

## The Colorado Springs Business Journal

# Collaboration newest trend in severing relationships

by Rebecca Tonn

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Collaborative divorce proceedings are making for some interesting bedfellows — specially trained financial planners and attorneys who work with couples to divide property and resolve parenting, retirement and other issues without litigation.

Denisa Tova, a certified financial planner and certified financial divorce practitioner, said about half her new clients who have not chosen an attorney will choose the collaborative model or other non-adversarial conflict resolution.

Mike Spangle, associate professor of communications at Regis University, has taught classes in mediation and negotiation for 17 years. Although the courts do not keep statistics showing the number of collaborative versus litigation divorces, Spangle said, the trend is toward collaborative divorce.

“It’s taken off on both coasts,” he said. “Colorado is the caboose in the national trend. People who use alternative dispute resolution have a far-higher degree of satisfaction with the outcome than those who go to court.”

Tova said her role in the collaborative model is to be financially neutral.

“I facilitate. I educate. I empower — and they come to their own acceptable outcomes,” she said. “The key to everything is that it is their process. The professionals are guardians of the process, but the clients are guardians of the outcome.”

Tova said the process is needs-based, and gets couples thinking about their goals for the future.

“I level out the playing field, by bringing the less financially knowledgeable spouse up to speed on financial matters,” Tova said. “In the end, the less financially knowledgeable spouse is equipped to better manage her finances post-divorce.”

To qualify for membership in Pikes Peak Collaborative Law Association or Colorado Collaborative Law Professionals, professionals must undergo training. Level I is a one-day module that teaches attorneys, financial advisers and mental health practitioners about the process of collaboration.

Instruction focuses on the process of communication and how to screen clients to determine if they're a match for the collaborative model. Professionals are urged to join a practice group to receive mentorship and do case reviews.

Level II is a two-day conference, which focuses on communicating in a non-adversarial manner. Training includes role playing, studying new developments in the law and how it impacts collaborative models, and learning how to put together a successful practice group.

Lisa M. Dailey has been practicing law since 1988 and specializes in family law.

She was one of several local attorneys who formed Pikes Peak Collaborative Law Association, and since 2000 she has completed about 100 collaborative cases.

“Lawyers are keepers of the process,” she said. “We educate parties about the legal aspects of dispute-resolution divorce and articulate their interests when we draft the legal documents.”

The collaborative model provides an opportunity for less-adversarial problem solving and allows people to maintain a relationship post-divorce. Spouses have considerable control over the process and final outcome, deciding what is important to them and which options fit their goals.

“People really understand what they are doing and how their choices will affect them and their children, 10-15 years down the road,” Dailey said. “It’s obviously an advantage to everyone for ex-spouses to be able to stand side by side at their daughter’s graduation or their son’s wedding, instead of having their bitterness trickle down to their children.”

But the system doesn’t work for every situation or for all couples.

“The collaborative model may not be appropriate for cases involving a history of family violence, mental health issues, severe substance abuse or a history of mistrust,” Dailey said.

The dispute resolution model creates a collaborative team that agrees to work together without litigation. Instead of dueling experts, the couple chooses one financial neutral. And if the couple opts for litigation, they must each choose new attorneys, Dailey said.

“Divorce is not a good economic option. To the extent that couples can get on the same page as to how to divide assets, it will benefit all involved,” Dailey said. “Collaborative divorce provides a dignified and respectful way to address the issues of divorce and avoid the stigma of failure.”

Tova said that collaborative divorce is a disciplined process that begins with information gathering. The speed of the process is dictated by the parties and what they’re comfortable with.

“Couples have to agree to communicate openly and not withhold information,” she said. “Neutrality builds trust and alleviates impasse. The couple and the team of professionals they hire all commit to attempt to resolve the divorce out of court.”

Collaborative divorce often is less expensive, but the cost depends on the level of conflict. And while it isn’t the only option for couples seeking to sever their relationships, it is one that seems to be catching on.

“It’s the wave of the future,” Tova said. “It means a change in our way of thinking — a paradigm change. It empowers people.”

### **Local collaborative professionals:**

For a listing of local financial advisers, lawyers, coaches, child specialists and mental health professionals who practice the collaborative model, go to the Colorado Springs Collaborative Divorce Group’s Web site at [www.cscdg.com](http://www.cscdg.com).

### **State and international collaborative associations:**

The Colorado Collaborative Law Professionals’ Web site is [www.cclawp.org](http://www.cclawp.org). The International Academy of Collaborative Professionals’ Web site is [www.collaborativepractice.com](http://www.collaborativepractice.com).

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