

The Institute for Certified Divorce Planners
Presents
COLLABORATIVE DIVORCE

Collaborative Divorce is a new and highly effective divorce method that utilizes Collaborative Law. Teams of professionals trained in the Collaborative Divorce interdisciplinary method are springing up all over the United States. Trainings are given by the founders of Collaborative Divorce together with Collaborative Law attorneys in 2-day training sessions. For information, call 925-253-0700.

1. What is Collaborative Divorce?

Collaborative Divorce is a team approach to divorce that includes gender-balanced divorce coaches, neutral financial specialists, Collaborative Law attorneys and when needed, child specialists. Divorcing families obtain professional help from specialists in the psychotherapy, financial and legal fields to help them settle their case. Each team member assists the family in his/her area of expertise, and then works integratively with other team members and with the collaborative law attorneys who help families reach viable divorce settlements. The team teaches communication skills so that parents can communicate better with each other and in the future around their children's needs. Finances are addressed, budgets are created, and financial skills taught where needed. Although more professionals are involved in collaborative divorce cases, the cost is lower for the family overall because the family receives specific and focused divorce assistance which allows for more productive work when meeting with their attorneys to reach settlement. Collaborative Law attorneys are the legal professionals on a Collaborative Divorce team.

2. What is Collaborative Law?

Collaborative Law is a new dispute resolution model in which both parties to the dispute retain separate, specially-trained lawyers whose only job is to help them settle the dispute. All participants agree to work together respectfully, honestly, and in good faith to try to find "win-win" solutions to the legitimate needs of both parties. No one may go to court, or even threaten to do so, and if that should occur, the Collaborative Law process terminates and both lawyers are disqualified from any further involvement in the case.

3. What is the difference between Collaborative Law and mediation?

In mediation, there is one "neutral" who helps the disputing parties try to settle their case. The mediator cannot give either party legal advice, and cannot help either side advocate its position. If one side or the other becomes unreasonable or stubborn, or lacks negotiating skill, or is emotionally distraught, the mediation can become unbalanced, and if the mediator tries to deal with the problem, the mediator is often seen by one side or the other as biased, whether or not that is so. If the mediator does not find a way to deal with the problem, the mediation can break down, or the agreement that results can be unfair. If there are attorneys for the parties at all, they may not be present at the negotiation and their advice may come too late to be helpful.

Collaborative Law was designed to deal more effectively with all these problems, while maintaining the same absolute commitment to settlement as the sole agenda. Each side has quality legal advice and advocacy built in at all times during the process. It is the job of the lawyers to work with their own clients if the clients are being unreasonable, to make sure that the process stays positive and productive.

4. What kind of information and documents are available in the Collaborative Law negotiations?

Both sides sign a binding agreement to disclose all documents and information that relate to the issues, early and fully and voluntarily. “Hide the ball” and stonewalling are not permitted. All information is shared openly. Attorneys and clients work together to create win-win solutions for all members of the family.

5. Why is Collaborative Law such an effective settlement process?

The Collaborative Law attorneys have a completely different state of mind about what their job is than traditional lawyers generally bring to their work. We call it a “paradigm shift.” Instead of being dedicated to getting the largest possible piece of the pie for their own client, no matter the human or financial cost, collaborative lawyers are dedicated to helping their clients achieve their highest intentions for themselves in their post-divorce restructured families.

Collaborative lawyers do not act as a hired gun. Nor do they take advantage of mistakes inadvertently made by the other side. They expect and encourage the highest good-faith problem-solving behavior from their own clients and themselves.

Collaborative lawyers trust one another. They still owe a primary allegiance and duty to their own clients but they know that the only way they can serve the true best interests of their clients is to behave with, and demand, the highest integrity from themselves, their clients, and the other participants in the process.

Collaborative Law and Collaborative Divorce offer a greater potential for creative problem-solving than does either mediation or litigation, in that only Collaborative Law puts two lawyers in the same room pulling in the same direction to solve the same list of problems. No matter how good a lawyer they are for their client, they cannot succeed as a Collaborative Lawyer unless they also can find solutions to the other party’s problems that their client finds satisfactory. This is the special characteristic of Collaborative Law that is found in no other dispute resolution process.

The Institute for Certified Divorce Planners in Southfield, Michigan offers an intensive training for financial professionals and certifies them as Certified Divorce Planners. The agenda includes an overview of the divorce market, tax laws of divorce, division of property, alimony, child support, and pensions as well as being an expert witness in court. Also included is hands-on training with the Divorce Plan™ software. Phone 800-875-1760 or www.InstituteCDP.com