

high cost
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Illustration of Divorce Process Options

The top three boxes represent the traditional approach to divorce, and the way most family law attorneys still practice.

Litigation - Court: Process governed by formal rules, zero-sum-game approach with winner and loser, judge decides all issues.

Litigation - Evaluative Mediation / Arbitration: Often used when lawyer negotiations fail, this approach brings in a third professional to instruct clients on their likelihood of success in court, or to rule on the issues like a judge would.

Litigation - Lawyer Negotiations: Lawyers manage all communications, can issue subpoenas and take depositions. Both lawyers gather extensive information, exchange offers and counteroffers, use threats of court to force settlement.

Collaborative Divorce: Both spouses have attorneys, plus one neutral financial analyst and one co-parenting coach. Series of joint meetings to resolve all issues related to divorce while de-escalating conflict. Professionals communicate openly to support goal of reaching durable agreement that causes no resentment later and keeps spouses out of court.

Interest-Based Mediation: One neutral mediator helps spouses identify, narrow, and resolve all issues in joint meetings. Mediator does not give legal advice but assists in finding solutions that meet both parties' needs. Consulting lawyers at end can review and draft agreement.

Unbundled Services: Lawyer hired for limited defined purposes: advise on agreements, draft documents, go to court.

Legal Coaching: Pay by the hour for narrow legal advice, review of documents.

D-I-Y Divorce: No lawyers.

Collaborative divorce and interest-based mediation offer the most tools for handling a wide range of conflict in a supportive way that helps client reach resolutions. Both are rooted in principled negotiation, a model developed by the Harvard Negotiation Project.

judge / lawyers in control

spouses in control

low cost
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low conflict



support for resolving conflict

adversarial destructive conflict

