

Voices from the Collaborative Community

Among my life's true joys are not just the colleagues, but the friends I have made through my peacemaking work. They have inspired and given me help and support since my first days as mediator with my office in a storefront next to the pet store.

As I move to the autumn of my career, my peacemaking friends mean even more to me. Once each was just a name whose good work I had heard of. Slowly and over time, they become co-presenters and colleagues in both active cases and societal reform.

As you consider your next career step, listen to their voices to provide you guidance as they have to me. The following voices are from different professions of origin, different nationalities, and different practice models and perspectives. Yet they form a common collaborative thread and future hope for families that far outweighs such differences.

Forrest S. Mosten

October 2009

Sherrie R. Abney, Attorney

Dallas, Texas

Collaborative practice is perfect for nonfamily disputes

In early 2000, I was trying to imitate the Rambo style that everyone seemed to admire in lawyers. I really was not good at it, but on occasion, I would rise to the level of chaos that was prevalent in the family law community. Later, when I billed my clients for demanding unnecessary discovery and attending what I considered needless depositions and hearings, I would feel like a thief. I was wondering what to do about it when I discovered family collaborative law.

After being trained in collaborative law, I occasionally continued to encounter Rambo lawyers disguised as collaborative lawyers. These were lawyers who could not give up their old ways of approaching disputes. Not knowing how to deal with the issues and concerns of their clients, they focused on the law, and if the other lawyers did not agree with their interpretations, it was off to the courthouse. At that point, I realized that the collaborative process does not fail, but sometimes the people in it do. I had found the answer to settling disputes, so giving up collaborative law because of a few was not an option, but introducing collaborative law to other areas of civil practice would definitely become my goal.

Our biggest problem in life is to get past what other people hold out as our boundaries. In my reception area is a quotation by Margaret Mead: “Never doubt that a small group of thoughtful committed citizens can change the world. Indeed it’s the only thing that ever has.”

Who have you talked to about collaborative law today?

Maria Alba-Fisch, Psychologist

Mt. Kisco, New York

The multidisciplinary collaborative divorce process offers a place for each member of the family

Helping a family through one of the most turbulent and painful transitions by doing collaborative divorce teamwork is among the most challenging and compelling work I do. As a psychologist, I am committed to helping families. Collaborative teamwork allows me to bring this help from my private treatment office into the world, contributing to an improved world. When I am part of a multidisciplinary collaborative divorce team, we facilitate an important dynamic change in how our culture helps divorcing families and in promulgating a better attitude toward conflict resolution on behalf of the larger society—replacing battle with collaboration, bandaging with healing, and demonizing with recognition of difference. The team creates a shared approach to assist the particular family, remaining committed to each of its members and understanding both the need for a new agreement as well as the pain, fear, and loss that are inevitable in family conflict.

This experience contrasts with a referral model, something I rarely do any longer, where my services were sought by two lawyers because they wanted help for their clients. Of course, I still hoped to be helpful, and the lawyers were still

doing sincere work, but we were not creating a new, sturdy container that would keep both the clients and the team constructively focused. Each of us offered what we did well, but we were not changing culture of divorce sufficiently. I was enlisted, not integrated. The lawyers received little direct help. The family had significantly less support and clarity. Now I will accept a few referrals from selected mediators. Because they are mediating conflict as an individual, we can still join efforts to modify the process.

The integration of mental health and law seems to me to be a long-overdue effort by our society to recognize that both professions deal with family conflict and have an obligation to help families resolve and heal the conflict. To change the culture of divorce, both disciplines are essential; neither is sufficient. While it is hard to reach across the different disciplines, doing this well can expand each profession and offer a far better helping system to our client families. Although we cannot help all families as much as we wish, the multidisciplinary collaborative divorce process offers a place for each member of the family and a powerful recognition that the family remains, even if the couple divorces.

David Allison, Attorney

London, England

England's Resolution promotes child-focused solutions

The climb toward the summit of client and child-centered outcomes for family disputes is relentless, and each time we think we reach the summit, it proves itself to be simply another ridge along the way, even if sometimes it takes a while for the fog to clear and for us to realize that we have a long way yet to go.

Resolution is an organization in England and Wales with over five thousand family lawyers and associated professionals in 2009 as members. It contributed a voluntary code of conduct for our members. In 1981 that subsequently was embraced within the professional code applying to all lawyers. The code aspired to remove the fight from court-based resolution by imposing on the lawyers a responsibility (sanctionable, in the final analysis, by expulsion from the organization) to promote child-focused, constructive solutions. It removed the worst of litigation excesses from our professional work and avoided for us some of what families may have to go through in the American courts.

That change prepared us for our next endeavor, which was to integrate within our law practices much of what was commonplace for our mental health

colleagues in terms of systems theory, child development, communications and negotiation theory, and so on.

This integration and the things that we learned as we practiced on “Resolution Ridge” better equipped us for the arrival of the collaborative phenomenon in 2003. However, there is no doubt that the rate of the climb was transformed by the unbelievably selfless support of American and Canadian colleagues around the central pillar of the International Academy of Collaborative Professionals. They have been unstinting in their efforts to share what they had learned.

Even though, as we move higher up this mountain, our paths may now draw closer together, we must remember that we have reached this point in our journeys from widely different routes, acquiring different skills and developing different professional cultures along the way. The challenge for the future is whether we can create a worldwide and supportive movement while genuinely respecting differences among those engaged in the climb.

Nancy Cameron, Attorney

Vancouver, British Columbia, Canada

Being present

In the early years of my work as a collaborative lawyer, I once tried to conduct three four-way meetings in a single day. There were times, as a litigator, when I had three court applications set for the same day. What a fool I was. This was my first (but not my only) lesson in what it means to create a meaningful, safe place for client negotiation. I began to understand that in collaborative practice, as in most forms of art, the space in between is as important as the space that is filled. It is impossible for me to create an environment for clients to safely negotiate if I am not fully present myself. This aspect of being present is one of the great gifts I receive from working in the collaborative model.

We who have spent years in the family law arena are familiar with the “it’s an emergency” framework that is so common in our practice. This is the loop that I had become entrenched in: my clients found their personal conflict so anxiety provoking that they would frame all of their conflict as constituting an emergency, and my work became reactive (which usually did nothing to deescalate the conflict).

As a collaborative lawyer, I am careful in my work with clients to both explain process options and help clients assess which process is likely to provide

them with enough support to be successful. Since I work in an interdisciplinary collaborative community, I have the advantage of being able to build interdisciplinary teams for clients who can use that level of support. I have gained enough knowledge to be reasonably certain, at the end of the first interview, when to refer a client to a litigation lawyer. This careful groundwork allows me to create a much more intimate relationship with my clients. Part of my role is to be present enough to bring some calmness into the room and from there, with my collaborative colleagues, to engage in the task of untangling and deescalating conflict. This is still difficult work, and conflict regularly occurs in the midst of my continued learning. It is then that I try to remember Stu Webb's question: "Am I relaxed in my body?" Sometimes if I can remember to return to the simplicity of my breath, that quiet space, I am allowed to witness the exquisite gift of this work: the delicate grace of peace embracing the room.

