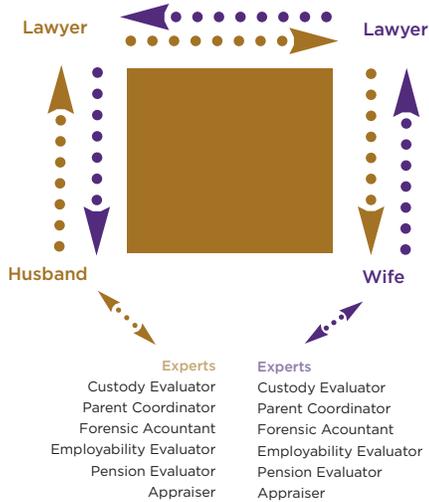




# Lines of Communication

## Litigation



- A “win at all cost” system pits lawyer against lawyer, husband against wife.
- Continuing conflict aggravates existing painful emotions.
- The spouses often communicate through their respective competing lawyers.
- Legal costs soar.
- In addition to attorneys’ fees, parties to the divorce must hire their own experts.
- 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 family’s particular needs.
- Negotiations all too often take place in crowded courthouses under intense pressure.

## Collaborative Process



- Lawyers representing divorcing parties pledge to settle through collaboration. If the process does not produce agreement, lawyers must withdraw representation and cannot move to litigation.
- Continued collaboration minimizes conflict.
- Husband and wife, each assisted and represented by a trained attorney, negotiate a settlement with minimized antagonism.
- Legal costs can be contained.
- Experts can be brought into the collaborative sessions to assist both parties and the cost of their expertise is shared.
- No public hearings allow easier maintenance of confidentiality, protecting reputations and children.
- Attorneys and spouses can craft more creative property agreements and custodial arrangements.
- Negotiations occur in a private, neutral environment,

## Mediation



- A trained, impartial and objective third party—the mediator—facilitates a discussion between the divorcing partners to help them reach agreement on settlement terms.
- The mediator focuses on common goals to help the couple resolve conflict.
- Husband and wife negotiate a settlement under the guidance of the mediator. (Each member of the couple may retain an attorney to provide legal guidance to best represent his or her point of view in mediation.)
- Legal costs can be contained. The divorce primarily proceeds on a pay as you go (pay per session) basis.
- Experts can be brought into the mediation sessions to assist both parties and the cost of their expertise is shared.
- No public hearings allow easier maintenance of confidentiality, protecting reputations and children.
- The spouses with the mediator’s guidance can craft more creative property agreements and custodial arrangements.
- The couple meets on “neutral territory” to find common grounds privately and informally.