

## **NEW FAMILY LAW CONCEPT REDUCES FEAR OF LAWYERS** **by Kim Douglas Sherman, Esquire**

Collaborative law is a process that enables parties involved in family law disputes to attempt to resolve their differences in a non-adversarial manner– **OUT OF COURT**. Collaborative family lawyers and their clients enter into an agreement not to litigate. Efforts are focused on settling cases rather than preparing for trial. The result is reduced stress and often reduced costs.

Parties work together to reach a settlement agreeable to both parties. Cooperation, sharing information, and creative problem solving are at the core of this process. This process is ideal for people who have the maturity to realize that there is a place for rational, sober decision making without hostility. It is not just the business-like decisions that have to be made to divide the marital assets and liabilities, there are emotional issues that need to be resolved in a manner that meets the real needs of the divorcing parties and their children. The Collaborative process can recognize and address the problems of a spouse grieving over the failure of the marriage. When there are children, long after the dissolution of marriage is done, and the lawyers are out of the picture, the parties are often left to deal with each other for years to come. Using the Collaborative approach of cooperation, the parties set the foundation for a successful parenting plan and process.

The participants voluntarily disclose all relevant information and cooperate in order to problem solve together to resolve all issues. If an expert is necessary to assist in this process, the participants together choose a single, neutral expert whose job it is to render an unbiased opinion or give suggestions based the facts of the case. Often mental health professionals and financial experts are included in the process. Settlement is negotiated through conferences (including the parties, their attorneys, and experts), informal discussions, mediations, and other non-litigation alternatives. The Collaborative approach allows for immense creativity. Through the process, the parties can craft acceptable solutions for all involved. It is all accomplished as a private confidential process.

Should the process prove unsuccessful and the parties cannot reach an agreement or either party thwarts the process, the lawyers must withdraw from the case. In this way, the parties can have confidence and comfort that the attorneys are not going to be part of the problem and not going to encourage disputes to increase attorney's fees.

The collaborative process was initiated in 1990 by Stu Webb, a family attorney practicing in Minneapolis, Minnesota. He was frustrated with the adversarial system and

its destructive effects. There are now more than 100 Collaborative Professionals groups in the United States, Canada, and worldwide utilizing this new alternative dispute model.

For more information on collaborative law, use the Internet to search “collaborative law” or “collaborative family law,” or go to [www.collaborativefamilylawfl.com](http://www.collaborativefamilylawfl.com), for information about the local association and its member lawyers in Broward and South Palm Beach County.