Anne Dick, Attorney

Glasgow, Scotland

A voice from Scotland

Scotland has a culture of using negotiation rather than litigation to sort things out after a separation. A promising start for moving into collaborative practice? Well, yes and no. The worst excesses of the adversarial approach are mainly avoided, but embarking on collaborative practice makes vivid the gap between a negotiated settlement and a true problem-solving, thoughtful transition.

I have found it striking how collaborative practice touches the individual rather than the stereotype and allows all the participants to share a journey of exploration to look for something new in themselves and the situation rather than reach a grudging compromise. It's very rewarding to see lawyers, who thought they probably worked collaboratively anyway but have come along for the training, experience the revelation of just how three-dimensional and different a process it is.

Another delight is to find my training as a mediator and the benefits of the ethos of mediation being accessible to a wider range of clients. Mediation can allow a couple to regain the self-respect and confidence that comes from taking responsibility for decision making. Collaborative practice fosters that approach and can be acceptable to clients who feel they are not quite able to use mediation.

In parallel to this enthusiasm, I recognize that for some clients, the safety net of the formal legal process remains essential, and I understand how important it is to respect and support the availability of that structure.

Moving into interdisciplinary practice has been a further expansive experience. Having the various disciplines train and work together creates a surge of energy and increased knowledge and skills.

A special bonus is to find myself in an international community of collaborative practitioners, united in such a positive and creative enterprise.

I have found its generosity of sharing of resources a wonderful aspect of collaborative community. It is a movement that has the integrity to apply the same principles of respect, sharing, and goodwill both outwardly for clients and inwardly in its own community.

It's also been great fun!

Martin Engel, Attorney

Munich, Germany

Keeping parties at the table

Beyond doubt, collaborative law is the most considerable development of alternative dispute resolution (ADR) in the twenty-first century so far. It also marks the only ADR method that aims at accomplishing a consensus between the parties without the assistance of a neutral third person. Collaborative law is the most challenging as well as the most intriguing new ADR approach in terms of negotiation theory.

For practicing lawyers, this method is appealing for three reasons. They can continue to provide legal advice to their clients without referring them to a mediator and at the same time involve practitioners from other disciplines, such as financial and mental health specialists, in order to serve specific nonlegal needs of the parties. Finally, choosing collaborative law means opting for a process that keeps both parties at the negotiation table even in emotionally challenging stages of their conflict.

Lawyers who want to implement collaborative law into their practice have to take on the functions of both advocate and a process manager. Collaborative communities consisting of lawyers and other professionals who regularly practice collaborative law in a particular region are growing all over the world. If they

continue unifying experts with the skills I have noted and with a client-centered approach to conflict resolution, collaborative law will soon be named in the same breath as mediation.

Charlotte Friedman, Family consultant

London, England

Renegotiating the Parenting Relationship

I run support groups for people going through divorce and separation. I was a divorce lawyer (a barrister) for twenty-five years and never felt that litigation was particularly helpful. The advantage of having a judgment imposed on people who could not otherwise agree on their finances or their children was outweighed by the sense of alienation and polarization that each person had by the end of the case.

Now that more people who need some sort of resolution are pursuing the same goal through collaborative means, there is more of a sense of relief and a renegotiation of the relationship to incorporate future conversations involving the needs of the parties' children. The old system would effectively destroy any chance of a civilized and amicable accord because in order to win, each person would need to diminish the other, and that would inevitably lead to hurt feelings for a number of years. In the United Kingdom, the collaborative approach does not yet involve divorce therapists who are trained specifically to deal with the emotional side of the process. I believe that needs to happen to really make the long-term future of divorced couples tenable, and it will mean that even after a

successful collaborative outcome, the couple may be able to navigate their way through the years of child care with empathy for each other's position.

Susan Gamache, Psychologist

Vancouver, British Columbia, Canada

Transformation: The full promise and final frontier of collaborative practice

As I write this, we are over twenty years past Stu Webb's "I quit," ten years past the establishment of the International Academy of Collaborative Professionals, and fourteen amazing days past the inauguration of Barack Obama as U.S. president. If ever there was a time to believe that what today seems impossible is in fact quite possible, now is that time.

So what is it in the collaborative practice community that may seem impossible? There is currently a discussion on our beloved listserv about the power of collaborative practice to transform our clients' lives. Some say that to expect this sets the bar too high. I say, let's send it through the roof!

Collaborative practice has the power not only to transform our clients' lives but to transform all our lives. This is the full promise and the final frontier of collaborative practice.

Why have we selected ourselves for participation in this community, in this process? Why do we put so much of our time and energy and ourselves to make this thing work? Because deep down inside, we know that there is something here for us—something that draws us like a quiet but powerful and enduring magnet in

the direction of compelling learning, ever increasing self-awareness, and greater humanity.

It is not that either our clients have the opportunity to transform or we have it, because we all have it. Nor is it that we either do it or we don't do it: everyone comes to it in their own time, in their own way. It cannot be forced or ignored when the limitations of one are having an impact on the other.

Collaborative practice provides the opportunity to look and to integrate: to look at our lives to see that which we can rush past in our daily hustle and bustle and to look at what our former spouse sees or what our collaborative colleague sees, even if it gives us a squirmy feeling.

Collaborative practice provides the opportunity to integrate our physical actions, emotional responses, intellectual capacity, and sense of purpose and meaning making. It is this greater whole, so much more than the sum of all our parts, that takes us beyond learning to transformation—the quantum leap into a new experience in which so much that was not previously possible is now very possible and natural. It creates a new day.

Frederick J. Glassman, Attorney

Los Angeles, California

Look in the mirror, and like what you see

The family law practitioner can now offer an appropriate runway for matrimonial disputants to secure a smooth landing in their flight to divorce. By adopting the collaborative law model to our practice, we are able to secure a sensible, safe, and sensitive resolution for our clients:

Sensible because the parties can control their own destiny by relinquishing submission to a judicial officer or binding arbitrator and facing an unknown or uncontrollable result

Safe because the parties know their attorneys have formally committed to resigning or withdrawing if the case is not settled within the collaborative law process

Sensitive because the parties are able to consider the awareness and responsibility of addressing their emotional needs and able to insulate their children from the proverbial label of being innocent victims of divorce

Consider your legacy as a family law practitioner: that you are now ready, willing, and able to use techniques to create options and alternatives not otherwise available through the traditional litigation experience. Your client can move

forward without leaving destructive fibers and can preserve relationships for the sake of dignity and respect, as well as accommodating the best interests of all those affected by the divorce. Envision the impact of collecting indelible memories such as children of divorcing families thanking you for keeping their parents from the blame game or exercising ulterior motives to obtain unreasonable expectations; witnessing your client telling his or her spouse at the closing ceremony that it was really nice being married to him or her; or participating in a team hug on the signing of the collaborative agreement. By becoming a collaborative practitioner, you will achieve the ultimate dream we, as lawyers, all have: you can look at yourself in the mirror and like what you see.

