Passing the UCLA - Pioneer Stories

By Mark A. Criss

Passing the Uniform Collaborative Law Act (UCLA) can be like passing a kidney stone; excruciating, seemingly interminable, but oh so sweet when it’s over.

The TREND interviewed two collaborative lawyers from other states who were instrumental in effecting passage of the UCLA, Maury White, Esq. of Ohio and J. Mark Weiss, Esq. of Washington. We sincerely appreciate their time and generosity of spirit.

Ohio

The Ohio version of the UCLA is entitled the Ohio Collaborative Family Law Act (CFLA) and is obviously limited to family law cases. Opposition by the Family Law Bar was overcome by the deletion of language related to an “appropriateness” test, and a requirement related to domestic violence screening. In general, the Ohio Bar was perceived as neutral to supportive of the Ohio CFLA.

Mr. White provided exemplars of the testimony offered to legislative committees considering the Act. Much of the testimony focused on the importance of establishing uniform standards for Collaborative Practice (CP), in order to “regularize the practice and provide baseline rules and expectations among those involved in the use of CP.”

From testimony of Maury White —

Of particular significance, in Mr. White’s view, was a letter from the Ohio Judicial Conference supporting CP. The judges viewed CP as an aid to “docket management and the administration of justice.” They emphasized that formal recognition of CP would “give parties who wish to separate another tool to use to help them solve their disputes amicably and without going to trial. This will improve public confidence in the law while reducing court caseload and court workload.”

The Act was advertised and is viewed as providing Ohio families with a common sense approach to avoiding antagonistic and costly divorce litigation. Proponents stressed the voluntary nature of the process, likening it to the more familiar and accepted practice of mediation. Technical concerns about potential exclusion of admissible evidence revealed during the collaborative meetings were resolved by the crafting of a limited evidentiary privilege.

According to White, it is too early to tell what impact passage of the law has had on CP in Ohio. The keynotes of CP, under the Ohio CFLA are: 1) a disqualification clause; 2) an evidentiary privilege; and 3) a requirement that all material information be disclosed. Noting that all attorneys in all processes are obligated to demonstrate basic competency, provide informed consent, and fully describe any limitations on their representation, White cautions,

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**Peacemaker’s Corner**

*By David A. Miller*

Hopefully, all who read the last installment of this corner are still enthusiastically on the bandwagon. I am coming to the end of my time as chair of the Collaborative Law Committee. If you include my time as chair of the Collaborative Law Subcommittee of the ADR Committee, it has been an active four years. I want to express sincere thanks to those who have joined the committee and especially to those who have volunteered to help pursue the committee’s mission. I continue to be amazed by the growth of collaborative practice and I often wonder why it has grown so popular. I offer some thoughts on that question.

Lawyers can be divided into transactional lawyers and dispute resolution lawyers. Transactional lawyers draft documents that govern things that happen in the future. Dispute resolution lawyers take past events that have led to a dispute and try to help resolve it. In our current society, the primary process for dispute resolution is litigation. At the heart of litigation is the belief that by presenting competing evidence to a fact-finder from two sides of a dispute, the truth will have the best chance of being found. The “truth” being sought differs from one type of dispute to another. Some disputes fit litigation and others do not. The “truth” about whether someone ran a red light is different from the “truth” about what is in the best interests of a child. The growth in collaborative practice, I believe, is driven by the realization that the “truth” being sought in family law matters does not match up well with the litigation process. The answer to the question of whether someone ran a red light is a “hard” fact that fits better in litigation. What is in the best interest of a child is a “soft” fact (an opinion, really) whose answer depends as much on the fact-finder as it does on the evidence presented.

