

Divorce: Collaborative vs. Mediation vs. Litigation

	<i>Collaborative</i>	<i>Mediation</i>	<i>Litigation</i>
Who Controls the Process?	You & your spouse control the process & make final decisions	You & your spouse control the pace of the process	Judge controls the process & makes final decisions
Degree of Adversity	You & your spouse pledge mutual respect & openness	You & your spouse pledge respect & openness	Court process is based on an adversarial system
Cost	Manageable. Usually less expensive than litigation.	Manageable. Usually less expensive than litigation.	Unpredictable and can escalate quickly.
Timetable	Clients create the timetable.	Clients create the timetable.	Judge sets timetable. Can experience frequent delays
Use of Outside Experts	Jointly retained. Provide information and guidance to aid in making informed and mutually beneficial decisions	May include a financial expert for complicated financial situations.	Experts can be hired to support the litigants position. Often costly.
Involvement of Lawyers	Lawyers work toward a mutually created settlement.	No legal advice in the room. If lawyers involved, advise between meetings.	Lawyers fight to win.
Privacy	The process, discussions, & negotiation are all private.	Confidential process	Dispute becomes a matter of public record.
Facilitation of Communication	Collaborative Professionals educate and assist you both on how to effectively communicate	Mediator facilitates the conversation and helps clients find agreement.	No process designed to facilitate communication
Lines of Communication	Clients communicate directly with assistance of the team of professionals.	You & your spouse pledge respect & openness	Clients negotiate through the lawyers
Disclosures	Full disclosure, full transparency.	No obligations regarding disclosure	Certain disclosures are required.

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