

OVERVIEW

All divorces are comprised of legal, emotional and financial issues. The Collaborative Process offers an alternative, non-litigated, non-adversarial method of handling these issues. It utilizes an interdisciplinary team made of specially trained professionals who meet in a series of “team” meetings to help the couple resolve their issues in a civil and respectful manner. The “team” is made up of two attorneys, one neutral mental health professional and one neutral financial professional who work with the parties in a series of joint meetings. The parties voluntarily agree not to litigate, obviating the need for depositions, subpoenas and opposing experts. The attorneys advocate for their clients, but they share the common goal of facilitating mutual agreement between the parties. Financial costs may be lower and the emphasis is on cooperation and family privacy. Either party may terminate the process and pursue traditional litigation, in which case the entire team is disqualified from representing the parties in subsequent litigation. The Collaborative Process allows the professionals to guide the couple through their divorce in an environment grounded in good faith, cooperation, integrity, honesty, transparency and professional ethics. The parties are empowered to determine their own unique resolution, collateral damage is significantly minimized and post-divorce familial relationships are enhanced relative to the traditional divorce process. The inclusion of the mental health professional in the divorce process is often the most critical component to a successful outcome.

OBJECTIVES

1. To compare and contrast the practice of the Collaborative divorce process to a traditional litigated divorce process.
2. To utilize the Interdisciplinary Team in the Collaborative Process made up of attorneys, mental health professionals and neutral financial professionals.
3. To demonstrate the use of informed consent given during an initial interview.
4. To differentiate the paradigm shift made by each professional team member.
5. To recognize the different roles of the attorney, neutral mental health professional and the neutral financial professional and their utilization throughout the Collaborative process.
6. To demonstrate understanding about the use of the Participation Agreement and withdrawal provision that distinguishes Collaborative Law from any other alternative dispute resolution (ADR) process.
7. To describe and apply the use of transparency in the Collaborative process..
8. To demonstrate, through role-play, the use of Interest-Based Negotiation played out in “real time”.
9. To recognize the ethical and legal issues of the Collaborative Process and apply to their practice of Collaborative law.
10. To apply the principals of the Uniform Collaborative Law Act and Rules (UCLA/R) and jurisdictions with Collaborative Law Statutes to their practice.

HOURS

DAY ONE: 8 HOURS

DAY TWO: 8 HOURS

TOTAL: 16 HOURS





Florida Collaborative Trainers

Fitting the Pieces Together – An Interdisciplinary Training Group

PROGRAM

MORNING – DAY ONE

- 8:00-8:30AM** **Registration and Continental Breakfast**
- 8:30-8:45AM** **Welcome, Acknowledgements, Introductions**
Historical Perspective and Overview of Program
- 8:45-9:30AM** **Demonstration-Attorney Client Interviews**
- Initial meeting with client
 - Establish rapport with client
 - Identify goals and interests
 - Determine appropriateness of the Collaborative Process for client
 - Screen for Domestic Violence Issues – (UCLA Section 15)
 - Discussion of alternatives for handling the case
 - Informed Consent
 - Reconciliation
 - Litigation – With or Without Attorneys
 - Mediation – Pre Suit or Post Filing
 - Soft Negotiation
 - Collaborative Divorce
 - Paradigm shift
 - Use of an interdisciplinary team
 - Transparency of process
 - Disqualification of counsel/withdrawal provision
- Telephone conference between Attorneys**
- 9:30-10:15AM** **Role of the Attorney**
- 10:15-10:30AM** **Questions and Answers**
- 10:30-10:45AM** **Break**
- 10:45-11:30AM** **Role of the Mental Health Professional**

11:30-12:15PM Demonstration: MHP Interview with Clients

12:15-1:15PM Lunch

AFTERNOON – DAY ONE

**1:15-1:30PM Demonstration: MHP Conference with Attorneys
(Discussion of proposed Agenda)**

**1:30-2:00PM Demonstration: Pre-Team meeting of counsel and
client,**

2:00-2:45PM Role of the Financial Professional

2:45-3:00PM Questions and Answers

3:00-3:15PM Break

3:15-4:15PM Demonstration: First Team Meeting

Welcome and Introduction by MHP
Designate Secretary for Memo Minutes
Review of Participation Agreement and
Declaration of Principles
Entertain any questions from clients
Execution of Participation Agreement
Date of filing
Discuss immediate needs
Discuss short term goals and interests
Discuss long term goals and interests
Need for neutral Financial Professional (FP)
List of documents that need to be exchanged
Financial Affidavits
Parenting Plan
Payment of Professional fees
Agenda and dates for next 2 meetings