The Pennsylvania Divorce Code, among other things, established a list of factors for determining equitable distribution and alimony. Why do we have such a list? The answer goes back to my first idea. What is an equitable distribution of property, or whether alimony is appropriate, in any given case is difficult to plug into the truth-finding litigation process. It does not fit well so we need guidelines to make it a little more predictable. We have recently seen the enactment of factors for a

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From the Editor

FAREWELL

I have enjoyed editing The Trend these past two years. The job has brought me into repeated contact with the leaders of the Collaborative movement around the Commonwealth, individuals I likely would not have met, but for the job.

The mission was to inform, educate and entertain. You, dear reader, will decide if we have succeeded or underachieved. From my perspective, The Trend is in a good place — a rhythm, if you will. The fall edition is devoted largely to educational topics authored by the many Pennsylvania lawyers who make it a point to attend the IACP forum. The spring edition tries to make sure the PA collaborative audience is up-to-date about what our practice groups are doing around the state, what the PBA Collaborative Law Committee has achieved or is planning, and a treatment of some theme of interest to collaborative professionals. This time we focus on the path to adoption of the Uniform Collaborative Law Act in Pennsylvania.

No doubt the next editor of The Trend will improve the product. Perhaps he or she will be able to encourage more individuals to propose and contribute articles of broad interest. This has been the biggest challenge during my two years, and I encourage all of you to support my heir with ideas and contributions. I ask only this: strive to keep The Trend fresh and different.

Thanks for the buggy ride . . .

Mark A. Criss
First Editor of The Trend

Peacemaker’s Corner
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court to consider in custody litigation. There is ongoing debate about more rules for alimony. So, the process of more factors or guidelines continues to help family law fit better in the litigation process. Ultimately, however, many of us realize that no matter how many factors or guidelines we have, most litigants leave the family law litigation process feeling as though the factors or guidelines were misapplied in their case. So, the second idea I have is that the growth in collaborative practice is driven by the sense that no matter how much “law” we create to govern the break-up of a family, ultimately the litigation process and the law cannot resolve the many issues, not just the legal ones, that are created by the break-up of a family.

With those thoughts in mind, perhaps we should not even refer to the break-up of a family as a dispute that needs to be resolved. Maybe we should view marriage as a transaction that generates expectations on each side as to how married life will be and what each spouse to the marriage should contribute to that life. If the expectations change, or if the expectations of one spouse are not being met in a significant way, maybe we need to view divorce solely as a transaction that dissolves the marriage. Our job is not to help our client to resolve a dispute: it is to help them dissolve the original transaction in an ordered fashion with the assistance of other professionals to help them move on to their new separate lives with the least amount of legal, financial, psychological, and emotional damage. In the pursuit of the new transaction, the collaborative lawyers provide ideas to help parties identify interests and generate options, they draft the documents for the new transaction, and they make sure the new transaction is legally enforceable. The financial coach helps with the finances so that the new transaction is financially viable. The collaborative coach helps the parties communicate better in both the creation of the new transaction and its implementation. With all issues being addressed by a person with the appropriate education and experience, with the goal of minimizing damage, and with an understanding about why family law does not fit well in the litigation process, can there be any further wonder why collaborative practice has grown and will continue to grow around the world.
“Competency in the field [of CP] requires more than is in our collaborative statute.”

**Washington**

The UCLA was adopted in Washington and became effective in July 2013 “after a two-year slog,” according to J. Mark Weiss, Esq. The family law and litigation sections of the Washington State Bar Association spearheaded opposition to the Act’s passage. Nevertheless, proponents secured passage, stressing two primary child-related arguments which eventually prevailed. First, they made the common sense point that power struggles between divorcing parents are not healthy for children; real benefits inure to the children of divorce by reducing conflict. Then, citing studies indicating that parental discord is the biggest predictor of child delinquency and adjustment problems, which are a drain on public (judicial) resources, they posited that CP could offer a healthier alternative to families while at the same time achieving net savings to the public fisc.

Weiss also opines that the adoption of the Act in other jurisdictions resonated with some legislators.

