

Even Contentious Couples Can Have a Collaborative Divorce

Collaborative Divorces (and Cooperative Divorce methods) allow families to resolve divorce and related family matters in a non-adversarial setting that is more cooperative and friendlier. The Collaborative process is straightforward, and does not involve the courts in an adversarial way. It provides a team approach to settlement. This process can help families reduce the emotionally and financially draining experience of divorce. It often leads to greater satisfaction for the families, and a reduced likelihood of any future litigation.

But what if the separation is contentious? Do you just need to litigate?

Even people who think they are looking for a Divorce Shark don't like the idea of spending a lot of money or spending a great deal of time in their lawyer's office and in court. Even contentious people understand the value of having a lawyer who is a creative problem-solver and who is a strong negotiator.

I had a female client whose husband surprised her by stating he wanted a divorce. I'll call her Debbie. Debbie didn't want the divorce. She still loved her husband.

He, however, had already moved on. Shortly after the separation, he already had a girlfriend. Maybe he had the girlfriend before the separation.

The whole situation made Debbie angry. She was depressed; she was sad; she was concerned how the divorce would affect their two daughters. Debbie wanted her husband to pay for what he was doing to the family.

Debbie was also practical, however. ***She didn't want a fight that lost focus on solutions.***

There is an assumption that contentious people can't play nice. That is a wrong assumption. My office had to help Debbie get from where she was emotionally to where she wanted to be logically and practically. It is appropriate to be aggressive defending your rights. Divorce Sharks, however, practice aggressive offense, which wastes money to fight for impossible things and tears your family apart.

Realistically, divorcing spouses have less than a 10% chance of going to trial anyhow. More than 90% of cases settle. Since 1962, the number of all trials has steadily declined.

Why don't you want a Judge deciding the future of your family?

Parties can agree they have a better solution than what a Judge would do. Many court "awards" are not fair, as defined by the individual spouses. Divorcing spouses also have misunderstandings about what they can do, and what they can receive from court.

There is a much greater potential for cost savings. While not necessarily a "low cost" alternative, the nature of the Collaborative process focuses all resources on activities that advance resolution. Most people should be able to spend less overall than you would in a traditional litigation process. It's really a better investment in your future.

Debbie and her husband eventually understood that their perception of what would happen in court wasn't completely accurate. They also were able to appreciate the sacrifices they would have to make on the path to court. Debbie and her husband were able to resolve their divorce with a settlement agreement, and the most effective strategy for them was to focus on the best choices for their daughters. Both told me recently they are effectively co-parenting.

This process is more conducive to helping you heal. You can also more easily repair and maintain a co-parenting relationship with the other spouse and preserve as positive a relationship as possible. You may also value maintaining a positive relationship with in-laws, relatives, extended family, and mutual friends.

Collaborative Divorce also gives you the opportunity to learn and improve your communication, negotiation, and problem solving skills, which you can carry forward with you into the future. These skills can help you avoid or minimize future conflict.

You can keep the matters much more private than with litigation. In contrast to publicly filed motions and open court hearings, the main method of resolution occurs in a series of private meetings.

Playing with sharks is not fun – there is pain and destruction. After many years of experience in divorce litigation, I have become convinced that the Collaborative Divorce process provides a substantially different and superior experience for both parties. The question is whether you want to prioritize problem solving or prioritize fighting?

*More information is available at
www.AttorneyGrossman.com/collaborative-divorce*