

Divorce: Collaborative vs. Litigation

| | Collaborative | Litigation |
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| <i>Who Controls the Process</i> | You and your spouse control the process and make final decisions | Judge controls process and makes final decisions |
| <i>Degree of Adversity</i> | You and your spouse pledge mutual respect and openness | Court process is based on an adversarial system |
| <i>Cost</i> | Costs are manageable, usually less expensive than litigation; team model is financially efficient in use of experts | Costs are unpredictable and can escalate rapidly including frequency of post-judgment litigation |
| <i>Timetable</i> | You and your spouse create the timetable | Judge sets the timetable; often delays given crowded court calendars |
| <i>Use of Outside Experts</i> | 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 |
| <i>Involvement of Lawyers</i> | Your lawyers work toward a mutually created settlement | Lawyers fight to win, but someone loses |
| <i>Privacy</i> | The process and discussion or negotiation details are kept private | Dispute becomes a matter of public record and, sometimes, media attention |
| <i>Facilitation of Communication</i> | Team of collaborative practice specialists educate and assist you and your spouse on how to effectively communicate with each other | No process designed to facilitate communication |
| <i>Voluntary vs. Mandatory</i> | Voluntary | Mandatory if no agreement |
| <i>Lines of Communication</i> | You and your spouse communicate directly with the assistance of members of your team | You and your spouse negotiate through your lawyers |
| <i>Court Involvement</i> | Outside court | Court-based |