



The Mediation Source



Beyond Litigation

The Mediation Source's Pathway for Attorneys

Introduction

At The Mediation Source, we've seen how divorce mediation can be a life-changing experience for our clients, leading to quicker and more cost-effective resolutions — and providing a happier, healthier starting point for the next chapter in their lives.

But divorce mediation may not only be the right choice for clients; it could be the right choice for you, too. In this guide, we will explore becoming a divorce mediator, including primers on what mediation is, why it is a valuable option for dispute resolution, what skills mediators bring to the negotiating table, and the benefits of working with The Mediation Source — including a steady schedule, predictable income, and back-office support so that you can focus on your clients.

As family law attorneys, we have all seen it: the long, arduous, painful, and expensive process of litigating a divorce.

We have seen the acrimony, the doubling-down, the adversarial attitudes that end up pitting not only clients, but lawyers and entire legal teams against each other. We've felt the long days, experienced the frustration of rapid turnover in our offices and the daily slog of overburdened judges and backlogged courts. And in the end, we have struggled to chase down receivables and be properly paid for our hard work. We advocate for people in one of the most difficult and emotionally fraught experiences of their lives — and as much as we are moved to help our clients, we know there could be a better way.

Becoming a mediator with The Mediation Source and freeing yourself from litigation allows you to set your own schedule, determine from the outset which cases you want to work on, and means the court system no longer dictates your personal time.

The Mediation Source offers an online platform dedicated to mediators and clients that don't want to get stuck in the bottleneck that exists in many courts.

Our training program, monthly meetings with colleagues, and continuing education can help you start your own mediation business. Or, you can work with The Mediation Source, and allow our online platform to make mediation itself your entire focus.

The Mediation Source has a three-tier flat rate structure, as well as an hourly billing option for more complex cases. Our back-office support means that everything from the initial consultation, scheduling forms, and the collection of fees to sending out Zoom links and data collection documents is done by us. As a mediator with The Mediation Source, you simply need to read the case file, do your pre-work, and log in to the session — everything else is taken care of for you.

The COVID pandemic demonstrated the viability of remote legal proceedings and mediations, and inspired The Mediation Solution's founders to create a mediation solution that can help clients — and attorneys — across the country.

Read on to discover if becoming a mediator is the right path for you.

Mediation with The Mediation Source

Our Seven Step Mediation Process

While all mediations are as unique as their clients' situations, they do share seven general steps in common. From the initial consultation to the court's sign-off, these are the steps of our process that you will guide clients through as a mediator with The Mediation Source. And if you work directly with The Mediation Source as one of our mediators, our back office support will handle steps one through three.

Step 1: Initial Consultation: During this free consultation, you will meet with the potential clients and explain the mediation process to them. This will also be your opportunity to learn about their divorce and disputes, and assess several important factors that can help determine if mediation is right for them.

If you work for The Mediation Source, we will send you a steady flow of clients for predictable income.

Step 2: Orientation and Agreement to Mediate: If you and your clients decide to move forward, the next step is orientation. During the orientation, you will lay out in greater detail the mediation process — including what roles and responsibilities both parties will be expected to take on. If everyone is ready to proceed post orientation, the parties will sign an Agreement to Mediate, pledging to use the mediation process to find the solution that works for both of them.

The Mediation Source handles orientation and the drafting of Agreements to Mediate for our mediators.

Step 3: Information Gathering: In this crucial step, you will help clients with gathering all of the information they will need to mediate properly. Bank statements, tax returns, mortgage documents, credit card statements, investment portfolios, retirement account statements, and any evidence of personal loans or debts — all of these come together to paint a thorough picture of each client's financial situation.

As a mediators for The Mediation Source, our support can remove the burden of this onerous — but crucial — process.

Step 4: Joint Sessions: This is the heart of mediation. During joint sessions, both parties will meet to negotiate different aspects of their divorce, including child custody, spousal support, division of assets, and any other concerns which need to be hammered out.

Step 5: Drafting a Term Sheet: After you have successfully mediated a case, you will draft a divorce agreement that outlines the agreements the parties came to, making sure that it is acceptable to both and follows all applicable legal requirements.

Step 6: Legal Review and Finalization: In this step, The Mediation Source encourages both parties to have their divorce agreement reviewed by their own personal lawyers. This ensures that all parties fully understand the legal implications of the agreement.

