

DIVORCE PROCESS OPTIONS



	Mediation	Collaborative Law	Litigation
Who Controls the Process	You and your spouse control the process and make all decisions.	You and your spouse control the process and make most decisions.	Judge and attorneys control process and make final decisions.
Degree of Adversity	You and your spouse work together in good faith with mutual respect and openness.	You and your spouse pledge mutual respect and openness.	Court process is based on an adversarial system.
Cost	Cost is less in most cases. Parties share the cost of using one professional to guide them in their decision-making process. Use of attorneys is limited.	Costs are manageable, usually less expensive than litigation; team model is financially efficient in use of experts.	High cost of retainers prior to beginning case. Costs are unpredictable and can escalate rapidly with attorney fees and court time, including frequency of post-judgment litigation.
Timetable	You and your spouse create the timetable. Mediation can take as little as a few weeks to complete.	You and your spouse create the timetable. Time table depends on professionals availability.	Judge sets the timetable; often delays with crowded court calendars; may take years.
Use of Outside Experts	Parties can choose to use jointly retained outside experts to provide information to help them make fully informed decisions.	Jointly retained specialists provide information and guidance helping you and your spouse develop informed, mutually beneficial solutions.	Separate experts are hired to support the litigants' positions, often at great expense to each person.
Involvement of Attorneys	Parties encouraged to consult with attorneys. Attorneys prepare legal documents at the end of the process.	Your attorneys work toward a mutually created settlement.	Attorneys fight to win their case, but there are no winners.
Privacy	The process and discussion/negotiation details are kept private.	The process and discussion or negotiation details are kept private.	Dispute becomes a matter of public record and, sometimes, media attention.
Facilitation of Communication	The mediator will educate and assist you and your spouse on how to effectively communicate with each other.	Team of collaborative practice specialists educate and assist you and your spouse on how to effectively communicate with each other.	Not a process designed to facilitate communication between the parties.
Voluntary vs. Mandatory	Voluntary	Voluntary	Mandatory if no agreement.
Lines of Communication	You and your spouse communicate directly with each other and the mediator facilitating the conversation.	You and your spouse communicate directly with the collaborative team.	You and your spouse negotiate through your lawyers.
Court Involvement	Outside court	Outside court	Court-based

