

FAQ's

How long will the mediation take and how much will it cost?

Unfortunately, it is hard to predict with precision how long a mediation will take or how much mediation will cost. These issues depend primarily on how agreeable the participants are. Generally, for divorce, business and organizational matters, we meet between two and six times for approximately two hours each meeting. The cost of a comprehensive mediated agreement generally ranges between \$5,000 and \$10,000. I will be as specific as possible in these regards once I have a better understanding of your situation.

What if we already agree on certain issues?

The first thing that we want to do in mediation is to identify what you already agree on. We will use those points of agreement as a foundation for your overall Agreement. The standards that make sense to you on certain "easy" issues can often be applied to resolve other issues. We will want to be sure that your Agreement is well-informed and that you are aware of the many issues that you may want to consider. What is included in your Agreement is up to you. Our goal is to support your well-informed decision-making.

What are our chances for success?

Approximately 90% of all cases, whether litigated or mediated, result in a comprehensive resolution without actually going to trial. In mediation, the goal is reach the settlement more expeditiously, less painfully and more economically than in the adversarial world of litigation.

What if we don't reach agreement?

In mediation, all discussions and materials, with very few listed exceptions, are confidential. If no mediated Agreement is reached, evidence of the mediation discussions, mediation materials and any draft mediation resolution will not be admissible in court or any other adversarial proceeding.

Who pays for mediation?

Responsibility for mediation fees is an issue to be decided by mediation participants. Participants are encouraged to consider sharing fees to some extent so all will benefit from expeditious and economic resolution.

What about our own attorneys?

As attorneys, we are ethically bound to advise you to have any mediated Settlement Agreement reviewed by individual legal counsel prior to your signing that Agreement. In practice, we have found that it works best for mediating parties to obtain one to four hours of individual legal advice throughout the mediation process. This legal advice may be best obtained early in the mediation, by legal counsel's review of a near-final draft Agreement, and by counsel's review of the final Agreement. This level of consultation will dramatically elevate your comfort and confidence in the final agreement.

What about utilizing experts?

It may make sense, in a particular case, for mediation participants to retain mutually trusted experts. For example, participants may desire a trusted valuation of real property, personal property or a business. It is also not uncommon for mediating parties to choose to jointly consult with an accountant or tax expert. Mediation participants with parenting concerns may find it beneficial to obtain the thoughts and recommendations of a trusted child psychologist. Mediation participants may choose to jointly retain an impartial advisory attorney who, based upon an agreed-upon set of facts, may render an advisory non-binding opinion on how a court might resolve the identified issues.

What else can I do to prepare?

Perhaps the most important thing any mediating party can do to ensure a satisfying and successful mediation experience is to prepare for the mediation discussions by seeking clarity as to his or her desired outcomes and perceived standards of fairness. Stated otherwise, "What do you want?" and "How will you know that it is alright to agree?"