



COLLABORATIVE FAMILY LAW VERSUS MEDIATION

SIMILARITIES

1. The goal of both collaborative family law and mediation is to help the parties reach an agreement and in the process avoid having to go to court.
2. Collaborative family law and mediation offer more control, more privacy, individualized results and the likelihood of greater compliance than with litigation.
3. The collaborative environment resembles that of closed mediation, with collaborative lawyers in the same position as the mediator in terms of confidentiality requirements.
4. Both collaborative family law and mediation requires a client to work with their lawyer to ensure that they are prepared and have the greatest chance of reaching a settlement.
5. In both collaborative family law and mediation, lawyers function as active legal advisors and negotiators alongside their client.

DIFFERENCES

1. In the mediation process, there is one neutral party (the mediator) whose job it is to help the parties identify the issues in dispute and to steer them in the direction of settlement. There is no such third party in collaborative family law.
2. In the collaborative family law process, if an agreement cannot be reached and the parties subsequently decide to go to court, each party is required to retain a new lawyer. The same is not true for mediation. If mediation fails and the parties decide to go to court, the same lawyers are able to litigate the issues.
3. Mediation often takes place close to the time of a trial, while the collaborative family law process occurs prior to any litigation.