Debrief with Professionals

Debrief with Client

4:15-5:00PM Questions and Answers

MORNING - DAY TWO

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| 8:00-8:30AM | <u>Continental Breakfast and Networking</u> |
| 8:30-9:00AM | <u>Demonstration: FP Meeting with Wife, Attorney, MHP</u> |
| 9:00-9:15AM | <u>Demonstration: FP teleconference with Attorneys</u> |
| 9:15-9:45AM | <u>Demonstration: Attorney, FP, MHP meet with Husband</u> |
| 9:45-10:00AM | <u>Question and Answers</u> |
| 10:00-10:15AM | <u>Break</u> |
| 10:15-11:15AM | <u>Panel Discussion on Ethical Issues</u> |
| 11:15-12:00PM | <u>Demonstration: Second Team Meeting</u> <u>FP- Financial Affidavits</u> |
| 12:00-1:00PM | <u>Lunch</u> |

AFTERNOON – DAY TWO

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| 1:00-1:30PM | <u>Demonstration: Preparation for Third Team Meeting</u> <u>MHP and FP with Attorney and Wife</u> |
| 1:30-2:15PM | <u>Interest Based Negotiation</u> |
| 2:15-2:30PM | <u>Break</u> |
| 2:30- 4:00PM | <u>Demonstration: Third Team Meeting</u> <u>Use of Interest Based Negotiation</u> |
| 4:00-4:30PM | <u>Final Debrief, Final Signing and Survey</u> |
| 4:30-5:00PM | <u>Questions and Answers with Panel and Faculty</u> |





THE TRAINERS

PAUL A. GARCIA, CPA/CFF, CVA has over 30 years' experience in all aspects of accounting, tax, consulting services, and litigation support. Paul is highly experienced in the taxation of closely held businesses and individuals as well as taxation of foreign corporations and non-resident aliens. Paul's civil litigation experience includes settlement negotiations, business valuations, shareholder/partner disputes, and the sale/purchase of business enterprises. Paul specializes in forensic and valuation matters for matrimonial dissolution matters. He works in collaboration with attorneys to evaluate income and expenses; asset and liability analysis; equitable property distributions; alimony and child support calculations; representation in mediations, court hearings, and trials. Paul also serves as a neutral forensic in matrimonial dispute cases working jointly with both husband and wife. Paul has been a civil court-appointed expert in Miami-Dade and Broward County, Florida. Paul may be reached at 305 448-0404 and at paul@paulgarciacpa.com.

ROBERT J. MERLIN, ESQUIRE is a Past President of the Collaborative Family Law Institute and has a law office, the Law Offices of Robert J. Merlin, P.A. in Coral Gables, Florida. Practicing law in the State of Florida for over 35 years, Bob is Florida Bar Board Certified in Marital and Family Law and specializes in Marital and Family Law, especially Collaborative Family Law. He is a member of The Florida Bar, the American Bar Association, the Dade County Bar, the Coral Gables Bar, the International Academy of Collaborative Professionals, the Collaborative Family Law Institute, Collaborative Family Lawyers of South Florida, the South Palm Beach County Collaborative Law Group and he is on the Board of the Collaborative Family Law Council of Florida, the last five organizations being dedicated to the promotion of the practice of Collaborative Family Law as a means of amicably dissolving marriages and resolving family disputes.

Bob lectures regularly on Collaborative Family Law at the University of Florida Levin College of Law and to various organizations of lawyers and other professionals. He is the President of the Florida Chapter of the Association of Family and Conciliation Courts and he is on the Eleventh Judicial Circuit Court Parenting Coordinators Advisory Board.

Bob graduated with honors from the University of Florida College of Law with a Juris Doctor in 1978, where he also was an associate editor of the Law Review, and he also attended Cambridge University, Cambridge, England, The Institute of Law-Polish Academy of Sciences in Warsaw, Poland and the Walter F. George School of Law, Mercer University in Macon, Georgia. Bob received his undergraduate degree from the University of Florida in 1976 with a Bachelor of Science in Accounting.

