

A sweeter parting

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ORLANDO, Fla. -- You've heard of happily married, but is it possible to have a happy divorce?

A growing number of lawyers -- including some who've spent careers brawling in divorce court -- say yes. They're disciples of "collaborative divorce," which tries to bring civility and cooperation to the traditionally bitter battle over the kids, family home and Grandma's silver.

Rather than each spouse paying a pit-bull attorney to spar in court, they and both attorneys agree to work out an amicable divorce that both sides can be happy with. Along the way, they receive guidance from a neutral mental-health professional and financial adviser.

Collaborative law's converts say it can be faster, less divisive and cheaper than a traditional divorce. And because the parties may never step into a courtroom until final paperwork is filed, it's more private -- probably the reason celebrities such as Roy Disney and Robin Williams chose it.

"It's so much better for clients and their families. In my experience it reduces the costs significantly, and the results are better," Orlando attorney Richard West said.

'Wave of the future'

In the collaborative process, husbands and wives have their own lawyers, but they're there to provide legal advice, not extract a pound of flesh from the other side. The parties and the lawyers sign an agreement at the outset to share all information.

The divorcing couple is free to back out if talks fail, but then they have to get new lawyers. That's because the attorneys agree to drop out if the collaborative process fails -- a way to make sure they work hard to come up with a fair agreement.

Meetings are run by a neutral mental-health professional, who can steer discussion in a productive direction and minimize sniping. The counselor also helps design a parenting plan with the goal of working out what's best for the children rather than using them as legal bargaining chips. That's better in the long run than traditional divorce, in which a court battle can worsen a relationship so much that it's tough to co-parent once the dust settles, Maitland, Fla., psychologist Barbara Kelly said

"You're focusing on the children from the start," she said. "And people who have been through it say they came out with communication skills they didn't have before."

The team approach also includes a neutral financial adviser who helps the couple untangle assets.

The idea came from Minnesota attorney Stu Webb, who in 1990 came to the realization that divorce lawyers often were doing irreparable harm to families. Collaborative law has since spread across the country, including Florida, where there are nine regional groups of its adherents.

Maitland attorney Sam Weiss, who brought collaborative law to Central Florida in 2001, said it's a great alternative to lawyers sparring in court.

"It's become the wave of the future of divorce," Weiss said. "Instead of attorneys harping at each other and each party trying to denigrate the other, they're all on the same page."

Numbers are growing

Tom, a 43-year-old Sanford, Fla., man who asked that his last name not be used, said his collaborative divorce last year was as positive as a divorce can be.

"Being able to sit across the table with all the parties in the room was very different than me telling my attorney something, my attorney telling her attorney, her attorney telling her, and then the whole thing in reverse," he said.

Collaborative divorces represent only a fraction of legal break-ups, but the number of couples choosing a more-civil divorce is growing. There are more than 75 lawyers, mental-health professionals and financial advisers in the regional association Weiss founded, the Collaborative Family Law Group of Central Florida, with regular training sessions adding more to the ranks.

Alice Blackwell, the administrative judge for the Orange-Osceola, Fla., circuit's family division, helps teach collaborative divorce to law students at Barry University.

"What makes judges so sad is we see people fighting desperately, but if they would refocus on what's best for the family, they could find common ground. They'll spend all their assets on the divorce, and all they know how to do at the end is fight," she said. "I wish we could change the law so people had to consider collaborative law first, before they came to court to fight."

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