

# Collaborative law assists in divorce

A group of Carroll County family lawyers is organizing to offer divorcing couples a less bitter way to end their marriages than the traditional court fight. Called collaborative law, the process depends on the willingness of husband and wife, and their lawyers, to agree on terms to end the marriage.

Divorce is traumatic. "Loss of a spouse ... can be one of the most traumatic events you may face. ... Initial feelings of numbness and shock may be followed by other emotions — grief, anger, fear or even a desire for revenge; in the case of an acrimonious divorce," according to the pamphlet "Suddenly Single," published by the National Endowment for Financial Education.

In an effort to make divorce less traumatic, a Minnesota lawyer came up with the idea of collaborative law. Like mediation, collaborative law is an option for divorcing couples who want to part ways without carnage in the courtroom.

In mediation, husband and wife sit down with a neutral mediator and try to work out a settlement agreement to present to a judge or master. Even couples who do not seek out a mediator are likely to be ordered to mediation after filing suit, to see if they can resolve who gets the children on which holidays or who pays for the children's health insurance.

In a collaborative divorce, each spouse has a lawyer whose job is to get the most advantageous agreement. But the parties will do that through negotiation, not by trading angry accusations in court. The process doesn't work if husband and wife can't agree on the basic collaborative law principles: all issues must be settled outside of court; both parties will honestly exchange information — that means no "forgetting" to disclose your pension plan; and the settlement will be based on the highest priorities of both spouses and their children.

If the spouses start out seeking a collaborative divorce and one says, "I'm not liking



**Donna Engle**  
**Legal Matters**

this; see you in court," then both collaborative lawyers are required to withdraw from the case, and both spouses will have to start over with new lawyers.

Collaborative law cannot bypass the court, because a divorce can be granted only by a judge. One spouse must file for divorce, and the parties must appear in court to have their settlement agreement formalized and a divorce granted. But in the collaborative process, neither will be trying to prove that the other is a bad parent and should not receive custody, or that one of them committed adultery with the other's best friend.

Jolie Weinberg, a Howard County family law attorney who spoke to the Carroll County group recently about collaborative law, said her clients generally feel that the collaborative process is less expensive and more efficient than an adversarial divorce.

"My experience — and I have done six [collaborative] cases — has been that everyone has walked out of the experience feeling like it was a more civilized process," she said.

*Donna Engle is an attorney in Westminster. Her column appears every other Sunday in In Focus. She can be contacted for legal questions at 410-840-2354 or through e-mail at seniorlawservices@yahoo.com.*

*This column provides general legal information, not legal advice. Anyone who wants advice on how to deal with a specific legal issue should contact an attorney. No attorney/client relationship is formed when Engle answers a reader's question in this column.*