



Helping You Put Your  
World Back Together

# Divorce Options

<b>FACTORS</b>					
<b>Parties' capabilities</b>	<b>Do-It Yourself</b>	<b>Mediation</b>	<b>Cooperative Law</b>	<b>Collaborative Law</b>	<b>Traditional Litigation</b>
Ability of parties to assert their interests	Parties are able to assert their interests well	(a) Parties are able to assert their interests well and/or (b) lawyers can participate in mediation	One or more parties need or want a lawyer to advocate their interests	One or more parties need or want a lawyer to advocate their interests	One or more of the parties need or want a lawyer to advocate their interests
<b>Parties' attitudes about professional services</b>	<b>Do-It Yourself</b>	<b>Mediation</b>	<b>Cooperative Law</b>	<b>Collaborative Law</b>	<b>Traditional Litigation</b>
Parties' resources and willingness to pay for substantial professional services	Parties cannot afford and/or desire professional service, possibly because they want to maximize their own decision making	Parties can afford and/or desire a limited level of professional service, possibly because they want to maximize their own decision making	Parties are willing and able to pay for professional services	Parties are willing and able to pay for professional services and willing to pay cost of hiring new litigation lawyers if there is no agreement in collaborative law	Parties are willing and able to pay for SUBSTANTIAL professional services
Parties' desire for neutral third party to manage the process	Parties do not want neutral third party to manage the process	Parties want neutral third party to manage the process	(a) Parties want a neutral third party to help manage the process or (b) are willing to hire mediator in addition to lawyers	(a) Parties do not want neutral third party to manage the process or (b) are willing to hire mediator in addition to lawyers	(a) Parties do not want neutral third party to manage the process or (b) are willing to hire mediator in addition to lawyers
Parties' willingness to hire lawyers	Parties are reluctant or unwilling to hire lawyers at all or to take the lead in negotiation	Parties are reluctant or unwilling to hire lawyers at all or to take the lead in negotiation	Both parties are willing to hire lawyers	Both parties are willing to hire lawyers	At least one party is willing to hire a lawyer
Parties' desire to keep their lawyer if the case involves contested litigation	Not Applicable	Parties want to be able to keep their lawyers in contested litigation	Parties want to be able to keep their lawyers in contested litigation	Parties are willing to risk losing their lawyers if the parties litigate	Parties want to be able to keep their lawyers in contested litigation
Parties' desire for well established dispute resolution procedure and practice	Parties are not concerned about using a well established dispute resolution procedure and practice	Parties want a procedure that has been studied extensively and that is the subject of well-developed norms of practices	Parties are willing to use an innovative procedure that has not been studied extensively and that is not the subject of well-developed norms and practices	Parties are willing to use an innovative procedure that has not been studied extensively and that is not the subject of well-developed norms and practices	Parties want a procedure that is the subject of well-developed norms and practices
<b>Parties' risk assessments and preferences</b>	<b>Do-It Yourself</b>	<b>Mediation</b>	<b>Cooperative Law</b>	<b>Collaborative Law</b>	<b>Traditional Litigation</b>
Risk that a party would take advantage of another	(a) There is a low risk that parties will try to take advantage of each other, (b) parties are capable of representing themselves effectively, and/or (c) parties may hire professionals if needed	(a) There is a low risk that parties will try to take advantage of each other, (b) parties are capable of representing themselves effectively, (c) parties use mediator skilled in managing conflict, and/or (d) lawyers participate in mediation	(a) There is a low risk that parties will try to take advantage of each other	(a) There is a low risk that parties will try to take advantage of each other or (b) there is a significant risk that parties trying to take advantage and they are willing to risk that the other party would terminate collaborative law as an adversarial tactic	There may be a significant risk that one party would take advantage of another
Risk that a party may want to use litigation	Parties are unwilling to make an investment to reduce risk of contested litigation	Parties are willing to make a limited investment to reduce risk of contested litigation	There is a moderate risk that a party will want to use contested litigation	There is a low risk that a party will want to use contested litigation	There may be a significant risk that a party will want to use contested litigation
Need for threat of litigation to motivate a party to act reasonably	A party does not need threat of litigation to motivate another party to act reasonably	A party may need threat of litigation to motivate another party to act reasonably	A party could use threat of litigation to motivate another party to act reasonably	A party does not need threat of litigation to motivate another party to act reasonably	A party may need threat of litigation to motivate another party to act reasonably
Parties' desire to avoid contested litigation	Parties prefer to avoid litigation but are willing to use it if needed to protect their interests	Parties prefer to avoid litigation but are willing to use it if needed to protect their interests	Parties prefer to avoid litigation but are willing to use it if needed to protect their interests	Parties strongly prefer to avoid litigation and are willing to use it only as a last resort	Parties prefer to avoid litigation but are willing to use it if needed to protect their interests
Relative preference of settlement pressure and litigation pressure	Parties are wary of settlement and litigation pressure but are willing to risk litigation pressure	Parties are wary of settlement pressure and willing to risk greater litigation pressure	Parties are wary of settlement pressure and willing to risk greater litigation pressure	Parties are wary of litigation pressure and willing to risk greater settlement pressure	Parties are wary of settlement pressure and willing to risk greater litigation pressure