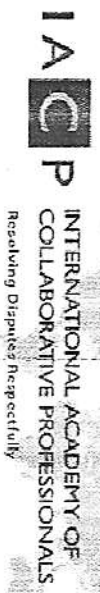


COURT OPTIONS: MEDIATION VS. COLLABORATIVE VS. LITIGATION

	<u>Mediation</u>	<u>Collaborative</u>	<u>Litigation</u>
<i>Who controls the process</i>	You and your spouse control the process with the assistance of the mediator	You and your spouse control the process with the assistance of your collaborative team	Judge controls process and makes final decision
<i>Degree of adversity</i>	The mediator attempts to reduce conflict between the parties	You and your spouse pledge mutual respect and openness	Court process is based on an adversarial system
<i>Cost</i>	Costs are usually less than the cost of litigation and mediation is paid for generally at the time of each session	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, depending upon the level of conflict
<i>Timetable</i>	You and your spouse create the timetable	You and your spouse create the timetable	Judge sets the timetable; often delays given crowded court calendars
<i>Use of Outside Experts</i>	Any experts would usually be retained by each party if needed	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>	Most mediators recommend that each party have a lawyer, however, most parties attend the mediation sessions without counsel	Your lawyers work toward a mutually created settlement which meets your goals	Lawyers advocate for their own client
<i>Privacy</i>	The process and mediation sessions are private	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>	The mediator works to assist the parties in communicating and reducing conflict	Team of collaborative practice specialists educate and assist you and your spouse on how to effectively communicate with each other	No process designated to facilitate communication
<i>Voluntary vs. mandatory</i>	Voluntary	Voluntary	Mandatory if no agreement
<i>Lines of Communication</i>	You and your spouse communicate directly with the assistance of a mediator	You and your spouse communicate directly with the assistance of members of your team	You and your spouse negotiate through your lawyers
<i>Court involvement</i>	Outside court	Outside court	Court-based

For more information, contact:



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