The details of the political rapids negotiated in Washington before the UCLA was adopted are not for the faint of heart. But when all was said and done, simple ignorance seems to have been at the heart of the problem. One example: despite the unanimous passage of the legislation in the House of Representatives, an important Senator was refusing to give the legislation a hearing before a key committee. Upon investigation, it turned out that the Senator was afraid that the legislation would “encourage divorce.” Understanding the Senator’s concern led to discussion and understanding, and ultimately to a vote.

Weiss credited the Washington success to sound strategy, organization and follow through. 1) The legislative effort was overseen by a “super-reliable point person” who actively monitored the status of the legislation, obtained placement on the legislative calendar, and could “turn on a dime.” So, vigilance, industry and nimbleness. 2) The proponents had the help of a professional lobbyist. 3) A central database of all collaborative practitioners throughout the state was created early on. This became invaluable when, as opposition or concern surfaced on the part of individual legislators, volunteer collaborative professionals, often (in smaller counties) having a personal acquaintanceship with the representative, could obtain an audience and provide information and reassurance.

Effective, persistent communication, with talking points well understood by the messengers, effectively carried the Act to passage in Washington.

Weiss was able to cite immediate benefits of adoption. First, there is growing excitement about CP exemplified by an increase in the number of registrants for training. Second, and on a more practical level, in locations committed to “moving cases,” practitioners are able to more easily obtain a stay of state court litigation proceedings, while the collaborative process takes place.

**Summary**

My takeaway from this research is that getting a law passed is one part honest communication about the merits of the measure, when individual legislators are open-minded and uncommitted, one part neutralizing potential organized and influential opposition by compromise over drafting issues, one part recruiting support from important constituencies who will benefit from the legislation, one part finding a way to code your message as “fiscally responsible” and “consumer friendly,” and several parts serendipity, like not having the Capitol shut down by an earthquake on the last day of the legislative session. For sure, to get something passed without excessive compromise is a laborious job, requiring a thick skin, resolution in the face of rejection, and willingness to accept a less than ideal version of one’s proposal, provided the end result represents important progress.
Update on the Uniform Collaborative Law Act and the Draft Pennsylvania Collaborative Law Act

By David A. Miller, Esquire

I write to provide a brief update on enactment of the Uniform Collaborative Law Act (the UCLA) across the country and the status of the draft Pennsylvania Collaborative Law Act (the PCLA) being considered by our Committee. Some form of the UCLA has been adopted in seven states (including Ohio) and the District of Columbia and legislation is currently pending in eight states (including Maryland and New Jersey).

The form of the UCLA adopted or introduced in other states differs from one jurisdiction to another. For a state’s enactment of the UCLA to be considered to be a form of the UCLA, it is clear that one rule that cannot be removed completely is the disqualification rule that requires professionals to withdraw if the process terminates. As we know, the absence of a disqualification rule removes the heart of collaborative practice. However, I need to qualify that statement. The state of Maryland has introduced their form of the UCLA to their legislature and the legislation does not contain the disqualification rule. However, what I have heard is that Maryland is proposing the adoption of a disqualification rule by court rule at the same time it is pursuing legislation. Maryland appears to be the first state to try to modify the UCLA in this fashion.

Of the 16 jurisdictions that have adopted or are considering adoption of a form of the UCLA, 10 have limited it to family law matters and six have not limited it to family law matters. The PCLA is limited to disputes between family members, which is broader than disputes on family law matters. Unless it is changed and if enacted in its current form, the PCLA will be the first law to broaden the UCLA in this fashion. Two states (South Carolina and Michigan) require training for collaborative lawyers. The PCLA does not include such a training requirement. Seven states omit the exceptions for low-income parties and governmental entities as parties. The PCLA omits these exceptions also. Two states (Ohio and New Jersey) omit section 14 of the UCLA regarding the appropriateness of the collaborative law process (a/k/a the “informed consent” rule) and one state (Florida) directs its Supreme Court to establish this section by rule. The PCLA omits section 14. Two states (Ohio and New Jersey) omit section 15 of the UCLA requiring lawyers to make reasonable inquiry into whether a prospective party has a history of a coercive or violent relationship with another prospective party. One state (Florida) directs its Supreme Court to establish the substance of section 15. The PCLA omits section 15. There are other differences. However, the theme when it comes to substantive differences is that many jurisdictions prefer to leave out anything that sounds like something governing the conduct of lawyers. In drafting the PCLA, I believe most of the members of the legislation/rules subcommittee agreed and that is why there is no training requirement and sections 14 and 15 of the UCLA are omitted.

