John G. Millett J.D.  
Founder and Principal of Millett Mediation, L.L.C.

John offers an alternative approach to the traditional, often times adversarial and expensive, divorce process. Divorce mediation is a process that completes a divorce from beginning to end in as little as several weeks.

John, a law school graduate and private mediator in Pennsylvania and New Jersey for nearly 10 years, offers mediation services to resolve divorce and all types of disputes in his Newtown office, at a third-party location, or in the comfort of your own home or office.

John understands firsthand the value of settling disputes in a more amicable way. As a divorce survivor himself, he spent more than two years and tens of thousands of dollars enduring the traditional divorce process. When he and his wife (at the time) finally tried mediation, they completed their divorce in a matter of hours. “I knew at that moment that I wanted to focus my practice on mediating divorces,” says John. Prior to establishing his private mediation practice, John mediated in several county courts and was a fully certified, court-appointed mediator who settled dozens of family and civil mediations in both Pennsylvania and New Jersey.

“No matter what approach you choose in a divorce, you’re not going to get everything you want,” John explains. “The difference is: outside of mediation, when you go to court, a judge will make all the decisions about your future.”

“When you sit down during divorce mediation and talk with your soon-to-be ex-spouse, you make your own decisions without a third party involved in the decision-making process.”

As opposed to a judge who dictates a decision, John’s role is not to make decisions or to take sides but to facilitate a mutually acceptable agreement between both parties by suggesting creative solutions, compromises, and alternatives.

As a mediator, if a conflict arises or clients become antagonistic toward each other, John will step in and act as a referee or intermediary, refusing to let either party talk disrespectfully to each other. He also stops parties from wasting time dwelling on the past.

“The purpose of mediation is to focus on the present and the future,” John explains. “It’s about moving forward and leaving the past in the past.”

Traditionally, after filing for divorce, attorneys exchange excessive amounts of paperwork they must review and approve, which ultimately costs clients extra money and time.

“I prefer to start with a clean slate, with my objective being to stabilize families both emotionally and financially, in the short term and long term,” says John. “In the mediation, we start in the middle to resolve disputes rather than starting at opposite ends, as you do when using two opposing lawyers.”

John explains there are three main issues the majority of couples need resolved: child and spousal support, assets and liabilities, and custody and visitation.

“These issues can typically be resolved in three or four 2-hour mediation sessions,” says John. “Most couples can resolve their differences through mediation, and, therefore, can move on with their lives quicker and with more money in their pockets. Plus, a faster resolution is better for your children’s well-being instead of dragging out the inevitable for years.”

John offers a free consultation for you and your spouse.  
A Step-by-Step Analysis of a Mediated Divorce: How It Works and What to Expect

By: John G. Millett J.D.

One of the most glaring issues I encounter when discussing divorce mediation with new clients, or other people in general, is that most individuals do not know how it works. In some instances, they do not even know it exists. This article will provide a step-by-step analysis of how the process works with real examples and outcomes.

My divorce mediation practice offers an alternative approach to the traditional adversarial divorce process. I am not an online do-it-yourself website, nor am I a high-priced law firm. I complete the entire divorce process from beginning to end at a very reasonable cost and within the least amount of time possible.

The Free Initial Consultation: Future clients contact my office after learning about mediation through personal referrals, professionals, social media, print media, and a variety of other sources. During the initial consultation, we spend anywhere from 30-60 minutes discussing the clients’ general circumstances, how mediation works, how it is processed through the courts, and the estimated costs. The entire divorce process can take as little as several weeks (in order to create and file an agreement at the proper court) and cost a fraction of what the traditional “two-attorney” method does. Usually, the entire process takes place over three 2-hour sessions. There are also several hours of follow-up and preparation work outside the sessions.

The First Session—Child Custody and Visitation: I choose to begin the mediation process discussing the circumstances and expected outcomes related to child custody and visitation. Some of the couples I meet with do not have children or the children are grown and no longer living with the parents. In that instance, this area would not apply. Custody and visitation, although often anticipated to be contentious, usually are areas in which the parents quickly find common ground. If there is one predominant, common interest among parents, that is the love they feel toward their children.

It is important to note that, in all areas throughout the mediation, the parties can create agreements as they choose. That is the beauty of mediation, and it is particularly important in issues related to the children. A common phrase I often here in sessions is “We didn’t know we can do that.” When crafting what we refer to as the “parenting plan,” the best interests of the children always take precedent. And who knows better the interests of a child than his or her own parents.

The Second Session—Division of Assets and Liabilities (Equitable Distribution): Some couples work with me in order to work with me in order to create and file an agreement at the proper court

In either situation, it is very important to delineate exactly how assets and liabilities will be divided. In the final separation agreement, the parties must list each item clearly and in detail: automobiles, credit cards, bank accounts, investment accounts, personal property, real estate, etc.

The most common and valued asset a family has is usually the marital residence. Sometimes, one of the parties requests to remain in the house, while the other spouse finds an alternate residence. Naturally, finances play an important role in a situation where one person is moving out and the other remains. For example, particularly in today’s world of increased banking regulations, it becomes difficult, if not impossible, to have one party’s name removed from a mortgage or deed. The typical outcome in the traditional adversarial divorce proceeding is the court mandates the sale of the house, the mortgage(s) is paid, and the parties split any equity that remains. However, in mediation, taking into consideration the interests of both parties, an outcome can be formulated.

I recently mediated a case where the wife wanted to stay in the house but the husband did not want his name to remain on the mortgage. We talked about possibilities and came up with an agreement where the wife would stay in the house for two years, at which time she agreed to sell. The husband agreed to keep his name on the mortgage as long as the wife did not miss any monthly payments. The interests of both parties were met even in a situation where the divorce was finalized.

The Third Session—Spousal and Child Support: Although there is no mathematical formula for spousal support (alimony), there is one when calculating child support.

(Interestingly, the courts reason that child support cannot be waived because it is the right of a third party—the child.) Alimony is an amount determined by various standards within state regulations and court rulings. During mediation, the parties can agree to these factors to discuss and determine amounts and duration, when applicable. I have mediated cases were couples are creative and found ways to offset amounts with one-time payments, alternate visitation schedules to assist with costs, factor in anticipated year-end work bonuses, etc.

Finalization: When all the variables are in place and the couple has reached an agreement, I will draft what is called a Memorandum of Understanding. This document is then converted into a Final Settlement Agreement that is filed at the courthouse. Some couples choose to file the agreement on their own (pro se filing), or a review attorney(s) can file it for them.

Shortly after the agreement is filed, the court will return an order, and the divorce will be complete. I also request the parties include language in the final agreement saying they will always try to settle any future disputes by using mediation first.

John Millett is a lawyer and small business owner. He earned his J.D. at Loyola University School of Law. John also received a B.A. With Honors from Rutgers University and an A.A. from Brookdale Community College. John has been a court-appointed R 1-40 mediator for 10 years and has mediated dozens of divorce cases as well as business disputes, both within the courts and through his private practice. He is a member of the Pennsylvania Council of Professional Mediators and the New Jersey Association of Professional Mediators and has experience as a mediator in government and for pro bono citizens’ groups.

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