



A Guide to Alternative Dispute Resolution

Mediation Arbitration



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Maribeth Blessing is a Family Law Practitioner, Litigator & Advanced Practitioner in Mediation with full service law offices serving Montgomery, Bucks, Chester, and Philadelphia Counties. Her affiliations and accomplishments:

- Advanced Practitioner – Association for Conflict Resolution
- Pennsylvania Council of Mediators
- Montgomery County Mediation Advisory Panel and Supervisory Mediator
- Council Member of Pennsylvania Bar Association Family Law Section
- Mediator for Montgomery Bar Horace Davenport Mediation Center
- Liaison for PBA Children’s Rights Committee and PBA Family Law Section
- Legislative Committee Member – PBA Family Law Section and Children’s Rights Committees
- Montgomery Bar Chair of Continuing Legal Education Committee
- Former Chair & Member of Montgomery Bar Family Law Section and various subcommittees
- Member of Montgomery Bar Trial Lawyers Section
- Member of Montgomery Bar Alternative Dispute Resolution Committee
- Former President of Doris Jonas Freed Inn of Court and continuing Executive Committee Counsel
- Author and Lecturer of Continuing Legal Educations Programs for the Pennsylvania Bar Institute and the Montgomery County Bar Association.
- Member of Collaborative Family Law Affiliates



What to expect from Mediation

Mediation is a voluntary alternative dispute resolution process which places the power of decision in the hands of the participants. During your first mediation session, you will receive an orientation into the mediation process, set forth your goals for mediation, and determine the scope of mediation and issues for discussion. Both parties should bring to the table with them an idea of what they would like to see as the outcome, a list of current issues, supporting documentation and an open mind. The mediator’s role is to guide you through the process and ensure that you are able to have meaningful and informative discussions related to the issues of concern. When participating in a divorce or support or custody mediation, it is important that you disclose all individual and joint assets, liabilities & income, and all related information to the issues. Failure to do so will impede the potential success of the mediation and may result in the termination of the process by the Mediator.

What to expect from Arbitration

Arbitration requires an independent third party to make a binding decision for you. At a trial, you will present evidence and that are relevant to the issue(s). It is highly recommended that you have an attorney to represent you in this process. Arbitration provides privacy for the parties and continuity of the proceedings. You are still required to adhere to the Rules of Evidence. Any decision(s) that are made will be presented to a judge for the entry of a final order. This order may be enforced by the courts. There is no appeal process absent fraud or misconduct.

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Mediation vs. Arbitration

Which one is right for me?

Do you meet the following criteria?

1. Is there a basis for communication between the parties?
2. Do both parties want to facilitate an ongoing amicable relationship?
3. Do the parties wish to reach an agreement that they control?
4. Do one or both parties have access to and will produce documentation related to the marital assets and debts?

If you answered yes to all of these questions, then mediation may be your preferred alternative dispute resolution process. In mediation, through the facilitation of a Mediator, both parties work together to come to a solution.

Do any of these situations apply to you?

1. Do you want someone else to make these decisions for you regarding issues related to a divorce?
2. Are there complicated issues of law or fact?
3. Are you looking for an expedited procedure wherein you can be fully represented by Counsel advocating your interests and rights?
4. Is privacy a concern for you or your spouse?

If these questions apply to your situation, then Arbitration may be your chosen alternative dispute resolution forum. Arbitration will use a third party to make the decisions for you and will make sure both sides are heard.

“A Divorce or Settlement without ‘War’”

Family Law Mediation is where parties meet on even ground to discuss issues pertaining to parenting and financial matters and reach amicable resolutions without a long drawn out court battle. The process generally is economically beneficial to the parties and avoids the expense and the trauma of fragmented litigation. Lawyers are recommended for the purpose of legal advice and guidance and to process the necessary divorce papers. Parties are responsible for the payment of the Mediator’s fees.

Family Law Mediation topics include:

- Custody (Parenting) & Support issues
- Divorce Agreements
- Equitable Distribution of property; assets/debt
- Post-Divorce Issues
- Pre-Nuptial Agreements
- Separation Agreements

It is important to remember that in mediation *there is no winner or loser*. The goal is to voluntarily settle a dispute without the need to go to court. Mediation may be inappropriate:

- If there is ongoing physical abuse.
- If any party involved wishes to set a legal precedent.
- If either party cannot negotiate for themselves, even with legal assistance.

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Although concentrating in Family Mediation, mediation services are provided for other types of disputes including but not limited to: employment and business disputes (sole proprietor, partnership or corporate), neighborhood disputes, education disputes, and interfamily disputes.

Family Law Arbitration is where the parties involved typically retain lawyers, and present evidence and witnesses in a trial setting to resolve a dispute. *An arbitrator will prepare a final decision and issue an award* based on the facts and the application of the law to the facts at hand. The arbitrator’s decision will then be submitted to a Judge for the entry of a final binding Order which is non-appealable, except for instances of fraud or misconduct. Any awards issued using arbitration, since they are legally binding, may be enforced by the court. This process may be less costly and faster than going through litigation, as well as offering a more informal & private environment. The arbitrator will typically set forth a binding discovery schedule, and schedule a trial on all issues on a consecutive day basis, if more than one day is needed. Pre-trial Memorandums and/or Post-trial Memorandums may be required of Counsel. A Court Reporter may or may not be present at the trial depending on the agreed upon scope of the Arbitration set forth in an Arbitration Agreement. The parties are responsible for the payment of the Arbitrator’s fees and/or the Court Reporter, if one is utilized.

Family Law Arbitration can be used to resolve issues such as:

- Custody & Support Issues
- Divorce
- Equitable Distribution of Property
- Special Relief Issues

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