

7 BENEFITS TO

Using Mediation over Litigation

WHEN GOING THROUGH A DIVORCE



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WELCOME

We are Beverly and George Hays and have been mediating divorces since 1985. We use a model that is unique in the state of New Jersey and perhaps in the country. That is, we are a couple and we co-mediate with a couple. We provide this service in an informal atmosphere right in our own home.

Our goal is to guide you through the process while encouraging you to negotiate an agreement that will work for you and for your dependent children. Our clients have chosen to mediate their divorces because it is much less expensive and less stressful than a litigated divorce or a divorce negotiated through a collaborative process. It is faster, more empowering and less stressful on children. In mediation, you control the outcome and thus own the results, which makes it easier to honor them. If there are any issues that occur in the future, they become much easier to resolve either on your own or with the help of a mediator.

As mediators our role is to be outside neutrals and not to take sides. However, through full disclosure, we help you make informed decisions which will positively affect your future and the future of your family.

While each case is unique, there are some issues to be resolved that are fairly universal, such as custody and parenting of children, children's education and welfare, child support, equitable distribution of assets and debts, and alimony if warranted. While there needs to be some understanding about how you arrived at your decision to divorce, the emphasis in mediation is in how you will move into your future.

Litigated divorces tend to be more adversarial and can create enemies of people who once loved each other. We know, because each of us was divorced long before mediation was an option. We are both very sensitive and understand how stressful this time in your lives can be.

Our backgrounds are complimentary to each other. Beverly is a psychotherapist and has been in practice for over 30 years working with individuals, couples and families. George has an MBA in business and finance. He spent more than 40 years in the corporate world. Both of us are Accredited Professional Mediators through the New Jersey Association of Professional Mediators where George is a past president and both of us our founding members and have served the association in various capacities.

In addition to 30 years of mediating divorces, we bring to the mediation process a wealth of life experience. We have lived and worked in Europe and Latin America as well as several parts of the USA prior to relocating to Morristown in 1980. That has given us a greater understanding of diverse cultures.

It would be our privilege to help guide you through this process. Please do not hesitate to call us if you would like additional information or wish to make an appointment.



Beverly & George Hays

Hays Mediation Services
99 Skyline Drive
Morristown, NJ 07960

(P) 973-539-5242

(F) 973-539-5933

george@haysmediation.com

haysmediation.com

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Divorce is one of the most difficult challenges a family can face and when the split is settled in a courtroom, things might be even worse. The end of a marriage is tough on everyone, but is easier if a resolution can be reached in a peaceful manner. Mediation provides a means by which to create a peaceful settlement, making things easier on divorcing spouses and their children. Mediation might not be appropriate in every case, but many divorcing families benefit from a mediated divorce experience.

What are some of the most important reasons mediation is a better solution than litigation for divorcing families?

1

Takes Less Time

Mediated divorces take less time to resolve, primarily because the couple is in control of the schedule. Litigated divorces are at the mercy of the attorneys' schedules as well as the court's schedule. Couples must be present when the court dictates and in some cases, it can take weeks or months to build a case. In mediation, couples have complete control of how long the process takes. The faster the couple wants to move through the divorce, the faster the divorce will be finalized.

2

Reduces Cost

One of the major costs of litigation is the discovery process, where the lawyers on each side go through all of the family's financial records, perhaps hiring outside experts to assist them. Attorneys must invest time preparing each spouse's case and they bill hourly for this preparation. In our mediation process, the couple provides all of that information, which we review and organize into a notebook along with their memorandum of understanding. This document will be presented to their lawyers as the basis for the Property Settlement Agreement that they will execute and submit to the Court as part of their divorce.

Since mediation requires much less preparation than litigation, the number of hours of attorney time is substantially reduced. And in cases when couples choose to forego individual representation, savings is even more substantial. There are even instances in which the only expense for a mediated divorce is the mediator's fee.



