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Collaborative divorce helps couples save money, time

Jacksonville Business Journal - by [Mark Szakonyi](#) Staff Writer

JACKSONVILLE -- A nonadversarial approach to divorce that saves couples money, time and headache has yet to take off in Jacksonville but it likely will, experts said.

The area's high divorce rate, rising trial expenses and backlogged court system make the approach -- in which spouses attempt to settle out of court with the help of attorneys, financial advisers and counselors -- attractive.

Collaborative divorce, an area of collaborative law, has gained momentum nationwide for the same reasons, and because society has gained a better understanding of the emotional damage divorce can have on spouses and their families, said Susan Daicoff, a Florida Coastal School of Law professor.

The approach differs from traditional mediation by involving each of the clients' lawyers and financial and divorce advisers, instead of just being between two clients and a mediator.

Not having lawyers present in the mediation process can translate to clients not having their rights fully protected.

"That is frightening for clients," Daicoff said. "You're kind of going bare."

In collaborative divorce, there is a stronger push to strike an agreement between spouses because lawyers agree not to represent their clients in court if the mediation process fails.

Daicoff said some lawyers would object to the idea that they are less motivated in mediation because they will get paid more if the case goes to court, but there might be a subtle shift in their efforts they aren't aware of.

The biggest challenge facing the approach, which was created by Minneapolis attorney Stuart Webb in the 1990s, is letting the public know that it's out there.

There is also a need for training on how to practice collaborative law. First Coast Collaborative Law and The St. Johns County Collaborative Family Law Group, which consist of collaborative law attorneys and related professionals, work to publicize the approach and are resources for interested parties.

At Florida Coastal, Daicoff teaches collaborative law as part of one of her classes, and the students want to create their own approach devoted to the field.

Whether Jacksonville is ready for collaborative law will be seen in how The Collaborative Group, a new team consisting of two attorneys, a family law mediator, a mental health counselor and a divorce financial analyst, makes out.

The Jacksonville team started coming together in April, but didn't start marketing until several months ago, said Robert Hetsler, the group's mediator. The team has had initial meetings with clients, but hasn't yet completed any divorce proceedings.

Hetsler expects demand for the group's services to increase as word gets out on how much can be saved by not going to trial. The collaborative approach is expected to cost each spouse about \$5,000, compared with at least \$25,000 per spouse if the divorce went to trial, said Hetsler, a certified valuation analyst.

Because Florida divorce courts are backlogged, an average divorce takes between four and eight months. About 85 percent of the time, spouses are able to reach an agreement without going to court, Hetsler said.

The benefits aren't just financial.

The group's divorce coach helps ensure that the spouses' children are a focus of the decision-making, not a bargaining chip. When a family-owned or jointly owned business is involved, the approach can help spouses create a working relationship so the business doesn't suffer.

Collaborative law also can be used in general civil litigation, particularly employment law and other civil disputes, Daicoff said.

Steve Leitman, an attorney with the new Jacksonville group, said part of the reason the approach's popularity hasn't taken off is human nature.

"People look at divorce in two different ways," he said. "Some want to handle it amicably, and others are upset and angry and they don't

mind spending extra money on attorney fees."

For those who are willing to negotiate, there is the reward of gaining more control of the process by not turning over the final decision to a judge.

"I think we have fantastic family law judges," Leitman said, "but I think people are always better deciding their own lives."

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