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BRIAN CASSIDY

Marta Papa is adding more attorneys to her firm to handle an increase in mediation cases.

Downturn driving up divorce mediation cases

BY BRITTANY NAY

Divorce filings are flooding local law firms despite the faltering economy.

Historically, couples hold off on divorces during recessions because the traditional process can be expensive.

"About a year and a half ago filings were down, but filings are up now in spite of the economy," said Marta Papa, a local divorce, mediation and family law lawyer. "Now I'm turning people away — yesterday I turned four clients away."

Local lawyers say St. Louis spouses are moving forward with filing by opting for alternative ways to save money on the proceedings. One of those alternatives in particular — mediation — is gaining popularity.

"There is a huge increase in people wanting to do mediation because they save so much money with it," Papa said.

In mediation, the husband and wife meet with a neutral third party — a mediator — who facilitates negotiation and assists them in drawing up a divorce agreement.

"It's a way that people can maintain the time of the process, have a higher

level of control and save money," said Alan Freed, a divorce mediator with the law firm Paule, Camazine & Blumenthal.

Traditional divorce proceedings can cost thousands of dollars, while mediation may run less than \$1,000, Freed said. Typically, a mediator will charge

'People want to fight now but don't want to spend the money to fight.'

Marta Papa

\$100 an hour to \$300 an hour, and depending on how many sessions the mediation takes, the participating parties can save a significant amount of money, he said.

"More people are trying to do what they can to avoid legal fees, and they are looking for cheaper alternatives," Freed said.

Demand for mediation has picked up so much over the past year at Papa's

firm that she is looking to hire more lawyers to help with the case load. The bulk of Papa's clients who opt for mediation spend \$3,000 to \$4,000 and two months on their divorces. That is substantially less cost than a settled case — at tens of thousands of dollars — and much lower than a case that goes to trial, which can reach into the hundreds of thousands, she said.

"People are getting smarter," she said. "People want to fight now but don't want to spend the money to fight."

Because of the economic downturn, they no longer have that luxury, she said.

Due to alternative options such as mediation, local lawyers say 2011 divorce filings are back to the pre-recession levels of 2007. Many couples placed divorce on hold during the 2008 recession because of its expense on top of job losses, plummeting home values and decreasing stock portfolios.

"For awhile, the economy was driving them to stay together (for financial stability)," Papa said. "Now their perception is the economy has settled."

Nationally, the divorce rate is on the rise at 3.4 per 1,000 people, according to the National Center for Health Statistics. In Missouri, that number is

BREAKING UP

States with highest divorce rates per 1,000 people

STATE	2009 RATE*
Nevada	6.7
Arkansas	5.7
West Virginia	5.2
Wyoming	5.2
Idaho	5.0
Oklahoma	4.9
Kentucky	4.6
Alabama	4.4
Alaska	4.4
Colorado	4.2
Florida	4.2

Missouri	3.7
Illinois	2.5

Source: National Vital Statistics System

*Most recent available

said. Divorce during a time period when the value of a company is down will save money for the business-owning spouse, he said.

Papa has mediated more than 3,000 divorces in her 25-year career, and over the past year 70 percent of those mediations have been for small or large business owners.

Business owners facing divorce have recently discovered mediation is the best route for preserving their company, she said.

During a divorce, a court must decide the value of a business — which requires a \$10,000 fee from each partner — and that company must be split 50/50 among spouses unless another agreement is reached. By opting for mediation, only one \$10,000 fee must be paid and a mediator can help both spouses realize the growth of the business is in the best interest for the company owner and the partner who aims to receive some form of spousal support, Papa said.

"Mediation is much more future-oriented," she said. "In litigation, two lawyers fight over who gets what because they are representing one side of the family. With mediation, you don't kill the golden goose — the business."

BRITTANY NAY is a St. Louis freelance writer.



DAN SOKOL

A recession is 'not a good economic time to be getting a divorce'

slightly higher and also rising — at 3.7 per 1,000 people.

A recent University of Missouri study showed economic hard times bring about stresses which strain a couple's life together, leading to "negative interactions between spouses" and a feeling of being caught in a failed marriage. But with low incomes, the spouses don't feel confident about their ability to survive on their own.

"(Traditionally, a recession) is not a good economic time to be getting a divorce," said Daniel Sokol, a divorce and family law lawyer with Capes, Sokol, Goodman & Sarachan PC.

However, for business owners, a down economy is a prime time for filing, he

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