Bob received the 2012 Stu Webb Leadership Award from the Collaborative Family Law Institute, the 2006 Dade County Bar Pro Bono Outstanding Law Firm Award and the 1998 Florida Eleventh Judicial Circuit Ray H. Pearson Guardian-Ad-Litem Award. He is listed in the Leading Florida Attorneys in Family Law with the Network of Leading American Attorneys, is among the Florida Super Lawyers and the Florida Trend Magazine Florida Legal Elite, he is AV rated with Martindale-Hubbell and he is listed in Martindale-Hubbell's Preeminent Family Law Attorneys.

Bob has a long history of involvement in various community organizations. He received the 2008 Gator Award from the University of Florida Hillel, he is the Past Chair of Jewish Community Services of

South Florida, Inc. and he is on the Board of the Greater Miami Jewish Federation. Bob can be contacted at 305-448-1555 or rmerlin@merlinlaw.com and his website is www.merlinlaw.com.

ROSEMARIE S. ROTH, ESQUIRE has practiced in the area of Family Law for the past 28 years and has specialized in Collaborative Family Law since 2000. She founded the Collaborative Family Law Institute in 1999 and served as president for ten years. Thereafter, Rosemarie became the founding president of the Collaborative Family Law Council of Florida in 2010 and continues to serve in that capacity. Her law practice focuses on Collaborative Family Law and the traditional model and includes divorce; post judgment issues, paternity and domestic partnership agreements as well as pre and post nuptial agreements.

Rosemarie is a Florida Supreme Court Certified Family Mediator, a trainer in Collaborative Law and was an adjunct professor co teaching the first Collaborative Law workshop at the University Of Miami School Of Law. Rosemarie received her Bachelor of Education from the University of Miami and her Juris Doctor from Nova University Center for the Study of Law. She is a member of the Florida Bar and the Bar's Family Law Section and has served as a chair or member of the Mediation and Arbitration Committee, Rules and Forms Committee and the Legislation Committee. She is a member of the Academy of Collaborative Professionals. She has lectured on Collaborative Law at the University Of Miami School Of Law and with the Florida Collaborative Trainers, LLC, where she is a principal, trains attorneys, mental health and financial professionals in the Collaborative Process throughout Florida and extended her trainings to New England. Her presentations have included Florida Bar CLE seminars, the Florida Chapter of AFCC, the Florida Psychological Association and various professional and civic organizations.

Rosemarie has also trained law students and attorneys in Collaborative Law at the Florida Coastal School of Law in Jacksonville, Florida and incoming members of the Collaborative Family Law Institute. She has appeared on NBC 6, Miami, Florida and on WLRN, the local Miami NPR affiliate, discussing Collaborative Law. Her passion for the Collaborative process is infectious and has resulted in practitioners throughout Florida establishing nine other practice groups. Rosemarie co-authored the chapter on Collaborative Law in the Florida Bar Continuing Legal Education handbook, Dissolution of Marriage. She can be contacted by-email at rlsroth@aol.com or at her office at (305) 596-7303, website: www.rothfamilylaw.com and www.floridacollaborativetrainers.com.

LANA M. STERN, PH.D is a Licensed Psychologist, Licensed Marriage and Family Therapist, Parent Coordinator, Florida Supreme Court Certified Mediator. Dr. Stern has been in private practice in the Coral Gables, Florida area for the past 25 years. She is a member of the American Psychological Association, Florida and Dade County Psychological Associations, International and Florida Association of Family and Conciliation Courts and the International Academy of Collaborative Professionals and serves on the IACP Trainers Network and Development Committee. She has been a member of the Collaborative Family Law Institute of Miami for the past 8 years and is a past Vice President. She serves on the CFLI Board, Mental Health, Membership and Mentoring committees. She is the Miami-Dade delegate representing Mental Health Professionals on the Collaborative Family Law Council of Florida, is presently serving on the Board of that organization and on the Advisory Board of the Eleventh Judicial Circuit Court Parenting Coordinators.

