

Collaborative Corner

By: Susan Hurst

Not Just Nice Litigation

About 15 years ago mediation began to find its way into the mainstream practice of family law. As courts developed programs for court-annexed mediation and judges began to routinely require mediation, litigators integrated mediation and other ADR processes into their practices. Many litigators attended mediation training programs or seminars, often not with the thought of becoming mediators, but with the thought of becoming better litigators for understanding ADR.

Now, the public is becoming informed about Collaborative Practice. Regardless of whether they hear about it from their spouse, a friend, a media spot, or a therapist, the idea of a kinder, gentler resolution is appealing. And so many litigators are now faced with potential clients asking them about Collaborative Practice, wanting to know what it is, what its advantages are, and whether their potential counsel is certified to practice in that area.

Increasingly, I get the question from litigators who are curious about Collaborative Practice (but not committed enough to become trained): “Isn’t Collaborative Practice the same thing as we are doing, but we are just nicer to each other?” In response I grasp for a quick-witted reply that embodies the notion that Collaborative Practice is much more than litigation with smiles on. As discussed in previous Collaborative Corner articles, it is a paradigm shift, and a shift in thought as well as approach. Fortunately, this shift frequently leads to a lot more smiles.

If you are one of the curious litigators who wants to understand what Collaborative Practice is all about, then avail yourself of the opportunity to learn more. If a Collaborative Practice training is too much commitment, you are still in luck. Attend the 6th Annual Networking and Educational Forum of the IACP (International Academy of Collaborative Professionals) which will be held in Atlanta on October 28-30, 2005 at the Westin, Peachtree Plaza. This dynamic conference will have three tracks: Basic skills, Advanced skills and Collaborative Practice in Business disputes. Thirty workshop sessions will be taught by the best practitioners in the country. Our own Justice Benham will deliver the Welcome address.

This Forum is a great opportunity to understand the transformation from litigation to Collaborative Practice. Become immersed in the Collaborative Practice culture and experience the commitment of those devoted to the practice. Learn why practitioners and clients alike are becoming drawn to the collaborative process. Besides, it’s a fabulous way to get great food and a lot of smiles.

For more information visit the IACP website, www.collaborativepractice.com.