

7 Things to Know When Choosing

Collaborative Divorce



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Welcome

Congratulations for taking the first step in finding a more amicable way of ending your marriage. You are embarking on one of life's most stressful events. Most people in your situation request an attorney to "file for divorce." That approach opens a legal case in the court system and all further proceedings and filings will be available for public viewing. There are alternatives to litigation.

The collaborative divorce process is a better method for most divorcing couples, because it requires less money, time and emotional energy. With the assistance of collaboratively-trained and experienced professionals, a couple can decide what is best for them and their family. They do not have to stay within the strict boundaries of the law, such as the court is required to do with child support guidelines, but can create the best financial and parenting plans that work for them.

With 35 years of experience in the legal profession, nineteen years as a family law mediator, eight years of certification as a parenting coordinator, and a former tax practitioner with a master's degree in taxation, I can work with a divorcing spouse and the other collaboratively-trained attorney to reach an amicable and fair settlement for all concerned. Please call me at 239-334-0075, or email me at csc@BergermannLaw.com to schedule a free telephone consultation. I look forward to assisting you!

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Collaborative law is an innovative legal process used to resolve disagreements. The parties work with their attorneys to create a settlement agreement that finalizes their dispute. Collaborative law is primarily used in family court cases, such as divorces and custody battles. It has proven very successful, with roughly 95% of divorce cases settling when the collaborative divorce model is implemented.

Prior to a collaborative divorce session, the parties and their attorneys enter a participation agreement. The parties and their attorneys agree that they will, in good faith, use their best efforts to settle the case and avoid litigation. In many instances, the parties agree that litigation will not even be threatened during the session, so long as the collaborative divorce process appears to be making progress. This rule encourages the parties to remain civil while maintaining the goal of settlement.

The setting of collaborative divorce is quite different from that of a family court trial. The collaborative session may be scheduled in a conference room in an attorney's office, and the parties are free to dress comfortably. During the session, the parties and their attorneys sit together and propose various settlement terms in attempts to compromise and end the case. The parties may skip the stress of taking the witness stand and being questioned by attorneys on the details of their marriage. In this vein, an important factor to consider is whether the parties are comfortable enough with each other to have a joint discussion about the case. In cases where one party is especially angry, or in cases where there is a history of abuse, collaborative divorce may not be as effective.



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The attorneys that represent the parties during a collaborative divorce session have received additional training in this process. These attorneys have learned how to approach a multitude of family law issues, such as property division and contested custody. Collaborative attorneys are also skilled in helping their clients compromise and in working with a team of individuals to finalize a dispute.

The parties are especially motivated during the collaborative divorce process to settle their case primarily because of one fact: if the collaborative session is unsuccessful, and the case must proceed to trial, the attorneys that represented the parties must cease their representation. This means that the parties must hire new attorneys for a family court trial. With this fact in mind, the parties and their attorneys work diligently to create a settlement agreement.

Collaborative divorce is particularly unique in that the parties may have a team of professionals present to assist them as they work out the terms of an agreement. In addition to their attorneys, the parties may have financial advisors and psychologists on board as they discuss issues involving assets, debts, custody, visitation, and other such concerns. For example, a child psychologist may help the parties create a visitation schedule that causes the children as little stress as possible. A financial planner may discuss the potential effects of refinancing the marital home. Therefore, the parties receive the advantage of having expert advice available as each disputed fact in the case is discussed and settled.



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Collaborative divorce may cover as many issues as the parties desire, no matter how broad or specific they may be. In fact, in many cases, the parties address many issues that a family court judge may refuse to consider. For example, the parties may have knowledge that, a year or so into the future, their oldest child will need braces. Family court judges are often wary to rule on such speculative issues, but the parties may agree in advance how the child's orthodontia expenses are divided. By creating a comprehensive agreement, the parties will avoid the expense of litigation in the future.



Collaborative divorce is both less expensive and more expeditious than traditional family court litigation. In a family court case, the parties may easily spend tens of thousands of dollars as they battle the many issues that must be resolved in these cases. If one party is particularly stubborn about a certain issue, the parties may spend thousands of dollars as they debate the issue for several months. In addition, most family court dockets are backlogged. Once a trial date has been requested, it may be several weeks or months before the trial is actually scheduled. Trial dates may also be postponed if an attorney falls ill, if there is inclement weather, or if other conflicts arise.



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Family law attorneys charge hourly rates for their services. It is not unusual for some attorneys to charge upwards of \$250 per hour to represent their clients. Most clients underestimate just how quickly these expenses add up. At this rate, a thirty-minute phone call costs the client \$125, and taking fifteen minutes to answer an email sets the client back \$62.50. Over months and months of negotiating, a client may have legal fees in excess of \$20,000.

Since collaborative divorce often settles a case in a matter of months, it allows the parties to finalize their case earlier with a much smaller legal bill. Although there are costs involved with collaborative divorce, they very rarely rise to the level of family court litigation.

Collaborative divorce is an excellent tool for resolving these emotional cases as amicably as possible. Often, the parties' relationship is preserved and their communication skills are enhanced—which is especially important for parents who must continue to co-parent their children.

If you are considering using the collaborative divorce process, Vera Bergermann can help. Vera is an experienced collaborative divorce attorney who has helped many clients settle their cases without the stress and expense of a family court trial. To discuss your case with Vera, give her a call at (239) 334-0075 or email her at vera@bergermannlaw.com.

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