Ann C. Gushurst, Attorney

Littleton, Colorado

A child of divorce truly understands the importance of being a collaborative professional

As a child of parents who had a nasty divorce and having suffered through my own divorce, why I am a divorce attorney eludes me on a daily basis. Both of those passages in my life were uniquely painful in lasting, life-altering ways, and I've yet to discover a magic ability to save my clients and their families from the same. Divorce is painful all by itself, even in the most civil of partings. What is particularly terrible about our legal system is that we make a bad thing much, much worse.

All divorce professionals know this. We see and live with the damage. And when something comes along that promises something better—whether mediation, collaboration, early neutral evaluation—we immediately jump on the bandwagon hoping, against all hope, that we can change divorce—if not for our clients, at least for ourselves.

My first collaborative practice group spent a year drafting its by-laws (I look back and wonder why the mental health professionals in our midst didn't just strangle all the lawyers). In retrospect, what we were really doing was trying to understand how collaboration was different. It felt different, but why?

The hallmarks of collaboration—nonlitigation and disqualification—are not what distinguish it for me. Collaboration is not simply making nice. Most cases settle without litigation, and most of us were collegial before we took collaborative training. It has taken years to really understand what makes collaboration different. In my own divorce, I recall being stunned when my ex-husband said that our interests were in irreconcilable conflict of interest. I simply could not understand how that could be so: we had three children, I was a part of his family. I thought he was an idiot, but most people see divorce exactly that way. Our legal structure presumes it is that way.

Collaboration is premised on the idea that the interests of the parties are mutual. It implements a contract binding the parties to divorce in a transactional process that assumes that a reasonable outcome for both is pivotal to each individual's outcome. It is the difference, by analogy, between the waging of a controlled war versus the negotiating of a treaty, that is, *détente* versus peace.

Although most litigation cases settle, the participation in the adversarial process can leave scars that last lifetimes. The process itself creates lifetime hostility.

Collaboration is not a perfect solution. It doesn't magically transform a painful process into a walk through the park. It can be much harder than litigation, but it does allow the possibility of healing and usually produces a better result. Most important, it is an enormous step in redefining how conflicts in families ought to be managed.

Susan A. Hansen, Attorney

Milwaukee, Wisconsin

**Collaborative practice: A challenging and satisfying
blend of passion, resonance of personal values, and
teamwork**

I participated in my first collaborative practice training eight years ago. As I listened to an interdisciplinary team describe working with clients to help them navigate a healthy transition through divorce, I was exhilarated. This out-of-court process resonated deeply with my personal values. It would allow me to use my legal skills to promote peaceful resolution rather than tacitly supporting the escalating financial and emotional costs too often fostered by traditional lawyer negotiation and litigation. Since that initial training, my passion for practicing this client-centered, team-based process has continued to grow.

Collaborative practice is the most challenging, as well as the most fulfilling, work I have done. It has given me the opportunity to be part of a process that assists clients in developing tools for effective communication and problem-solving skills rather than just getting the deal done. The involvement of mental health professionals as child specialists and coaches has provided clients with invaluable tools in striving to reach healthy family outcomes, as well as learning

ongoing communication and issue resolution skills. Working with financial specialists has helped ensure informed decisions by clients that take into account tax and long-term financial ramifications. Teamwork has also deepened my own understanding of the emotional path of divorce and other family transitions.

Most clients want peace, not war, and collaborative practice gives them the tools and responsibility for waging peace and creating solutions for their family. Seeing clients able to speak to one another and even embrace as their divorce is finalized has been positive for families and far more professionally satisfying for me than winning at trial. A recent contentious case that originally involved escalating arguments and crisis phone calls ended with the couple sitting next to one another holding hands at the final hearing as they promised to be the best they could be for the sake of their young daughter. Each hugged and thanked both lawyers. It was the talk of the courthouse, and a reminder of why I do this work.

Collaborative practice is growing worldwide. Speaking and e-mailing with practitioners from around the world has reinforced my sense of shared experience and human commonality despite legal differences. Our global interconnectedness mandates a need to find alternatives to decision making based on threats and force. Collaborative practice embodies the listening, consideration of others, and peaceful resolution approach that provides a positive model for family, societal, and world relations.

Our collaborative community is committed to openness, inclusivity, and sharing for the benefit of clients and practitioners.

Sarah E. Hilmer, Attorney

Hong Kong

Collaborative practice from a Hong Kong perspective

Although the population in Hong Kong is now predominantly Chinese, Hong Kong's culture is very distinct from mainland China due to the British influence. But there are also similarities in traditional Chinese culture and Hong Kong's business culture. Both cultures focus on long-term relationships. Cooperation is an important value, as are mutual benefits, friendship, harmony, trust, and saving face. The emphasis is placed on tradition and stability.

However, Hong Kong's business community also exhibits aspects of the Western culture, especially the desire to get down to business as soon as possible in order to reach a consensual agreement. Deadlines appear as important as for the Western negotiators, and time is considered to be a valuable commodity. Thus, Hong Kong appears to have a hybrid business culture, merging Chinese traditions with modern Western standards.

This hybrid business culture has to be considered carefully when parties attempt to resolve their dispute: different cultures have different sets of traditions, laws, attitudes, beliefs, and values. In other words, awareness and preparation are the first steps to a better understanding of those cultural differences.

The challenge of collaborative practice in Hong Kong is the cultural aspect. Mediation still appears in its infant stages, particularly in the field of commercial and community disputes. The reasons remain unclear, but may be due to the mind-sets to share as little information as possible with the opponent, the need to save face, lack of communication skills, power games and a rights-based approach, the preference to have an authority settle disputes, and in general legal representatives' attitudes toward out-of-court settlements.

Those challenges may be overcome by changing the mind-set of legal representatives, disputing parties, and other professionals with the support from the government. The current focus of Hong Kong's judiciary is to promote mediation. This approach of the chief justice and the secretary of justice is reflected in the recently amended civil justice reform. Thus, once the use of mediation increases and parties start appreciating the benefits of mediation, they might be more willing to try using collaborative practice as a dispute resolution method. The impact of collaborative practice might then change the legal culture in Hong Kong in a way that out-of-court settlements may become more favorable than traditional litigation due to the empowerment of the parties and their control of the process. In other words, communication among legal professionals and clients might reach another level when resolving disputes.

