

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
 - Meditation – 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

8:00-8:30AM	<u>Continental Breakfast and Networking</u>
8:30-9:00AM	<u>Demonstration: FP Meeting with Husband, Attorney, and MHP</u>
9:00-9:15AM	<u>Demonstration: FP teleconference with Attorneys</u>
9:15-9:45AM	<u>Demonstration: Attorney, FP, MHP meet with Wife</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 FP- Financial Affidavits</u>
12:00-1:00PM	<u>Lunch</u>

AFTERNOON – DAY TWO

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>