Step 7: Court Submission and Final Decree: Finally, the divorce agreement is submitted to the court for approval, after which the court will issue a final decree, making the divorce official. This process is performed by the clients' respective attorney.

What are the Benefits of Divorce Mediation?

To better understand why becoming a mediator with The Mediation Source can be a rewarding career, it helps to understand the benefits of mediation for your clients. In this section, we will outline how your potential clients can be better served by mediation than litigation.

Cost-Effective: Courtroom battles can be expensive. Legal fees, court costs, and other related expenses can quickly add up over the course of litigation. By contrast, mediation is often more cost-effective, avoiding these expenses.

Time-Efficient: Mediation typically moves faster than litigation. By replacing a slog through the courts with productive joint sessions presided over by you, clients can reach agreements more efficiently, making for a quicker resolution.

Empowerment and Control: Proper mediation means you ensure that both parties are empowered to make their wants and needs known, and both parties are active participants in the decision-making process. By contrast, a litigated divorce means the court will have the final decision — and clients will have less control over the outcome.

Confidentiality: Mediation is a confidential process, keeping the final terms of agreement from the public eye and allowing for a discrete divorce. A litigated divorce, however, can make the resolution public record.

Preserving Relationships: Because mediation is based on cooperation, it can help maintain relationships even during emotionally charged times. The communication and compromise that a mediator facilitates can mean a more amicable relationship after the divorce.

Customized Solutions: As mediator, you have the ability to create customized and creative solutions to whatever the situation demands. This flexibility is especially useful in difficult circumstances like child custody battles, and relies on you to make sure everyone can agree at the end — which sometimes can mean coloring outside the lines.

Reduced Emotional Stress: The collaborative environment you will foster as a mediator often means less emotional stress for the clients. By working together to come to a solution, mediators ensure the process is less adversarial than a litigated divorce, making for a positive and constructive environment during a difficult time.

What Makes a Great Mediator?

In this section, we will outline the qualities that successful mediators have. With this information, you can better decide if you're a good candidate for the professional training and continuing education The Mediation Source provides.

Impartiality is Key: As mediator, your job is not to advocate for one client's position, like you would as an attorney. Instead, you must remain impartial, taking pains to ensure an unbiased environment where both parties can feel like they can speak about their interests and concerns candidly. This neutrality fosters an atmosphere of transparency and trust conducive to compromise.

Communication Skills: Mediation is, by definition, about communication. A mediator must have strong communication skills and the capability to steer emotionally fraught moments into productive ones. Facilitating conversation, encouraging open dialogue, and making sure both parties feel equally heard are all the hallmarks of a strong communicator — and keys to a successful mediation.

Providing Guidance and Support: As lawyers, we've seen firsthand the complexities of the legal system. As a mediator, you must be able to help guide someone through these technical aspects of their divorce, ensure each party knows their rights and responsibilities, and make sure documentation is in order.

But legal guidance is not enough — we've also seen firsthand the deep mental, emotional, and physical toll a divorce can have on a client. The capacity to provide mental and emotional support while remaining impartial is an important skill unique to mediation.

Ad Hoc Approaches: Every divorce is different; they all have their own details and complexities, from the dynamic between the partners to the details of their life together — child custody to determine, assets to divide, pain points to resolve. Because every case is unique, that means a mediator must be comfortable with making every approach unique as well. The ability to adjust your approach and incorporate all elements will be critical to resolving any party's problems.

Resolving Conflict: Divorce is often rife with conflict. A mediator's ability to bring down the temperature in a room — to diffuse tension and find the common ground to build an agreement upon — is at the core of ensuring the benefits of mediation are actually felt.

The Mediation Source and You

If those skills sound solidly in your wheelhouse and you are interested in leaving the acrimonious world of litigation, The Mediation Source can provide you with everything you need to become a mediator — whether you want to hang your own shingle or become a mediator with The Mediation Source.

It Begins with Training

Your path to a new career begins with a free initial training course through The Mediation Source's online platform. In this program, our founders will teach you the basics of mediation, including four key tenets that turn attorneys into mediators. Monthly meetings through The Mediation Source's platform allow you to share best practices and troubleshoot with fellow mediators, creating a community to more effectively help clients — and you.

The following four principles are keys for transitioning from lawyer to mediator. When you train with The Mediation Source, you will learn how to:

Shift from Litigation to Mediation: The shift in mindset isn't easy — as a litigator, you were used to advocating hard for a position, fighting for what was right for your client. But as a mediator, the goal is to bring forth a fair resolution for all parties involved.

