

Comparison Chart For Coming to Terms in the Divorce Process

	COLLABORATIVE LAW DIVORCE	FACILITATED MEDIATION	ADVERSARIAL NEGOTIATION	LITIGATION
Final Decision Makers	You and Your Spouse	You and Your Spouse	Clients and Attorneys	Judge for most decisions; jury for allowable issues
Average Timeline	6 months	5 months	8 months	1 year or more
Average Cost	Low to Moderate	Low to Moderate	Moderate to Expensive	Expensive to Very Expensive
Issues That May Be Addressed & Goals	Identifies and addresses specific concerns and interests of the parties. Goal is to meet the current and future needs of each family member.	May address any specific concerns and interests of the parties. Goal is to settle the terms in ways favorable to both parties.	The legal rights of each party are used as the template for resolution, so usually only issues that concern the State are agreed upon in contentious negotiations.	Only issues that concern the State using their limited knowledge of your family.
Duties and Involvement of Attorneys	Advocate for and guide peaceful negotiations and a mutually crated settlement; Employ team of jointly retained specialists where necessary for emotional support or financial guidance.	Issues are negotiated through a neutral mediator who may not advocate for either side. Parties retain independent counsel to review terms of the agreement.	Proceeds as if issues will be litigated, so the pre-trial process is the same as litigation (discovery, cross motions, hearings on those motions, etc.) before an agreement is reached “on the courthouse steps.”	Prepare for litigation: Each side procures expert witnesses, deposes witnesses, writes and files motions, attends hearings on motions; introduces evidence, calls witnesses including client, present arguments to the court, etc.
Privacy	Discussions are kept private. Each specialist has a duty to keep negotiations confidential.	Mediation discussions and negotiations private.	Public hearings on motions which become a matter of public record.	Public hearings which become a matter of public record.
Likelihood of post-divorce litigation	Very low Parties often feel very satisfied that they had control over the issues and the process, and thus arrived at the best solution possible for their family.	Low Parties are often more satisfied than litigation parties, but this process lacks the “team” support that the Collaborative process offers.	Moderate Sometimes parties feel “forced” into a last minute agreement and ruminate what the outcome would have been if they’d only had their day in court.	High to Very High Parties often feel as if the judge was either unsympathetic to their position, or just plain wrong, and want a second shot with another judge.
Post-Divorce Relationship	Allows parties to have an optimal post-divorce relationship since parties pledge mutual respect during the process setting the standard for future negotiations and airing dirty laundry is not required to “win.”	Usually allows the parties to have an amiable post-divorce relationship since the process models a resolution process for post-divorce issues.	Adversarial arguments can be traumatic and hurtful leaving the parties angry and sometimes bitter, which makes working together post-divorce difficult.	Testimony against spouse in open court, on the record in order to “win” often creates alienation and the inability to work together on post-divorce issues. “Winning” in this manner usually brings little overall satisfaction.
Potential Pitfalls	Does not work for all couples and failure of the process may lead to unprotected interests or litigation.	Interests and legal rights of all parties are not necessarily protected.	While the interests of all parties are usually protected, relational discord generally endures.	While the interests of all parties are usually protected, relational discord generally endures.