

ASK THE EXPERTS

COLLABORATIVE LAW

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Can collaborative law help me minimize the emotional and financial costs of divorce litigation?

Absolutely! It's why collaborative law was "invented." Divorce litigation exacts a tremendous emotional and financial cost on couples and their children. It doesn't have to be this way. Even with the worst set of facts, a "good divorce" can happen. Collaborative law was designed to produce the best possible outcome from, for most people, one of the worst experiences of their lives. Calabrese Huff helps orchestrate the "good divorce" for our clients every day.

What are the major differences between collaborative law and traditional divorce?

Collaborative law is a private alternative to the public litigation model. The risk that you will be dragged into court or deposed and your private matters exposed during your divorce is eliminated. When collaborating, you stay in control of the outcome. You don't hand control over your life, your children, or your money to lawyers or a judge. Unlike traditional divorce, nothing happens to you in a collaborative divorce to which you do not agree.

Does my spouse have to have a lawyer too?

Yes. Not only must you each hire a lawyer, but the most effective collaboration involves a team. Because every divorce involves emotional, financial, and legal issues, the best team includes two lawyers, a financial professional, and a mental health professional (both of whom are neutral). The neutrals act as built-in reality checks and "mediators." On the cutting-edge of dispute resolution options, the team approach puts collaborative law at the top.

Can any lawyer handle my collaborative divorce?

No. A referral alone does not guarantee the right lawyer. Any lawyer can say they collaborate, but not all lawyers have the expertise. Special training, education, and significant experience are musts. Don't be afraid to interview your lawyer. Bottom line, choosing the right lawyer in a collaborative divorce can make or break your case.

There's been an affair. Can I collaborate?

Yes. Affairs are not barriers to successful collaboration. In fact, almost all collaborative divorces involve affairs. Affairs, although very painful, are often a symptom not a cause. While revenge is a natural reaction, it is a myth that you are better off in litigation with a gladiator. Aggressive litigation tactics to "make her pay" often backfire.

I don't trust my spouse. Can I collaborate?

Yes. It's natural not to trust your spouse during your divorce. In collaboration, not only can you trust your lawyer and the two neutral professionals, but your spouse's lawyer is not your enemy. While your lawyer is always your advocate, both lawyers are trained to work as part of a team in a sophisticated process which recognizes that meeting both clients' needs is the best possible outcome. The collaborative model may be the smartest place to put your trust.

Savvy business people seem to prefer collaborating. Why?

Courts are limited to cookie-cutter solutions that, at best, do no harm but don't add value and, at worst, drain and sometimes even destroy assets and businesses. The collaborative process generates financial solutions that make sense—recognizing that clients know their businesses best and that families are more than the sum of their assets and liabilities. Using interest-based negotiation, collaboration "value adds" and produces "think outside the box" answers that work in the real world.

Can mental health problems be handled in the collaborative model?

Yes. Calabrese Huff has helped many clients with addictions and other mental health problems. In litigation, these cases often disintegrate and further damage the client's mental health. Collaboration encourages impaired clients to seek help, not deny their problems. This makes a world of difference to the welfare of the restructured family.

Bottom line. . . Why is a collaborative divorce better for me?

Because you continue to control your life—making all of the major decisions with the help of a highly trained team. No one is better equipped to make decisions about your future life than you!

COLLABORATIVE LAW ADVANTAGES

- Protects and puts children first
- Creative financial agreements that make sense
- Minimizes conflict and stress even with highly dysfunctional couples
- Atmosphere of cooperation rather than warfare
- Maintain control