David Hoffman, Attorney

Boston Massachusetts

The joy of collaboration

Collaborative practice has enabled me to rediscover the joy in my work for three reasons:

- *Values.* One of the primary sources of alienation in the workplace derives from the disconnect between one's job and the sources of enduring meaning or value in our lives. In *Man's Search for Meaning*, psychiatrist Viktor Frankl, a Holocaust survivor, identifies the need for meaning in life as a primary urge—more powerful than the drive for food, sex, and shelter. Collaborative practitioners, having seen the destruction caused by litigation in all too many cases, have forged a new path and have found an alignment in their work and their values. If helping other people avoid that destruction, heal the wounds of conflict, and find peace in their hearts gives your life greater meaning, then collaborative practice provides an opportunity for congruence.
- *Collegueship.* For some people, going to a movie theater alone or traveling to a new and exciting place alone is very enjoyable. Not for me: I prefer to go with my wife or my kids, or a friend or relative.

Perhaps there is something in the human condition that makes shared experiences richer and more meaningful to us. The synergy of teamwork is a powerful and exhilarating force. Our team at Boston Law Collaborative, currently just over a dozen people, gathers for lunch every Thursday to talk about our cases and our lives outside work. Our client work is usually done in small teams, but even working on a case by myself is a pleasure if there is a collaborative lawyer on the other side who is willing to go up to the balcony with me and talk candidly and cordially about our case.

- *Learning.* Even in the *Paper Chase* years when I went to law school, the intense learning curve was immensely satisfying. Learning new skills, new terminology, and new ways of looking at the world made me feel as if I was growing new wings. I get the same feeling from my work, in large part because of collegueship with people from other disciplines. Boston Law Collaborative includes as affiliate members psychologist Richard Wolman and financial planner Susan Miller. Their perspectives have broadened mine, and working with them on a case feels a bit like attending a seminar. Even if I work solo on a case, collaborative practice creates opportunities for teamwork with mental health and financial professionals who educate lawyers like me in vital disciplines that were not part of our law school curriculum.

James Hynes, Psychologist

Paris, France

The clients are on center stage

I am a psychologist and work internationally with expatriate populations in some of the major European cities: Paris, Brussels, and London. Communication about their marital difficulties is likely to be in broken English, which is the language of the couple. I am particularly interested in new approaches to the treatment and care of relational problems.

Relational problems often have both psychological and legal aspects, and traditionally, those aspects were dealt with separately: the emotional aspects by the mental health professional and the legal aspects by the lawyer. And the mental health professional and the lawyer never met each other.

With the advent of collaborative practice, this is no longer so. The couple and other relevant people are invited to such encounters. There are two-way, four-way, and even six-way meetings. How has all that happened, and what are some of the implications?

The mental health professional today, often using systems theory for guidance, is a sophisticated person coping with the interpersonal world. And lawyers have changed as well. Then one lawyer in Texas, then two lawyers in Texas, and then little groups of lawyers here and there in the United States, and

later globally, came to realize that problems could in fact be solved both psychologically and legally at once and in a new way: by dialogue, discussion, negotiation, and personal involvement. Massive change had come, and the implications would be far-reaching.

The couple having problems in their marriage is on center stage; they are helped to see that their problems are essentially theirs and they should continue to be involved in seeking a solution for them, supported and helped by the respective experts. Their mental health professionals no longer need to say good-bye to the couple on the day they decide to separate. Rather, they can continue to provide psychological care and help to the couple. MHPs now have a new role: no longer confined to acting in professional isolation, they join with lawyers and other experts in a world where legal requirements and the demands of interpersonal communication can be intertwined. Psychology and law have come together.

The new approach brings a new set of challenges to both lawyers and mental health professionals but also a new excitement to working with couples. The therapist can now go all the way with the couple until they have reached a settlement and beyond, and the lawyer no longer walks a lonely road.

Christophe Imhoos, Attorney

Geneva, Switzerland

Cross-border disputes are the future of collaborative practice

Here is the voice of a new collaborative community that is being established in the French-speaking part of Switzerland.

Collaborative law has to be known worldwide, and my duty is to make it known and practiced in my own community. I share the enthusiasm and values of those who practice “new lawyering,” words that are not yet familiar in my country. I hope my local colleagues hear them soon. They will discover a method that fully values the needs and interests of our clients and, notably, improve the quality of the relationship between client and attorney. I strongly believe in that approach and thank my American colleagues who developed it.

Our next challenge will be to encourage everyone already engaged in collaborative law to strengthen this movement by establishing deeper international contacts and relations so that collaborative law may also grow among practitioners involved in cross-border family, civil, or business disputes. I am convinced that collaborative divorce is only the starting point of a new dynamic that, like mediation and other alternative dispute resolution methods, will flourish in the very near future.

Michal Kaempfer, Attorney

Raanana, Israel

Collaborative practice makes 'alia' to Israel

My first exposure to collaborative law (CL) was in March 2008. The Israeli Bar Association had invited Yuval Berger, a Canadian collaborative divorce coach, to give a lecture on the topic. I was in the audience, and it took me sixty seconds to fall in love with this new idea that he presented. Suddenly all the professional doubts and dissatisfactions I had from my work as a family lawyer and mediator were given one coherent and methodical answer: CL. There it was, and it was crystal clear for me that this is the way. As a nonlitigating lawyer, my perspective is that of a family mediator. For years, I have been helping couples divorce through mediation and agreement. And for years I have been cooperating with mental health professionals and financial specialists in order to help the divorcing couple. But it was never as one team in one process. And here came this new idea, putting together what is obvious but had never been done before: one team, one process, and a waiver of confidentiality. The team works together, the whole bigger than the sum of its parts,

And another answer was given to the power imbalances. For a moment, I saw in my mind's eye all the miserable couples sitting in my room who were suffering from power imbalances: emotional, financial, legal. Here was the answer

to that too: a lawyer for each spouse and a mental health professional for each—a professional way to handle those imbalances.

After the lecture, I went home, searched for “CL” on the Web and quickly made contact with the International Academy of Collaborative Professionals (IACP). A week later I was the first Israeli member in the IACP (Israel was added to the collaborative professionals map in the IACP Web site). A month later, I was in Ireland, attending a collaborative practice seminar delivered by Pauline Tesler: one Israeli lawyer among over a hundred Irish lawyers—and what a warm welcome I received.

Since then, things have been going quite fast: the European conference in Cork, the International Forum in New Orleans, and once you are on the road, there is no way back.

Word is slowly starting to spread in Israel. I hope that by the time this book is published, we will already have had the first CL interdisciplinary training in Israel. I have published an article exposing CL to professionals, and now I am working with colleagues on creating a local practice group. The teamwork is fascinating. The work with like-minded professional lawyers and mental health professionals is fruitful and satisfying. The combination of lawyers and mental health professionals gives the work an added value, which enlightens the humane and emotional parts in every one of us (in addition to those of our clients). These are the real things in life.