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Preserves Family Ties

Odds are a divorcing couple has experienced a change in their relationship. Despite this change which can often be viewed as negative, it is possible for former spouses to maintain a civil relationship. This is preferred if they are parents. Ideally, divorced parents are able to co-parent their children without strife. Unfortunately, if the relationship is punctuated by a bitter litigated divorce, this can be nearly impossible. Mediation emphasizes a parent's commitment to putting his or her children first. Preserving a relationship with a former spouse, even though the romantic spark is gone, is easier when a divorce is mediated.



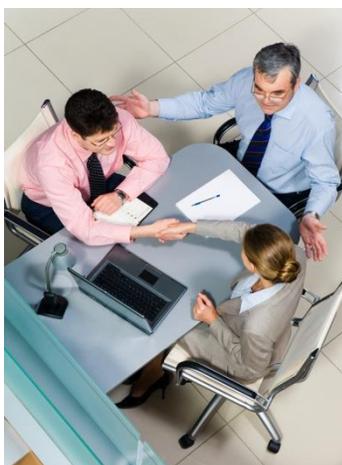
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Keeps Sensitive Family Issues Confidential

Litigated divorces and all the details that unfold are a matter of public record. Mediation keeps the details private and allows a family to protect its so-called dirty laundry. The only public aspect of a mediated divorce is the final resolution. This means everyone's personal business is protected and nobody needs to worry about information falling into the hands of those who are less than well-intended.

5

Puts Couples in Control of Resolution



When a divorce is litigated, the couple relinquishes control of the settlement. Court decisions are the final say on the matter and each spouse must abide by the settlement. Mediation changes this and puts control back into the hands of the couple. Each spouse is required to compromise in order to reach an agreement that works for everyone in the family. Playing a role in the settlement makes it easier to abide by the settlement long-term. It can also eliminate the win-loss feeling that often occurs in litigated divorces.

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Provides Flexibility

Mediation offers flexibility that is not an option in litigated divorces. Divorcing couples can choose their mediator, the location in which the mediation will occur, and even the time and date of the session. The court has no say over the schedule, as it would for a litigated divorce. Divorcing couples have no say in the judge making decisions in court and they do not get to dictate the time and place of the trial. This flexibility often helps the process run more smoothly.

7

Creates a Sense of Teamwork

Perhaps the greatest benefit of a mediated divorce, especially for families with children, is it sets a positive tone and helps the family look forward. The end of a marriage might not mean the end of a relationship. Many important decisions must still be made as partners. The court can intervene if a child is in danger, but ideally, two competent, caring parents will be making important decisions for their child. Mediation kicks off this process and gives parents the skills to work together for years to come.



Did You Know?

About Litigated Divorces in New Jersey

98% of litigated divorces are settled by the attorneys outside of court. As the parties representatives the attorneys may need to spend significant time in negotiating the terms of the divorce and even more time selling the settlement to the parties. The results are no longer in the hands of the parties.

The **2%** that do reach the court are even more expensive as they frequently require expert witnesses in addition to the attorneys. Judges have commented that a significant percentage of litigated divorces wind up back in court for post-divorce action, while only a very small fraction of mediated divorces do.

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We're Here to Help

Do you believe a mediated divorce is a better option for you than litigation? Are you looking for a way to divorce your spouse, but still protect your child and preserve your family relationships? Beverly and George Hays can help.

Beverly and George have been helping New Jersey couples resolve their divorce in a peaceful manner since 1985. Beverly received her BS from The University of the Americas and her MSW from Rutgers Graduate School of Social Work. She has had an active psychotherapy practice for more than 3 decades. She received her mediation training in 1982 and is a licensed clinical social worker, a licensed marriage and family therapist and an accredited professional mediator.

George received his BS from Cornell University and his MBA from Fairleigh Dickinson University. After 35 years with Ashland Inc., George joined his wife Beverly in her divorce mediation practice and has never looked back. He completed divorce mediation training at Seton Hall School of Law in 1991 and is an Accredited Professional Mediator in Divorce and Family Matters, a past president of the NJ Association of Professional Mediators, and a licensed Professional Engineer. Together, George and Beverly help couples resolve their issues and move forward with their lives.

To learn more or to schedule a consultation with Beverly and George, contact them at 973.539.5242 or by email at george@haysmediation.com.

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