

Divorcees share collaborative experiences

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The experience of divorce can cause sorrow and pain when a couple parts after a long legal battle and carries the bitterness of their divorce with them for years. Few people want that type of divorce, but they find themselves sucked into the traditional approach because they do not know any other way.

Some people find a different way, where after the divorce they can remain friends and maintain a positive relationship. Collaborative law offers this type of divorce. In a collaborative divorce you may lose an occasional battle but eventually win the peace. You get divorced, but you can go forward without bitterness, and often with a better relationship than you had in the marriage. Collaborative divorce is usually accomplished with the help of a team of lawyers, a financial specialist, a child specialist and divorce coach.

In Atlanta in early 2006 three couples agreed to share their experiences with the collaborative process with a group of collaborative attorneys and allied professionals-- financial specialists, child specialists and divorce coaches. When asked why they agreed to share their private lives, they said they were willing to share their stories if someone else could be helped.

Bob and Laurie were married for fifteen years, and they have thirteen-year-old twin girls. Their attorneys assembled a team to help them—two lawyers, a financial specialist, a child therapist and two divorce coaches. Bob was worried about the cost for all the experts, but he says now they got more value from the process than he can express. He often goes back to what he learned from the different specialists about finances, communication and their children's needs. At the suggestion of the child specialist, Bob and Laurie meet once a week for coffee to talk about the children's schedules, triumphs and problems. This way they are able to keep tabs on their teens, show them a positive model of behavior, and give them the message that although their family looks different after divorce, they still have two parents who love them and two places they can call home.

Phil and Rhonda came to the collaborative process eight years after their divorce, which had been a high-conflict, emotionally charged experience for them. Their Separation Agreement provided the typical custodial arrangement—she would have custody of the two children, he would have alternate week ends and one night during the week. She would keep the house; he would pay support. From the beginning, Rhonda made all the decisions for the children and purchased everything they needed, and Phil knew this was a very bad situation for him. He felt that he had no parental role, and he was terrified of losing his sons.

Before long they both realized that what they had agreed to was not working, but every conversation about making changes ended in a blow up.

Phil learned about the Collaborative Process from an Internet research on alternative dispute resolution. He and Rhonda chose it because the attorneys agreed they would not litigate; they had a vested interest in making sure that everyone walked away satisfied; and the goal was not to get a new piece of paper but to create a way to communicate effectively. For the first time in years, they sat at the table and discussed the substance of their dispute. A coach helped them control the emotions that had only escalated over the years. Phil learned that Rhonda was as terrified as he was—she thought Phil was trying to take her children away from her. Rhonda believes they would not have succeeded without the coach.

They tailored an agreement that allows each of them to have their sons 50 per cent of the time. They set up a debit account from which each could draw, and they talked regularly about the children's expenses. By coordinating their spending for children, they were able to afford summer camp for them for the first time since the divorce. They continue to meet with the child specialist once a month to stay on track. Recently Phil remarried, and the therapist is helping them bring this new person into the family dynamic.

Phil was concerned about the expense initially but believes it was money well spent. They accomplished something that will serve them for all the years they interact around the children.

Barbara and Jack ended their 28-year marriage nine months ago. They have four 20-something children and were concerned about how their children would see marriage after their parents' divorce. It was important to them to model how healthy adults handle something as difficult and challenging as a divorce. They wanted to approach their divorce as a problem to solve rather than as a battle to win.

Barbara had been a stay-at-home mom who had a mid-life crisis and acted out inappropriately – her words. In a litigious process she believed she would be portrayed as a victim and as having made the wrong choice. She felt she would be more respected in the collaborative process. She found her first attorney patronizing and combative. For her second attorney, she had three criteria: Does she know what she's doing? Can I trust her? Does she care about me? Both Jack and Barbara found this in Barbara's second attorney.

Jack was relieved when Barbara chose a collaborative attorney. He was the sole proprietor of a successful business, and with the first attorney, all of his efforts to be honest and above board were met with suspicion and distrust.

It was important to both of them that Barbara be a full participant in the negotiations. The financial specialist brought her along respectfully and educated her so that she was neither patronized nor minimized in the process of dividing their assets and valuing Jack's business. Jack, like Bob and Phil, was very aware of the cost of all the

professionals, but he believes that without the coach and the financial specialist, they would still be trying to figure out what the business was worth. Jack and Barbara believe that every specialist meeting was helpful and appropriate and necessary.

Jack was involved in a business lawsuit soon after the divorce, and he believes the collaborative process, with some modifications, would work in this type of dispute as well. He hopes that collaborative practice gains some momentum outside the divorce arena.

The participants were asked for one single bit of wisdom they took from their experiences. Their response – do whatever you have to do to get it right. In your divorce you are making decisions that will affect the rest of your lives.

Attorney Eileen Sorrentino practices collaborative family law in Chicopee. For more information on collaborative law and to locate a collaborative practitioner in your area, visit the web site of the Massachusetts Collaborative Law Council at www.massclc.org.