

Ted and Gladys

Gladys is a supermodel who has been unable to achieve pregnancy with Ted, her news anchor husband with whom she lives on a ranch in Allen, Texas. As a public couple with “everything going for them,” they want to raise a “model family” of at least two, but probably no more than, three children. Gladys is advised by her physician that there is a fertility drug that has been successfully used in Europe for several years, but is not yet approved by the FDA, that he believes would work for her. The drug is freely available in Mexico. When Ted and Gladys do a TV special in Acapulco soon thereafter, Gladys purchases a substantial supply of the drug and begins to take it in the doses prescribed by her physician. Gladys, without her physician’s knowledge, is also taking a form of Vitamin A known as Retin A, which is an agent for preserving clear, unblemished skin, which is important to Gladys’ work. Gladys is unaware that Retinoic Acid (Retin A) is a notorious agent for causing fetal deformities in pregnant women, and other complications of pregnancy. The fertility drug works, Gladys is suddenly pregnant with what is certain to be multiple births, at least twins and maybe more. Her physician discovers that she has been taking Retin A and advises an early stage abortion. Both Ted and Gladys have taken public stances as “pro-life” supporters, both from and political and religious point of view.

After furious arguments, in which Ted as argued vigorously that Gladys should have a therapeutic abortion and Gladys has said under no circumstances would she allow one, Ted sues for divorce and as part of his filing papers, denies paternity and accuses Gladys of adultery with the producer of her show. Gladys counterclaims for cruel and inhuman treatment and physical abuse, alleging that Ted tried hitting her in the stomach to induce an abortion.

You are an attorney in Collin County, and have been assigned to mediate this case by Judge Dry, a long time District Court Judge.

You decide that although you know who the parties are (they are well-known public figures), you have no personal connection with them. You once defended a woman and her doctor about 10 years ago who was accused by the District Attorney of Collin County of violating the Texas criminal statutes governing abortion. You argued they are unconstitutional. You lost that argument, but won the case before a jury. You don’t have strong feelings about the issue, but you yourself (or if male, had a daughter by a previous marriage who) had an abortion when you were 17 (you are now 39), and are generally in favor of women’s right to privacy and to choose what they do with their bodies. You are a single mom (or dad) with an 18 year-old daughter who was recently raped on a date and is pregnant. She has told you she is considering abortion and you have told her it is her decision, but you will help her with expenses, either way. Your position could be summed up as not favoring abortion, but that women should have the choice and you would not object and would be supportive if a family member made that choice.

Mediators will have to decide how much they need to disclose of this background in order to be complete open, fair and independent in the eyes of the parties..