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# Axing ugly court battles

**Collaborative divorces** often easier on all parties

**Q:** My husband and I have decided to divorce, but neither of us can afford a long drawn-out court process. Is there a better way?

**A:** Paul Simon sang about the 50 ways to leave your lover. What he didn't say is that some ways are better than others.

The traditional model for divorce has been to file a petition with the court, serve your spouse using a process server, then try to work everything out. This model has led to a lot of nasty actions, huge expenses and broken families. However, many families are discovering a new model for resolving their disputes.

The collaborative divorce encourages communication and cooperation. It's a flexible and non-adversarial method intended to reach a settlement outside of court. This approach is gaining popularity throughout the country.

The collaborative model stems from a concept by Minneapolis attorney Stuart Webb, who was tired of handling nasty divorces.

The first step is everybody agrees not to go to court. It's an unusual concept for lawyers, but it's a wonderful (and workable) concept for divorcing families. By making the pledge not to go to court, participants maintain a positive tone and a commitment to resolving issues.

Each spouse signs a written participation agreement. Then a number of conferences are held to disclose information and documentation, discuss the issues and identify the need for other experts, such as mediators, financial planners and therapists. The experts are mutually agreed upon, so the spouses don't have to be concerned that they'll pump up information for the benefit of one spouse. The location rotates between attorneys' offices so neither spouse feels at a disadvantage.

Open communication is one of the main reasons



this model has been successful. It allows spouses to voice the issues most important to each of them and provides an opportunity to propose workable solutions. The process is confidential, and it helps couples reach a settlement with a significant savings in time and expense. It's also less stressful on the children.

As an incentive to reach a settlement, the attorneys cannot represent their clients in court if the col-

laborative divorce is unsuccessful.

A collaborative divorce might not be good for all couples. Each spouse needs to be emotionally prepared to make difficult decisions in a cooperative manner, and they must be committed to finding solutions. To be successful, a certain level of trust is necessary as well.

If you're considering the collaborative model, look for an attorney specifically trained in the process.

**Contact us:** To ask a question of Keith Grossman, e-mail him at [keith@attorneygrossman.com](mailto:keith@attorneygrossman.com).