Finally, as a reminder and a summary of what was set forth in the memorandum that Zanita sent to the listserv, please keep in mind the following bullet points when someone asks why enactment of some form of the UCLA is important in Pennsylvania:

- **Consistency** — The UCLA provides consistency from state to state regarding the enforceability of collaborative law agreements. This consistency is important for parties who may choose collaborative law as a process by which to resolve interstate disputes.

- **Minimum Requirements for Agreements** — The UCLA establishes minimum requirements for collaborative law participation agreements. They must include written agreements that state the parties’ intention to resolve their dispute through the collaborative process, a description of the matter, and designation of collaborative lawyers.

- **Process Beginning/End** — The UCLA gives specific instruction on when and how the collaborative law process begins and concludes.

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• **Clear Disqualification Requirement** — The UCLA codifies the disqualification requirement for collaborative lawyers if the collaborative process concludes. The disqualification requirement is a fundamental characteristic of the collaborative process.

• **Privileged Communications** — The UCLA creates a privilege for communications that occur during the collaborative law process that would otherwise not be available, or would vary when a dispute crosses state lines.

• **Consumer protection** — Individuals who retain lawyers to resolve their dispute using the collaborative law process deserve to know that everyone is required to play by the same basic rules as set forth in the UCLA.

• **To preserve judicial resources** — In an era of government cutbacks, a process that keeps parties out of court reduces court backlogs and enables the cases that truly need judicial attention to be resolved more quickly.

• **For the benefit of our society** — The advancement of more peaceful resolution of disputes, especially between family members, who may need to carry on a future relationship with each other as parents or as siblings, has untold benefits for our society.

If anyone has any questions about the PCLA, do not hesitate to contact anyone on the legislation/rules subcommittee. If you want to help with obtaining enactment of the PCLA, please consider joining the legislation/rules subcommittee.

1 I must mention and credit much of the information in this article to some excellent research provided by Casey Gillece, legislative counsel to the Uniform Law Commission. Thank you again Casey!
By Mark A. Criss  

**The Duel**  
*By Eugene Field*

The gingham dog and the calico cat  
Side by side on the table sat;  
‘T was half-past twelve, and (what do you think!)  
Nor one nor t’other had slept a wink!  
The old Dutch clock and the Chinese plate  
Appeared to know as sure as fate  
There was going to be a terrible spat.

*

* * * * * *

Next morning, where the two had sat  
They found no trace of dog or cat;  
And some folks think unto this day  
That burglars stole that pair away!  
But the truth about the cat and pup  
Is this: they ate each other up!  
Now what do you really think of that!

Who won? Not the gingham dog. Not the calico cat, surely. Which do you represent? Does it matter in the end? Does the image of mutual self-destruction remind you of any of your litigation cases?  

I considered other titles for this essay, each more turgid than its predecessor. Here’s just one: The Pedagogical Uses of Poetic Imagery and Metaphor in Collaborative Training. The notion is that people will often respond more favorably, or at least more openly, to the indirect presentation of an idea versus the unvarnished assertion of the same idea. Try telling a bunch of litigators that litigation is not a very sensible way for adults to resolve their problems.  

I’ve tried, and I’m here to say  
A bit of lubricant goes a long, long way.

