

# Collaborative Divorce: A Different Path

In January 2007, Roy Disney (nephew of Walt Disney) and his wife filed for divorce and chose to use the collaborative process to work towards a final decree to maintain their privacy. Most people only heard a sound-byte on the evening news or saw a brief note on the internet. That is because the collaborative process keeps the family's business private. Dirty laundry is not aired for the world to see.

Leslie Henges Dolliver, a collaborative divorce attorney based in Lakeway (on the west side of Austin), Texas, cites this case as a prime example of the power of collaborative divorce.

In 2001, Texas was the first state to adopt a law providing for the collaborative practice in family law cases. The process itself was actually conceived in 1989 by Stu Webb, a seasoned Minnesota divorce attorney who decided he would find a better way to help couples or he was going to quit being a divorce attorney.

While no one can negate the fact that emotions run high when people face divorce, the collaborative process is geared toward making the transition much less painful. It's a unique process used to resolve disputes in which both parties retain separate lawyers who are hired to help the parties reach resolution. Everyone enters the situation in a spirit of good faith, honesty and respect.

## Collaborative Family Law is built around three principles

**No Court** Clients and their lawyers agree that no one will take any contested issue to court. This allows the couple and their advisors to focus all their energies on settling their case without the fear of being called to a hearing if they disagree.

**Transparent Process** All information is shared, so parties can make informed decisions. There is no need for depositions or other formal forms of information gathering, because the clients and attorneys agree contractually to provide all relevant information to the other side, whether it is requested or not.

**Interest-based Negotiation** The interests of the husband, wife, and children drive the settlement talks. Instead of getting stuck on "I want the house", the team asks "why" and finds the true interest which may be keeping the children in the same school district. When people discuss their true interests, the team can find more common ground and more creative ways to satisfy those interests.

Key to the process is a clearly defined contractual agreement called the "participation agreement," signed at the outset of the case by all members of the settlement team, clients and their attorneys, at the

first "joint meeting." Other neutral professionals complete the collaborative team. A neutral financial professional helps the couple come up with the value of the estates and budgets for separating the households. A communications coach is also used to help manage emotions and keep the focus on solutions, not grievances.

Says Dolliver, "My job as a collaborative attorney is to facilitate cooperation and make sure we stay true to the agreement. It's not always easy. However, my specific training in collaborative practice has given me a lot of useful tools and methods to keep things on track and foster problem-solving that does not rely on adversarial tactics."

With the agreement signed and the team in place, the process moves through several phases, including information-gathering, option generation, negotiation and the finalizing of the divorce. All the meetings are geared toward accommodating the schedules of both parties, while consistently moving forward to a mutually acceptable conclusion. Each meeting has an agenda so that the parties know what topics will be discussed, and minutes are kept so that parties can see the progress they are making as they make agreements and resolve issues along the way.

"Saving time is a big reason to pursue collaborative divorce rather than a traditional, litigated divorce. But there are so many others. The collaborative process allows me to help people salvage what is left, preserve relationships with friends and relatives, learn to communicate about their children's needs, and maintain their privacy, all at a cost that is generally less expensive than a traditional, litigated divorce," Dolliver says.

To help people determine if collaborative divorce is right for them, they should read Stu Webb's book *The Collaborative Way to Divorce* or visit the Collaborative Law Institute of Texas' website at [www.collablawtexas.org](http://www.collablawtexas.org). More information about Leslie Henges Dolliver can be found at her website at [www.lesliedolliver.com](http://www.lesliedolliver.com).

In a society where we see the ugliness that can occur in the case of divorce, it feels really good to help people see there's a better path, she concludes. It's like Robert Frost said in his poem *The Road Not Taken*:

*Two roads diverged in a wood, and I  
I took the one less traveled by,  
And that has made all the difference.*



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