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Collaborative practice training: Gaining the necessary skills

Many attorneys ask whether any attorney can practice collaborative law or whether training is necessary. Collaborative law practice requires a distinct set of skills often not gained in the traditional negotiation or litigation process. Proper training is crucial.

For attorneys looking to practice collaborative law, proper training means being trained in the form of the true collaborative model. This is because collaborative law practice demands special skills in managing conflicts and helping clients move through the process efficiently and effectively.

For example, attorneys are trained to substitute traditional positional bargaining skills — often used during negotiations — in favor of a needs-based model. Trained attorneys are capable of not only engaging effectively with opposing counsel but also having real conversations with their clients on the issues and available solutions.

Attorneys are wired to provide quick answers and fast solutions to issues for their clients. However, this narrow approach to the law may not serve all clients needs effectively depending on the issue at hand.

Family law is complicated and emotional — sometimes quick solutions are not the best for our clients. As a result, collaborative law provides an alternative — it provides a team of professionals who are thoroughly trained to guide parties through the exploration process of crafting their own outcome.

Overview of the team

Collaborative law consists of a team comprised of attorneys, financial neutrals, mental health

professionals, divorce coaches and child specialists.

Attorneys who are specially trained in collaborative law advocate and advise their clients about the divorce process while working with the team to effectuate a beneficial outcome. Trained attorneys are capable of clarifying and communicating clients goals, interests, concerns and values.

A financial neutral is hired by the couple to create a detailed analysis of their current financial situation and aid in generating options for their financial future.

With the assistance of both attorneys, this professional narrows the number of possible financial scenarios. On a case-by-case basis, the financial neutral may weigh in on tax implications or provide services for a business evaluation or both.

Mental health professionals and divorce coaches assist in managing emotions. These professionals assist the team by facilitating respectful and future-focused communication between the parties. Trained professionals work to help parties separate emotions from the legal process. Doing so successfully allows the parties to air concerns while creating present and long-term goals.

If children are involved, a child specialist will assist the team and the parties in understanding the impact of divorce on children. The focus of this work is on helping the parties understand and implement effective long-term co-parenting skills.

To do so, the specialist often aids in establishing a plan for conflict management and parenting agreement that will fit the needs of both parties and

COLLABORATIVE CONCEPTS



**BETH
FAWVER
McCORMACK**

Beth Fawver McCormack is a partner at Beermann. She practices exclusively in family law matters and is a collaborative law fellow, mediator and child representative.

their children.

With the help of the collaborative law team, parties often are surprised to learn that they have common goals and concerns about the divorce and its aftermath.

The team guides the parties through the entire process, and as a result, parties frequently find that they can reach a consensus efficiently and effectively. The end result is a plan designed by the parties that is in the best interest of the family unit.

The purpose of the training is to teach all attendees the basics of collaborative law — a less adversarial and innovative approach to divorce.

Training with the Collaborative Law Institute of Illinois

Each professional is required to complete the collaborative law training to participate in this practice. The training covers all aspects of what a professional needs to know to practice collaborative law, thereby leveling the playing field.

It creates a baseline not only in

understanding the process and gaining the necessary skills, but works to uphold professional standards. Moreover, it brings together like-minded individuals who are committed to changing the divorce process.

The purpose of the training is to teach all attendees the basics of collaborative law — a less adversarial and innovative approach to divorce. To this end, the training consists of everything from understanding the participation agreement, to screening and intake processes, to learning how to build the collaborative law team.

Trained professionals instruct and explain the benefits and obstacles of the collaborative law process. Attendees can expect to break out into small groups to work through case scenarios and engage in role-playing.

To become a fellow in the Collaborative Law Institute of Illinois, applicants must complete a two-day interdisciplinary collaborative law practice training, complete mediation skills training, be licensed in their field and carry malpractice insurance.

On Sept. 16 and 17, CLII will hold its two-day interdisciplinary collaborative law practice training. The training is located at DePaul University, O'Hare Campus, 8770 W. Bryn Mawr Ave. on the Northwest Side.

CLII fellows will serve as trainers for this program. This program will meet one of the requirements of becoming a CLII fellow.

For more information on registration visit CollabLawIL.org, or contact CLII at (312) 882-8000.

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