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Millennials And The Benefits Of Mediating Prenuptial Agreements

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South Shore Divorce Mediator Carmela Miraglia explores how millennial spouses can benefit by mediating their prenuptial agreements.



A recent article in The New York Times discussed the rise of prenuptial agreements, especially in the millennial crowd. The article offered useful information and a host of tips for starting the preup process, with one that stuck out: the value of getting started early. What caught my

attention, though, was how the article failed to consider the process of [mediation](#) for a prenuptial agreement – and why mediation is better option than hiring attorneys.

The New York Times Covers Prenuptial Agreements

On July 6, The New York Times ran an article in their Smarter Living section: [The Rise of the Millennial Prenup](#). The main point of the article was simple: Millennials are signing prenuptial agreements at a rate far higher than their predecessors. The article ventured to guess at some reasons why:

- Millennials are getting married later in life, so they have more assets to protect
- Women today are earning / contributing more to the parties' combined income, providing an incentive for each spouse to pursue a prenuptial agreement
- Many millennials experienced their parents' divorce, and understand the value of avoiding confrontation and preparing for the possibility

The piece offered suggestions for how to best approach a prenuptial agreement. However, while the article discussed how costly the process could be, it neglected the alternative - [mediating a prenuptial agreement](#), rather than hiring attorneys to draft the document. Hiring divorce attorneys to prepare a prenup can be a costly proposition. (Indeed, the article encourages spouses to start the process early, something that can increase the total of hourly fees and the cost of a prenup even more.)

The Missing Piece: Mediating a Prenup

Mediation is an especially powerful and useful tool in resolving disputes that are not [emotionally contentious](#), or in which neither side is actively trying to get more than the other. This makes mediation the perfect vehicle for crafting a prenuptial agreement. Far better, in fact, than hiring attorneys who frequently bring [overly-aggressive advocacy](#) to the table and change [the atmosphere from collaborative to adversarial](#).

Additionally, *starting the process early*—broaching the conversation well before the wedding is on the horizon, to prevent anyone from feeling like they are being rushed into an agreement—can make it an expensive venture. Family law attorneys frequently charge hourly rates to negotiate and formalize a prenuptial agreement, and getting an early start on the process will lead to more negotiation sessions and higher fees. Mediation can help on this front, as well. Engaged couples who hire attorneys to consult with for their prenup should each hire their own lawyer, or risk being taken advantage of during the negotiations. However, if they pursue mediation to create the agreement, each spouse-to-be would split the cost of a single mediator, who charges a significantly lower fee, while still maintaining a level playing field. Mediation can help to keep the focus of the prenuptial agreement on the parties' married future, rather than on protecting the parties' current interests at the expense of it.



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Carmela is a divorce mediator and mediation coach for South Shore Divorce Mediation, with offices in Hingham, Massachusetts and East Sandwich, Massachusetts. She is also a Senior Associate Attorney for Lynch & Owens, P.C., where she specializes in divorce and family law issues. Carmela is a statutory mediator under M.G.L. Ch. 233, s. 23C and a proud member of the Massachusetts Council on Family Mediation. To read more from Carmela Miraglia, check out [her author page on the Lynch & Owens Blog](#). Disclaimer: The information you obtain at this site is not, nor is it intended to be, legal advice. You should meet with an attorney for advice regarding your individual situation. You are invited to contact our office. Contacting the office does not create an attorney-client or mediator-client relationship. Please do not send any confidential information to the office until such time as an attorney-client or

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