



COLLABORATIVE DIVORCE

A HEALTHIER PROCESS FOR FAMILIES

Kristen Hall
Hall Mediation & Law



WHAT IS COLLABORATIVE DIVORCE?

- A dispute resolution process that
 - intentionally works towards a positive outcome for both parties and their children without going to court.
 - Utilizes transparency and cooperation rather than traditional adversarial techniques
 - Empowers the participants to actively participate in the negotiation of the final solution.

Collaborative Framework

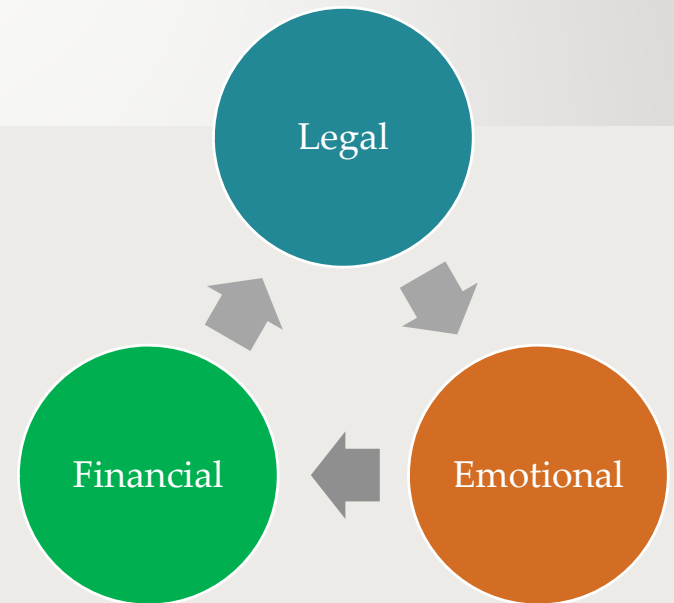
- All parties and counsel agree to negotiate in good faith towards an acceptable solution for all.
- Lawyers are disqualified from litigation
- Clients agree to avoid or suspend litigation
- Each participant has independent counsel and actively participates in the negotiation.

Collaborative Framework (cont.)

- Discovering is willing, complete and timely. No “hide the ball”.
- Experts are jointly retained – and disqualified from future litigation unless the parties agree otherwise.
- Other team members (CDFA, child specialist, coach etc) may be utilized as needed.

Team Approach

- Team serves the common purpose of getting the best result for all involved.
- Meet people where they are
- Levels the playing field
- Neutral information
- Models teamwork for the participants





Team Roles

- Lawyer
- Mental Health Professional
- Financial Professional

The Process

- Signing the participation agreement
- Identifying values and goals
- Address immediate issues
- Gather necessary information
- Brainstorm and test possibilities
- Develop mutually acceptable solutions

Collaborative Communication

- Future focused
- Practical, solution oriented
- Creating new habits
- Real time conversations
- Professionals model positive communication techniques

When will collaborative work?

- When there will be a continuing relationship
- When clients want to maintain control of the outcome
- When there are resources (time or money) to be preserved
- When creative solutions are needed
- When clients are able to negotiate in an interest based manner

If the process breaks down

- Voluntary termination
- Abuse of the process
- Parties may resort to court
- Assistance during the transition



Ethics

- Zealous representation
- Informed consent
- Confidentiality
- Ethics for profession of origin

Paradigm Shift

FROM

Adversarial

Past

Positions

Blame

Win/lose

Stuck in the past

TO

Cooperative

Future

Relationships

Impact/improvement

win/win

Recalibrate to the new normal