

Divorce Case Type Cheat Sheet

Divorce Type	Description	Pros	Cons
Uncontested	<p>If you and your spouse are in general agreement about getting a divorce and dividing up assets and debts, and if you have a general understanding about how your case should be resolved, then you may be able to file an uncontested divorce. This type of divorce takes less time and costs you less money than if your case were to go through litigation. For this option, you will need an attorney who is experienced in negotiation and effective drafting of legal documents. In some cases you may be able to handle your divorce without using attorneys.</p>	<ul style="list-style-type: none"> ➤ Much less expensive than other types of divorce. ➤ Faster process and keeps case out of court. 	<ul style="list-style-type: none"> ➤ If done pro se (without a lawyer) legal mistakes can be made that could prove costly. ➤ Unless both spouses fully cooperate, there is often a problem with one spouse's "feet dragging." ➤ Cannot use the Court to intervene.
Mediated	<p>In a mediated divorce, one lawyer handles the case and acts as a neutral third party. He or she represents neither spouse and provides no legal advice but helps both spouses work toward a resolution of their case. The process is flexible and confidential, and it keeps you and your spouse in control of your divorce and out of court. Unfortunately, very few lawyers have the experience and skills to mediate a divorce effectively, and many will not even bother to explore this option with you. If you and your spouse can still communicate effectively about the issues in your divorce, mediation should always be explored as a first option in your case.</p>	<ul style="list-style-type: none"> ➤ Controls legal fees and maintains control in the parties, rather than lawyers or the legal system. ➤ Much faster than other types of divorce, and much less acrimony. 	<ul style="list-style-type: none"> ➤ Can be difficult to find a divorce attorney qualified and willing to handle mediation. ➤ Is not good for couples with a significant power imbalance or issues with domestic violence. ➤ Parties may waste time and money in mediation if case does not settle and becomes contested.

<p>Collaborative</p>	<p>This is a relatively new type of divorce that has grown more popular in recent years. In a collaborative divorce, both spouses and their lawyers take control of how the divorce process will work. They build a customized process for getting the case resolved without going to court, which may include the use of financial and child-custody advisers or experts. In collaborative divorce, the lawyers do not remain neutral like they do in a mediated divorce; each lawyer provides his or her client with independent legal advice regarding any proposed agreements. The parties do not go to court or rely on the court system for rulings. If the parties cannot reach a settlement, they must retain new legal counsel before filing a court proceeding. To practice collaborative divorce effectively, lawyers must undergo significant training and participate in continuing legal education in this area on an annual basis.</p>	<ul style="list-style-type: none"> ➤ Controls legal fees and maintains control in the parties, rather than lawyers or the legal system. ➤ Much faster than other types of divorce, and much less acrimony. 	<ul style="list-style-type: none"> ➤ If the parties fail in the collaborative process, they must fire their lawyers and hire new legal counsel. The parties are essentially starting over again and have lost the initial time and money spent in the collaborative process.
<p>Litigated</p>	<p>This is when your lawyer files a petition for divorce and takes it through the normal procedural steps for litigation, which may include numerous hearings and possibly a trial. Effective litigation work is highly specialized and requires a very specific set of legal skills.</p>	<ul style="list-style-type: none"> ➤ Provides an avenue to resolve divorce issues when there is a lack of cooperation between the parties. 	<ul style="list-style-type: none"> ➤ Most expensive type of divorce. ➤ High level of acrimony. ➤ Parties relinquish much of their control to legal counsel and the court system.