

C O L L A B O R A T I V E L A W



Maintaining dignity in the face of divorce.

SCHILLER
DUCANTO
& FLECK_{LLP}

Family Law. Unparalleled.

Many couples today are asking whether serious marital disputes can be resolved without the time, expense and conflict of litigation. The answer is yes—divorce need not be a battleground. Collaborative law is for those clients who want a

non-adversarial alternative to traditional divorce litigation.

No single approach to the divorce process is right for everyone.

In traditional divorce litigation, the parties look to the court system and judges to resolve their dispute in a very public forum, each viewing the other as the adversary. This process often results in considerable emotional and financial cost to the entire family.

Collaborative law is a non-adversarial process that views a family in divorce as a family in crisis that has a series of problems to be solved, rather than a series of battles to be fought. The end goal is to meet the legitimate needs of everyone involved in a restructured family.

Understanding how collaborative law works

The process starts with both husband and wife retaining unaffiliated collaboratively trained attorneys. They commit, in writing, not to go to court but instead to work together

to help the couple reach agreements beneficial to all. The parties meet privately with their respective lawyers and possibly additional experts, who may include a child specialist,

a neutral financial professional and divorce coaches (licensed mental health professionals). With the focus on problem solving, there is a strong likelihood conflict will be reduced, allowing the couple to

attain a settlement in a respectful manner.



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Benefiting from the collaborative approach

Preserving dignity, collaborative divorce offers couples another option to resolving disputes. Advantages of collaborative law include:

- Preserves wealth by helping families divide their wealth or business interests without the risk of destroying them. In fact, creative solutions may emerge that will expand these assets for mutual benefit.
- Focuses on the welfare of children, alleviating the potential for future trauma that sometimes lasts for generations.
- Preserves confidentiality; personal and financial information is kept private.
- Places decision-making control directly in the hands of the individuals, rather than a third party or the court.
- Looks to the future, providing both individuals with a constructive process for moving forward with their lives.

Comparing collaborative law and mediation

Collaborative law is similar to but differs from mediation in some significant respects. In mediation, a neutral third party (the mediator) facilitates the parties' negotiation to help reach a settlement but cannot give legal advice, advocate for either side or represent a client in court to finalize the agreement. In collaborative law, both parties have independent lawyers present during negotiations to provide legal advice in an educational context, thereby empowering the clients to make informed decisions about their lives and their children's lives. When an agreement is reached, the collaborative lawyers will prepare all the papers necessary and will accompany the parties to court to finalize their case.

Focusing on the highest priorities

The end of a marriage is painful enough. Collaborative law offers spouses a new way to proceed with privacy and respect while taking into account the highest priorities of their entire family. Schiller DuCanto & Fleck LLP has been a leader in embracing collaborative law, providing clients with every available resource and alternative so they can choose the approach that is right for them.



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For more information about this practice area, please call 312-641-5560 or visit us online at sdflaw.com.

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