

# LITIGATION V. COLLABORATIVE LAW

## 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 AGREEMENTS.
- 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 ONSET, IN A PROCESS CONDUCIVE TO HELPING THEM HEAL AND MOVE FORWARD.