

COLLABORATIVE LAW: THE CLIENT-CENTERED APPROACH TO DIVORCE By Nancy M. Perry

I recently attended another continuing legal education seminar on collaborative law and I find myself more and more convinced that this is the wave of the divorcing future. I believe that in the next 10-20 years, collaborative divorces will be the rule, not the exception. It's a growing movement that many family attorneys are embracing as a sane, logical approach to the emotional turmoil of traditional divorce. If you're not familiar with the mechanics of collaborative law, I invite you to Google it and find out more about how it works. I'm going to talk about the broader goals of collaborative law and how it can help you in your divorce.

Would you like to optimize the financial outcome to you in your divorce? Would it be your goal for your children to feel safe and loved? These are such broad, "macro" goals, that more than likely you and your spouse will both answer yes to these questions. You each have just found common ground. And to think you were so sure that each of you would never agree on anything! This sets the framework for your collaborative divorce, the foundation upon which you will build your divorce settlement. Throughout your collaborative divorce, no matter what you each cannot agree upon, you can always come back to your common macro goals and work from there. In the collaborative meetings, a big poster board of your common macro goals is hung on the wall always ready to refer back to when it seems as if you are stuck.

In talking about collaborative divorces, you may hear people joke about how the parties group hug and sing "Kumbaya." That isn't the concept behind collaborative law at all. Rather than looking at it like that, look at it instead that it's in your own best self-interest to be respectful and polite to your spouse. What does this mean? It means that if you are respectful to your spouse, you will be more likely to arrive at a settlement that reaches your goals such as to optimize your financial outcome. If you launch into criticism and negative comments at your spouse, do you honestly think he or she will be in the mood to give you a good settlement? Of course not. Your spouse's reaction will be to shut down, throw up a wall, and there you are hitting the wall and getting nowhere fast. How productive is that? How does that benefit your interests?

By no means are collaborative divorces without conflict. Spouses will still get upset and emotional and will still bicker with each other. Picture this: the spouses launch into the bickering that they've learned to do so well over the years. The collaborative team sits there and lets them go at it as they bicker sometimes for ten minutes or more. Finally, the spouses stop and look at the rest of the team. One of the team members asks them, "So, how's that working for you?" Inevitably the response will be, "Not very well." The team member replies, "Do you want to try something different?" The team is helping them realize that this type of behavior is counter-productive to their own self-interests which is the whole crux of collaborative law.