

Is divorce with dignity possible? Experts weigh in

MaryLynn Schiavi, Correspondent 5:08 p.m. EDT June 28, 2016



(Photo: ~Photo courtesy Pro Se Nation)

Unlike the joy and excitement that often accompanies the planning of a wedding focused on flowers, music, guest lists and honeymoon plans, the dissolution of a marriage is often an emotionally draining experience made even more nerve-racking by a legal process that can be expensive and difficult to navigate.

Three Central Jersey mediators, one of whom is an attorney, shared their perspectives on the Princeton-based talk show Pro Se Nation about mediation and collaborative law – two Alternate Dispute Resolution (ADR) approaches that proponents say could lead to a more peaceful and satisfying divorce process. Pro Se Nation, an educational program dedicated to helping the average non-lawyer better understand the law and legal issues, can be seen on Monday and Thursday evenings on Princeton Community TV & Digital Media Center

“Divorce is like a death, but no one brings you casseroles,” said Anju Jessani, an Accredited Professional Mediator (APM®) who established Divorce with Dignity Mediation Services 19 years ago, with offices in Clinton and Hoboken.

In her role as a mediator, she works with a couple to develop a divorce agreement, but unlike an arbitrator, makes no decisions for the couple.

READ: [What Pro Se Nation is about \(/story/entertainment/2016/04/16/pro-se-nation-explores-media-law/83119516/\)](/story/entertainment/2016/04/16/pro-se-nation-explores-media-law/83119516/)

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“Many of my clients seek my help while they are still living in the same home and often they have not yet hired attorneys. They are generally very cooperative and want to work out an agreement together for their own sake and the sake of their children,” she said.

Once the couple establishes an agreement with her help, Jessani said she strongly recommends that both parties have the agreement reviewed by each of their attorneys, however it is not required.

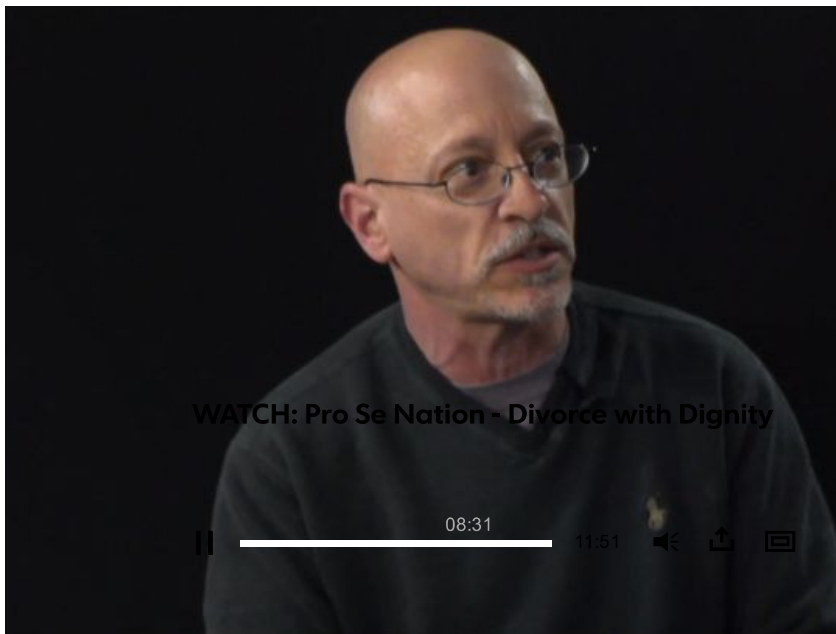
What is mediation?

In New Jersey, mediation is a court-ordered process governed by the state’s Complimentary Dispute Resolution Program made available to any party filing a civil lawsuit. Parties to the lawsuit are entitled to two hours of mediation services free of charge. One hour is spent in a face-to-face session with the mediator. If the parties choose to proceed, they agree to split the mediator’s hourly fee.


Jessani, believes that since those filing a divorce complaint will be required to mediate anyway, being proactive and mediating prior to filing the divorce complaint makes good sense.

