

How You Benefit From a Collaborative Divorce and Questions to Ask Before Hiring a Collaborative Lawyer

Before you choose the proper lawyer for yourself, you need to look at how one defines a successful divorce. Many people think success is limited to the bottom line outcome. Sadly, however, those people often fail to understand that the “costs” of divorce do not necessarily end when the court enters the final divorce judgment.

By: Jason N. Sposeep, Partner



Nearly every divorce involves a “transactional divorce” and an “emotional divorce”. In choosing a lawyer, both aspects of divorce should be addressed, preferably at the same time. Otherwise, the expense of your divorce may last far beyond the split, especially when children are involved.

The recent trend today is to define success in terms of long-term sustainability – not just in the pocketbook, but also as it relates to you and your family’s emotional health. One alternative approach to the traditional divorce process that many divorcing couples are electing to explore is Collaborative divorce. Collaborative divorce is an out-of-court, non-trial process. Each party hires a select team of trained professionals which includes a collaboratively trained lawyer for each party. Depending on the specifics of your case, you and your spouse will include in the team a financial neutral, divorce coach(es) for the parties and/or a child specialist. Along with your lawyer, these trained advisors simultaneously, and with precision, help clients and their children address both the emotional and transactional divorce.

In the Collaborative approach, both the parties and team members enter into a contract called a Participation Agreement, which is founded on the principles of open exchange of information, dignity and respect. This contract prohibits anyone from going to court for any reason other than to enter the divorce judgment.

Such a prohibition completely changes the negotiations from one of the positional bargaining to one based on your interests and that of your children. Entering into an agreement to resolve your divorce out of court is not a decision you should make lightly. Also, choosing the proper collaboratively trained lawyer is vital to achieving the desired result.

The Illinois State Bar Association does not yet have a governing body specific to collaborative lawyers. Even so, all practicing attorneys in Illinois are bound by rules of ethics and professional responsibility. If you are interested in pursuing the collaborative approach, I suggest you ask and consider these questions when selecting a collaborative lawyer:

1. What percentage of your law practice is collaborative divorce?
2. Which collaborative professionals in the area have you worked with and which ones do you work well with?
3. What training have you received in representing clients in a collaborative divorce?
4. How long does a collaborative divorce take compared with a traditional divorce?
5. What fees and expenses can I expect in a collaborative divorce?

While collaborative law continues to grow in appeal, it is imperative that you evaluate whether the facts of your specific situation and/or the personality of you and your spouse are amenable to this process. If you and your spouse are able to handle this very client driven approach to resolving your divorce, you may be providing yourself and your children a much greater chance for a healthier and happier future.

“If you have questions about divorce, collaborative divorce, attorney-assisted mediation, child custody, child support, property division, adoptions, prenuptial and postnuptial agreements, spousal maintenance, or anything else related to family law, please contact Jason Sposeep.”

Jason N. Sposeep



sdflaw.com/attorneys/jsposeep/

Chicago Office

200 North LaSalle Street
30th Floor
Chicago, Illinois 60618

Tel: (312) 609-5551

Fax: (312) 641-6361

Email: jsposeep@sdflaw.com

The materials contained in this Special Edition Newsletter are intended for general informational purposes only and not to be construed as legal advice or opinion.