Let’s face it, contrariety is a basic trait of many lawyers. Have you ever had this experience? A colleague starts a discussion with a demand that something occur. You accede immediately. Then, as if you hadn’t spoken, your colleague launches into a well prepared diatribe about why his/her point of view is obviously correct and just, and anyone who feels differently is stupid or venal or worse! When you point out that you already agreed with the demand, you do not get an apology for the lecture, instead, you get blamed for having a bad person for a client or you are treated to some other non sequitur. How do we introduce to this lawyer the notion that agreement = no disagreement (and that’s OK)? After all, as we have all heard in our collaborative training, sometimes as a way of diminishing the challenges posed by dyed-in-the-wool litigators to the need for a paradigm shift, “If the only tool you have is a hammer, you tend to see every problem as a nail.”  

Maslow’s is truly a brilliant insight, but is our colleague prepared for such a direct demand for self-reflection? Maybe we can sneak up on him/her.  

In his oft quoted poem “Two Tramps in Mud Time”, Robert Frost describes the ruminations of a man enjoying the outdoors in Spring. He is chopping firewood, enjoying the exercise, when two tramps emerge from a nearby wood. They linger, causing some slight resentment, because it is assumed the tramps want to chop the wood for him (for pay), which would also deprive the man of the task he so enjoys. He sees the tramps and imagines their back story, thus;  

Out of the woods two hulking tramps  
(From sleeping God knows where last night,  
But not long since in the lumber camps.)  
They thought all chopping was theirs of right.  
Men of the woods and lumberjacks,  
They judged me by their appropriate tool.  
Except as a fellow handled an ax,  
They had no way of knowing a fool.

And there it is. Insight without judgment. To me, the poet’s tone is not deprecating. He is stating a fact. “They judged me by their appropriate tool. Except as a fellow handled an ax, they had no way of knowing a fool.” The tramps skill in their own metier is acknowledged. And though their self-awareness is certainly viewed as limited, they are neither pitied nor condemned.  

The wood chopper appears to eventually cede the job to the tramps, though with painful reluctance. The poem celebrates open-minded self-awareness, even when the result is disconcerting and painful.  

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Is there a difference between the insight offered by Frost from that of Maslow? If not, which version is more palatable? If the insights are different, how do you distinguish them?

We need not confine our search for collaborative teaching tools to poetry. Think about poetry set to music. I have not yet conceived of a better way to illustrate the difference between an interest and a position, than to play a song from My Fair Lady. Most of you know the basic story. Arrogant, misogynistic elocution teacher (Henry Higgins) accepts a friendly challenge to transform a cockney guttersnipe’s (Eliza Dolittle) linguistic habits to an extent which will allow her to pass in society. The technique employed to effectuate this change is relentless, mind-numbing repetition of apparently challenging words and phrases. Eventually, Eliza begins to fantasize about her release from this torture. She imagines that the King of England is her personal friend, who wants to give her something special for her birthday. Whatever she wants she can have. Her response:

“All I want is ‘enry ‘iggins ‘ead.”

Position? Or interest? If you said position, what do you speculate is/are the underlying interest(s)?

Caveat: I haven’t actually seen this use of music in collaborative training yet, but I am anxious to give it a try.

It would be easy to extend this discussion to an unacceptable length, with example upon example. Instead I will end with a longer poem, by Frost, my favorite collaborative poet, published in 1914. “Mending Wall” will be known to many of you, but rereading it now, as a collaborative professional, may bring you added joy and meaning. I am reminded when reading this poem and many before it, that collaborative concepts have always been around. It’s a shame that it took until 1990 for Stu Webb begin a movement coalescing around age old precepts. To me “Mending Wall” is an anthem of sorts for a movement which would not be formalized until more than 70 years after the poem’s release.

