

For Immediate Release

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## Which Divorce Process Should You Choose: Mediation, Litigation, or Collaborative Law? Two Leading Texas Lawyers Offer Advice

MCKINNEY, TX (February 27, 2015) — Dan Couvrette, the CEO of *Divorce Magazine*, recently spoke with two prominent family lawyers in Texas – Brian Loughmiller and Eric Higgins from the McKinney law firm of Loughmiller Higgins, P.C. – for a special podcast about the different models for settling a divorce. “Since 1996, *Divorce Magazine* has been helping people make better choices as they go through the separation and divorce process,” says Couvrette. “We find podcasts featuring experienced, knowledgeable professionals to be a great way to share valuable information. People can access these podcasts from their smartphones on the way to work or during a break – making it simple and easy to get some great tips and advice when they’re on the go.”



Leading Texas family lawyers Brian Loughmiller and Eric Higgins offer their best tips regarding which divorce process to choose in a special podcast for *Divorce Magazine*.

The professionals at Loughmiller Higgins offer a full spectrum of alternative dispute resolution services to help divorcing people resolve their differences – from mediation to collaborative law to litigation – so they’re well-positioned to speak about the pros and cons of each model. When asked about the best divorce process for most people, Higgins responded that the best choice depends on the parties’ personalities and the issues involved in the case. “To be successful in the collaborative model, for instance, the parties have to be able to trust that their spouse is going to be transparent. Once they’ve signed the collaborative agreement, they are essentially locked into that process; to opt-out, everybody has to get new attorneys, pay new retainers, and essentially start over.” If the divorcing parties still trust each other to act in good faith, he added, then the collaborative model can be a good way to settle a divorce. Litigation, on the other hand, can be the best choice when there is a power and/or financial imbalance between the spouses. If one spouse was controlled by the other during the marriage, litigation can help to empower them. “They can see that their spouse is not in control; the judge is in control,” Higgins observed. In Texas, if it looks like a case is going to go to trial, most judges will ask the parties to go to mediation first, he continued. “Mediation can be a great process to get cases settled. The parties need to identify the issues that need to be resolved, then make sure they’ve got a good mediator who’s going to really try to resolve those issues without having to go to a trial.”

When one of the spouses is hostile or uncooperative, litigation is often the best option to resolve the divorce. “A divorcing party needs to show their spouse that they’re willing to litigate if it’s necessary to achieve a fair result,” Loughmiller pointed out. “With an uncooperative spouse, continuing to negotiate past a certain point tends to give them a feeling of entitlement – like they have leverage to keep coming back to ask for more.” Although Loughmiller’s intention is to settle every case without trial – this is key if

the spouses have children together and will need to be able to co-parent effectively – if one spouse is uncooperative or unreasonable, then going to court may be the best option. In court, Loughmiller noted, the attorney’s job is to win the case for his client and achieve a fair result. “In a lot of cases, cooperation starts when the other side realizes that if they don’t start being reasonable, they’ll end up in court and the judge will make the decisions. Nobody really wants to go to trial,” he added, “but a client and his/her attorney have to be able to give the impression that they’re willing to go to trial if it’s necessary to achieve a fair and reasonable result.”

*To listen to the full podcast, go to: [www.loughmillerhiggins.com/Teleseminars/index.html](http://www.loughmillerhiggins.com/Teleseminars/index.html)*

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*About Divorce Magazine’s guest speakers:*

**Brian Loughmiller** has been recognized as a “Super Lawyer” every year since 2005, and he is Board Certified in Family Law and Civil Trial Law by the Texas Board of Legal Specialization. He has litigated cases throughout North Texas, and has served as a mediator for both Dallas County and Collin County courts. He is the recipient of a “Special Interests of Children Committee Service Award” from the American Academy of Matrimonial Lawyers, and he has been named a “Texas Super Lawyer” in Family Law by *Texas Monthly Magazine* every year since 2005.

Cited by *Texas Monthly* magazine as a “Rising Star” in the area of family law practice, **Eric Higgins** has experience litigating highly contentious cases involving both complex property division and child custody issues. Brian and Eric are partners at the McKinney, Texas law firm of Loughmiller Higgins, P.C., which represents people in the North Dallas area and throughout the DFW Metroplex. They have 47 years of combined trial experience, and offer litigation, mediation, and collaborative law approaches to resolving disputes.