



in FOCUS

COLLABORATIVE LAW

Colossal growth of collaborative law:

# Working together to take things apart

By Linda Piff

Two to five years ago, I was representing a client in finalizing a bitter, protracted divorce battle with my adversary, Jeff Horn, and I came to a realization that the trial did not help the couple and in fact had irreparably harmed the family unit.

We resolved to put down our swords and embark on a venture to change the way divorce is done in New Jersey. We invited a small group of like-minded professionals to explore offering collaborative divorce in New Jersey.

Couples choosing collaborative divorce agree from the outset not to battle in court. Instead, they sit down with professionals and work out settlements that meet the goals of their families. They pledge that if either spouse wants to bring the dispute to court, both spouses must retain new litigation counsel.

This agreement, fundamental to the collaborative process, keeps the parties at the negotiating table and requires attorneys and creative resolutions rather than resorting to the court to intervene in an impasse.

While attorneys frequently use "four-way" meetings to settle litigated cases, a collaborative "four-way" has distinct qualities.

First, the focus is on the couples' goals and interests rather than a clash of opposing demands formulated by

The couple and their children are less likely to come away emotionally damaged because they are not pitting themselves against one another in all-out warfare.

counsel. A collaborative four-way is a problem-solving exercise in which the spouses and attorneys engage together in creating resolutions that meet the family's goals. Multiple disciplines

Another unique aspect of collaborative divorce is that it is designed as a multi-disciplinary process. When appropriate, the couple may seek advice from professionals in addition to their attorneys.

Forensic accountants and financial planners can help determine the value of property and businesses and assist in evaluating options for alimony and child support. Mental health professionals may be called upon to help the couple deal with emotions that keep them from focusing on financial issues or leave them unprepared to make decisions.



Another intangible benefit is the reward of seeing clients reach agreements in a healthier way, without damaging each other or their children.

Not every case will be appropriate for collaborative law, nor will every client be interested in avoiding the adversarial process.

However, collaborative law has been making inroads over the past three years in how family law cases are being resolved in New Jersey.

After deciding there had to be a less-destructive way to help divorcing couples, I was among a group of like-minded professionals that in 2004 formed the Jersey Shore Collaborative Law Group.

Mental health professionals may also help the couple in determining the best interests of their children.

These professionals may be engaged as neutrals that assist both spouses, or for the sole benefit of one spouse. The agreement to retain other professionals is reached by the attorneys and spouses together, so each family can assemble the professional team that will best help them resolve their conflict.

**Client benefits**

For clients, the collaborative process offers a number of benefits. Their children always are treated as a priority, and everyone on the team works to maintain and support the couple's ability to co-parent their children. The couple keeps control of the timing of the process. They can move more quickly or more slowly than a court would require, and can reach

informal temporary agreements quickly and efficiently when necessary, rather than filing a pendente lite motion. The process is confidential so sensitive financial and personal information doesn't enter the public domain. Keeping the process outside of court until an agreement is reached eliminates hours spent in court for case management and other court-required events, saving legal costs and the clients' time.

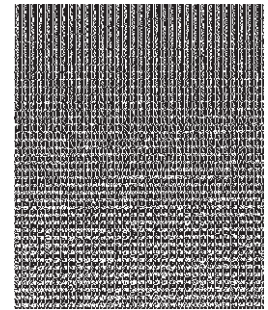
In fact, the process is usually quicker — about three to six months compared to between 18 months and several years — and therefore, less costly than a traditional divorce. Finally, the couple and their children are less likely to come away emotionally damaged because they are not pitting themselves against one another in all-out warfare.

There are benefits for attorneys as well. Not attending court conferences allows

attorneys to use their time more efficiently. Clients are more satisfied with the process as they see their attorney working for them in the four-way meetings, they appreciate the efficiency of the process, and they get agreements without delay.

My accounts receivables are now negligible: clients actually ask if they need to replenish their retainers. The use of other professionals in the process helps me do what I do best, while other professionals help the clients with their respective areas of expertise.

Bringing in mental health professionals to help clients who are finding it difficult to focus on negotiations saves the attorney from the dreaded irrational fights over finances that come from unresolved emotional issues. In one past case I had, thousands of dollars were spent in attorney time fighting over a Farberware pot!



Linda Piff is a founding partner at Piff and Abatemarco. Her firm's practice is devoted to collaborative divorce, economic mediation and private mediation. She was instrumental in bringing collaborative law to New Jersey and is a founding member of the Jersey Shore Collaborative Law Group, which now has 94 members. She conducts basic collaborative interdisciplinary training and has lectured on collaborative divorce here and at International Academy of Collaborative Practice conventions in Toronto and New Orleans.

In December 2005, we group obtained an advisory ethics opinion approving the use of collaborative practice as a dispute resolution process for matrimonial cases. There now are four collaborative practice groups in New Jersey, and more than 250 trained collaborative practitioners in New Jersey.

Collaborative law is a relatively new practice. Stuart Webb, a Minnesota family lawyer, developed the concept of collaborative practice in 1990. California attorney Pauline Tesler, together with mental health colleagues, helped formulate the multidisciplinary collaborative team model. Since the early 1990s, collaborative law has since been spreading throughout the United States and abroad. Legal, mental health and financial professionals in more than 40 states have adopted the collaborative practice model.

In fact, today there are more than 170 practice groups across the United States, Canada, Austria, Switzerland, Australia, Ireland and the United Kingdom. Many practitioners are participants in the International Academy of Collaborative Professionals, which presently has more than 3,600 members.

Divorce will always remain a significant life event. Collaborative law practitioners believe this new process can guide clients and their families to a compassionate ending and a healthy new beginning.

Suzanne M. Jorgensen, an attorney and mediator with more than 25 years' experience, assisted in the preparation of this article. Her practice is located in the new Piff Tomaro Professional Center in Wall.

## NJ home to country's first collaborative professional center



Shown at the ribbon-cutting of the country's first collaborative professional center are, from left, Jeffrey Foster, Wall committeeman; Ted Vacchiano of Modern Technology; Linda L. Piff; Victoria Tomaro; Robert K. Wallace of Central Jersey Bank; Wall Mayor Michael J. Clayton and Paulo Vieira of Modern Technology.

The brand-new Piff Tomaro Professional Center — a three-story, 9,300 square foot complex at 1704 Maxwell Drive and Highway 138 West in Wall — is the first building in the United States designed specifically to be a collaborative law center for couples and families looking to resolve matrimonial matters amicably, with less stress and lower costs. The center's tenants are attorneys, financial professionals and mental health experts, all participants in the rapidly growing field of collaborative divorce law.

Piff and colleague Victoria Tomaro, a financial planner, had the idea of creating a single facility with office space for separate businesses with similar visions. Piff believes the various professions sharing a location not only will offer convenience for clients, but also create a synergy among tenants and serve as a resource for other collaborative practitioners in New Jersey.

Designed with purpose

The center is designed specifically for collaborative clients and professionals. It resembles a university, with the intention that clients feel safe and secure as they enter the building. The building is wrapped in windows, creating a light, airy appearance with lots of natural light. The calming color scheme of sage green and light beige was chosen based on research about the effect of color on emotions.

In all, there are 11 attorneys, two accountants, three mental health professionals and one mortgage broker in the building.

Due to demand, Piff is in the process of opening a satellite collaborative center located at 1540 Highway 138, just blocks from The Piff Tomaro Professional Building.

Several tenants already have committed to the satellite location, set to open in April 2009. They include a certified financial planner, appraiser and three attorneys.