Something there is that doesn’t love a wall,
That sends the frozen-ground-swell under it,
And spills the upper boulders in the sun,
And makes gaps even two can pass abreast.
The work of hunters is another thing:
I have come after them and made repair
Where they have left not one stone on a stone,
But they would have the rabbit out of hiding,
To please the yelping dogs. The gaps I mean,
No one has seen them made or heard them made,
But at spring mending-time we find them there.
I let my neighbor know beyond the hill;
And on a day we meet to walk the line
And set the wall between us once again.
We keep the wall between us as we go.
To each the boulders that have fallen to each.
And some are loaves and some so nearly balls
We have to use a spell to make them balance:
‘Stay where you are until our backs are turned!”
We wear our fingers rough with handling them.
Oh, just another kind of out-door game, One on a side. It comes to little more:
There where it is we do not need the wall:
He is all pine and I am apple orchard.
My apple trees will never get across
And eat the cones under his pines, I tell him.
He only says, ‘Good fences make good neighbors’.
Spring is the mischief in me, and I wonder
If I could put a notion in his head:
‘Why do they make good neighbors? Isn’t it
Where there are cows?’
But here there are no cows.
Before I built a wall I’d ask to know
What I was walling in or walling out,
And to whom I was like to give offence.
Something there is that doesn’t love a wall,
That wants it down.’ I could say ‘Elves’ to him,
But it’s not elves exactly, and I’d rather
He said it for himself. I see him there
Bringing a stone grasped firmly by the top
In each hand, like an old-stone savage armed.
He moves in darkness as it seems to me–
Not of woods only and the shade of trees.
He will not go behind his father’s saying,
And he likes having thought of it so well
He says again, “Good fences make good neighbors.”

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Collaborative Poetry
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It’s all there. Assumed or manufactured conflict. “Where there is we do not need a wall.” Appeal for an interest based analysis of the situation. “He is all pine and I am apple orchard. My apple trees will never get across And eat the cones under his pines, I tell him.” Persistent ignorance. “Good fences make good neighbors.” Plea for deeper analysis. “Spring is the mischief in me, and I wonder If I could put a notion in his head: “Why do they make good neighbors?” And the extraordinary and sad idea that, against any rational analysis of the situation, some people will continue to erect barriers that separate them from one another, barriers they do not need and should not want.

This poem turns the notion of interpersonal conflict on its head. We normally think of two contestants rending and tearing at one another, destroying everything in their path. But Frost shows us that conflict is equally expressed by building walls that serve no useful purpose.

Does this poem speak to you, as a collaborative professional? Can you make use of it in your next collaborative training?

Attributed most frequently to Abraham Maslow
COLLABORATIVE PROFESSIONALS FOR CENTRAL PENNSYLVANIA

By Jim Demmel

The Collaborative Professionals for Central Pennsylvania are enjoying the leadership of co-presidents for the first time in 2014. Dawn Sunday, Esq. and Maryann Murphy, Esq. were elected as co-presidents in November 2013 and have jointly been spearheading efforts to include continuing education credits for presentations as part of our monthly membership meetings and expanding our marketing efforts. Our monthly membership meetings have been well attended and I believe that reflects positively on the quality of the meeting content. Additionally, we are excited to be hosting a 2-day training workshop on Powerful Non-Defensive Communication conducted by Sharon Strand Ellison on June 6 & 7, 2014, which we expect to be well attended.

We have expanded our organized social opportunities for CPCP members, with the goal of encouraging more relaxed, informal interactions to foster our sense of community and trust between individual members. Our first bowling night was a tremendous success, revealing previously unknown talents and nicknames that probably would not have come to light in our membership meetings or collaborative conferences. Overall, CPCP is thriving and our members are working to spread collaborative practice throughout the Central Pennsylvania area.

COLLABORATIVE PROFESSIONALS OF NORTHWEST PA

By Zanita A. Zacks-Gabriel, Esq.

I am delighted to report that the Collaborative Professionals of Northwest Pennsylvania is thriving and progressively moving forward. As a result of our recent training, we have enlarged our membership to 38 members, with more interested in joining. We have had to reprint our brochure, and anticipate having to do so again in very short order as a result of the continued influx of new members.

