Divorce: Collaborative vs. Litigation

	Collaborative	*Litigation*
Who Controls the Process	You and your spouse control the process and make final decisions	Judge controls the process and makes final decisions
Degree of Adversity	You and your spouse pledge mutual respect and openness	Court process is based on an adversarial system
Cost	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
Timetable	You and your spouse create the timetable	Judge sets the timetable; often delays given crowded court
Use of Outside Experts	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
Involvement of Lawyers	Your lawyers work toward a mutually created settlement	Lawyers fight to win, but someone loses
Privacy	The process, discussion and negotiation details are kept private	Dispute becomes a matter of public record and, sometimes, media attention
Facilitation of Communication	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
Voluntary vs. Mandatory	Voluntary	Mandatory if no agreement
Lines of Communication	You and your spouse communicate directly with the assistance of members of your team	You and your spouse negotiate through your lawyers
Court Involvement	Outside court	Court-based