

Divorce Whisperer

As little as two years ago, Colleen McNamee of McNamee Mediations was receiving queries from callers who wanted to know whether the services she provided were that of a therapist, or if she taught meditation.

In fact, as a Certified Family Law Mediation Specialist, what McNamee does is provide a more amicable and less costly pathway through divorce.

McNamee doesn't enjoy litigating, a fact she discovered early in her law career. As a litigator, she says, "Your duty as an attorney is to get as much as you can for your client from the other party. Meanwhile, the other side is trying to do the same thing. That naturally makes it adversarial.

"There was no way I wanted to do that as a lifelong career," she says unequivocally.

With mediation now a popular alternative to litigation, McNamee's calendar is full. These days, callers choose McNamee because "We don't want to fight and spend a lot of money" to get divorced "or drag our children through a messy divorce."

McNamee touts a number of advantages to mediation:

Mediation costs significantly less than litigation – McNamee says as much as 90 percent less. At her firm, there's no retainer: clients pay as they go for services rendered. That way, clients know what the cost will be upfront and don't have to come up with a large lump sum just to get started.

No court appearances are required – not even at the end of the process. What happens in McNamee's office stays in McNamee's office. And there's no public record of what occurs during mediation sessions. Everything remains completely confidential, by law.

Rather than a judge dictating the terms of a settlement, couples in mediation are the ones in control. With McNamee's help, they can custom tailor the agreement



Colleen McNamee of
McNamee Mediations

As a Certified Family Law Mediation Specialist, Colleen McNamee Transforms the Usually Acrimonious Divorce Process into a More Amicable, Faster and Less Costly Procedure.

to meet their specific needs. What's more, she says, "When they mediate the agreement themselves, they are more likely to stick to it."

Mediation can be accomplished much more rapidly than litigation. McNamee says she typically wraps a case in three months or less. On average, litigation takes a year and a half.

When situations change, couples have to go back to court to modify their agreement. McNamee uses her skill set as a mediator to get creative. She can take the future into account in the original agreement, often

making future modifications unnecessary.

In May, McNamee will celebrate her 18th year as a Certified Family Law Mediation Specialist and owner of McNamee Mediations.

Tommy Wish says a friend advised him to give McNamee a try when he and his wife were divorcing.

"So I called her. She was immediately very warm and accommodating. It wasn't like talking to an attorney at all," he says. "The way she lays out the process, you think, 'My gosh, is that all there is to it?'"

Mediation and Law

In turn, Wish urged his wife to call McNamee. “Within 20 minutes of her talking to my spouse, my wife told me, ‘I think we should talk to this gal.’”

“Colleen,” Wish adds, “has a knack for breaking down something that could be intimidating into very simple terms.” He characterizes her as “the divorce whisperer.”

“She has an ability to calm everyone down,” he says.

Wish has referred several people to McNamee since. He appreciates the fact that mediation eliminates the combative elements of a divorce.

“Colleen’s process is not combative at all,” he says.

“She says, ‘I know you guys don’t get along right now. Let’s just get along, work together and agree, and then you’ll be done.’”

Arloa, who preferred to not use her last name for confidentiality purposes, already had a lawyer when her husband suggested they give McNamee a try. The pair had been separated five years before he chose to remarry and filed for divorce.

Wheelchair-bound at the time and unable to drive because of pending cataract surgery, Arloa was impressed when Colleen offered to do their sessions at Arloa’s home.

“She was very willing to explain everything in great detail to me,” says Arloa, who added that McNamee was “very fair in her dealings.” Throughout, Arloa says, she felt as though McNamee had her best interests at heart. “I haven’t had anyone help me that much – ever,” Arloa says.

McNamee clearly loves what she does – “I get to help people save money on attorneys’ fees and minimize the damage that is going to be done as a result of the divorce” – and she’s fully committed. She returns all phone calls and emails from clients within 24 hours. She takes no more than 20 cases at a single time so she can devote herself 100 percent to all of her clients. It is very important to her that her clients never feel like they are just a case number.

“I love law and the psychology behind it,” says McNamee, who characterizes her job as a blend of both disciplines. She sympathizes and empathizes with clients. But she doesn’t let emotions take over in her office.

McNamee’s mother is a practicing family therapist and McNamee herself has a bachelor’s degree in psychology. Her love for the law began when her father, a practicing physician, decided to attend law school at night. Still a youngster, she spent bonding time with her dad, hearing him read cases and analyzing them together. Fascinated, at the tender age of 11 she decided she was going to become a lawyer.

McNamee starts off slowly with clients. The first session is simply a meet and greet. She answers questions, explains what clients can expect from mediation and what she will expect from them in return, and then gives them worksheets to fill out at home and bring to the next appointment. She takes things one step at a time, building trust and credibility, and demonstrating impartiality along the way.

She especially loves the creative flexibility she has to work through the gray areas of the law. For example, spousal support may come into play when a marriage has lasted more than 10 years. But a spouse doesn’t necessarily get support for the rest of his or her life. Factors in the decision include the age and the health of the spouse, the educational background and the skill set – can that individual get a job at this point in his or her life?

McNamee also revels in the fact that every case is different. “There’s no cookie cutter way to do this,” she says. “I never have the same day twice.”

When children are involved, their best interest drives decisions. It all depends on the children’s ages and activities, whether they are driving or dating and whether they have handicaps that will require long-term care. The aim is a practical solution that works for both parents.

McNamee’s clientele is changing. Same sex couples – who couldn’t get married until recently – are beginning to divorce. That can get complicated if the couple had a domestic partnership before the marriage. “You have to terminate both,” she says. McNamee also has a lot of experience working with clients who have addiction issues. “It doesn’t mean mediation can’t work,” she says. The agreement can be structured to take such issues into account.

Many of McNamee’s clients become her friends post-divorce. She often gets friend requests on Facebook and LinkedIn. They send her Christmas cards, small ‘thank you’ gifts, and they reach out to her as a referral resource, even in areas outside the law.

McNamee’s objective is simple: to minimize the damage a divorce has on a couple and on the family unit as a whole. “I care about every client I have,” she says, “and I want to help them survive this in the best way possible.” — *By Eve Gumpel, California Business Journal*

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