Melissa Sulkowski, Licensed Professional Counselor, our mental health professional, has double kudos. First, she was selected for the Athena PowerLink Award recipient for 2014 in Erie which is a very prestigious award. Furthermore, the Athena PowerLink is very interested in really spreading the word about collaborative practice which will be a big boon to our community.

Secondly, I have been a founding member and the president of our practice group since its inception. On May 1, I handed over those reins to Melissa who I am perfectly confident will continue to lead our group in positive, thriving directions.

We are planning a day-long retreat on Thursday, June 5. One of the primary focuses will be to train all of our allied professionals. Brad Enterline, Esq., and I will be training our mental health and financial professionals about legal aspects; Melissa Sulkowski and Pam Presler, LSW, will be training the lawyers and the financial professionals about emotional issues; and Sherry Ziesenhein, CPA, CVA, MA, and Dan Sloppy, CPA/ABV, CFF, CVA, CFE, MBA, will be training mental health professionals and attorneys about financial issues. We figured that the more we each know about our respective disciplines, the more cohesive and well-functioning teams we will make.

The last bit of fabulous good news is that all of us are experiencing an uptick in people contacting our various offices requesting collaborative resolution. Here’s to getting to our tipping point!
There is a lot going on in Southwestern Pennsylvania! CLASP members have continued to work to make collaborative law the first choice in Pennsylvania for our colleagues and our clients.

In February this year, we again sponsored a three-day interdisciplinary basic training. We had a great mix of mental health, financial and legal professionals, several of whom subsequently joined CLASP.

Our first retreat was such a success we have planned another for this May. The retreat will provide training, round table discussions, and social activities all designed to heighten our professionalism in collaborative work as well as enjoy getting to know one another better.

In early June, we are excited to be co-sponsoring, with the Allegheny County Bar Association, the Kaplan Lecture which features Sharon Ellison. Sharon’s field is non-defensive communication. Members who attend the lecture are encouraged to follow up by attending an advanced training with Sharon the following week. The full-day training with Sharon will end with our midyear general membership meeting.

In the fall we will be providing additional 1-3 hour trainings for members and other professionals:

- October program: Understanding Social Security Benefits from a Collaborative perspective
- November program: Valuing Retirement Plans and Drafting QDROs—Collaboratively
- December program: Money Matters: Uncovering the Emotional-Money Connection in Divorce

The December program will be immediately followed by our annual holiday membership meeting.

We are growing, albeit slowly. Interest in the Collaborative Law process for divorce is increasing in our area, despite minimal marketing efforts. You can imagine how hard it is to get a group of lawyers to agree on anything, much less to get the time to work on marketing!

Our group is now moving toward an interdisciplinary model as much as possible, using at least a neutral divorce coach and often a financial specialist. The benefits of having a neutral divorce coach are clear. Although few of our cases abandon the collaborative process, several of them have degraded into exchanges of written proposals to finalize the agreements. We believe that this would likely not have happened if we had a neutral keeping us on track with the process. Additionally, we have been surprised in a number of cases when apparently collaborative clients turned into screaming furies. Again, we believe the neutral could have addressed those emotions, leading to more productive meetings.

Although it is tempting to believe that a two-attorney only model would be less expensive for clients, we are finding that the involvement of the neutral coach and financial specialist will actually decrease costs as the attorneys are not involved in every aspect and the clients’ emotional needs are channeled so that they are able to more clearly make decisions and learn respect for one another. As word-of-mouth is crucial to the marketing effort, we believe it is important that spouses who’ve used the collaborative process feel that it was superior to negotiation and litigation.

We are excited to be having a full-day training this summer or early fall with Shireen B. Meistrich, LCSW, to learn how better to use the interdisciplinary team approach. When the date is finalized, we will share detailed information via the listserv.