

# Mediation/Arbitration

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## Mediating and Arbitrating Separation and Divorce Matters in New Jersey

Separation and divorce are often associated with high emotions and conflict. The traditional approach to resolving the various issues flowing from a divorce or separation, such as child custody, support and the division of property, can be stressful, time-consuming and adversarial. The Mediation and Arbitration Group at Einhorn Barbarito helps clients who are in the midst of divorcing or separating settle their disputes privately, outside of the formal litigation process. We work as neutral mediators, helping families define their issues and craft reasonable resolutions based upon everyone's best interests.

## Explaining Arbitration and Mediation

Arbitration and mediation are two different types of alternative dispute resolution (ADR) and serve as ancillary options to litigation. Each technique utilizes a neutral third party to assist the parties in resolving their disputes outside of court. Although similar, there are differences between the two. For example, in mediation, the mediator's role is to aid the parties in attempting to obtain a mutually acceptable settlement. An arbitrator, on the other hand, is specifically charged with making decisions a judge otherwise would make. A mediator is a facilitator whereas an arbitrator is a decision maker.

Arbitration can be binding or non-binding. This means that parties submitting to non-binding arbitration, have the right to reject the arbitration award and let the court determine the ultimate resolution of their matter. If parties choose binding arbitration, the decision is binding on both parties, and, therefore, the parties waive their right to a trial before a judge.

Mediation is generally a non-binding form of alternative dispute resolution that allows the parties and/or their respective counsel to work together to resolve issues in a manner acceptable to all parties involved. If the parties come to an agreement at the conclusion of the mediation, the mediator drafts a Memorandum of Understanding that memorializes the terms of the parties' agreement. One of the parties' lawyers will draft a Settlement Agreement reflecting the terms of the Memorandum of Understanding, which will be incorporated into the parties' Final Judgment.

Regardless of whether mediation or arbitration is selected, each form of alternative dispute resolution offers an acceptable way to resolve your marital differences in a manner that may be more efficient and less costly than litigation.

## Mediation and Arbitration Can Ease the Divorce Process

There are a wide variety of conflicts and disputes that can surface when a marriage ends. Our New Jersey mediation and arbitration lawyers are well versed in all issues that are likely to impact your divorce. Whether the controversy involves the custody of minor children, visitation rights, alimony, the division of assets and liabilities or any other matter, we have the knowledge and experience to help you reach a reasonable resolution to your dispute.

At Einhorn Barbarito, we recognize that going through a divorce is challenging enough and want to make the process as easy as possible for you. Our firm's interdisciplinary practice approach ensures that you will have access to the legal representation you need, regardless of how complex your situation may be. In addition to our family law attorneys, our practice group includes lawyers throughout our firm who can help you navigate, mediate and arbitrate complicated business, tax, estate and trust, real estate and other legal matters associated with your divorce.

## Contact a New Jersey Family Lawyer to Learn Your Mediation and Arbitration Options

If you would like to learn more about the mediation and arbitration services provided at Einhorn Barbarito or need legal representation in connection with a divorce or separation matter, we encourage

you to [contact](#) our law firm today. You can reach our New Jersey mediation and arbitration lawyers at 973-627-7300.