



Resolving More Than Disputes



Steve Mignogna
Partner

The human element is particularly important, because there are limits to what litigation can accomplish. A judge can decide the legal questions in front of the court, but a court ruling can't erase decades of family history.

When Steve Mignogna began handling estate and trust disputes at Archer & Greiner, it was hardly a major practice area. Only one or two attorneys at the firm were doing the work, and even then, it was just one small part of what they did.

A few decades later, the picture is very different.

"Over the years, we went from a couple of people handling these cases here and there to a large regional practice dealing with estates from every angle – planning, administration and litigation," says Mignogna, a partner at Archer & Greiner.

Mignogna has grown along with it. Today, the Archer & Greiner partner focuses primarily on estate and trust litigation. And after years spent navigating disputes that can involve as much family history and emotion as they do legal questions, another part of his practice developed naturally: clients now come to him for mediation. That progression recently became official – as of this month, he serves as the firm's Alternative Dispute Resolution Practice Group Leader.

The connection makes sense. Estate litigation frequently puts Mignogna in the middle of deeply personal disagreements – siblings at odds with one another, children from a previous marriage in conflict with a surviving spouse, or family members carry-

ing resentments that may have been building for years.

"You just learn to read people," he says. "That comes with life. I always say that our practice is like divorce because while one part of our representation is for financial institutions, which are objective and analytical, the other side is family disputes. And that can become like a divorce, where you have family members fighting with each other and there's a lot of emotion, a lot of history."

That experience taught Mignogna that winning a legal argument isn't always the only – or even the best – measure of a successful outcome. Especially when families are involved, there can be real value in finding a resolution before a dispute becomes even more entrenched.

"As I did litigation, I realized that, especially for family disputes, resolving things – or trying to resolve them – at the early stages made sense," says Mignogna. "So I developed the practice of recommending that the parties meet with a good mediator early on. I never did that out of any sense of lack of conviction or confidence. It just made sense, especially in family disputes. The emotions can exacerbate the matter and make the issues harder to resolve, and counsel fees and costs go up."

Over time, recommending mediation

led naturally to Mignogna becoming a mediator himself. His approach draws heavily on what he has learned from decades of representing clients: Before you can help people find common ground, you have to understand what brought them to the dispute in the first place.

“If you want to convince people that it makes sense to settle their case, you need to understand where they’re coming from,” he says. “You can’t just go in and, in two minutes, say, ‘Okay, let’s figure out the best way to settle your case.’ You have to get to know what their goals are, what they’re interested in, what their background is.”

That human element is particularly important, he says, because there are limits to what litigation can accomplish. A judge can decide the legal questions in front of the court, but a court ruling can’t erase decades of family history.

“A lot of times, people end up spending a lot of time and money and feeling very disappointed because the judicial process can’t solve everything,” says Mignogna. “It can’t make people get along. It can’t make family members like each other.”

Mignogna has also watched the nature and frequency of estate disputes change over the course of his career. He points in part to increasingly complicated family structures, where second marriages and blended families can bring long-standing tensions to the surface after someone dies.

“A very common context is that the children from a prior marriage are against the surviving spouse of the person who passed away,” he says. “There might have been resentment built up over the years between those two camps, and that breaks loose once the person in the middle of it passes away.”

At the same time, he says, people are more inclined to question decisions involving an estate than they might have been a generation ago. The result is a field that has become considerably more active and specialized since Mignogna first began practicing – and one where experience with both the law and the complicated relationships behind a dispute has become increasingly valuable.

“A mediator can come up with remedies that aren’t necessarily available in court, and the matter can be kept private rather than going through a public vetting of family disharmony,” he adds. ■

A career rooted in South Jersey

For all the geographic reach of Mignogna’s practice, his career has remained firmly anchored in South Jersey. He grew up in the area, attended Rutgers Law and joined Archer & Greiner after working at the firm during law school. Looking back, he once realized that, with the exception of college, virtually every school and job in his life had been in South Jersey.

That wasn’t necessarily the result of some carefully mapped-out career plan. It was simply home.

“I think for many people, if they spend their whole life growing up in a certain area, it’s natural for them to stay rooted there,” he says. “And we’re fortunate to have so much opportunity right here. I’ve been able to build a wide-ranging practice without ever having to leave the South Jersey community I’ve always considered home.”



archerlaw.com

856-795-2121

1025 Laurel Oak Road, Voorhees, NJ

