



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 the 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 and with the assistance of members of your team.	You and your spouse negotiate through your lawyers.
<i>Court Involvement</i>	Outside court.	Court-based.