It is a challenge to implement CL in Israel. In many ways, the country has little patience, little tolerance, and not much listening. Add to that a Mediterranean nature of high temperament and wanting to be right all the time. And add to that a complex legal system that gives religious courts parallel jurisdiction to civil family courts in family matters, which results in a terrible contest between divorcing couples: the one who runs faster to his or her preferred courthouse determines the court that will have jurisdiction in the specific case. The result is a legal system that encourages couples to fight in family matters rather than to settle. All of these elements create a challenging atmosphere.

Nevertheless, I am optimistic: I am sure that there will be enough people who will see the unique advantages of CL. And just as it took a long time for mediation to be known (and it is known well, especially in divorce) CL will “make *alia*” (immigrate to Israel) as well. There is no other way. . .

Lorraine Lopich, Attorney

Sydney, Australia

**Collaborative practice is a perfect fit for Australia's
new family law system**

The voice of the collaborative community in Australia is reinforced by the support of certain of our attorneys general. The first collaborative practice training occurred in 2005, and within months, Philip Ruddock, the attorney general for Australia, gave the Family Law Council a reference on collaborative law to advise how the government, in partnership with the legal profession, can assist in promoting collaborative law in Australia.

Collaborative practice perfectly fits into the amended family law system that went into effect in 2006. The major hurdle confronting practitioners is the time it takes to achieve cultural change. The lawyers who are enthusiastic proponents of collaborative practice have wrestled with relinquishing control to their clients to make their own agreements, as well as becoming team players with other professionals of equal importance in the process.

Speaking recently at the National Judicial College of Australia Conference on the Australian Justice System in 2020, the attorney general for New South Wales, John Hatzistergos, said, "In my view there is great potential to reorient legal practice toward dispute resolution rather than dispute litigation, and I'll be

giving careful thought as to how best to support the development and expansion of collaborative practice in this state.”

That the voice of the collaborative community in Australia is strong, if fragmented, bodes well for the future of collaborative practice that is inclusive of the various dispute resolution practitioners and other relevant professionals, as well as flexible enough to allow it to develop organically.

Robert Lopich, Attorney

Sydney, Australia

Business needs the collaborative approach

Although collaborative practice is the creature of domestic family relationship dispute resolution, it has application across a broad cross-section of disputes that may collectively be described as nonfamily disputes.

Collaborative practice is gaining recognition as an effective and efficient dispute resolution process in which relationships generally are an issue. Whether the dispute involves a domestic family relationship or a relationship between family members conducting a business partnership or operating a closely held company, collaborative practice encourages the parties to participate in seeking an outcome that is commercially sound and preserves the relationship among the parties.

Harsh economic times and the escalating cost of litigation mean that many small to medium-size enterprises seek to avoid litigation or face the very real prospect of economic collapse. A number of major multinational corporations have also resolved that they will no longer litigate as a matter of course.

The operators of small to medium-sized enterprises and major corporations are recognizing that more than legal costs make litigation a highly unattractive option. The loss or destruction of commercial relationships that have been hard

won between, say, a manufacturer and his supplier or between a principal and agent become casualties in the litigation blame game. Other considerations are the dislocation to the business operation in having to dedicate significant amounts of time and other resources to work with legal counsel for months or years to prepare a dispute for hearing and the loss of job satisfaction for the employees concerned.

In short, the climate appears ripe for collaborative practice to emerge as a major dispute resolution process for businesses of all sizes and sectors.

Mary Elizabeth Lund, Psychologist

Los Angeles, California

Growing up professionally in collaborative practice

In the 1970s as a neophyte psychologist, I stood by helplessly while watching divorcing families self-destruct in the legal system. Most mental health professionals hate open conflict and fear lawyers. In the 1980s, I was lucky enough to collaborate with several lawyer mediators before I ever heard of collaborative divorce and lost my fear of lawyers (at least most lawyers). We called it comediation and used consulting attorneys both inside and outside the sessions. With my attorney comediator at my side, we would dive straight into the conflict and the emotion. It was high drama and spirited collegiality. We were zealots helping people and changing our professions.

In the early 1990s, I was asked to do custody evaluations and brought my experience of collaborating with attorneys with me. Psychologists have their own rigidity about their methods, and litigation is a very big and stiff box. Having worked collaboratively with creative mediators, I learned to think outside that box. My lawyer comediators and I questioned why we could not use briefer and more flexible ways of providing psychological input into cases that need a decision maker. Child custody evaluators in our area started offering to meet with the attorneys and clients to talk about results and see if there could be settlement

instead of more war. I thought many clients appreciated the respect of talking directly to the evaluator, giving them feedback instead of being written about. It showed that even the highest-conflict case could settle, with psychological input and commitment from the attorneys helping them.

A new millennium brought the collaborative family law movement to Los Angeles. Just when the burnout was hitting hard in 2000, here was a wave of enthusiasm to keep me going. Now I get calls from litigators (soon to be collaborative converts, I feel) to see if we can get coaches and keep the case out of court even without the signing of a participation agreement with a court disqualification clause. Some collaborative purists may get upset with the idea of watering down the model, but I look at it as a step in the right direction. If you build the collaborative field, they will come, one step at a time, and the families are better for it.

Stephanie Maloney and Jerry Cohen,

Financial planners

Los Angeles, California

**Collaborative financial professionals can lessen
clients' fears and increase their confidence to make
better decisions**

Collaborative divorce is a client-centered process in which the client makes the decisions. The clients select the professionals, the agenda, and the time frame. We must trust the process even when one of the parties has picked a professional who has not been trained collaboratively. By modeling our conviction to this process, we can influence more cooperative behavior from the parties and the other professionals on the team.

As financial planners, we develop projections showing potential current and long-term financial consequences of alternative scenarios. The projections lessen the parties' fear of the unknown and provide them with a better understanding of their options. Typically this gives them the confidence they need to make solid decisions.

We truly believe that collaborative efforts can result in positive changes.

We can model new behaviors for our clients that will affect their lives and the lives of their children.

Steve McBride, Financial planner

Denver, Colorado

The challenge for divorcing parties of speaking directly with each other is worth the reduced damage to the family

Having come into the divorce profession from a long career in organization development consulting, I was drawn to collaborative practice because it focuses on helping people in one of the most difficult times in their lives to arrive at solutions using problem-solving techniques, nonadversarial methods, and teamwork. To decrease the level of conflict and distrust in divorce situations, which the litigation process by design often seems to increase, is a great service to our clients.

An effective collaborative team, which can work together well and has the best interests of the client family at heart, can provide a higher level of service to divorcing families. Certainly collaborative practice can be harder work for clients than litigation because they have to deal with difficult issues and with their spouse directly rather than through counsel, but the chance for working through a more civilized process that is less damaging to the family should be worth the extra

effort for the parties, as well as the extra care that the professionals should be providing.

