

Divorce: Collaborative vs. Litigation

	Collaborative	Litigation
<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