

## Comparisons of Litigation and Collaborative Law Process

### Litigation

Parties in disputes often feel intimidated, powerless, and not in control. A common litigation tactic is to make the other side so uncomfortable they are coerced into settling.

Focused on blame.

Process and solutions are defined by legal dictates.

Things often happen that you do not want to happen.

Adversarial atmosphere – use of hostile cross-examination, depositions, formal discovery.

Public.

Inconvenient scheduling – court dictates the parties' schedules.

Secretive – play “hide the ball,” mislead and deceive.

Lawyers engage in positional bargaining.

Time and money spent getting ready for trial that most likely will never occur. Little time spent on settlement.

Litigation expenses can become uncontrollable.

Cannot just “try” litigation.

Destroys family unity and integrity.

### Collaborative Law Process

Seeks to help both parties feel safe, respected, in control of their lives, and as comfortable as possible while collaborating towards resolution.

Focused on solutions.

Adaptable process and creative solutions not confined to the law model.

Nothing happens unless you agree to it.

Safe atmosphere – designed to be civil, dignified, respectful.

Private and confidential.

Schedules for meetings are by agreement of all participants.

Transparent Process – same information available to both parties.

Parties develop options for resolution in joint meetings.

All time and money is spent on settlement efforts – fewer wasted resources.

All case-related expenses are discussed. Parties' resources are efficiently used.

Can try the Collaborative Law process – if it does not work, you can litigate.

Preserves the integrity of the restructured family.