

## **Comparison to Litigation**

### **Litigation Process Descriptors**

- Parties in disputes often feel intimidated, fearful, anxious, powerless, out gunned, and not in control. The [litigation](#) process does nothing to calm this uneasiness and, in fact, a common litigation tactic is to attempt to make the other side so uncomfortable they are coerced into settling.
- Process focused on assessing blame.
- Unpredictable results.
- Things happen that you do not want to happen.
- Unsafe atmosphere – You are subject to cross examination and all your family and friends may be subject to depositions.
- Public forum.
- Inconvenient scheduling for the parties.
- No free and informal exchange of information.
- Since the case is still on the court's docket, the lawyers and clients must spend time and money preparing for trial, even though everyone wants to focus on settlement.
- Expenses can become uncontrollable. Other side can force you to spend lots of money on activity you do not want to participate in – depositions, discovery, hearings.
- Very difficult, if not impossible, to successfully move from litigation to Collaborative Law.

### **Collaborative Process Descriptors**

- Collaboration process affirmatively seeks to make both parties feel safe, respected, in control of their lives, and as comfortable as possible while working towards resolution.
- Process focused on the future; seeking solutions rather than assessing blame.
- Predictable results - You and your spouse pledge to do nothing unless both of you agree.
- Safe atmosphere – civil, dignified, respectful.
- Private and confidential.

- Schedules for meetings are by agreement.
- Transparent process – same information available to both parties. Parties develop options for resolution in joint meetings.
- 100% of all time and money is spent on settlement efforts – fewer wasted resources.
- All expenses are discussed and agreed upon.
- Can try collaboration – if it does not work, you can always litigate.

This information provided by the  
Dallas Alliance of Collaborative Family Lawyers