

(Second excerpt)

The Collaborative Lawyer

I. Role of the Collaborative Lawyer

Intact families, whether they realize it or not, face daily challenges resulting in a collection of interactive decisions and actions, which affect their overall character and standing as functional or dysfunctional family system. Families – even those going through dissolution – can better meet these challenges with the assistance of positive leadership; leadership committed to harnessing the experience and creativity of all concerned to arrive at high-quality solutions to difficult problems, while redefining, transitioning and improving upon interrelationships in the process. Divorcing couples, working together with the help of their Collaborative Lawyers and Settlement Coach, can contribute significantly to the quality of their post dissolution situations, by improving interactions and eliminating problems that may have contributed to the marital breakup.

Involving divorcing parties in a process designed to solve problems, manage contention and to improve upon a bad situation requires effective leadership. This leadership is provided by the Collaborative Lawyers who must, with the assistance of their Settlement Coach, provide the structure and guide the problem solving process. The Collaborative Lawyers and Settlement Coach must also help the divorcing parties obtain the information and resources needed in order to craft durable solutions to pressing problems.

II. Skills of the Collaborative Lawyer

Most family lawyers already have a variety of skills and experiences that will help prepare them for the shared leadership of settlement conferences. They have intimate knowledge of the legal aspects of divorce and child custody; the "technical" aspects. To a certain degree, they each specifically know their clients. To another degree, they each have a general sense of how various divorcing parties and their combinations tend to behave during the pendency of litigation and thereafter. They also have a general sense of the various lawyering styles that may be employed by adversaries, as well a specific memories of how a particular adversary may have behaved in the past on another case. They know both informal (negotiation) and formal (litigation) ways of getting things done. These are certainly valuable assets.

