

SEVEN BENEFITS OF

Mediation and the Collaborative Divorce Process



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Collaborative Divorce & Mediation – The Superior Alternatives

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WELCOME



After the loss of a loved one, the next most stressful thing you can experience in a marriage is going through a divorce. Even under the best circumstances, divorce can tear a family apart. Yes, there are peaceful and amicable alternatives rather than going to Court. Mediation or a Collaborative Divorce is the answer.

During my thirty years of practicing Family Law, I have witnessed how going to Court many times fails all the parties involved and how the children suffer immensely! The practice of mediation and the collaborative divorce is meaningful to me, since they truly help the family work things out far better than going to Court.

If you are in the midst of a family transition and you want to see how you can protect yourself and your family, go to my e-book and read the “7 Benefits to Using Mediation or Collaborative Law When Getting Divorced”. Then call me for a “free consultation” and see if you are a candidate for Mediation or a Collaborative Divorce.

For over 30 years, I have provided legal services in the areas of Family Law. I am a Collaborative Law Divorce Attorney (and a Trainer of Attorneys, mental health and financial professional as well). I have been a Trustee of the Collaborative Divorce Association of North Jersey for several years, a Co-Founder and first President of the New Jersey Collaborative Law Group and a Co-Founder of the New Jersey Council of Collaborative Practice Groups. During a Collaborative Divorce I assist my client in arriving at “what my client feels” is the best solution for the family.

I am also a Certified Family Law Mediator and a member of the N.J. Association of Professional Mediators. As a mediator, I am extremely qualified to mediate even the most difficult of situations and based upon my extensive experience I help the parties arrive at a fair and acceptable agreement. This process especially helps a family where there are children since a meaningful parenting plan agreement is essential to the parents.

Take advantage of my “free consultation” today and let me help you to determine if you are a candidate for Mediation or a Collaborative Divorce.

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Going through a divorce is clearly one of the most emotionally devastating and life altering events one can experience. Costly and contentious divorce litigation only makes the ending of a marriage even more stressful. This is why mediation and collaborative divorces have become increasingly more popular in New Jersey.

Divorce mediation involves the use of a third-party mediator who facilitates productive communication between the divorcing parties, thereby assisting the couple in their efforts to reach a mutually acceptable out-of-court settlement agreement.

New Jersey collaborative divorce is a non-adversarial legal process that utilizes the collective expertise of collaboratively trained attorneys, and neutral financial professionals and licensed mental health specialists in order to most effectively meet the needs of an entire family. A collaborative divorce emphasizes trust, transparency, communication and cooperation rather than conflict, offering a less stressful and more effective alternative to traditional court room litigation.

Mediation and collaborative divorce are alternative dispute resolution procedures that offer a number of advantages over a traditional divorce.



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1. More Cost-Effective



Considering that the average cost of a contested divorce can range anywhere from \$10,000 to \$50,000, for many divorcing couples, cost is on the top of the list of the advantages of mediation. Mediation and collaborative divorces cost less because of the direct communication between spouses instead of a string of phone calls and meetings with separate attorneys, settlement conferences, and preparation for court hearings. While a

mediator's hourly fee may be comparable to that of a divorce attorney, divorcing couples may split the mediation fees, which typically results in a 40% - 60% cost savings. Litigated divorces can sometimes involve two or three experts that all need to be paid. Because collaborative divorces use collaborative trained joint experts, that can amount to a significant savings for each party in the divorce process which typically results up to a 40% cost savings.

2. Saves Time

The average divorce case usually takes up to one year to come to resolution in court. However, using divorce mediation, couples can reach a divorce settlement agreement within three to six months. Often divorcing couples can reach a divorce settlement agreement in a few mediation sessions.

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When using the collaborative divorce process, couples can expect their divorce to be finalized within half the time it would take using the traditional divorce method. Both divorce mediation and collaborative divorce allow the parties to work on their own time frame to resolve disputed issues, instead of having to wait months for the next available court date. Unquestionably mediation and collaborative divorce are the best alternatives to get a divorce for couples that are anxious to start a new life.



3. Greater Flexibility

The legal system has many rules, procedures and protocols which require divorcing couples to jump through many hoops to get a divorce. In contrast, divorce mediation and collaborative divorce are informal processes that take place outside of the court room. While divorcing parties are still required to file the appropriate divorce documents with the court in addition to attending a final divorce hearing, parties participating in mediation or collaborative divorce do not have to work within the confines and limitations of the court system as far as process or result. This flexibility allows more opportunities for finding a respectful and creative settlement solution needed to rebuild their future.

4. Spouses In Control

When a divorce is litigated in court, the divorcing couple's fate is in the hands of the judge. Divorce mediation and collaborative divorce helps divorcing couples retain complete control over their divorce settlement. They have the final say over the terms of the divorce settlement agreement, not the court. Decisions related to the division of property, assignment of debts, arranging for support needs and creating a parenting plan are not left to strangers. They determine what is in the best interest of the family and unless both parties agree to a resolution, negotiation continues until an agreement is reached.

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5. Better for Children



A divorcing couple's choice to participate in mediation or collaborative divorce can be beneficial if any children are involved. Divorce can be especially devastating to children, and an adversarial custody dispute in court usually results in animosity between parents, exposing children to increased conflict and long-term psychological damage. Unlike a traditional divorce case, divorce mediation and collaborative divorces are non-adversarial proceedings which are generally less

stressful than divorce litigation, promoting more peace in the family during the divorce. Mediation and collaborative divorce allow parents more control over their children's interests and needs than a litigated divorce case. The high level of party participation in mediated divorces likely accounts for the statistics showing that mediated child support agreements have a compliance rate of 80%, compared to a 40% compliance rate for litigated child support arrangements. Additionally, because of the collaborative team approach there is a very high likelihood of a collaborative divorce successfully settling.

6. Preserves Relationships Post-Divorce

When a divorcing couple has children, their relationship as co-parents will continue long after the divorce has been finalized. This means that the divorcing couple needs to learn early on how to communicate with one another in order to co-parent effectively. Unlike the traditional court system, mediation and collaborative divorces seek to promote understanding and respectful, productive communication among the divorcing parties. Mediators or Collaboratively trained neutral mental health professionals on a collaborative divorce team can even be helpful post-divorce to assist ex-spouses with any disputes which may result later on down the road.

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7. Privacy and Confidentiality

In divorce court, hearings are open to the public and your divorce proceedings will become public record. When divorces are mediated, any information revealed in a mediation session is confidential. New Jersey has a “Mediation Privilege” Rule of Evidence which states that a mediation communication is privileged and shall not be subject to discovery or admissible in evidence in a legal proceeding unless waived or precluded under limited circumstances. Additionally, the New Jersey Family Collaborative Law Act extends the privilege of confidentiality to all the neutral collaboratively trained professionals on the collaborative divorce team. This confidentiality means that divorcing parties can be forthcoming in their settlement discussions, especially high net-worth families, without worrying about the legal consequences of their admissions as to family issues, assets, and business holdings.

If you are a New Jersey resident considering divorce, or your spouse has approached you about ending the marriage, Joseph C. Noto, Esquire can help. With over 20 years of experience as a New Jersey Divorce and Family Law Attorney, Joseph is also trained in New Jersey Mediation and Collaborative Divorce because he understands that divorce is an emotional event, not just a legal process. Contact the Law Offices of Joseph C. Noto, Esquire at **201-847-0999** for a *FREE introductory consultation in Bergen, Passaic, or Essex County, New Jersey.*

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