



# Charlie Rowan

Collaborative Attorney, Mediator, Coach

*Partners Parting Peacefully*

## What is the difference between Mediation, Collaborative Practice and Litigation?

	<b>MEDIATION</b>	<b>COLLABORATIVE</b>	<b>LITIGATION</b>
Goal	"Win-Win"	"Win-Win"	"Win-Lose"
Cooperation	Cooperative	Cooperative	Adversarial
Focus	The needs of the clients and their children. Informed self-determination.	The needs of the clients and their children. Informed self-determination.	Deciding who is "right" and who "wins."
Private/Public	Private	Private	Public
Who Decides the Outcome	You do, with whatever help you need from experts and others.	You do, with whatever help you need from experts and others.	A judge.
Cost	Least expensive.	More expensive.	Most expensive.
Time	Possibly a few weeks; often several months.	Possibly a few months; often longer.	Many months; sometimes years.
Role of Lawyers	Optional/as needed. Lawyer review of agreements is recommended.	You, your spouse and the lawyers share responsibility. The lawyers are active throughout.	Lawyers are in charge, except when the judge is in charge.
Role of Judge	Not involved. Grants divorce after successful mediation.	Not involved. Grants divorce after successful collaboration.	Decides all contested issues through adversarial hearings and a public trial in court.
Communication Between Spouses	Encouraged - with help as needed.	Encouraged - with help as needed.	Discouraged.
Sharing of Information	Whatever is needed for you to make well-informed decisions.	Whatever is needed for you to make well-informed decisions.	Only what the law says must be shared.
Role of the Law	The law is one consideration. It does not dictate a specific answer to most issues.	The law is one consideration. It does not dictate a specific answer to most issues.	The law dominates. When the law does provide a single answer, the judge chooses and answer the law allows.