



Mediation: Taking Some Sting Out of Divorce

by Christina Adames

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While the rate of divorce has thankfully dropped in the last few years, many people are impacted by the process every year. There is a lot of warranted fear surrounding the decision, but having a plan and understanding the process is key.

The first step is to take a deep breath. Mourning the loss of your relationship takes time and is often stressful, but you have several options at your disposal to resolve your divorce, while minimizing the stress, time, and expense. One often overlooked process is mediation.

The Divorce Process:

There are three critical steps in the divorce process: (1) **Initial Paperwork:** To commence the process, a lot of upfront paperwork must be prepared and filed with the Court; (2) **Disclosures:** Before the parties can settle property issues, California law requires an exchange of formal written financial disclosures of assets, debts, income, and expenses under the penalty of perjury; and (3) **Settlement/ Judgment:** The parties use their disclosures to negotiate and come to a final settlement of all issues. The agreements are then memorialized into a *Stipulated Judgment or a Marital Settlement Agreement*. Stipulated Judgments and Marital Settlement Agreements are considered contracts which are then incorporated into a *Judgment for Dissolution of Marriage* — a court order granting the divorce based on the terms set forth in the parties' agreement.

What is Mediation & How Does it Help?

Mediation is a non-adversarial, more private, and generally less costly approach to a divorce proceeding. Using mediation, parties can negotiate their own settlement rather than having one imposed on them by a zealous

attorney or the Court. The sides can mitigate the “all or nothing” dynamic by actively participating in a “give and take” process. In a successful mediation, the mediator listens to and works with the parties to achieve their goals. There are many ways the mediator can help accomplish this, but frequently it entails helping the sides understand the cost-benefit of their decisions. Mediation will often lead to settlement, which may represent a compromise on certain issues, but is acceptable and controllable by both parties.

The Role of the Mediator.

The best mediators are generally experienced attorneys that have a solid understanding of their client's goals, the court process, and family law.

The role of the mediator is to assist the parties through the divorce process. More specifically, the mediator is an impartial person who assists in understanding the process and the law, reaching compromises, memorializing those compromises, and finalizing their case. When a disagreement arises, the mediator may inform the sides on how the Court may resolve the issue. Alternatively, when the parties are “stuck” and having difficulty resolving an issue, the mediator may propose creative alternative solutions that benefit both individuals. Ultimately, however, since the mediator is a facilitator and not an arbitrator/judge, their suggestions are not binding.

If the parties are willing to “come to the table” and attempt to reach a meeting of the minds, the process is a lot more bearable than if they are in litigation. So long as both sides are willing to compromise, the process continues going forward. If there is a stalemate, either party may withdraw from the mediation

proceedings at any time for any reason and everything remains confidential.

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***Romeo and Juliet* Has No Balcony**

By Lois Leveen, The Atlantic

It's perhaps the most famous scene in all of English literature: Juliet stands on her balcony with Romeo in the garden below, star-crossed lovers meeting by moonlight. Colloquially known as "the balcony scene," it contains *Romeo and Juliet's* most quoted lines, which are so closely associated with the balcony that they're frequently repeated (often incorrectly and in a hammy style) by non-actors who seize upon any real-life balcony, porch, landing, or veranda to reenact the moment. There's only one problem: There is no balcony scene in *Romeo and Juliet*.

The word "balcony" never appears in Shakespeare's play. In fact, Shakespeare didn't know what a balcony was. Not only was there no balcony in *Romeo and Juliet*, there was no balcony in all of Shakespeare's England. According to the Oxford English Dictionary, the earliest known use in English of the word "balcone" (as it was then spelled) didn't occur until 1618, two years after Shakespeare died.

So how did the culturally charged image of the balcony become so closely associated with *Romeo and Juliet* that it now serves as a visual synecdoche for the play itself? The scene most strongly associated with Shakespeare actually comes from another playwright entirely.

The staged scene most strongly associated with Shakespeare actually comes from another playwright entirely, Thomas Otway. Little known today, Otway serves as a reminder that a famous playwright and exceedingly popular plays can fall out of public favor—as happened to Shakespeare, and particularly to *Romeo and Juliet*, which for nearly a century

was rarely performed. The current perception of Shakespeare, particularly *Romeo and Juliet*, as ubiquitous cultural capital is the product of efforts that only began in the middle of the 18th century (undertaken in no small part by actor, producer, theater manager, and Shakespeare adaptor David Garrick, as much as an act of self-promotion as anything else).

And, as it turns out, the seemingly quintessential *Romeo and Juliet* scene should actually be attributed to Otway, who explicitly staged his version of the exchange between the lovers with Lavinia "in the balcony" while Romeo responds from the garden below. Garrick retained the balcony in his revival of *Romeo and Juliet* at London's Drury Lane.

Spranger Barry, who initially played Romeo in Garrick's production, left Drury Lane and joined the rival Covent Garden theater, where he starred in a competing *Romeo and Juliet*, immortalized in a popular etching establishing the visual iconography of the "balcony scene." The image of Juliet on her balcony with Romeo below has thereafter been given a seemingly eternal and ever-expanding life. The Internet offers countless examples in which toddlers, cats, dogs, Lego figures, and even pieces of fruit "act out" the balcony scene. The half million visitors who flock to Verona each year can even act it out for themselves on a pseudo-balcony that was constructed by adding an old sarcophagus to the exterior of a building dubiously christened "Casa di Giulietta" in the early 20th century, specifically to satisfy the hordes of tourists seeking an authentic *Romeo and Juliet* experience.