

## COMPARISON OF DISPUTE RESOLUTION OPTIONS

|   | <b>Mediation</b>  | <b>Collaborative Law</b>  | <b>Arbitration</b>   | <b>Litigation</b>   |
|---|---|---|--|---|
| <b>Cost:</b>  | Lowest. Mediation services can cost as little as a few thousand dollars divided between the parties as they may agree. Decision making remains in the hands of the parties and expensive litigation and arbitration are avoided.      | Higher. In collaborative law two lawyers are involved in the entire process. Decision making remains in the hands of the parties and expensive litigation and arbitration are avoided.  | Higher. In addition to discovery, motions and hearings, the parties must pay the Arbitrator's fees. The parties, their lawyers and the Arbitrator can make rules limiting expenses and simplifying the presentation of evidence. | Highest. Litigation can cost many tens of thousands of dollars in legal fees and expert witness fees. It is the most expensive, the most contentious and the most confrontational method of dispute resolution. Sets the stage for the next battle. |
| <b>Time for Resolution:</b>                             | Quickest form of alternative dispute resolution - often as little as 4 to 8 hours (2 to 4 two hour sessions) to reach agreement. Sessions can be scheduled weekly.  | Slower. There are many meetings with both parties and both attorneys present at all times. Experts may be included in meetings.   | The parties and their lawyers schedule hearing dates with the Arbitrator. The process can usually be completed more quickly than collaborative law or litigation.  | Can take 18 months or more to complete and may be followed by appeals to the Maryland Courts of Appeal. Appeals can take years to resolve.  |
| <b>Types of Cases for Which Process is Appropriate:</b> | All divorce related matters including parenting and support issues, division of assets, payment of debts, and tax related issues. See the Checklist of Issues at <a href="http://www.familymediator.com">www.familymediator.com</a> . | All divorce related matters, but most often used where one or both parties feel the need to have their attorney present at all times.   | All divorce related matters, except however, that no final ruling can be made by an Arbitrator re: custody, visitation or child support. These issues are subject to review by a judge on appeal.                                | All divorce related issues in cases where the parties cannot negotiate and/or cannot reach agreement in mediation or in collaborative law. Also, in contested custody and visitation cases.   |
| <b>Confidentiality:</b>                                 | All documents prepared in or for mediation, and all matters discussed during mediation are strictly confidential. The final Agreement, when submitted to the Court, becomes a public document.  | All documents prepared in or for the process, and all matters discussed during the sessions are strictly confidential. The final Agreement, when submitted to the Court, becomes a public document. If no settlement is reached, both attorneys must withdraw and the parties must employ new lawyers and begin another form of dispute resolution. | Confidentially depends upon the ground rules established by the parties before the commencement of arbitration. When the Arbitrator's Opinion and Award is filed with the Court, it becomes a public document.                   | Generally, all pleadings, trial exhibits, testimony and the Judge's decision are matters of public record and available for inspection by anyone. This is the least private method of dispute resolution.   |
| <b>Decision Maker:</b>                                  | The parties themselves.   | The parties themselves.   | The Arbitrator.  | The Judge.  |
| <b>Outcome:</b>   | The Mediator prepares a final Settlement Agreement which, when signed by the parties, becomes a binding contract enforceable by the Court.  | The lawyers for the parties prepare a final Settlement Agreement which, when signed by the parties, becomes a binding contract enforceable by the Court.  | The Arbitrator issues a final decision, an Opinion and Award. When it is filed with the Court it comes an enforceable Court Order.   | The Judge issues a final decision which is binding on the parties but is subject to being appealed to the Maryland Courts of Appeal. This can delay a final outcome for years.  |

For more detailed information about mediation, go to [www.familymediator.com](http://www.familymediator.com) or contact Family Mediation Services, Inc. at 301-947-0500.