

NEWS FROM THE CLC

By Laurie L. Christensen

I have some really wonderful news to share with you about what is happening with the Collaborative Law movement in Memphis and the Community Legal Center's support of the movement, but first I have to tell you a story about myself.

During my third year of law school, I clerked for Judge Kay Robilio. She provided me with invaluable lessons regarding the practice of law. I assisted with some divorce and custody hearings. This was a very difficult part of my clerkship. I could not believe how litigants in these cases tried their best to inflict their worst on each other. I recall one particularly acrimonious proceeding. The divorce had devolved into a battle for the marital property and the husband was fighting tooth and nail for the big screen T.V. (ironically, the T.V. went to his attorney to pay legal bills). Despite the Judge's efforts to control the litigants, the attorneys representing them allowed both parties to rehash their marital baggage in excruciating detail. Clearly this wasn't about the T.V., the furniture or even who would have custody of the children. It was about the unresolved issues of betrayal, anger, hurt and pain they both felt that fueled their legal motivations. I knew there had to be a better way to resolve legal issues driven by human emotion.

The good news is—through Collaborative Law, there is a better way to bring resolution to contentious legal issues. In October of 2007, a group of visionaries in our legal community brought together a collection of innovative approaches to the practice of law through a regional conference entitled, *Lawyers as Peacemakers, Lawyers as Problemsolvers*. Nationally-renowned experts gathered to educate the attendees on Collaborative Law, Restorative Justice, Holistic Law, Therapeutic Jurisprudence and Facilitative Mediation just to name a few. Before becoming part of the planning group for *Peacemakers*, I had not heard of these areas of the law. As it turned out, the conference was not only a huge success, it also created momentum for the practice of Collaborative Law.

In follow up to the *Peacemakers* conference, the Community Legal Center and Memphis Area Legal Services organized a two-day Collaborative Law certification program on July 10th and 11th for lawyers, counselors and financial planning professionals. “In Collaborative Law, the parties and their attorneys contractually agree at the outset that they will not litigate. They focus on resolution and problem solving without the threat of court filings and process. Thus, unlike other forms of alternative dispute resolution in which a lawsuit is filed first and then referred for mediation or arbitration, mutually satisfactory cooperative resolution is the focus of all parties from the very beginning. Collaborative Lawyers work with their clients and each other, volunteer information to aid with resolution, and strive for a collegial atmosphere. In Collaborative Divorce, a team of interdisciplinary professionals is assembled to assist in creating the foundation for sustainable solutions.” [J. Kim Wright, Collaborative Law trainer and founder of the Renaissance Lawyer Society] Fifteen attorneys, four certified financial planners and seven counselors trained to become certified in the practice of Collaborative Law. Since then, the group has committed to provide this interdisciplinary approach for couples going through the divorce process. Each client is represented by Collaborative Law trained attorney, financial specialist and counselor. Child specialists and divorce coaches may also be utilized if the need arises. The teams work with their clients separately and together to reach a fair resolution in a manner that facilitates healing and preserves the couple’s relationship to enable them to co-parent effectively. It is a movement still in its infancy, but one that has the potential to achieve greatness. After having gone through this training, I am confident that this is the approach that best enables divorce litigants to address the legal, emotional, and financial complexities of a divorce in a very positive way. It creates lasting solutions for litigants to allow them to truly move on with their lives.

If you would like more information about becoming a Collaborative Lawyer, please contact Meg Jones with the Community Legal Center or Linda Warren Seely at Memphis Area Legal Services.