

Frequently Asked Questions about **Mediation**

Mediation is a key part of resolving family law disputes, especially in cases involving divorce, child custody, and financial matters. It offers a confidential, less adversarial alternative to court, allowing parties to reach agreements with the help of a Mediator.

What is Mediation? Mediation is a process used to resolve disputes outside of court with the help of a neutral third party, called a Mediator. A Mediator does not have decision making authority; rather, the Mediator facilitates negotiation, helps identify issues, and guides both sides toward finding a mutually acceptable solution.

What legal issues can be presented to Mediation? Any disputes, of any shape or size, can involve Mediation. Often, Mediation is one of the steps in a litigation process, especially in child custody matters, equitable distribution matters, or civil matters seeking monetary damages.

What are the benefits of Mediation? Mediation can help reduce stress and conflict, save time and legal costs, maintain influence and control in the hands of the parties, instead of a Court or Arbitrator.

What is involved in the Mediation process? The process begins when a Mediator is appointed by the Court or selected by the parties, and possibly their attorneys. On the date of the Mediation, the Mediator will start by going over the rules of Mediation and how the process works. The opposing sides will generally be in the same building, unless the parties are conducting the Mediation virtually. Thereafter, the Mediator will 'bounce' between both sides that are generally in separate conference rooms to push and pull either side's positions with the goal of finding an agreeable middle ground.

What if we do not reach an agreement? If Mediation fails, the parties always have the option to return. However, if the legal matter is on the litigation track, then the Mediator may need to file a report declaring an impasse, and the legal matter put in the rotation to be scheduled for trial.

Do I need a lawyer during Mediation? While not required, having a lawyer is recommended to help you prepare, to give you legal advice during the mediation process, and to draft any proposed agreements. This is particularly important as the Mediator cannot give legal advice nor draft a legal settlement or consent order.

