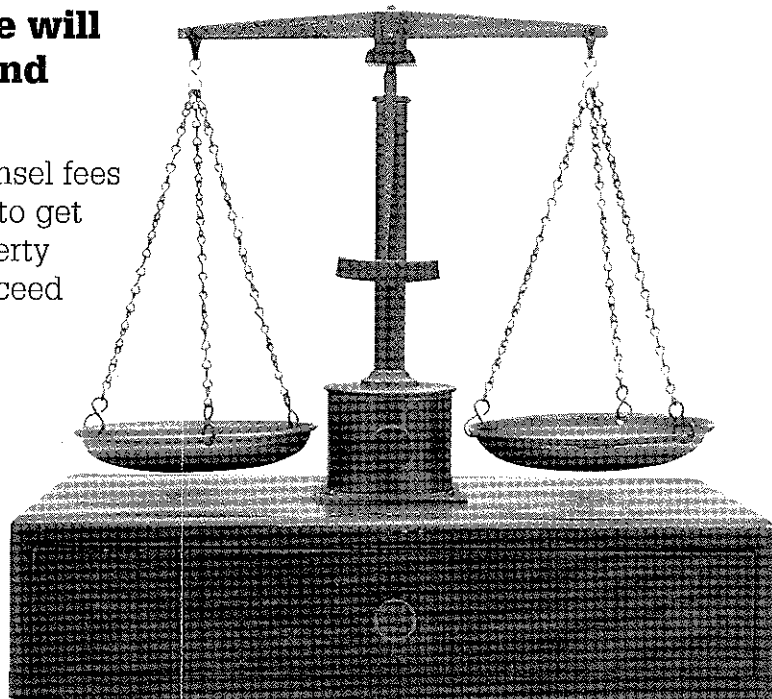


Q. What happens if mediation results in a resolution of all issues?

A. The mediator would then prepare a short memorandum of understanding summarizing the parties' agreement on all issues. Either party could bring the memorandum of understanding to an attorney of their choice to prepare a Property Settlement Agreement. That attorney could also assist the party who wants to have the Property Settlement Agreement drafted in getting the divorce. The other party could have representation but it would certainly not be required.

Q. It sounds like there will still be litigation and counsel fees.

A. A limited amount of counsel fees will need to be incurred to get the agreement into Property Settlement form and proceed with an uncontended divorce. These fees will be substantially less than traditional litigation and the whole process, once a lawyer is involved, should only take about three months.



Q. If my spouse and I are having significant enough problems that we are seeking a divorce, how can we come to agreements in mediation?

A. Mediation is not for all divorcing couples. If, however, the parties can put their personal differences aside and deal rationally with one another, the procedure can be very successful.

An inexpensive, time and pain saving alternative to protracted litigation.

For more information, contact...

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Read this pamphlet for important information about divorce mediation, including explanation of the procedures and benefits to the parties.

divorce / custody
MEDIATION

Q. What exactly is divorce mediation?

- A. Divorce mediation is an alternative to full scale litigation. At any point in the process, including before any litigation starts, the parties can elect to mediate any and/or all issues in dispute.

Q. Who performs divorce mediation?

- A. The bulk of divorce mediators are attorneys or mental health professionals who have training in the field of divorce mediation.

Q. When does the mediation usually begin?

- A. The best time to begin mediation is prior to any litigation being started. This enables the mediator and the parties to start fresh with no bad blood and no time constraints that a case in litigation may pose.

Q. How does mediation work procedurally?

- A. Upon hearing from both parties that they are interested in mediating their case, the mediator will usually send out a questionnaire in order to obtain necessary background information to start the process.

Generally, the parties would then meet with the mediator at a designated time each week for approximately one hour until the matter can be concluded.

Q. What issues can the mediator address?

- A. The mediator can address all issues in dispute between the parties. These may include custody, visitation, child support, spousal support, distribution of property, medical insurance, life insurance, etc.

Q. Does the mediator make decisions on the issues in dispute?

- A. The mediator does not arbitrate and will not decide issues for the parties. Their role is to advise and counsel and allow the parties to reach their own agreement. The mediator will make suggestions and, where appropriate, indicate to the parties the relevant law and what a court would do in a particular situation.

Q. How is the mediator paid?

- A. No retainer is required in the process. The mediator is paid an

hourly rate on a session by session basis. The hourly rates at this time range between \$150-\$250.

Q. Do we have to commit to a certain number of sessions?

- A. No fixed number of sessions is required. If the process does not appear to be working, the parties can terminate as early as after the first session.

Q. How many sessions does a mediation involve?

- A. Again, there is no fixed number of sessions required to mediate a case to conclusion. Depending on the amount and complexity of the issues, mediation can be as little as three or

four sessions or as long as twelve or more.

Q. Is mediation binding on the parties?

- A. Mediation is not binding on the parties and the substance of what is said and done in mediation cannot be used against a party in subsequent litigation.

