

Collaborative Law The Basics

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WHAT IS COLLABORATIVE LAW?

- A form of Alternative Dispute Resolution that is Settlement Centric v. Litigation Centric



HOW IS COLLABORATIVE PRACTICE DIFFERENT FROM MEDIATION?

- Parties Sign Participation Agreement
 - Complete Disclosure
- Team of Professionals to Support Clients
- Specific Model for Meetings
 - Identify Goals and Questions to be Answered
 - Identify Any Immediate Issues to be Addressed
 - Generate Options for Solutions
 - Evaluate Options
 - Select Agreeable Solutions
 - Draft and Sign Durable Agreement

WHAT DO THESE MEETINGS LOOK LIKE?

- First meeting – everyone goes through the participation agreement
- Second meeting - The Team goes through and identifies goals
- Second/Third Meeting – Team identifies -Questions and information needed to generate options to meet goals and needs
- Professional Meetings – Throughout process either before or after each meeting- to discuss how to have the team meetings in the most productive ways
- No longer than 2 hours, leave with questions and homework
- Circulate agenda – for next meeting

PROFESSIONALS

- Different types of professionals used in process
 - mental health professional (coach)
 - financial neutral
 - child specialist
 - business valuator
 - realtor
 - mortgage broker
 - vocational rehabilitation specialist



HOW DO YOU BECOME A COLLABORATIVELY TRAINED PROFESSIONAL?

Jurisdictionally Dependent – general requirements for local practice groups are:

- Completion of an Introductory Collaborative Practice Training or an Introductory Interdisciplinary Collaborative Practice Training that meets the requirements of IACP Minimum Standards for Introductory Collaborative Practice Trainings and Introductory Interdisciplinary Collaborative Practice Trainings
- A certain number of years of experience in domestic relations
- At least one thirty-hour training in client centered, facilitative conflict resolution, of the kind typically taught in mediation training (interest-based, narrative or transformative mediation programs).

TIPS AND TRICKS COLLABORATIVE PROFESSIONALS USE

- I. Active listening
 - II. Ask who what when where
 - III. Not why – accusatory
- ❖ Non-judgmental, watch body language!

→ Avoid Positional

- Look behind positions, what is the concern behind the position, what is the position trying to accomplish – what is the true goal

TAKE AWAY BENEFITS OF COLLABORATIVE PRACTICE

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Take Away Benefits of Collaborative Practice

- **Client Satisfaction**
 - Part of the Process – clients have “buy in” to the result
 - Less time wasted – all the information is shared in one room. No one wonders what was said behind their back.
 - Full disclosure – both clients are part of the process and have more control over information.
- **Creativity**
 - Different than Mediation – take away ultimatums without litigation
 - Relationship focused -- Allows parties who have longer term relationships with each other to treat each other in a manner that can preserve a good or civil relationship.
 - Idea focused – Can look at other data points than what would a Court do.
 - Outside professionals lend a different perspective other than the “it’s the way we do things” perspective
 - Don’t be afraid to get specialized help - You don’t know what you don’t know. Specialists, such as a therapist, child specialist, financial planner, tax professional, etc.
- **Cooperation**
 - Less work because there’s more people involved, and everyone tries to share drafting, etc. responsibilities.
 - Not feeling so alone--you get a team even if you’re a solo practitioner
 - Team especially helps with high emotions and difficult clients
- **Cost**
 - Less time spent sharing information and positioning
 - Less aggressive letter writing
 - Meetings allow all focus on building a durable resolution faster
 - Happy clients generate more referrals for attorneys.

→ Contacts for Trainings:

- **DC:** DCACP/D.C. Academy of Collaborative Professionals: zimmerman@ftlf.com or by phone at 202-466-8960
- **Maryland:** MACP/Maryland Association of Collaborative Professionals; info@collaborativeprojectmd.org or by phone at 301-267-5701
- **Northern Virginia:** CPNOVA/ Collaborative Professionals of Northern Virginia: admin@cpnova.com or by phone at 571-246-7584

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QUESTIONS??

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