



The Healthy Family Law Attorney
Presents:

COLLABORATIVE LAW

A Healthy Alternative

An eBook

INTRODUCTION

Those of you who have watched my videos in The [Healthy Family Law Attorney Series](#) on YouTube may remember, my passion is to provide hope and help to families as they successfully navigate the family law process, in a healthy way. Examples can include divorce, paternity, custody battles, etc. A healthier way to approach family law is through the collaborative family law process. The collaborative process is newer to Florida. It's been around for longer in other parts of the United States, but a couple years ago, the Florida Supreme Court passed the Rules, and the Legislature passed a Statute establishing how we approach collaborative law in Florida. A new requirement is that all family law attorneys in Florida must give collaborative as an option to family law clients. The collaborative process is a voluntary alternative to traditional divorce, where the clients come together and agree to sign a collaborative participation agreement and to work outside of the court system to avoid litigation and all its associated costs.

Keep reading to learn more about the collaborative team.

INTRODUCTION

First, you put together a collaborative team, each spouse or party has a collaborative attorney. In this approach, we're no longer thought of as opposing counsel, instead we're collaborative counsel. Then there's going to be two professional neutrals. One is going to be a financial neutral, they're going to put together the equitable distribution worksheet, financial affidavits, child support guidelines, alimony analyzer worksheets, and so forth.

And then there's going to be a mental health neutral. The mental health neutral is going to put together the parenting plan, run the meetings, help with any emotional/psychological issues, and be what's known as the facilitator.

Keep reading to learn more about the five reasons to choose collaborative law.

REASON #1

You avoid litigation. This means you avoid the Court system and the Courthouse. Even though we're in the pandemic and everything is virtual now, you're not going to have any hearings if you have a successful collaborative case.

Do you and your spouse have common goals regarding your divorce? If so, the collaborative process may be right for you.

Fun fact: of all the collaborative cases I've handled thus far, only one was not successful. So, the vast majority, end up being highly successful. By avoiding litigation, you avoid potential hostility.

Keep reading for more reasons to choose collaborative law.

REASON #2

There is less privacy in the litigation process. When you file financial documents with the Court, like the financial affidavit which has your gross income, all your deductions, your net income, all of your expenses, and it includes all of your assets and liabilities, you have the risk of people seeing what your income is, what your assets are, what your debts are, etc.

In the collaborative process, there's an agreement the parties reach not to file the financial affidavits. The financial affidavits are drafted and signed but they're not filed. The collaborative financial neutral will take care of drafting and can hold on to those documents. All the confidential financial information that relates to your case will not be accessible to the public.

REASON #3

You avoid the outrageous cost of a litigation case. If you choose collaborative, you know you're not going to Court if it's successful and so you're never going to have the cost of hearings, depositions, and competing experts. You're not going to have a custody battle, or a social investigation. You won't need to hire a forensic certified public accountant that has to hunt down all kinds of hidden assets in the case, which is very expensive. While you can do a lot of that in the collaborative process, it's often not as expensive because the financial neutral, who may be a CPA, does that analysis. Also, in collaborative, the documents are all voluntarily produced. You don't have to do requests for production, interrogatories, mandatory disclosure and so forth, like in a litigation case. There won't be a need to have hearings to get documents that you need which are voluntarily produced in the collaborative case. Typically, you have three or four meetings at the most as a collaborative team. Meaning, the two parties, their collaborative attorneys, the financial neutral and the mental health neutral. I have even finished a couple of collaborative cases after two full team meetings, so it's possible to do it in less than three or four meetings.

REASON #4

You reach your goals. In litigation you may have goals but the Court has to follow the law and not your goals. In a collaborative case, each party has an opportunity to state their goals, which often are quite similar.

As a collaborative attorney, I prepare my client ahead of time by asking: What are your goals? What do you think your spouse's goals are? Are they going to be similar or perhaps even the same? They'll start out like this: "I want to protect the children from the divorce, I want enough Child Support to meet the children's financial needs, I want to stay in the marital home until the youngest child graduates from high school."

Then the other spouse says "Well my goals are to protect the children from the litigation process, I'd be happy if they could stay in the house until the youngest reaches 18, I want to provide enough so that they have their needs met." Having complementary and agreed upon goals means you're way ahead of the game. Instead of position-based bargaining that may occur in the mediation process, collaborative allows you to put your cards on the table by saying what your goals are and remain amicable. This gets you to the finish line a lot quicker and with a lot less conflict. And it helps you co-parent the children in a healthy way.

REASON #5

Preserve family relationships. You're really focusing on the future more, and not on the past and maybe not so much even on the present. You're saying "I want to make sure that we continue to have a good co-parenting relationship, I want to make sure that the kids still love their mother and love their father, I want to make sure that they have enough not just to get through childhood but through college." Overall, it's more future oriented because you're thinking about the big picture meaning the extended family and the relationships.

CONCLUSION

With 35 years of experience, I've had cases where the collaborative process has gone so well that husband and wife although going through the divorce process, they've worked out everything so well in a collaborative way that they drive to the collaborative final signing meeting together, where all the documents are prepared and they sit next to each other, sign the documents together and sometimes they leave together. In other words, they are still amicable, maybe even friends, but certainly good co-parents. I've also had cases where the collaborative client on the other side sends me pictures of the kids during the holidays. Collaborative is the healthier way of handling any family law matter because your family does matter, and the process preserves relationships.

**Thanks for reading our Collaborative Law eBook!
Contact us if you have any questions. We are here to serve you.**

IF YOU FOUND THIS RESOURCE TO BE HELPFUL

Please share it with others who may be contemplating divorce.

To learn more about the collaborative process, visit our website:

www.markslawfla.com

**or call our office:
407-872-3161**

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