



VAN TASSEL LAW

Comparison of Divorce Options

The Issue:	Mediation	Collaborative Practice	Litigation
Who Controls the Process?	You and your spouse control the process and make final decisions	You and your spouse control the process and make final decisions	Attorneys control process and Judge makes final decisions if no agreement
Degree of Adversity	You and your spouse pledge mutual respect and openness	You and your spouse pledge mutual respect and openness	Court process is based on an adversarial system
Cost	Usually the least expensive model, but provides the least amount of professional support	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	You and your spouse create the timetable	Judge sets the timetable; often delays given crowded court calendars
Use of Outside Experts	Jointly retained specialists provide information and guidance helping you and your spouse develop informed, mutually beneficial solutions	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	Even if the mediator is a lawyer, he or she can not advocate for either party. Hiring outside attorneys as review counsel is generally recommended	You each retain lawyers who assist you in working toward a mutually created settlement	Lawyers fight to win, but someone often loses
Privacy	The process and discussion or negotiation details are kept private	The process and discussion or negotiation details are kept private	Dispute becomes a matter of public record and, sometimes, media attention
Facilitation of Communication	The skill of the mediator will determine how well communication is facilitated between you and your spouse	Team of collaborative 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 - process is outside of court	Voluntary - process is outside of court	Mandatory if no agreement
Lines of Communication	You and your spouse communicate directly with the assistance of the mediator	You and your spouse communicate directly with the assistance of members of your team	You and your spouse negotiate through your lawyers, often impairing communication with your spouse

Table based on IACP and other published comparisons.