

The Collaborative Process

Intro

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Topic

The Collaborative Process overview

Train

When we hear the train-a-comin it's time to stop/regroup/recap

What is the collaborative process?

- Team concept
- Professionals utilizing their skills for best suited tasks
- It sounds a little like mediation - what's the difference?
 - Mediator can be a lawyer or financial advisor
 - They represent both parties as a neutral and cannot give legal advice

Common question is why this process over mediation or litigation?

- Controlling the process - time, expense, outcome
- No filing until all agreed and more required court appearances
- Litigation stories of expense and time and satisfaction v collaborative stories of nesting and inventive ways for maintenance and support and assets that cant get through court

How does the process work?

- No filing
- Meetings with full team or partial
- All collaboratively trained
- Focus on best end while still maintaining individual goals/concerns
- Privileged info vs confidential info
- What happens if it fails...

So is this less expensive than litigation?

- Maybe or maybe not - each case is different
- Experience shows that there's less post decree issues because the agreements contemplate so many scenarios that post decree savings alone are a huge bonus
- You are paying for different things...
 - Pay for an agreement on parenting and assets that you all believe in
 - Whereas you could pay for the same thing in litigation and have relatively little comfortability with the judge's recommendations and feel trapped to sign or take a gamble with a bad ruling

Who are the members of the team?

- Attorneys
- Coach
- Child Specialist
- Financial Neutral

What are their roles?

As a collaborative lawyer, how do you find it working with the financials and coaches?

- Love it
- Focus only on legal
- Only do what best at
- Stories of how financials or coaches have saved things or contributed in a big way
 - Big money cases with lots of assets and accounts and tax issues
 - Smaller cases where neutral can bang out financials quickly and inexpensively for lawyers to get running
 - Hot button emotional issues like infidelity that muddy up other issues and situations where the parties are at an impasse
 - Feeling like one person makes all of the money and distribution gets stuck parenting plans and rolled in issues like belling the kids

As a coach and mental health professional, how does the collaborative process fit with your practice and working with the other professionals?

- Stories of couples counseling etc and how lawyers and financials help/complete
- Advantage of being able to work with coach after the case concludes if issues arise - great way to avoid post -decree

What are the parties' roles?

- Requires all to be invested in openness with full disclosure, transparency and active participation

How do you finish - what does it look like?

- Signing ceremony
- Prove up
- Stories of couples going together to and from court
- Stories of hugs for both attorneys by parties after v taking separate elevators