David R. Murch, Attorney

Webster, New York

**Collaborative process is a learning conversation
among equals**

In an abundant and client-centered universe, there are limitless possibilities for creative conflict resolution. We can seek out professionals with different skill sets to partner in conflict resolution. Financial, mental health, and mediation professionals enhance the collaborative process by supporting and guiding clients as they successfully resolve conflict. We can learn to be better communicators and improve our understanding of conflict, and we can learn effective negotiating skills.

Quietly and confidently, the collaborative process is revolutionizing conflict resolution. Instead of offering court-based solutions and fitting clients into the judicial system, collaborative professionals are learning about their clients' conflicts and partnering to find solutions that fit those clients. At its best, collaborative process is a learning conversation among equals. Clients are now the experts about their values and goals, and collaborative professionals need to develop new skill sets and become experts in finding creative solutions to complicated problems.

Kathleen M. O'Connor, Attorney

Pasadena, California

This is your family; you need to care for it

Twenty-two years as a family law attorney (an oxymoron at best), I could barely pick up a file. I had bought into the cultural assumption that divorcing spouses fought to assert their legal rights and protect their future. I was there to encourage them to hang in there. Their lives were put on hold while they sorted out their children, assets, support, and jobs, and waited and waited for a judge to hear the case, and then waited and waited for the decision.

While the adults pursued this battle, the children carted their belongings between households, avoided questions, and ducked barbs directed at a parent they loved. They kept a good face, or a different face, for each parent. Each parent believed the child was unaffected by the escalating conflict. But the children were not insulated from the conflict. Stories of nightmares, regressive behaviors, falling grades, different friends, or police at the house increased with the length of the conflict. After the case finished, the client was left to put the pieces together.

Every day I was working with hurt, disappointed, and scared people. They feared for their future and feared for the future of the children. The legal process was not designed to allay their fears, give hope for the future, or protect their children when they could not.

For most families, litigation was a destructive and wasteful use of emotional and financial resources. It failed to recognize that parents have a future with their children and their spouse. Most of all, spouses failed to recognize that life is short and precious. It bothered me that clients had spent time litigating, not understanding that there was not a lot of time left.

I embraced collaborative practice to reach out to all families with hope and a message. This is your family, and you need to care for it. You may not be able to live with your spouse, but you cannot dissociate yourself from your spouse and your shared history, experiences, joys, excitement, and sadness. Collaborative process supports the future of your reorganized family and maximizes the options for everyone. It gives the family a process that preserves relationships.

Ronald D. Ousky, Attorney

Edina, Minnesota

I have limited my practice to mediation and collaborative divorce

As a family law attorney practicing in Minneapolis since 1983, I had known about collaborative law since the concept originated in 1990. Although I have always liked the idea of focusing on settlement, I was, like many other attorneys, slow to grasp the idea of how an agreement to withdraw would be helpful to my clients.

Around 1999, as I began to see how collaborative practice was starting to grow around the world, I decided to give it a second look. I took some additional collaborative law trainings and became more involved in my collaborative communities. These two steps ultimately led to a significant shift in my thinking and my confidence. This personal transformation made it easier for me to explain the collaborative option to clients, which allowed me to get a significant number of cases. After taking approximately twenty cases, I began to see how much more effective I could be in representing clients through the collaborative method. At that point, I was hooked. In 2002, I decided to limit my practice to mediation and collaborative practice. It has been by far the best decision in my professional life.

A key element of the growth of my collaborative practice has been my involvement with my local and worldwide communities. My local practice group, the Collaborative Law Institute of Minnesota, helped me by providing direct training and support. The International Academy of Collaborative Professionals, provided personal inspiration, motivation, and support for me and has fueled the global awareness of collaborative practice and the continuing development of better methods of practice.

Ten years ago, after practicing in family law for more than fifteen years, I had a practice that was active but largely unfulfilling. Today I find practicing family law to be more meaningful and enjoyable than I ever would have imagined. My clients achieve better outcomes and express their gratitude regularly. I also have the pleasure of working almost exclusively with other professionals, including “opposing” attorneys, whom I respect and admire. I am hopeful that those two facts alone will cause more attorneys to sign up for a collaborative training and become involved in their collaborative communities. For many attorneys, these steps could lead to a dramatic transformation in their practice. At minimum, it will allow them to meet their ethical obligation to explain this rapidly growing method to clients in a competent manner.

James Pirrie, Attorney

London, England

Litigation will soon be viewed as the stranger alternative to resolve family disputes

For those of us who are trained in it and have seen its power at work, assisted constructive dispute resolution (assisted in the sense of being led by an appropriately trained and inspired professional), of which collaborative is one significant facet, is the preferred option for most families. We must nevertheless constantly call to mind that some of the strengths of these constructive (rather than court-based) models will delay these messages getting out strongly into the public consciousness for some time:

- The privacy of its processes and conclusions tends to hide it from media, which that generally relish the public parry and thrust of litigated high-profile divorce.
- Its lower overall cost may (appallingly) mean that it is less strongly promoted to clients by some professionals.

In addition, the epithet *alternative* is likely to remain in place for these better forms of dispute resolution for more time than we would like. While the tipping point is delayed, professionals will continue to invest energy in and

promote court-based alternatives, maintaining the inertia against significant cultural change.

The internationalism of this movement where openness and sharing are an unwritten core value will surely, and in the not-so-distant future, mean that the litigated route will be viewed as the stranger alternative to the norm of assisted constructive dispute resolution.

Carl Michael Rossi, Divorce coach and Attorney

Chicago, Illinois

A paradigm shift is required in which we become aware of and then change our fundamental beliefs about conflict

The future of collaborative practice must flow from its roots. In the past couple of years, I have seen many debates over the best way to do collaborative practice. What I have seen less and less of is attention to the paradigm shift.

Identifying the steps and methods that work well in collaborative practice is important, but that cannot be done in the absence of a fundamental paradigm shift, a term coined by Thomas Kuhn in 1962 in his book *The Structure of Scientific Revolution* to describe fundamental advancement as occurring when “one conceptual world view is replaced by another.”

In terms of the future growth of collaborative practice, that paradigm shift involves seeing the task of the collaborative process as not simply reaching a settlement but as creating a new circumstance that works for, and even benefits, each person involved. Without that shift in our perception of “what is the task,” we will continue to struggle with questions that essentially come from a belief that the

clients' interests and needs are irreconcilably at odds and require us to be answer givers.

I believe the necessary advancement requires that we become aware of and then change our fundamental beliefs about conflict, the participants, and the goals of the process. As we do so, our beliefs and the things we have been doing automatically will drop out, and the way to do things will flow from what we now believe. This shift in beliefs involves personal, internal work in which we must be willing to support each other.

