

COMPARISON OF DISPUTE RESOLUTION PROCESSES

CONTINUUM OF PROCESSES		1. Informal Spousal Agreement	2. Mediation	3. Collaborative Family Law	4. Lawyer-Lawyer Negotiation	5. Arbitration	6. Litigation
a	Who are primary participants?	spouses	spouses, mediator		lawyers	lawyers, arbitrator	lawyers, judge
b	Whether direct interaction and communication between spouses	yes	yes		none	none	none
c	Who generates ideas and options for resolution?	spouses	spouses, mediator		lawyers, spouses	lawyers, spouses	lawyers, spouses
d	Who is responsible for resolution? (degree of spousal control over process)	spouses (complete)	spouses (same as 1)		lawyer, spouses (less than 3)	lawyer, arbitrator (less than 4)	lawyer, judge (less than 5)
e	Goal and desired outcome	mutually acceptable resolution	same as 1		same as 1	win	win
f	Whether useful skills can be learned by spouses	?	yes		limited	limited	limited
g	Stability of decision	maximum	maximum		less than 3	less than 4	less than 4
h	Likelihood of future disputes	minimum	minimum		more than 3	more than 4	more than 4
i	Time to resolution	?	weeks, months		? but likely longer than 2	longer than 2, likely longer than 4	longer than 5
j	Privacy	yes	yes		yes	yes	no--public record
k	Anger, hostility	possible	managed environment		possible--depends on issues and participants	same as 4	same as 4
l	Stress, emotional trauma	possible	managed environment		possible--depends on issues and participants	same as 4	same as 4
m n o	Involvement of professionals: (a) legal (b) human relations (c) other	nil nil nil	yes optimal when helpful		yes possible possible	same as 4 same as 4 same as 4	same as 4 same as 4 same as 4
p q	Children: (a) involvement of (b) effects on	nil nil	possible minimized		nil ?	possible possibly detrimental	same as 5 same as 5
r s	Cost: (a) to parties (b) to public	nil nil	minimum nil		more than 2 & 3 nil	more than 4 nil	possibly less than 5 yes