

Should I Try One Of Those \$399.00 Divorce Mediations I See On Billboards?

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Dear Ask the Attorney:

My husband and I have decided to get a divorce. I have been seeing ads for divorce mediation which say “cheaper, faster, less messy” and billboards in my area for \$399.00 divorces. Many of my friends who were divorced talk about how expensive it was. We don’t have a lot of money but I’m nervous that I won’t get what I should in terms of divorce settlements and child support. Are these legitimate services or is it a scam?

P.M.

*Our guest blogger, **Thomas J. Snyder, Esq.**, is a partner with **Einhorn Barbarito**. Mr. Snyder concentrates his practice solely in **Matrimonial and Family Law**. He has provided testimony in front of the Senate and Assembly Judiciary Committee’s with regard to the New Jersey Marriage Equality Act and testified before the state legislators and the New Jersey Assembly Judiciary Committee on proposed modifications to both the New Jersey Adoption and New Jersey Alimony Statutes.*

Dear P.M.:

You raise a great question. As in most things in life, you get what you pay for. If I saw an ad representing or advertising a divorce for \$399, I would be very skeptical. Quite candidly, the cost to file a Complaint for Divorce in the Superior Court of New Jersey is at least \$250. That is just the filing fee. If someone is representing to you that you can get a divorce for \$399, you should carefully scrutinize the details of this representation.

As to your question regarding divorce mediation, in New Jersey mediation continues to be an important tool in helping couples resolve many aspects of troubled, domestic relationships. This tool has, in fact, become an integral part of the New Jersey court system. In most divorce cases, litigants are mandated to participate in various forms of mediation during the divorce or civil union dissolution process.

However, it's important for you to realize, in considering the use of "divorce mediation," that mediation is not the proverbial magic bullet to the resolution of all domestic disputes.

If you Google "New Jersey Mediation" you will see there is no shortage of websites for you to consider relative to retaining a mediator. However, reading through the various websites, you will see that essentially these are advertisements.

To rely solely on the information contained in a website advertisement, without first becoming educated as to the mediation process, and your legal rights under applicable New Jersey law, may very well put you at a great disadvantage in mediating your case.

A mediator is not an advocate nor is he or she someone who should be providing legal advice. A mediator's primary role is to facilitate communication between the mediating parties.

It is a common misconception on the part of litigants that the mediator will tell them what to do and how to resolve their dispute. No qualified, credible mediator would offer such advice.

The most effective way to use mediation as a tool to effective conflict resolution is to consult with an attorney prior to participating in mediation, and, if necessary, during the mediation process, so that you understand the legal and factual implications of your specific case. By so doing, you will put yourself in a position to effectively bring about a fair and favorable result to the issues involved in your particular case.

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