Alan Karmin, a mediator and proprietor of Karmin Mediation & Paralegal Services based in Scotch Plains, and Mary Ann Bauer, family law attorney, mediator and arbitrator based in Lebanon, agree.

“Most people realize that it’s easier and financially beneficial to mediate or come to an agreement first,” Karmin said.



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Alan Karmin, a mediator and proprietor of Karmin Mediation & Paralegal Services based in Scotch Plains, has witnessed a few divorce cases in which a couple began to establish the terms of their agreement through mediation, but then emotions ran amok and they ended up going to court. (Photo: Photo courtesy MaryLynn Schiavi)

He said he has witnessed a few cases in which a couple began to establish the terms of their agreement through mediation, but then emotions ran amok and they ended up going to court.

"In the end, the result was the same," he said. "Only the couple spent a lot more time and money in the litigation process."

Karmin said mediation as a first course of action is an alternative that can make the divorce process much easier, but not enough people know that it is an option.

"Instead right away they're getting their lawyers, they're making phone calls, they're making complaints and then all of a sudden they're running up a huge legal bill and saying – why did this have to happen?" he said.


[READ: The health of a marriage \(/story/life/wellness/health-spirituality/2016/03/28/the-health-of-a-marriage-is-individual-wholeness-the-key/82352528/\)](http://www.mycentraljersey.com/vi)

According to Mary Ann Bauer, an attorney, mediator and arbitrator who specializes in family law based in Lebanon, every effort should be made to negotiate a settlement first.

"Once you enter the court system you really lose control over the timing of your case and many other aspects," she said.



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According to Mary Ann Bauer, right, an attorney, mediator and arbitrator who specializes in family law based in Lebanon, every effort should be made to negotiate a settlement first. She is pictured with Alan Karmin, who also appeared with her on the latest installment of Pro Se Nation. (Photo: Photo courtesy MaryLynn Schiavi)

When a couple chooses mediation, each individual can choose to be represented by an attorney or go 'pro se' or self-represent. The couple then works with a mediator to develop a divorce agreement. The mediator serves as a guide in the process, but makes no decisions for the couple.

It takes a team

In the collaborative law model, each party is represented by an attorney and it is the attorneys who work with the couple to develop a divorce agreement. At the beginning of the collaborative law process, the couple agrees not to take the case to court.

The collaborative model also emphasizes a team approach and generally invites other experts into the process such as a divorce coach, financial management expert or child psychologist if necessary.

In the mediation model, a couple can each hire an attorney and other experts as needed, but they cannot rely upon the mediator to give legal advice. In the collaborative law process, each party hires an attorney and can bring other experts into the process as needed.



"Divorce is like a death, but no one brings you casseroles," said Anju Jessani, right, an Accredited Professional Mediator (APM®) who established Divorce with Dignity Mediation Services 19 years ago, with offices in Clinton and Hoboken. She is pictured with Pro Se Nation host MaryLynn Schiavi during a recent installment of the talk show. (Photo: Photo courtesy MaryLynn Schiavi)

A major difference between the two approaches is that in collaborative law the parties waive their right to go to trial, whereas in mediation, they retain the right to litigate if they cannot come to an agreement.

Bauer, Jessani and Karmin agree that considering alternatives to the litigation process often provides a more peaceful and satisfying resolution than the parties themselves have shaped.

What should couples be thinking about as they look down the road toward divorce?

Jessani said, "I would tell them to read *Crazy Time* by Abigail Trafford, to look forward, to know that it will be okay and to take their time, do their homework, talk to different professionals and think about what they really need."

For Bauer, becoming an educated consumer is the best practice.

"Learn as much as you can, choose your process wisely, talk to an attorney or several attorneys so that you can best assess your options," she said.

"It's the emotions that drives the litigation," Karmin said. "It's best to keep in mind that everything can be worked out – but they have to keep emotions in check."

About Pro Se Nation

Pro Se Nation is an educational program dedicated to helping the average non-lawyer better understand the law and legal issues. The full 28-minute program is produced and hosted by MaryLynn Schiavi and streams on Princeton Community TV & Digital Media Center every Monday at midnight and Thursday at 7:30 p.m. ET. For more information visit: www.prosenation.org (<http://www.prosenation.org/>).

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