



Mediation vs. Litigation: What's Right for Your Divorce?

A quick guide to help you understand the difference and choose the right path for your family.

MEDIATION

Private, collaborative

Led by a neutral third party

Focuses on compromise & communication

Often faster & less expensive

More control over the outcome

Great for couples who can still talk

Encourages co-parenting cooperation

Not legally binding unless finalized in court

LITIGATION

Public, adversarial

Led by opposing attorneys & a judge

Focuses on evidence, arguments & rulings

Can be long, costly, and emotionally draining

Judge has final say on major issues

Necessary when there's high conflict or safety concerns

Can increase hostility between parties

Results in a binding legal judgment

You Might Choose Mediation If...

- You and your ex are still able to communicate
- You want to minimize conflict for your kids
- You're focused on long-term co-parenting success
- You want more control over decisions

Litigation May Be Necessary If...

- One party is uncooperative or combative
- There are concerns about abuse, manipulation, or hidden assets
- You need a legal judgment to move forward

Pro Tip: You can always try mediation first – and move to litigation if it breaks down.