

COLLABORATIVE CORNER

By: Susan Hurst

It Takes a Village

Litigators are a proud bunch. We learn early on how to defend a position before a multitude of critics. As family lawyers we learn how to parent our clients through their divorce, instructing them through their legal and emotional turmoil, repetitively witnessing their poor decision making ability and behavior when they fail to follow our guidance. We become protective of our role as parents, bristling at any suggestion that may be contrary to our strategy.

And then we grow. Realizing that our colleagues have experience from which we can learn, we collaborate and exchange wisdom to help and benefit our clients. We realize that sending our clients to therapists for assistance with parenting issues or emotional support, helps not only them and their children, but us. We become thankful when our clients have enough money to hire financial evaluators and accountants. We learn that a village of resources makes the process easier and the outcome more satisfactory.

Why then do many Collaborative Practice attorneys bridle when they encounter the Multi-disciplinary Model of Collaborative Practice?¹ Too often, I have heard from counsel for the other party “we can handle this without coaches, after all, we are family lawyers and used to managing our clients.” There are a rising number of Collaborative Practice attorneys who have learned through experience that cases go more smoothly and thus resolutions more likely and more satisfactory if a Multi-disciplinary Group is used to assist in the case. These practitioners have concluded that they will rarely, if ever, handle Collaborative cases that do not employ a Multi-disciplinary Group. They have learned that not only is imperative information in the nature of financial accounting or child development matters brought to the table, but the parties emotions are managed during the process by coaches, so that the lawyers can tend to the legal resolution of the case. They have learned that their role as legal counsel is bettered, not threatened by the addition of professionals to assist the divorcing family. They have grown, and know that a village may not be necessary to divorce a family, but that the support of a village often leads to a more satisfactory resolution for the family.

¹ This Model endorses the use of therapists as divorce coaches for the parties or child specialists for the children, and the use of financial specialists to assist with financial planning for the divorcing couple. Typically, the Collaborative Practice attorneys decide at during initial stages which of the professionals are needed to assist in the case.