

# Collaborative Family Law

	<b>Collaborative</b>	<b>Litigation</b>	<b>Mediation</b>
<b>Who Controls the Process</b>	Your collaborative team members control the process but you and your spouse make final decisions	Judge controls process and makes final decisions	You and your spouse control the process and make final decisions
<b>Who Controls the Outcome</b>	You and your spouse control the outcome and make final decisions	Judge makes the final decisions	You and your spouse control the outcome and make final decisions.
<b>Degree of Adversity</b>	You and your spouse pledge mutual respect and openness	Court process is based on an adversarial system	Cooperative process in a structured, non-adversarial environment that typically empowers you and your spouse
<b>Cost</b>	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	Costs are manageable, usually less expensive than litigation; financially efficient in use of experts as needed
<b>Timetable</b>	You and your spouse create the timetable	Judge sets the timetable; often delays given crowded court calendars	You and your spouse create the timetable
<b>Use of Outside Experts</b>	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	You and your spouse decide whether to retain specialists to provide information and guidance so that you are able to make informed, mutually beneficial solutions
<b>Involvement of Lawyers</b>	Your lawyers work toward a mutually created settlement	Lawyers fight to win, but someone loses	You and your spouse determine the extent that attorneys will be involved in the process
<b>Privacy</b>	The process and discussion or negotiation details are kept private	Dispute becomes a matter of public record and, sometimes, media attention	The process and discussion or negotiation details are kept private
<b>Facilitation of Communication</b>	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	Mediator facilitates the communication between you and your spouse so that you are able to effectively communicate with each other
<b>Voluntary vs. Mandatory</b>	Voluntary	Mandatory if no agreement	Voluntary
<b>Lines of Communication</b>	You and your spouse communicate directly with the assistance of members of your team	You and your spouse negotiate through your lawyers	Direct communication between you and your spouse is facilitated by a mediator
<b>Court Involvement</b>	Outside court	Court-based	Outside Court
<b>Post Decree Relationship</b>	You and your spouse control the outcome and therefore agreements usually meet your unique needs and are followed	You and your spouse do not control the outcome and therefore agreements may not meet your unique needs	You and your spouse control the outcome and therefore agreements usually meet your unique needs and are followed
<b>Post Decree Issues</b>	You and your spouse are normally prepared to deal with future issues by cooperation and direct communication rather than acrimony and litigation	Many times a litigated outcome reduces future cooperation and direct communication	You and your spouse are normally prepared to deal with future issues by cooperation and direct communication rather than acrimony and litigation