Effective Collaborative Negotiator

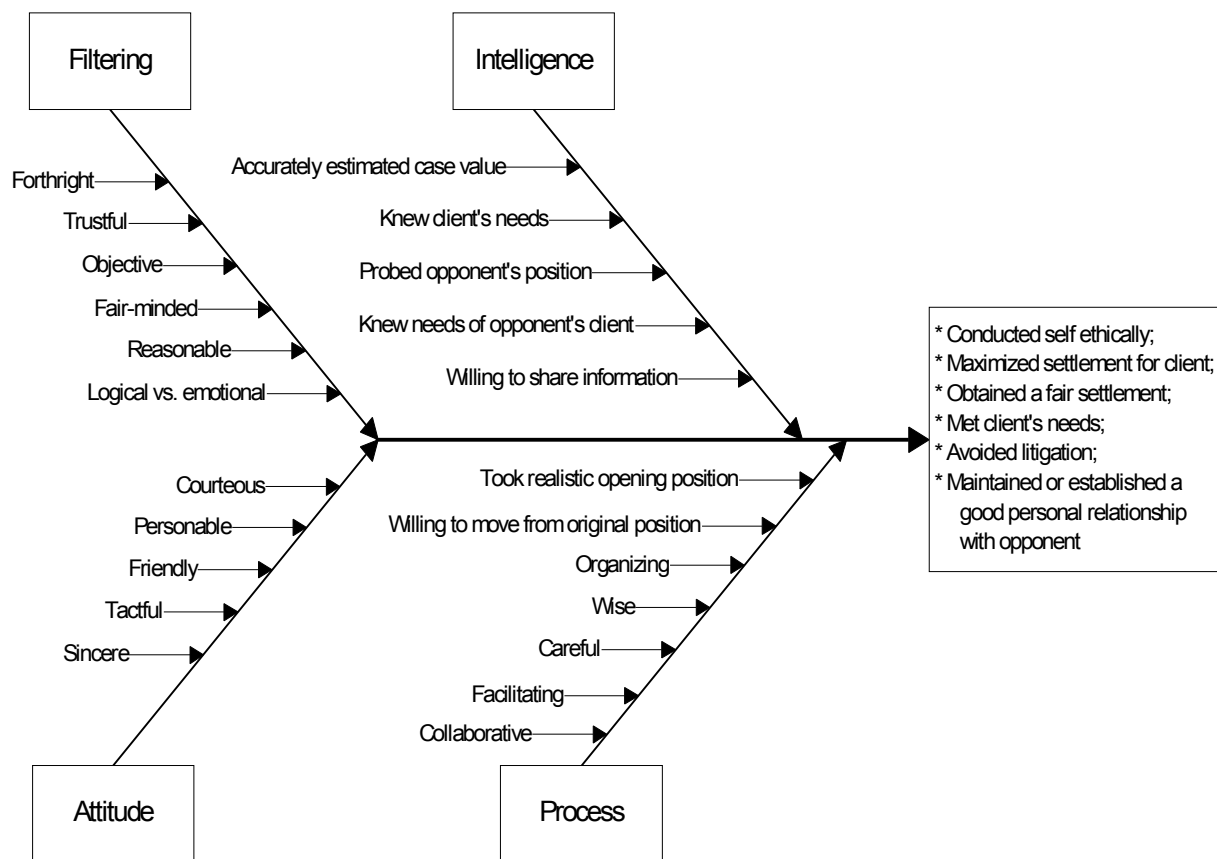


Figure 3 Cause & Effect: Effective Collaborative Negotiator

Effective Competitive Negotiator

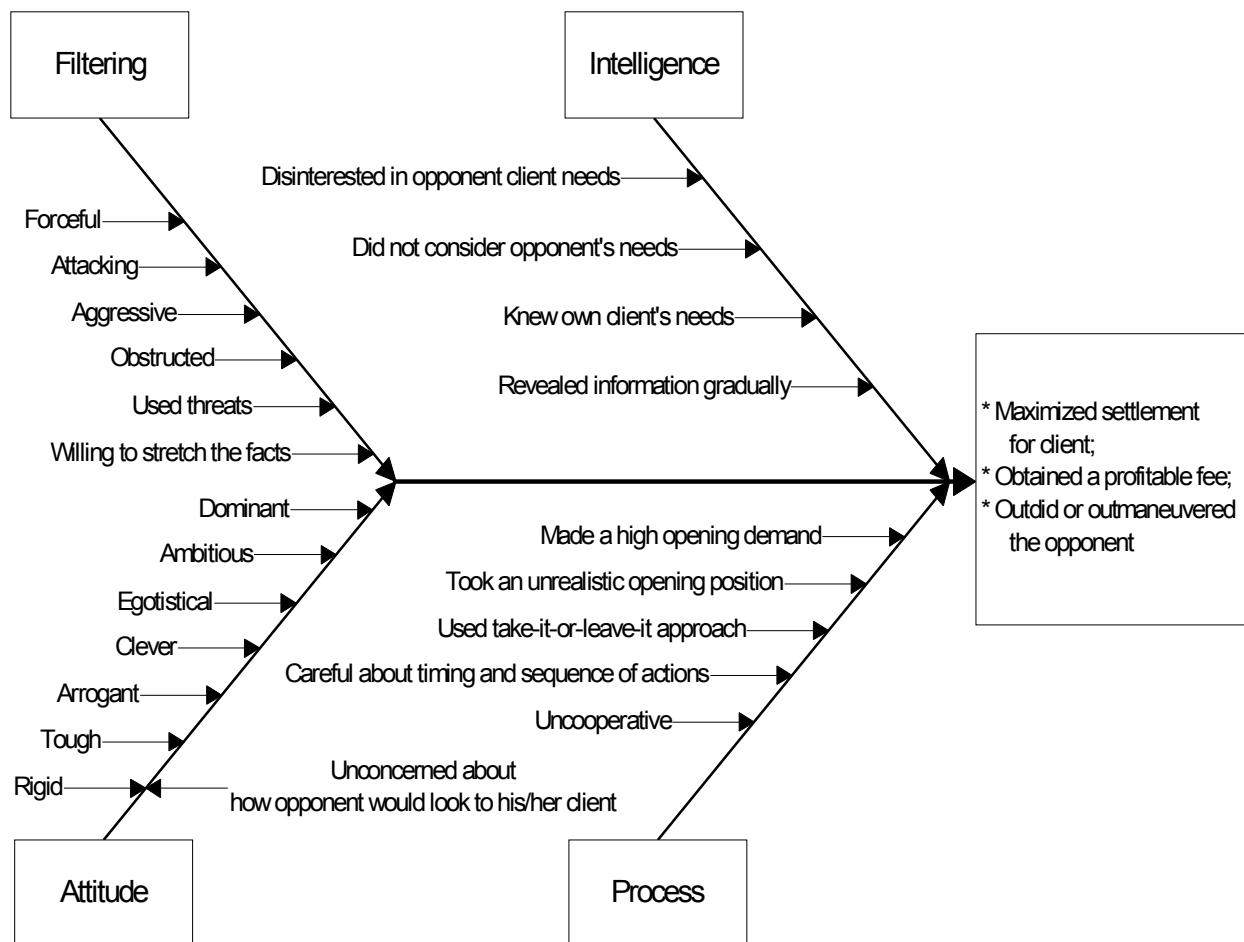


Figure 4 Cause & Effect: Effective Competitive Negotiator

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