

MEDIATION...

WHAT IS IT?

Mediation is very simply discussions. Not the angry outbursts generated by haphazard reaction to a difference of opinion, but dialogue facilitated by a trained professional to draw out the concerns of both parties who are facing a divorce or separation. Some people believe that the solution to divorce is to hire the “meanest” lawyer and race to the courthouse. Sadly, they soon learn that they are paying a premium price to prepare for a trial that rarely happens, that the hostilities have escalated between spouses where they can’t even be in the same room, that their children have become pawns in their battle and that their assets have been devastated by their legal expenses.

In mediation, you begin from the very first meeting to obtain the information you need to reach an agreement. Information necessary to resolve the financial matters of the parties is exchanged in a private setting. The parties’ interests and goals are communicated on all the important issues, parenting time and custody, support and property distribution.

Each meeting takes a step towards the final “Memorandum of Understanding” that represents the parties’ agreement. The terms of the “MOU” will be the basis of a formal Support and Property Settlement Agreement.

WHAT WILL IT DO?

Mediation with a trained professional permits parties to craft their agreement to meet their needs and abilities privately and confidentially. Concerns and conflicts can be examined and diffused with assistance of the mediator. The process takes less time. Consequently the costs and the emotional stress are less. You are able to set your own schedule for the sessions. You do not wait months for a court event that requires you to take time away from your family or work.

Most importantly, it will be a better agreement since it will not be drawn under the pressure of avoiding a trial date that neither party wants or can afford. You will use professionals, if necessary, on a consultation basis – an attorney to review your agreement or answer your questions, a therapist to help you resolve parenting or communication issues, or an accountant to help you consider tax consequences. You control your costs and avoid paying high retainers for the same services as in a litigated divorce.

The final support and property settlement agreement allows the parties to obtain an uncontested divorce in an expeditious manner generally in a matter of weeks. Because of the concerted effort of both parties to reach acceptable terms, fewer mediated agreements return to court after a divorce. In the event of a dispute, parties will often return to the mediation table to again address their differences. The parties take control and experience greater satisfaction in resolving their issues, and therefore engender respect for the terms of their agreement. It is a system that allows the parties to treat themselves and their family with dignity and fairness.

ABOUT THE MEDIATOR

Anna-Maria Pittella is an attorney who was admitted to practice in the State of New Jersey in 1973. A major emphasis in her practice is family law. She is a member of the New Jersey State Bar Association and Ocean County Bar Association. She is the Chair of the Ocean County Bar Association Alternate Dispute Resolution Committee, former Chair of the Family Law Committee and a member of the New Jersey State Bar Family Law section. She is on the Court Roster of Economic Mediators. The difficulties of divorce litigants, both emotional and financial, have spurred her interest in mediation as an alternative process to litigation. She has served as a Matrimonial Early Settlement Panelist in Ocean County since the inception of its program. The panel consists of volunteer attorneys who assist couples involved in divorce litigation by recommending proposals for settlement. The time that a panelist can devote to a case is limited. Involvement as a panelist encouraged Ms. Pittella to engage in advanced training as a mediator to offer separating or divorcing couples an ongoing process to resolve their differences. She is an accredited member of the New Jersey Association of Professional Mediators in family matters.

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