

COMPARISON CHART

MEDIATION

COLLABORATIVE FAMILY LAW PROCESS

LITIGATION

CONTROL

You and your spouse choose the process, schedule appointments and decisions outside the court system. Mediation may also be court-referred if litigation has been initiated but then it is court controlled.

You and your spouse control the process, time, and decisions.

The judge controls the process and is the final decision maker.

PRIVACY

Both spouses meet with the mediator to negotiate a settlement. Mediation promotes less conflict with a focus on coming to a mutually beneficial agreement.

You and your spouse pledge civility, respect, and transparency.

The court system pits you as adversaries.

COST

The costs are more manageable since there are no court appearances and attorneys need not always be present.

Costs are managed by the parties. The process is typically considerably less costly than litigation. Efficiencies are maximized by the use of neutral experts.

Costs are unpredictable and increase rapidly, mostly outside any control of the parties. Guardian ad Litem and experts hired by both parties can greatly increase the costs.

TIMETABLE

Timing of the process is controlled by the parties unless court-referred. Court events may continue to be scheduled if part of litigation.

You and your spouse, with the assistance of the team, create the timetable.

The Court dictates the timetable. If you have complex issues, such as one spouse owns a business, it can take longer.

OUTSIDE EXPERTS

May still be needed but reports may be drafted for information, not court submission. Costs can be reduced.

You and your spouse jointly hire neutral experts for financial and child related matters.

Each party hires their own expert, whose job is partly to discredit the other expert.

PRIVACY

Usually in an office setting although some may take place at a court house.

Team meetings are conducted in the offices of the attorneys or experts. The final hearing is also held in an office with a private judge who is hired for this purpose.

The Court and courtrooms are open to the public.

VOLUNTARY VS MANDATORY

Voluntary

Voluntary

Mandatory. Once a party files for divorce, if you fail to engage in the litigation, the divorce will be granted in favor of the other party.

COMMUNICATION

Spouses communicate directly with a neutral mediator and spouses may or may not be represented by attorneys during the mediation. One spouse must engage an attorney after settlement reached to draft Agreement.

You and your spouse will communicate directly, with the assistance of team professionals.

Communication is conducted through attorneys.

COURT INVOLVEMENT

The Mediation process is conducted outside of the court.

The collaborative family law process is conducted outside of the court.

Divorce is litigated through the court system.