a party spends time trying to convince the other party that they are right. These attempts at convincing are something that would occur anyway. At least in mediation, someone who is trained is present to assist you in reaching an agreement or resolution.

Remember, no mediation is binding unless both parties agree.



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