

The Collaborative Law Process

What You Should Know and Why

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My Counseling Connections

Making Powerful Connections For Clarity, Healing and Transformation



What is the Collaborative Process?

- It is an out of court process designed and intended to resolve family law disputes, claims or issues, such as:
 - Divorce
 - Establishment of Paternity
 - Parenting Plan & Timesharing Issues
 - Support Issues: Alimony and/or Child Support
 - Relocations
 - Prenuptial and Postnuptial Agreements
- The Collaborative Process:
 - **Solution** focused rather than **problem** focused--Interest based negotiations rather than positional based litigation.
 - Provides a holistic setting in which to globally and efficiently resolve family law issues with the help of a multi-faceted team of professionals.
 - Utilizes a multidisciplinary team to address various aspects of divorce (Financial, Emotional, Legal, and more as needed.)

Types of matters that can be handled within the process? (F)

- Legal: Divorce; paternity; modifications; children support; parenting plan; financial support issues; relocations; prenuptial and postnuptial
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- Holistic: Mental health issues; substance abuse; families with special needs; IPV/DV; Religious/Cultural sensitivity for the family.

Is This Process Legitimate?

- **Yes.** The Collaborative Law Process Act (CLPA) was signed into Florida Law in March 2016.
See Florida Statute 61.57
- On July 1, 2017, the act and the rules of procedure became effective making it a legal route available to families who wish to choose this option.
- The rules should be read and understood in the context of Florida's public policy as stated in §61.55:
 - **“It is the policy of this state to encourage the peaceful resolution of disputes and the early resolution of pending litigation through a voluntary settlement process. The collaborative law process is a unique non-adversarial process that preserves a working relationship between the parties and reduces the emotional and financial toll of litigation.”**
- Florida Bar Article: [The Collaborative Law Process Rules: This is How We Do It](#)

Requirements of the Collaborative Process



Two Attorneys

Each participant must have their own attorney



Signing of Participation Agreement

Both Participants commit to working together towards a mutually beneficial outcome



Disqualifying Clause

If the Collaborative Process is terminated, the attorneys & neutral professionals are disqualified from representing either participant in litigation

Who is Part of the Collaborative Team?



Two Attorneys

Provide the legal counseling necessary throughout the process.



Mental Health Professional-Facilitator

Helps the team navigate the process efficiently.
Prevents issues/emotions from derailing the process.



Financial Neutral

Analyzes the financial aspects of the case and provides neutral and objective option building scenarios to be considered by the team as a whole.

Allied Professionals: an extension of the team

- Who is considered an allied professional?
 - Any professional needed to facilitate options and a resolution for the participants
 - Can consist of:
 - Financial Planners
 - Real Estate Professionals
 - Other legal professionals such as estate planning attorneys
 - Child Specialists.
 - Family Therapist
 - Co-Parenting Counselor
 - Individual Therapists

What Does the Process Look Like?

- Introduction begins with MHPs and/or Attorney's, offline meetings to gather information
- Professional meeting to review information gathered
- Series of Team Meetings: Average of 3 – 5 meetings depending on the issues in the case
- Each meeting is typically three (3) hours
 - First 30 minutes – Pre-brief between the professional team
 - Next 2 hours – Full team meeting including professionals and participants
 - Last 30 minutes – Debrief between the professionals
- Each meeting has an agenda indicating the topics to be discussed during that particular meeting; homework and agenda items will be identified for next team meeting and so on,...
- MHP encourages the team to stay in the process and assess their own emotions that may be standing in the way of the client's progress

Main Functions of the Facilitator

- Facilitate the process:
 - Start with identifying the essential goals, needs, interests, concerns of clients and identify challenges for the team process (Ex. mental health issues, conflict, mistrust), and inform the team as needed
 - Draft the agendas, draft the minutes
 - Facilitate the meetings
 - Facilitate process in and out of meetings: check in on homework items; triage problems as they arise among clients and/or professionals, including managing emotions, communication, conflict resolution, and problem-solving.
- Parenting Plan: Facilitate discussion, agreements, and draft parenting plan.
- May recommend outside services as needed: (mental health, child-related concerns, co-parent, divorce support groups, substance abuse support, vocational support)
- Divorce coaching: helping clients to effectively navigate the divorce process.

Benefits of the Facilitator: Why You Want One!

- MHP's keep everyone in the process and increase the efficiency of communication, negate the advocacy factor, reduce the filter factor for clients, provide conflict resolution and restore trust in the process, etc.
- Emotional Bank Account called "trust"
- CP uses MHP's for our unique skill sets.
- Although WE ARE NOT DOING THERAPY, we ARE adept at:
 - Reading non-verbal behavior/expression, and emotions, (70-90% of communication is non-verbal) and addressing mental health concerns
 - Managing conflict
 - Facilitating and modeling effective communication and problem solving discussions and using an interest-based approach.
 - Addressing emotional and family needs for the couple and the children, (making appropriate recommendations as needed).

Benefits of utilizing a Financial Neutral & Why it is cost efficient to do so :

- Provides a neutral, objective assessment of the financial realities for the family.
- Equitable distribution, alimony, child support are approached from this vantage point.
- Each participant can ask questions of the same individual hired to look at all angles, rather than subjective opinions that do not promote resolution.
- Cost efficient: No double dipping. One person is reviewing what otherwise would be dissected by two attorneys and two forensic accountants.

Benefits of being a trained collaborative attorney and continuing to upkeep your training :

- Benefits of being Trained:
 - Understanding the concept and process sufficiently to acknowledge that claiming to be "cooperative" is not the same thing.
 - Learning a new way of practicing and offering clients a better alternative to resolving family law matters
- Benefits of Upkeeping your training:
 - There is always more to learn
 - Every training offers new insight
 - Bolster your confidence in promoting this option and practicing it.



Benefits to the Attorneys

- **No Litigation** = Less stress.
- Ample communication between team avoids miscommunications/misinterpretations that too often lead to conflict.
- You don't have to have to be a know it all. The professional team acts as a **support system**.
- **Flexibility:**
 - meetings are scheduled based on the team's availability including the professionals rather than the Court's preference and availability.
 - Virtual component allows you to be anywhere.
- More likely to obtain **client satisfaction** than in traditional litigation.
- Allows you to be part of the solution, not the problem
- Team ensures that professional fees get paid.



Benefits to the Clients

- Confidential Proceedings
- Quicker Resolutions
- Flexibility: meetings are scheduled based on client's availability and preferences
- Less stressful
- Non-Adversarial/Team Approach is more cost-efficient compared with traditional litigation and uniquely crafted support for each family
- Ample communication between team avoids miscommunications/misinterpretations that often lead to more conflict.
- Avoids litigation fatigue which often results in "buyer's remorse". Agreements reached within the Process are statistically likelier to avoid being FP/VC



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