

# Key Legal Processes Explained

Every family is different, and so are the processes to resolve disputes. Learn about the 4 Key Legal Processes, and what to consider when deciding which path to take.

## Litigation

Litigation is the traditional court process where a claim is filed with the Court. If no agreement can be reached, a judge makes final decisions based upon presented evidence to resolve issues like child custody, support, and property division. Each party can be represented by an attorney.

### Benefits:

- **Structure & Enforcement:** Ideal for high-conflict cases or when one party is uncooperative.
- **Legal Precedent:** Attorneys and Judges can rely on statutes, caselaw, and other legal precedent.
- **Court authority:** Judges can step in when parties cannot agree.

### Considerations:

- Court documents are generally public record.
- The process can take extensive money, time, and an emotional toll.
- Parties have limited control over the outcome.

## Mediation

A voluntary, non-binding process where a neutral third party - mediator - helps parties reach a mutual agreement. The mediator facilitates discussion but does not have decision-making authority.

### Key Benefits:

- **Efficiency:** Typically faster resolution.
- **Cost-effective:** Typically less expensive than litigation.
- **Confidential:** Discussions are private and not part of the public record.
- **Authority:** Final decision-making is preserved with the parties.

### Considerations:

- **Final Resolution Not Guaranteed:** Requires both parties to participate in good faith, and to ultimately reach an agreement.
- An agreement only becomes legally binding once it is formalized in legal documents.

## Arbitration

A private process where a neutral third party (the arbitrator) acts similar to a judge and makes legally-binding decisions. Both parties agree to arbitration and present their evidence to the arbitrator. The arbitrator issues a decision (called an "award") that is typically approved by a Judge to ensure enforcement similar to a Judge's order.

### Benefits:

- **Efficiency:** Faster Resolution with a 'chosen' Arbitrator.
- **Privacy:** Proceedings are confidential, except for any court documents filed with the Court.
- **Flexibility:** Scheduling and procedures are more adaptable than Court.

### Considerations:

- **Binding decisions:** Limited or no right to appeal.
- **Cost:** You pay for the arbitrator's time.

## Collaborative

A team-based approach where both parties and their attorneys commit to resolving issues without going to court. Everyone signs a participation agreement in which 'guardrails' are established. If the process fails, both attorneys must withdraw and new counsel must be hired for litigation.

### Benefits:

- **Holistic support:** Often includes third party professionals, such as divorce coaches, financial advisors, and therapists.
- **Private & respectful:** Encourages open communication and long-term cooperation.
- **Child-focused:** Especially beneficial in custody and parenting matters.

### Considerations:

- **Not for everyone:** Requires a high level of trust and willingness to collaborate.
- **Start from scratch if it fails:** If the process breaks down, you must start over with new attorneys.