Melvin Rubin, Attorney

Coral Gables, Florida

Collaborative divorce has provided me another alternative work style and process in my “tool kit”

On a personal and gut feeling, the process of collaborative divorce replaces the prior solitary feeling I often have as a mediator with the sense, and perhaps even the camaraderie, of working together as a team. Each person is contributing his or her own skill and life history to a common goal. It also builds the feeling of trust and a continuing team approach whereby we all learn and grow together. This work can and should be fun and fulfilling. And it is a model that is valuable to the parties, who can see the reality of “what can be” rather than the “should be” or “has to be.”

I do not believe that comparisons with the alternative dispute resolution process are helpful, beneficial, or appropriate. We should be beyond this. Every style has its own virtues and faults and has special value for different cases. For me professionally, collaborative divorce has provided another alternative work style and process in my tool kit. I believe there will be more. And as we experiment more, new methods and processes will emerge. This must be encouraged rather than avoided or criticized. Because of that, each of us will have the opportunity to find what fits for us, is the most comfortable, and that from

which we not only enjoy our work but also share that enjoyment with our colleagues and the participants themselves, while also contributing to the winds of change.

Friedrich Schwarzinger, Attorney

Vienna, Austria

Lawyers are released from the role of client rescuer to become a client mentor

We know that families get help from lawyers, mental health professionals, and finance experts, and they often find solutions with or without the court's involvement. We know also that the solutions for families could have much more flexibility and much more acceptance than they do.

The spirit of collaborative practice is that families have somebody on their side in the streets of law as well as in the streets of their emotional movement, where clients can walk together with professionals through their own development and move toward the future.

For me as a mediator and a professional advisor in law and mental health, collaborative practice was the missing link between litigation and mediation, and also between psychotherapy and couples coaching.

In collaborative practice, we can work with the most difficult situations because every client is getting a mentor, an experienced fellow, to go through the darkness of crisis in order to come to the light at the end of the tunnel. This crisis has been burning for a long time, as it has for conflict partners.

My own life has also been enriched through collaborative practice with deep trust and support in support finding my own way.

In Austria, about fifty lawyers have been trained in collaborative practice, and they work with about twenty mental health professionals. Lawyers especially have had to go through a big paradigm shift as they release their role of rescuer of clients and become a mentor with a strong belief in the power of their clients.

Richard W. Shields, Attorney

Ontario, Canada

The paradigm shift and transformation

As a trainer of collaborative professionals, I have found that often participants did indeed experience a paradigmatic change in their outlook toward practice. I became skeptical when I observed that many of them continued to work as before, notwithstanding their claims of a collaborative conversion and active participation in practice groups.

In the course of my doctoral studies, I learned about transformative learning, a pedagogical model that appeared more appropriate for the analysis of change in this context than did paradigm shifting.

Learners who are seeking to experience a perspective transformation must critically reflect on their underlying assumptions of practice, engage in dialogue concerning those presuppositions with colleagues and others, form a strategic plan of action to effect the desired change, and commit to its implementation.

My earlier skepticism concerning paradigm shifting has mellowed. As an active member of the Ontario Collaborative Law Federation, I regularly interact with members of practice groups from across my province. I sense an emergent critical mass of committed collaborative professionals who demonstrate an enthusiastic and unequivocal acceptance of this process model.

I hold on to the view that it is premature to assert that collaborative practice constitutes a paradigm shift in the context of dispute resolution as a discipline. Regrettably, adversarial practice continues, at least for now, to be the dominant paradigm. I am confident that the cultural and social transformation necessary for its displacement by the collaborative will occur, perhaps in the span of my lifetime. Another generation of practitioners might then properly say of ours, to paraphrase the words of the new U.S. president, *This was their time.*

Darcy A. Shoop, Attorney

Rockville, Maryland

A collaborative heart leads to client appreciation

For most people, births, graduations, and marriages are inspirational, even life-changing, events. For me, the moment I transformed from a litigator to a collaborator ranks right up there on my list. My former adversaries have become my collaborative teammates and, often, my friends. I no longer feel responsible for contributing to the destruction of people's lives through the process of divorce. Instead, I take pride in making a meaningful and significant contribution to the positive restructuring of families. The opportunity to practice collaboratively has been a gift.

People frequently ask me how I get my cases, as I have had many. My honest answer is that if you believe in the collaborative process, the potential client can sense it. I offer the full menu of process choices, but my heart is firmly grounded in collaboration, and I know it shows. The other component of expanding the collaborative case load is to identify collaborative professionals with whom you want to work and make a concerted effort to get a case together. Also, participate within your collaborative community and become a doer. The energy you put into the goal of practicing collaboratively will dramatically increase your chances of success.

There are many rewards of a collaborative practice. Being given the chance to demonstrate genuine caring for other people manifests itself in the hugs I get from both parties at the end of a case, in the cards I receive not just from my client but from the other party long after the collaboration ends, and from the camaraderie I experience every day with professionals of all disciplines through the course of our collaborative cases. The biggest reward is how good I feel about what I do and about knowing that I am helping people in pain.

Ruth Smallacombe, Family consultant

England

The reality of an amicable divorce is far more challenging than the idea

I was among the first collaboratively trained group in the United Kingdom and was initially struck by the self-evident and apparently simple concept of collaborative practice: different professionals working together with clients to help them (and their children) through the often turbulent waters of divorce toward consensual agreement and adjustment post separation. It seemed so much more sensible than getting advice and support on a piecemeal basis.

As a family and couple counselor and social worker from mental health and child care fields, I hold the value of client-centered practice dear, and I was attracted by this central focus of collaborative work. The collaborative principle of different professionals who work as a team with clients is fundamental to my own approach as a mediator.

When I began to practice as a family consultant (known as a divorce coach elsewhere) and to train other professionals, I realized how complex this work is for everyone involved. Many clients and professionals like the idea of an amicable divorce, and collaborative work seems perfect, although the reality is much more challenging than the idea.

Joe Spirito, Attorney

Torrance, California

Clients fly the plane; attorneys and other professionals are the navigators

Over the past seven years, our local collaborative practice group, A Better Divorce, has handled hundreds of cases.

It is misguided to think that collaborative cases are easy or that collaborative law is the solution to all marital dissolutions. Often it is easier, or even necessary, to let a judge decide an issue than to commit to a negotiated resolution. Despite many challenges, I know I have become a better lawyer. I used to feel responsible for the outcome of cases on behalf of my clients. Now I realize that the focus is on our clients. They control the outcome; we do not. Clients fly the plane, and attorneys and other professionals are the navigators.

A collaborative practice is not for everyone. It isn't for professionals who feel the need to control the outcome of their cases or who are afraid to make suggestions for fear of being wrong. I encourage those who are interested in pursuing a collaborative practice to take one of the many training courses offered all over the United States and abroad. Who knows: you just might sleep better at night.

