

Contents

Foreword by Nancy Cameron	xi
Introduction by Forrest S. Mosten	xv
Introduction by Adam B. Cordover	xix
Acknowledgments	xxv
Prologue: Making Collaborative and Non-Court Family Practice Your Day Job by Forrest S. Mosten and Adam B. Cordover	xxix
Contributors	xli
Chapter 1: Lawyers as Peacemakers. Really?!? Yes, Really. by David A. Hoffman	1
Chapter 2: How Collaborative Practice Will Improve Your Profitability	7
If You Build It, They Will Come	7
Having a Non-Court Practice Increases Profitability	9
The Financial Benefits of a Collaborative Practice	11
Life Is More Than Profits: The Nonfinancial Benefits of Practicing Collaborative Law	13
Conclusion	14
by Robert J. Merlin	
Chapter 3: Redefining Your Practice Signature and Creating a Profitable Peacemaking Practice	17
Introduction	17
Identifying Your Core Values	18
A Tool for “Seeing” Your New Practice Signature	22
Conclusion	24
by Kevin R. Scudder	

Chapter 4: How Many Hats Can I Really Wear? Assessing Whether to Accept Both Litigation and Collaborative Work	27
What Is the Difference Between My Traditional Practice and a Collaborative Practice?	28
The Two-Horse View	30
Conclusion	32
by Carl Michael Rossi	
Chapter 5: Being a Client Leader: The Art of Gaining New Collaborative Clients	35
Introduction	35
How Prospective Clients Make Decisions	36
Stages Potential Clients Go Through Before They Retain	36
Your Role in Leading Them as They Make Their Decision	40
Leading Through the Initial Consultation	41
Designing Your Next Actions and Follow-Up	42
Asking for the Potential Client's Business	43
Tracking for Collaborative Success	43
How to Spot-Check to Improve Your Results	44
What You Can Expect	45
by Rich Grof	
Chapter 6: Effectively Marketing Your Collaborative Practice	47
Advertising	47
Marketing	49
Summary	57
by Gary Drenfeld	
Chapter 7: Creating Collaborative Office Space	61
Entry	62
Staff	62
Waiting Area	63
Conference Area	63
Flowers and Art	63
Research Studies on a Tranquil Environment	64
Children	65
Your Own Office	65
And Now, Your Goodbye	66
by Zanita Zacks-Gabriel	
Chapter 8: Integrating Technology into Your Collaborative Practice	69
The Challenge Posed by Technology	69
Responding to the Challenge	70
Kaizen	70
What Technology Should I Embrace?	70
How Can Technology Improve Our Collaborative Work?	71
Next Steps: Where Do I Begin?	74
Conclusion	74
by Brian Galbraith	

Chapter 9: Getting Buy-In for a Collaborative Approach from the Other Spouse and Attorney	77
Why Might the Other Spouse Be Reluctant to Engage in the Collaborative Process?	77
Who Is the Other Client and How Can the Collaborative Process Meet His or Her Needs?	78
What Are the Roles of Your Client and the Collaborative Team Members in Educating the Other Spouse?	79
The Challenge of Working with a Non-collaboratively Trained Attorney	82
Conclusion	84
by Enid Miller Ponn	
Chapter 10: The First Client Meeting: Gateway to a Collaborative Case	87
Introduction	87
Initial Contact with the Client	89
Information Provided to the Client	89
Legal Advice	90
Client Ability for Empathy	91
Conclusion	91
by Bev Churchill	
Chapter 11: The First Joint Collaborative Meeting	93
Starting the First Joint Collaborative Meeting	95
Continuing Steps in the First Joint Collaborative Meeting	97
Final Steps in the First Joint Collaborative Meeting	101
Lessons for Success	102
by Jeremy S. Gaies	
Chapter 12: Fine-Tuning Your Collaborative Team	105
Defining Teamwork Generally: Then and Now	106
The State of Teamwork in Collaborative Practice Today	107
Building a Team: Generally	108
Building Your Collaborative Team	109
Collaborative Team Basics	109
Building Your Unique Collaborative Team	111
Tune, Rehearse, Perform, and Learn	114
by Lara Traum	
Chapter 13: Developing a Range of Collaborative Models: One Size Does Not Fit All	117
Understanding Collaborative Practice’s “One Rule” as the Core to True Interdisciplinary Solutions	117
Slowing Growth by a Rush to Orthodoxy	118
Evolution of Collaborative Methods	118

