



Kathleen Moraska Ferri ATTORNEY AT LAW, LLC

POST OFFICE BOX 31776 ~ CHARLESTON, SOUTH CAROLINA 29417
843.557.9775 ~ KMFERRI@FERRILAW.NET

About Kathleen Moraska Ferri, Esquire

Mrs. Ferri was admitted to the SC Bar in November 1993. She has devoted the majority of her practice to family court litigation. In 1998, she became a certified family court mediator, and has since conducted over 400 mediation sessions. Her success rate for settling cases is over 93%. She is a member of the South Carolina Council for Conflict Resolution, and is listed on the SC Supreme Court's Roster of Board Certified Family Court Mediators. Since 2004, the bulk of her family court practice has been mediation, and she is committed to making this process work for the benefit of separating couples, attorneys and the Family Court.

Preparing for Mediation

Once a mediation session has been scheduled, you need to bring as much information with you as possible, in order to get the most out of the session. Please bring a copy of any Family Court orders that are currently in place, and any settlement offers that your attorney has prepared. Some other items you will want to bring are as follows:

- A listing of all of your assets, both marital and non-marital, with approximate values. This may include the balances of savings accounts, checking accounts, the values of retirement accounts, IRA's, 401K plans, stock accounts, the Blue book value of vehicles, boats, motorcycles, etc., an appraisal of your home (or other real estate information that will help to determine its value.)
- A listing of all of your debts, to include mortgage balances (1st and 2nd mortgages), lines of credit, personal loans, credit card balances, loans against retirement accounts, loans against 401K plans, tax liens, etc.
- Current pay stubs, W-2's or tax returns, Information on child care expenses and private school tuition (if applicable) and costs of health insurance for your children and yourself, Your child's yearly school schedule that shows holidays and breaks, and A list of all of your furniture. Lastly, have in your mind what you believe is a fair way to divide your assets, debt and share time with your children, and bring a positive attitude!

What happens in Mediation

Mediation provides a safe, non-threatening environment for a separating/divorcing couple to sit down to try to come up with a resolution to their marriage, versus having a judge determine the outcome. Most times, couples can do this, they just need a 3rd party to guide the discussion, suggest creative alternatives, and to help keep emotions in check so that the goal of a settlement can be reached. Mediation can work even if one of the parties has been accused of domestic violence, adultery, or drug/alcohol related problems. Many times a couple will try to do this on their own, however if they don't know the law, and if they let emotions get in the way, more hurt and frustration will result. What happens in mediation is privileged communication. The mediator can never be subpoenaed to court to testify. However, if an agreement is reached, a Memorandum of Mediation is drafted by the mediator. This document sets forth with specificity the agreement that was reached in mediation. A copy of the memorandum is sent to each of the parties, and if attorneys are involved, a copy will be sent to the attorneys. The attorneys can then use the memo to draft a court order or property settlement agreement. Once this is done, couples can usually get into court very quickly to have their agreement made a Court Order, which then makes the agreement binding.

Attorneys and Mediation

If you have retained an attorney to represent you, you need to let your attorney know that you want to attend mediation. Your attorney can attend the mediation with you. However, it is not mandatory to have an attorney present. However they will need to be available by phone the day of the mediation, in order to offer legal advice to their client. If a Guardian ad Litem is involved, their input is also needed, as well.

When Should Mediation Occur?

As soon as possible! Many times divorcing couples come to mediation shortly before they are due to appear in court for a final hearing. However, a lot of money and emotional upheaval can be saved if parties attend mediation prior to the first family court hearing, or even before filing for divorce. However, it is never too late for mediation.

What Topics are discussed in Mediation?

- Who will have custody of the children
- How and when will we each spend time with our children
- Will child support be paid, and how much
- What rights will I have if I don't have custody
- How will we communicate important information about our children
- Restraining Orders
- Who will pay for health insurance
- What about other expenses, such as braces, private school, day care, college
- How will we divide our belongings and furniture
- What do we do with our house
- How do we divide up our retirements, savings, and debts
- What about taxes, alimony and life insurance

Cost of Mediation

Mrs. Ferri's rate for mediation is \$200.00 per hour. The average mediation lasts 4 hours. An additional one to two hours of time will be charged to draft the Memorandum of Mediation. Parties usually split the costs of mediation. Payment is expected at the end of the session. Mrs. Ferri's office is conveniently located West of the Ashley. Please call (843)557-9775 to schedule mediation or to receive more information.