

## Deal or No Deal? How Courts Help to Settle Your Divorce Case

Jan L. Bernstein, Esq.

A trial is the final stage in the divorce process. However, only a small fraction of divorce cases in New Jersey end in trial. The vast majority of divorce matters are settled amicably between the parties either before a complaint for divorce is filed or during the course of divorce litigation. The New Jersey family court system has adopted mandatory settlement programs to assist divorce litigants in achieving a settlement. These settlement programs, known as the Early Settlement Panel (“ESP”), Economic Mediation, and Intensive Settlement Conference (“ISC”) are designed to encourage you and your spouse to “come to the table” to attempt to resolve the financial aspects of your case, such as equitable distribution of marital property and support, without the need for a trial.

**Early Settlement Panel (“ESP”):** The Early Settlement Panel is the first court-sponsored settlement program and it takes place in the courthouse. The court assigns your case a court date and two experienced family law attorneys who volunteer as panelists. Prior to the court date, you and your attorney submit an Early Settlement Panel Statement which outlines your positions for settlement to the panelists and your spouse. Your spouse will do the same. On your ESP court date, the attorneys sit with panelists, present your respective settlement positions and answer any questions. At the conclusion, the panelists ask you and your spouse to enter the conference and offer non-binding and confidential recommendations of how they would resolve your case based on their experience. If you and your spouse are able to agree to a settlement, you may be able to conclude your matter at that time by placing your settlement on the record or by entering into a written settlement agreement.

**Economic Mediation:** If you do not reach settlement at ESP, you and your spouse will proceed to Economic Mediation. Your respective attorneys select a mutually agreed-upon Economic Mediator. An Economic Mediator is an experienced matrimonial attorney who has completed forty hours of mediation training. However, you and your spouse may request and be referred to economic mediation at any time during your divorce litigation. Economic mediation usually occurs in the mediator’s office but can also be conducted in either your or your spouses attorney’s office. Prior to economic mediation, your respective attorneys submit your ESP Statements to the mediator. The mediator volunteers approximately two hours

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*Ms. Bernstein is a Member of Sills Cummis & Gross and chairs the Firm’s Family Law Practice Group. She can be reached at [jbernstein@sillscummis.com](mailto:jbernstein@sillscummis.com) | (973) 643-5866.*

of time to help you and your spouse reach a resolution of your open issues. Economic mediators can meet with both parties and counsel together or, sometimes place you and your spouse in separate rooms and caucus back and forth with settlement positions. If, at the end of economic mediation, your case has still not settled, your attorney or the mediator will advise the court that you were unable to reach a settlement. The court will likely schedule an in-court settlement conference known as Intensive Settlement Conference.

**Intensive Settlement Conference (“ISC”):** The Intensive Settlement Conference is conducted by the Judge who is assigned to your matter. During the ISC, the Judge will conduct an informal conference, usually in chambers, with your and your spouse’s counsel. The Judge may assist you through counsel to arrive at a settlement. If a settlement cannot be reached, the Judge schedules your case for trial. However, you and your spouse can continue to work together to achieve a settlement at any time between your trial date.

These settlement programs assist many parties in reaching a resolution of their case. The experienced matrimonial attorneys at Sills Cummis & Gross P.C. appear and represent clients throughout every stage of divorce litigation process, including the court-sponsored settlement programs. Our attorneys serve as Early Settlement Panelists in Morris, Essex and Passaic Counties and Member of the Firm, Jennifer Lazor, Esq. is a qualified family law mediator who can assist you and your spouse during court-ordered mediation or at any stage in your settlement negotiations. Please contact an attorney at Sills Cummis & Gross P.C. for a consultation.