

## DIFFERENT WAYS TO SPLIT UP

Forum	COURT	ARBITRATION	MEDIATION	COLLABORATION
<b>Who Makes the Final Decision</b>	The Judge	The Arbitrator	You and your former partner	You and your former partner
<b>Degree of Conflict</b>	Often high. Communication is often made worse because of what is said about the other in the lawyers' letters and Court documents	Often high. Communication is often made worse because of what is said about the other in the lawyers' letters and Court documents	Often high but managed by the mediator.	You and your former partner commit to mutual respect and openness and sign an agreement not to go to Court. The Coach helps you deal with conflict.
<b>Role of Lawyers</b>	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 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.	If the lawyers are involved in the mediation, they are adversarial and competitive and give legal advice. Lawyers will prepare a Mediation Paper. They will represent you at the Mediation and often use barristers. Legal advice is not revealed.	They assist and cooperate 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.
<b>Role of Coach/Mediator/FDRP</b>	After the Conciliation Conference State this is not relevant.	After the Conciliation Conference State this is not relevant.	Confirm goals, explore interests, generate options, examine solutions, build trust and rapport.	Confirm goals, explore interests, generate options, examine solutions, build trust and rapport.
<b>Role of Law</b>	The law is applied to the facts. There can be difference in how one Judge applies the law compared to another.	The law is applied to the facts. There can be difference in how one Arbitrator applies the law compared to another.	The same law applies as if you went to Court. It is up to you and your former partners how closely your solutions follow what a Judge might do.	The same law applies as if you went to Court. It is up to you and your former partners how closely your solutions follow what a Judge might do.

<b>Process</b>	Lawyers exchange letters. You attend Court events with your lawyer. Registrars try to broker agreement at compulsory conferences. Final hearing before a Judge. You and your former partner give evidence in the witness box.	Lawyers exchange letters. You attend Court events with your lawyer. Registrars try to broker agreement at compulsory conferences. Final hearing before an Arbitrator. You and your former partner give evidence in the witness box.	All substantive discussions occur face to face with both of you, the Mediator and the lawyers (if they involved in the Mediation). Options and solutions are explored.	All substantive discussions occur face to face with both lawyers and you and your former partner. Options and solutions are explored.
<b>Cost</b>	Costs can escalate with preparation and Court appearances required by the Judge and evidence rules.	Often more manageable and usually less expensive	Often more manageable and usually less expensive.	Often more manageable and usually less expensive.
<b>Time</b>	The Court determines the timetable. Delays are due to a high volume of cases.	The Arbitrator determines the timetable. Delays are minimised as your matter is not trapped in the Court system.	Always quicker. You and your former partner create the timetable, fixing Mediation dates at times to suit.	Always quicker. You and your former partner create the timetable, fixing meetings at times to suit.
<b>Role of Experts</b>	Experts give opinions in documents and to Court. Child specialists can interview the children. Each side may use their own experts.	Experts give opinions in documents and to the Arbitrator. Child specialists can interview the children. Each side may use their own experts.	Experts such as child specialists and financial advisors are not included in the Mediation but the mediator may be an FDRP.	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.

<b>Privacy</b>	Court hearings are public.	Arbitration hearings are private	All discussions are kept confidential	All discussions are kept confidential
<b>Facilitation of Communication</b>	No process designed to facilitate communication. Court counsellors and Registrars might assist as a by-product of their role. The Court process often damages relationships.	No process designed to facilitate communication. Court counsellors and Registrars might assist as a by-product of their role. The Arbitration process often damages relationships.	The Mediator will facilitate communication within and as part of the Mediation process.	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
<b>End Result</b>	Final. Enforceable. Can be appealed. Can be altered by agreement or a Court.	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.	Final. Enforceable. No real likelihood of appeal. Can be altered by agreement or a Court.
<b>Who can Participate?</b>	Anyone	Anyone	Anyone who prefers to avoid the damaging aspects of litigation and is prepared to compromise to reach a solution PROVIDED THAT there are no risk issues.	Anyone who prefers to construct a tailor-made solution and is ready to deal with their former partner directly and listen and be open and respectful PROVIDED THAT there are no risk issues.