“Full-Team” Models, the “Lawyer Model,” and Other Myths	119
The Search for the “Best” Model	119
Fear of Reducing the Role of Mental Health Professionals	121
Flexible Team Collaborative Models	121
Conclusion: From Compelling Teams to Creating Compelling Teams	123
by Ronald D. Ousky	
Chapter 14: Mediation and Collaboration: Harnessing Potential Synergy	125
Introduction	125
A Tremendous Business Opportunity	125
Leveraging Shared Peacemaking Principles	128
Confidentiality	129
The Role of Lawyers	133
Sample Hybrid Approaches	135
When to Consider a Hybrid Process	138
Conclusion	140
by Elizabeth Potter Scully	
Chapter 15: Traits and Skills of a Highly Effective Financial Neutral	143
Character and Traits	143
Preparing Clients for Financial Disclosure	145
Preparing Clients for Negotiating Financial Issues	148
Tips for Financial Neutral to Initiate Cases	151
Conclusion	151
by J. David Harper	
Chapter 16: Collaborative Child Specialists: Traditional and Expanded Roles	155
How Does a Child Specialist Work with Children and the Family?	155
What Are the Levels of Disclosure to Parents of Information Gathered in Child Meetings?	157
How Do Child Specialists Fit as Part of the Collaborative Team?	157
What Does It Take to Do This Work?	160
What Are the Benefits of Using a Child Specialist?	161
When Should a Child Specialist Be Used?	162
Unique Opportunities for Utilizing a Child Specialist	163
No Child Specialists in Your Area?	164
Conclusion	164
by Kathleen Zumpano	
Chapter 17: Using Behavioral Health Professionals in Family Law	167
Introduction	167
The Training and Skills of the Behavioral Health Professional	167
Some Helpful Tools Used by Behavioral Health Professionals	168
An Equal Place at the Problem-Solving Table	171
Roles of Behavioral Health Professionals in Collaborative Family Law Context	173

Mental Health Professionals as the Entry Point of Collaborative Cases (by Melissa Sulkowski)	176
Conclusion	178
by Nancy Retsinas and Susan J. Buniva (with Melissa Sulkowski)	
Chapter 18: Collaborative Marriage Planning	181
The Theory, Components, and Objectives	182
Collaborative Method	184
Steps in the CMP Process	186
Tapping the Market	188
Conclusion	189
by Dennis Lerner	
Chapter 19: Modifying Existing Agreements with a Collaborative Approach	191
Initial Consultations/Screening	191
Tips for Evaluating the Modification Action	192
Blended Family Issues	193
Changes with the Children	194
Money-Related Issues	195
Power and Control Issues	196
Process Questions	196
When a Modification Is Warranted (Generally)	196
Conclusion	197
by Kimberly Stamatelos	
Chapter 20: Avoiding and Handling Termination of the Collaborative Process	199
Screening	199
Preparation	202
Getting in Front of Impasse	203
Termination by Team	205
Termination by Client	206
Transition to New Counsel	207
Conclusion	208
by Michael V. Fancher	
Chapter 21: Civil Collaborative Practice: The New Way to Do Business	211
Typical Ways that Civil Collaborative Cases Begin	212
Collaborative Skills in a Civil Action	212
Experts	213
Shortcutting Lawsuits by Accepting Responsibility	216
Transactional Law Becoming Collaborative	218
Modest Means Civil Collaborative Cases	218
Conclusion	219
by Sherrie R. Abney	

Chapter 22: Collaborative Practice as a Business	223
Introduction	223
Financial Self-Sufficiency and Collaborative Practice	223
Hire Associates	224
Marketing	225
Be Innovative: Try Flat Fees	226
Develop Systems	227
Collections	229
Value	232
Know Your Clients	233
Encourage Clients to Help Themselves	234
Delegate Work	234
Incentives	235
Conclusion	235
by Brian Galbraith	
Conclusion: Next Steps to Building Your Collaborative Practice	239
Be Strategic About Building Your Collaborative Practice	239
Design Your “Menu” of Collaborative and Peacemaking Services	240
Add Preventative Dispute Resolution Clauses to Your Agreements	243
Assess Your Staffing Needs	244
Consider Different Fee Structures	244
Create a Marketing Strategy for Your Collaborative Practice	246
Create Systems and Track Your Success	246
Make Your Conference Attendance Count	247
Educate the Judiciary	248
Build Your Collaborative Community	249
Create <i>Pro Bono</i> and Reduced Rate Opportunities	250
Be Open to Working with New and Different Professionals	250
Strive for <i>Kaizen</i> (Continuous Improvement)	251
Pick a Date and Make a Collaborative Career Plan	252
by Forrest S. Mosten and Adam B. Cordover	
Endnotes	253
Resources	261
Index	451

The resource materials are available online and can be downloaded
