

Dispute Resolution Process Characteristics

NEGOTIATION	MEDIATION	COLLABORATIVE DIVORCE	LITIGATION
Voluntary	Usually Voluntary ³	Voluntary	Involuntary for one
Non-binding unless mutually acceptable agreement reached.	Non-binding unless mutually acceptable agreement reached.	Non-binding unless mutually acceptable agreement reached.	Binding, subject to appeal
Direct, without neutral. May have advocates such as lawyers to negotiate on behalf of parties	Mediator usually selected by the parties ⁴ .	Attorneys and collaborative professionals selected by the parties ⁵ .	Decision maker randomly assigned
Informal	Informal	Informal	Formal
No restrictions or rules about what information is presented or how it is presented.	No restrictions or rules about what information is presented or how it is presented.	No restrictions or rules about what information is presented or how it is presented.	Rigid rules about process, evidence, and testimony.
Outcome controlled by the parties to the dispute.	Outcome controlled by the parties to the dispute.	Outcome controlled by the parties to the dispute.	Outcome controlled by the neutral decision-maker (judge, jury).
Creative or non-traditional resolutions possible.	Creative or non-traditional resolutions possible.	Creative or non-traditional resolutions possible.	Creative or non-traditional resolutions not possible. Remedies prescribed by law, rules, or guidelines.
Private	Private	Private	Public

³ Usually voluntary although some court and judges may order participation in dispute resolution and some states mandate use of ADR for certain types of cases, such as divorce or personal injury. However, settlement remains voluntary although parties may feel pressured or coerced by the fact of the mandate to settle.

⁴ In some court-annexed or other dispute resolution programs, the mediator may be appointed rather than selected by the parties.

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