

## CHART OF DIVORCE PROCESS OPTIONS

(Updated June 2010)

| OPTION   | RECOMMENDED USE  | APPROXIMATE AVERAGE COST  | EFFECT ON ABILITY TO CO-PARENT LATER  | CONTROL   | TIMING  |
|--|--|---|---|---|---|
| <p><b>NEGOTIATED SETTLEMENT</b></p> <p>(One or Two Attorneys Involved)</p> | <p><u>Low Conflict</u> – The parties expect to agree to all of the terms of the divorce once they receive legal advice and guidance through the process.</p>   | <p>Approximately \$2,000.00 collectively if only one attorney is involved, even less if there are no children, but more if two attorneys are involved. Costs skyrocket if the parties move from this process into contested litigation (see below.)</p> | <p>Because this process is less adversarial than contested litigation, the parties often can co-parent well. However, they do not benefit from resources such as divorce coaches and child specialists available in Collaborative Divorce and run the risk of the case moving into a contested trial.</p> | <p>The parties make all of their own decisions related to the divorce. In cases where only one attorney is involved, the non-represented party does not receive legal advice.</p> | <p>Because the parties agree to the terms of the divorce, much of the legal process is not necessary, usually making this the fastest option.</p> |
| <p><b>COLLABORATIVE DIVORCE</b></p> <p>(Two Attorneys Involved)</p>        | <p><u>Low to High Conflict</u> – The parties and their lawyers sign a contract committing themselves to agree to all of the terms of the divorce without going to court. They can receive guidance from other neutral professionals as needed. This option is the most holistic and therefore the best choice in most cases.</p> | <p>Approximately \$5,000.00-\$15,000.00, depending on the number of consultants involved and the complexity of the case.</p>  | <p>Collaborative team (which can include lawyers, mental health professionals, and financial experts) helps the parties consciously make decisions that will facilitate their ability to co-parent later.</p>   | <p>The parties make all of their own decisions related to the divorce with the advice of legal counsel, and often mental health professionals and financial experts.</p>          | <p>The divorce process is streamlined because all discovery is focused, voluntary, and informal.</p>  |

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| <p><b>DIVORCE MEDIATION</b></p> <p>(Two Attorneys and a Mediator Involved)</p>            | <p><u>Moderate to High Conflict</u> - The parties hope to agree to all of the terms of the divorce, but may need significant help and guidance from attorneys and a neutral mediator to do so.</p>               | <p>Varies widely depending on where in the litigation or collaboration process the parties attempt mediation.</p>  | <p>Good mediators help the parties consciously make decisions that will facilitate their ability to co-parent later. The facilitative (as opposed to evaluative) style of this mediation encourages healthy communication.</p> | <p>The parties make all of their own decisions related to the divorce, with the advice of counsel and input from the mediator.</p> | <p>The divorce process is streamlined by virtue of using mediation because some of the time-consuming steps, including a trial, are avoided.</p> |
| <p><b>CONTESTED, LITIGATED DIVORCE TRIAL</b></p> <p>(At Least Two Attorneys Involved)</p> | <p><u>Very high conflict</u> - One or both parties cannot make reasonable decisions for themselves; or cases where criminal activity or mental illness is present. This is the best option only very rarely.</p> | <p>Can easily cost \$75,000.00 or more, leaving many needing to file bankruptcy as a result. The dispute can cost more in legal fees than the value of the marital estate.</p> | <p>Because the litigation process is by definition an adversarial one, it often leaves parties all but totally unable to communicate civilly with the other parent.</p>  | <p>The Judge makes all of the decisions and imposes them on the parties via Court Order.</p>                                       | <p>Varies widely, but can take up to several years. Almost always slower than any of the other options.</p>                                      |