

Appropriate Dispute Resolution and my LA Odyssey.

**Helen Collins, Solicitor, Collaborative Lawyer, and Mediator
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I was lucky enough to be chosen as an “Intern” to train in delivering Divorce Mediation Training by Professor Forrest Mosten, renowned Lawyer, Mediator and Teacher at University College Los Angeles.

In mid September I packed my bag and headed off into the unknown!

I was welcomed into a class (restricted to 18 in number), the majority being experienced trial lawyers (from many parts of the US) and the remainder being established Mental Health Professionals. Forrest’s Trainings book out six to twelve months in advance.

We worked hard together for five very long concentrated days and grew to know each other better during that time.

Forrest encouraged me to talk to our students on day five, about my experience and family background and how I had, to date, travelled the road of conflict resolution.

I found myself giving a brief outline of the Irish War of Independence, the burning of my father’s house by the Black and Tans, the signing of the Treaty, the Civil War and the death of Michael Collins.

I told of my father’s ability for forgiveness, his passion for reconciliation and his service to his clients and his fellow human beings – the more vulnerable the more determined was his protection. I spoke of my 35 years as a Solicitor and the traumas, deaths and suicides I had experienced.

We all have our story! We are the culmination and more of the tapestry of our experience and the experience of those who came before us.

What to do with our experience?

I am not against our adversarial Legal System. I believe it serves our democracy well.

Separation and Divorce is a huge trauma for the family experiencing it and placing it into the grip of the adversarial Court System practically guarantees the destruction of the family relationship.

Family Law should not be part of the adversarial Court System.

The research shows that children need two parents. The research also confirms that it is not the separation/divorce per se that adversely affects the children, it is the level of conflict in the family pre, during and post separation. Parents are parents for life and it is imperative that our Family Law System actively supports and nurtures an ongoing healthy parental relationship. Imperative for the

emotional, mental and physical well-being of our next generation and the future of our Nation. We owe it to our children.

Imperative to reduce the huge cost of dysfunction in families in health, social services, policing, criminal justice, education and many other hidden costs.

What to do with our experience?

Do we keep doing the same thing over and over again and expect a different result?

As I stood in the LA classroom telling a little of my story I saw the many successful Lawyers sitting in front of me... there to learn a different way... ready and wanting to step out of the adversarial Court System... to become peace makers!

Our teacher, Forrest Mosten, renowned Lawyer said an absolute “No” to litigation and stepped out of Court many years ago.

I learned from Forrest that the statistics confirm that 80 per cent of Family Conflict settles in private Mediation – 60 per cent in Court directed Mediation.

As Lawyers we have the power to strongly encourage and proactively work with our clients to make family focused processed choices such as Mediation and Collaborative Practice.

It is argued that family conflict is 80 per cent emotional and 20 per cent legal.

We have skilled “Coaches” available to us to emotionally support and educate our clients. We have the “options” and we have the “tools”.

So what to do with our experience?

It is time to say a resounding “No” to adversarial Court based Family Law.

Let the exception prove the rule!

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SEE WWW.ACP.IE (COLLABORATIVE PRACTICE)

FORREST MOSTEN WILL BE IN IRELAND IN APRIL 2012. IT IS HOPED THAT WHILE HERE HE WILL DELIVER TRAINING IN CONFLICT RESOLUTION (ADVANCED LEVEL).

SEE WWW.MOSTENMEDIATION.COM