Dr. Stern has served as an educator, counselor, and trainer in the Miami-Dade County Public Schools. She worked for Drake, Beam, Morin, an outplacement corporation, as a career consultant and corporate trainer. She has expertise in treating depression, anxiety disorders, trauma, child sexual abuse and works with couples/divorce counseling, individuals, adults and adolescents. She taught the divorce education course for divorcing parents as part of a private group "Positive Transitions". She was an Adjunct Professor at Florida International University for 6 years, supervising Master's level, Mental Health and School Counselors during their Practicum and Internship and co-taught the first Collaborative Law Workshop at the University of Miami School of Law in the Spring of 2012. She received the FPA

“Outstanding Contribution to Psychology in the Public Interest” award and DCPA “Certificate of Commendation” award in 1993 for her work in the area of Child Sexual Abuse.

Dr. Stern has lectured statewide on the role of the neutral mental health professional in the Collaborative Law Process for the Florida Psychological Association, Miami-Dade Psychological Association and the Financial Professionals’ Association, and during basic trainings at the University of Miami School of Law and the University of Florida Levin College of Law in Gainesville. She has presented multiple 2-day basic and 1-day advanced trainings to attorneys, mental health professionals and financial professionals in Miami, Tampa, Gainesville, Boca Raton and New Hampshire. She has worked extensively in Collaborative family law cases as the neutral mental health professional. She co-authored the chapter on “Collaborative Law” in The Florida Bar CLE book Dissolution of Marriage. Dr. Stern co-founded “Florida Collaborative Trainers” an interdisciplinary training group – “Fitting the Pieces Together” in 2011. The Florida Collaborative Trainers presented at the IACP Forum in Texas in 2013 and again in Vancouver, BC in 2014. Dr. Stern can be reached at lmsternphd@aol.com and her website at www.drlanamstern.com and www.floridacollaborativetrainers.com.

IN THE ROLE OF THE HUSBAND

CRAIG S. FABRIKANT, PHD is a licensed psychologist in Florida, New Jersey and New York. He received his doctorate in Clinical Psychology from the Florida Institute of Technology and has been in private practice for over 30 years. His practice experience has been with children, adolescents, and adults with offices in Coral Springs and Aventura. He also provides marital/relationship therapy, is a Collaborative Divorce Mental Health Professional/Facilitator and Supreme Court Certified Family Mediator.. Dr. Fabrikant is a certified Florida Parent Coordinator, Guardian ad Litem and on the Medical Staff of Aventura Hospital and Medical Center (Aventura), University Hospital and Medical Center (Tamarac), and Memorial Hospital and Medical Center (Hollywood).

Dr. Fabrikant has written numerous professional articles, made many international, national, state, and local presentations. Dr. Fabrikant has been a featured guest on national and local television and radios shows including Good Morning America, The Today Show, American HQ (Fox News), Out of the Lines (ESPN), ABC National News, CBS National News and others. He has also been referred to and quoted in many newspapers, including the New York Times, Wall Street Journal, New York Post, and Daily News, in addition to hundreds of other national and international newspapers. Dr. Fabrikant is also listed in Marquis Who’s Who in the World, American, East, and Science and Engineering. Dr. Fabrikant can be reached at craig@cfabrikantphd.com

IN THE ROLE OF THE WIFE

DEBORAH THEVENIN, PH.D. is licensed as a Clinical Psychologist, certified by the Florida Bar as a Family Mediator, and is approved by the 11th Judicial Circuit Court as a Parenting Coordinator. For 16 years she was the Director of the Child, Adolescent and Family Therapy Service at the Mailman Center for Child Development, University of Miami Miller School of Medicine, where she held a position as an Associate Professor. In addition, she created a family therapy training program for students, interns and postdoctoral trainees of the University of Miami and Nova University. She has written and lectured extensively on physician-patient communication, medical team communication and family dynamics. While at the University she also designed and developed the Physician-Patient Advocacy Program where she mediated health care disputes and facilitated the disclosure of adverse events to patients and their families. Dr. Thevenin is now in private practice in Miami where she provides therapy for individuals, couples, and families. She is a Board member of the Collaborative Family Law Institute in Miami, a member of the International Association of Collaborative Professionals and a member of the Florida Psychological Association. She has continued to teach as an Adjunct Professor in the University of Miami Department of Psychology. Dr. Thevenin can be reached at dmtheveninphd@mac.com.