Different Ways to Split Up

	COURT	COLLABORATIVE
Who Makes the Final Decision	The Judge	You and your former partner
Degree of Conflict	Often high. Communication is often	You and your former partner commit
	made worse because of what is said	to mutual respect and openness and
	about the other in lawyers' letters and	sign an agreement not to go to Court
	Court documents	
Role of Lawyers	They are adversarial and competitive	They assist and co-operate and give
	and give legal advice. Lawyers	legal advice. Lawyers prepare fewer
	prepare Court documents, write letters	documents: draft agendas and
	and document any agreement. They	minutes for meetings and document
	appear in Court and often use	any agreement. They guide you and
	barristers. Legal advice is not	your former partner to look at interest
	revealed	and generate options and solutions.
		Legal advice can be revealed
Role of Law	The law is applied to the facts. There	The same law applies as if you went
	can be differences in how one Judge	to Court. It is up to you and your
	applies the law compared to another	former partner how closely your
		solutions follow what a Judge might d
Process	Lawyers exchange letters. You attend	All substantive discussions occur face
	court events with your lawyer.	to face with both lawyers and you and
	Registrars try to broker an agreement	your former partner. Options and
	at compulsory conferences. Final	solutions are explored
	hearing before a Judge. You and your	
	former partner give evidence in the	
	witness box	

Costs can escalate with preparation	Often more manageable and usually
and court appearances required by	less expensive
the Judge and evidence rules	
The Court determines the timetable.	Always quicker. You and your spouse
Delays are due to a high volume of	create the timetable, fixing meetings at
cases	times to suit
Experts give opinions in documents	Experts such as child specialists and
and in court. Child specialists can	financial advisors can join the
interview the children Each side may	meetings. Child specialists can
use their own experts	interview the children. Using experts in
	a team is efficient
Court hearings are public	All discussions are kept confidential
No process designed to facilitate or	Lawyers and experts educate and
improve communication. Court	assist you on how to effectively
counsellors and Registrars might	communicate with each other to help
assist as a by-product of their role.	not just with the collaborative process,
The Court process often damages	but after it finishes
relationships	
Final. Enforceable. Can be appealed.	Final. Enforceable. No real likelihood
Can be altered by agreement or a	of appeal. Can be altered by
Court	agreement or a Court
Anyone	You if you prefer to construct a tailor
	made solution and are ready to deal
	with your former partner directly, and
	and court appearances required by the Judge and evidence rules The Court determines the timetable. Delays are due to a high volume of cases Experts give opinions in documents and in court. Child specialists can interview the children Each side may use their own experts Court hearings are public No process designed to facilitate or improve communication. Court counsellors and Registrars might assist as a by-product of their role. The Court process often damages relationships Final. Enforceable. Can be appealed. Can be altered by agreement or a Court