Pauline H. Tesler, Attorney

Mill Valley, California

**The transformative nature of collaborative team
practice**

Conventional legal dispute resolution takes place in an arena bounded by the substantive limits of what a judge can order. Mediators and collaborative lawyers have learned to expand the pie beyond the family court's jurisdictional limits, but the expanded issues often relate to money, property, and time-sharing issues much as in traditional settlements. Divorcing clients can, if they wish, aim for more than legal dispute resolution. They can seek a deeper kind of human conflict resolution, as distinguished from shallow peace. It's when the conversation moves from the tangible and measurable into the realm of nonquantifiable human needs and values, about which court orders are impossible, that we speak of deep, or transformative, conflict resolution. To some extent, deep resolution flows from those the clients choose as professional helpers (a gifted conflict resolution professional may facilitate deeper and more durable resolution than a less gifted colleague), but the process choice matters too. We have seen the collaborative model evolve from representation by two collaborative lawyers, through the referral model (in which the collaborative lawyers refer clients for work on specific issues with a mental health or financial neutral or collaborative

coaches), to the interdisciplinary collaborative team model. There is little doubt in my mind that the ability of the professionals, all else being equal, to help divorcing clients reach deeper, more transformative resolution increases as the collaborative service delivery model becomes more integrated and coordinated.

We are focusing on what clients can achieve when we make those distinctions. They are, after all, the point of our work. Helping clients have life-changing conversations at the collaborative table that transform their ability to parent the children far beyond what they could achieve during their marriage represents the most profound professional satisfaction imaginable. I have seen the coordinated team model for collaborative professional service delivery facilitate such conversations more often, more safely for the clients, and at a more sophisticated level than any other way I can work as a divorce lawyer.

There is a reason for this. Collaborative lawyers who work in an integrated team model (and also participate in active collaborative practice groups) are part of an organic learning system that teaches us to do the work at a higher and deeper level with each case. An integrated team model requires high-level planning, coordination, feedback, and constructive criticism. The feedback we share routinely in collaborative team practice comes not only from lawyers, but from mental health and financial colleagues. This learning system, which is inherent in collaborative team practice, exists nowhere else in the practice of law. We help one another improve our work in each team meeting in each case, because if we

don't, collaboration fails to deliver what we've promised to our clients. Among those who are transformed by collaborative team practice are ourselves.

Norma Levine Trusch, Attorney

Houston, Texas

Love of collaborative practice has delayed my retirement

I was sixty-three years old, one year away from Medicare, when I first heard of collaborative law. Somewhere along the way, I had begun to think about retiring. The practice of family law was becoming more and more burdensome. I couldn't practice the way I really wanted to: working with other lawyers to find solutions that would begin the healing process and enable parents to work together after divorce to help their children survive their parents' parting.

In January 2000, I attended a collaborative law training, and my entire professional life changed. No more thoughts of retirement. It was as though I had been groping in the dark for a solution, and a bright light had suddenly illuminated the way. I can do this work for the rest of my life, or at least as long as my health will permit. Every day is a challenge and a joy. I have completely stopped litigating and take only collaborative and other nonadversarial cases. My professional relationships are a source of enjoyment rather than anxiety. My clients are grateful and appreciative.

Stu Webb, Attorney

Minneapolis, Minnesota

Collaborative practice started with “four settlement-only” lawyers in Minneapolis

In 1990 there were four collaborative lawyers in the universe. There were no trainings to help us discover how to do a collaborative case. We learned from keeping in mind that we operated from a principle that we were settlement-only lawyers. It worked.

In the collaborative movement today, we spend a lot of time trying to figure out how to get cases. It might be constructive to learn how we did it, and at a time of four collaborative lawyers and when hardly anyone had heard of collaborative law.

Every potential client who came into our offices received a full rundown on collaborative law. They were told that if they and their spouse would each choose one of us four as their attorney, we could approach their divorce on a settlement basis and have a high probability of avoiding litigation. Ironically, it seemed that the small number of attorneys involved in the practice made it easier for clients to choose the process. It was an exciting time in the development of collaborative practice. Consider proposing one or two names as prospective attorneys for the other spouse.

Since 1990, I believe that collaborative law's biggest impact has been the resulting transformation in the lives and practices of the collaborative lawyers and the lives of their clients.

My vision for collaborative law in the next twenty years is that this practice will become the method most commonly practiced for all conflict resolution issues throughout the world.

Amy Whitlatch, Financial planner

Cincinnati, Ohio

Collaborative financial professional: A love of detail and a willingness to see both sides

Being part of an interdisciplinary collaborative team has provided an opportunity for me to develop and use skills beyond the analytical tools of my trade. While at times this process has been uncomfortable and difficult, its engaged nature keeps the professionals rooted in the real struggles of the clients, the heart of the process. This is a vast improvement over the near disengagement from the lives of the clients I have noted from time to time when working as an expert witness.

It is very rewarding to observe the sense of empowerment that gradually seeps through the clients' demeanor from the sense of control from the process and, from my vantage point as the financial professional, a greater sense of knowledge and ability to navigate their personal financial lives. This collaborative process, though often imperfect, has been magical in how it has changed the minds and hearts of so many professionals. Instead of viewing the divorce process as one in which the goal is to win the best possible advantages for clients, it is a process where the needs of both sides are recognized, acknowledged, and negotiated.

The preparatory work for a financial professional who seeks to enter this field extends beyond collaborative training. Specialized knowledge in the field of divorce financial analysis must be obtained, and mediation training to understand how to behave in the role of a neutral is also important. A love of detail and a willingness to see both sides of a story with both clarity and compassion are essential.

Freda Wigan, Attorney

Brisbane, Australia

The opportunity to work with other colleagues under the collaborative banner provides a welcomed relief from an otherwise stress-fueled and highly emotive career

At my law firm, we have invested considerable time and resources into developing our collaborative practice and creating awareness among the legal profession, associated family relationship colleagues, and our general community. Our clear objective has been to offer our client base this alternative approach of resolving family law matters. Clients are enthused to try this unique process given their wish to avoid the animosity, bitterness, and costs usually associated with protracted litigation.

As a collaborative law practitioner who has undertaken extensive training in this area, I have found it interesting to observe how other professional colleagues and peers in our community have responded to this practice. The momentum that it is gaining as interest increases within the community at large, not only among the legal profession, but others such as accountants and mental health providers, has been inspiring. Like anything else new in this age-old

profession, there are some who will not actively participate in this nonadversarial approach, but others have enthusiastically responded and have joined the developing collaborative practice community since the process was introduced to our Australian shores a few years ago.

As a family lawyer who has practiced in this jurisdiction for many years, I have found this opportunity to offer clients another process for resolving matrimonial matters refreshing. On a personal level, the opportunity to work and engage with other colleagues under the collaborative banner and to build relationships provides a welcomed relief from an otherwise stress-fueled and highly emotive working career.