

Collaborative Divorce and Mediation Compared

Collaborative Divorce

- ✓ Don't need to go to court
- ✓ Each party represented by a lawyer
- ✓ No neutral third-party involved
- ✓ Legally binding settlement can be reached
- ✓ Can be less expensive than litigation*
- ✓ Can be faster than litigation*
- ✓ Good when parties could use an attorney's help to assert themselves
- ✓ Process more easily facilitates bringing in financial planners and other experts (e.g. child specialists)
- ✓ Litigation remains an option if agreement is not reached

Mediation

- ✓ Don't need to go to court
- ✓ Lawyers not required (although you should always have your own lawyer review a divorce settlement before you sign it)
- ✓ Neutral third party helps parties communicate
- ✓ Legally binding settlement can be reached
- ✓ Can be less expensive than litigation*
- ✓ Can be faster than litigation*
- ✓ Good when parties feel like they are on equal footing (one party is not intimidated, threatened etc)
- ✓ Sometimes not the best method for complex financial situations (if mediator is not knowledgeable)
- ✓ Litigation remains an option if agreement is not reached

* Whether or not these alternative methods will be less expensive or less time consuming will ultimately depend on the parties themselves. Even these methods, which are designed to be less adversarial and oriented towards finding common ground, can be turn into protracted debates if the parties are not willing to negotiate in good faith.

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