

## Comparison Chart For Coming to Terms in the Divorce Process

|   | COLLABORATIVE LAW DIVORCE  | FACILITATED MEDIATION   | ADVERSARIAL NEGOTIATION   | LITIGATION   |
|---|--|---|---|--|
| <b>Final Decision Makers</b>                    | You and Your Spouse  | You and Your Spouse   | Clients and Attorneys   | Judge for most decisions; jury for allowable issues  |
| <b>Average Timeline</b>                         | 6 months   | 5 months  | 8 months  | 1 year or more   |
| <b>Average Cost</b>                             | Low to Moderate  | Low to Moderate   | Moderate to Expensive   | Expensive to Very Expensive  |
| <b>Issues That May Be Addressed &amp; Goals</b> | 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.   |
| <b>Duties and Involvement of Attorneys</b>      | 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. |
| <b>Privacy</b>                                  | 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.  |
| <b>Likelihood of post-divorce litigation</b>    | Very low<br>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<br>Parties are often more satisfied than litigation parties, but this process lacks the “team” support that the Collaborative process offers.           | Moderate<br>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<br>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.  |
| <b>Post-Divorce Relationship</b>                | 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.   |
| <b>Potential Pitfalls</b>                       | 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.  |