

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

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