

## Paradigm Shift

### **Litigation**

- A “win at all cost” system pits lawyer against lawyer, husband against wife.
- Continuing conflict aggravates existing painful emotions.
- Legal costs soar.
- As the conflict escalates, children suffer.
- Confidential financial and personal matters become public record and open to scrutiny.
- A judge divides property and establishes custodial provisions using standards that may not meet families’ particular needs.
- Negotiations all too often take place in crowded courthouses under intense pressure.
- Proceedings may be prolonged.
- Most of the cases settle, but only after damage has been done and substantial costs have been incurred.

### **Collaborative**

- Husbands and wives, assisted by trained attorneys, reach a settlement with minimal antagonism.
- A structured and controlled setting encourages trust and objectivity in the negotiations.
- Legal costs can be contained.
- Parties can protect children’s feelings and interests.
- Since there are no public hearings, confidentiality is more easily maintained.
- Attorneys and spouses can craft more creative property agreements and custodial arrangements.
- Negotiations occur in a neutral environment and on a timetable agreed upon by the parties.
- Agreements can be reached more efficiently.
- Parties agree to settle at the outset, in a process conducive to helping them heal and move forward.