

COLLABORATIVE CORNER

By: Susan A. Hurst

Curling the Way to Peace

Collaborative Practice has excited me ever since I first heard of it several years ago; and my energy for this new approach to dispute resolution was recently recharged at the just-finished International Association for Collaborative Professionals (“IACP”) conference in Boston, MA. So when our editor, Eileen Thomas, asked me to contribute a monthly series on Collaborative Practice, I accepted the challenge with pleasure and enthusiasm. I hope to use this forum to bring a greater understanding about Collaborative Practice to those of us who practice in this area, to those of us who don’t, and to those who are considering and curious.

Most family law practitioners have heard of Collaborative Practice (f/k/a “Collaborative Law”) either from colleagues or from an introductory overview at a CLE seminar. Many lawyers have attended the basic training recommended for practitioners, either in search of more information about this upcoming area or in hopes of beginning a collaborative practice. Some lawyers, such as myself, handle collaborative cases. A very courageous few have devoted their entire practices to this new area.

As I attended the IACP conference, themed “Paradigms for Peacemaking,” I found myself continually searching for a way to distill and define the essential difference between Collaborative Practice and the usual family practice. On its face, the practical difference is that clients and counsel in a Collaborative case execute written agreements not to use court processes, at least not while in a Collaborative posture. But real Collaborative Practice is more than just the superficial paperwork; it is a shift in the paradigm of practice. I hope to explore that paradigm shift in this column and in my practice in the months to come.

For illustration, I gratefully (if not shamelessly) borrow a curling metaphor used by collaborative practice attorney and mediator Chip Rose. While speaking at the IACP conference, Rose commented that *bowling* is to litigation as *curling* is to Collaborative Practice. In the former, a bowler’s objective is to combine her skills and a heavy, forceful ball and to give that ball enough momentum to smash down as many pins as possible, with the objective that the more pins smashed, the higher the score. By contrast, a curler’s objective is to skillfully set a granite stone into motion, then help the entire team of curlers sweep away the impediments from in front of the stone to help the stone reach its highest value.

As you intake new cases this month, consider whether the parties involved really need a bowler or a curler, and if the latter, whether you are capable of helping them curl their way to a peaceful resolution.