Build Rapport and Trust: There are no adversaries in mediation. By building rapport with both parties, you can ensure trust and transparency.

Identify the Issues: Identifying issues as a mediator is a bit different than the issue spotting you learned in law school. Mediators need to listen deeply to their clients and figure out what each party's pain points are. Is having the child spend nights at theirs the primary concern of a client? Making that happen could be how you get them to yes. Identifying crucial pain points is the first step to solving them.

Be the Hero: It is important for clients to see the mediator as their hero; someone who will come in, take an incredibly painful and difficult situation, and help to make it better for everyone involved. By presenting yourself as the solution to ending their pain, you can inspire the buy-in all compromise requires.

How to Reach an Agreement: When all other conditions are met, the final part — and entire point — of mediation is learning how to reach an agreement all parties can agree to.

Working with The Mediation Source

Armed with a deeper understanding of how to become a mediator, you can incorporate mediation into your current practice or strike out on your own. There is another option, however — working with The Mediation Source.

Becoming a mediator with The Mediation Source means you will not only have access to training, monthly meetups, and continuing education through the online platform, but also all the back-office support you need to be a mediator — no administrative work is required. When you become a mediator with The Mediation Source, you will have access to the following services.

Intake and Scheduling Support: Let The Mediation Source send clients to you. The Mediation Source does the work of identifying potential cases, assisting with intake forms, and helping to schedule sessions, letting you focus on running the mediation itself.

Information Gathering Support: The Mediation Source will support you during this process, helping remove some of the burden of this critical step.

A Defined Pay Structure: Mediators at The Mediation Source can use our already-defined pay structure, making getting the right price for everyone easy. A three-tiered system — based on the complexity of the case — offers flat rates to clients, while the most difficult divorces can be billed hourly.

Getting Paid: The Mediation Source will collect payment from clients and your payment will come directly from The Mediation Source, meaning steady and dependable income without needing to chase down delinquent bills.

Your Future in Mediation

The Mediation Source provides everything you need to move from lawyer to mediator, and from combative litigation to constructive mediation — whether you decide to use our online training, continuing education, and monthly mediator meetings to help build a practice of your own, or become a mediator for us.

Meet our Founding Partners

The Mediation Source was founded by people who have been in your shoes — family lawyers who built successful practices, but saw firsthand how damaging divorce litigation can be for everyone involved.

Tanya L. Freeman

Inspired by the true difference she could make in the lives of families thanks to her unique background in law, finance, and negotiation, Tanya L. Freeman turned her talents to family law after spending over a decade in the banking and insurance industries.

After graduating law school she began her second career, building a \$2 million practice in less than a decade.

Tanya is the Managing Partner of the Family Law Practice Group at Callagy Law, where her dynamic and dedicated team of seasoned litigators and negotiators advocate for their clients in all aspects of family law.

She spends as much time as she can giving back to her communities, both professional and personal. She has lectured on legal issues — including child custody, support, and relocation law — to her fellow New Jersey colleagues, and was appointed Chair of the Board of Directors for University Hospital in Newark, New Jersey by the governor in 2018. Tanya also serves on the Board of the Independent Colleges and Universities of New Jersey, a non-profit dedicated to building synergy amongst the Garden State's independent universities and advocating for students. She is especially proud to be on the advisory board of her undergraduate alma mater, Caldwell University.

Tanya graduated cum laude from the Jacob D. Fuchsberg Law Center at Touro College and has completed the Harvard Law School Mediation and Conflict Management program.

Shelley D. Albert

Shelley D. Albert began her career as an Assistant District Attorney in the Manhattan District Attorney's Office, prosecuting hundreds of felony cases across a wide variety of crimes — from fraud and robbery to sex crimes and homicides. She has focused her legal practice on family and criminal law since 1995, including domestic violence, international disputes, and Title IX cases.

She is a member of the New Jersey, New York, and Pennsylvania bars, and serves as a mentor to young attorneys. She volunteers with Northeast New Jersey Legal Services of New Jersey, a non-profit law firm that offers civil services to underserved communities. She has made frequent guest appearances on television networks, and served as a Yale Mock Trial Competition judge.

Shelley received her B.A. cum laude and her law degree from Philadelphia's Temple University, and has completed the Harvard Law School Mediation and Conflict Management program.

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