"Collaborative Practice, A new Approach"

Collaborative Practice is an alternative dispute resolution method originally developed for resolving Family Law disputes, particularly Divorce, but could be applied to most civil areas of law. Those who practice collaborative law have seen the negative effects on their clients and on themselves of traditional litigation. Stu Web, an attorney who was “getting pretty sick of it,” decided there must be a better way of handling divorces. He started experimenting with a different approach where “settlement only” lawyers formed an agreement with their clients that they would not litigate and if any party decided to litigate or the process failed, the agreement required the attorneys to turn the case over to litigation lawyers. Thus Collaborative Law Practice was born.

There are no time standards except those imposed by the clients themselves. There is no need for the traditional discovery. The entire discovery is conducted voluntarily in four way meetings with the attorneys and parties; there is no need to “hide the ball” as happens in traditional divorce and civil proceedings. The meetings are considered settlement proceedings and therefore confidential. The speed of the process is dependent on the parties and therefore they manage the cost and length of time it takes them to come to agreement. The product of these meeting is an agreement. In the case of a divorce the agreement and joint petition can be presented to the court.

In addition, allied professionals are used to help facilitate the process. In divorce, coaches, neutral child and financial specialists help expedite the process by advising as necessary to help overcome obstacles and impasses in divorce cases. By adding these experts to the process, the parties address their whole situation instead of focusing on only the legal aspects of the divorce. The direct benefits are the speed of the process and therefore the savings in cost to the parties; confidentiality, especially where divorce proceedings will be available online to the public at some point in the future; and the maintenance of the relationship between the parties, important especially where children are concerned. It is recognized that not all parties will be right for this process, but most will be good prospects for this less adversarial process.

Consider joining this paradigm shift in the legal process by taking the Collaborative Law training and joining the Massachusetts Collaborative Law Council. Find out more information at www.massclc.org. If you are a divorce lawyer, your clients and their children will be glad you did and you will find a new, more rewarding way to practice law. This process has been so successful with divorce that it is now being used for other civil adversarial processes as well especially in Business, Labor and Probate Law. Reference: The Collaborative Way to Divorce, by Stuart G. Webb and Ronald D. Ousky.