Collaborative Law: Good News, Bad News, or No News?

By Yvonne M. Homeyer and Susan L. Amato

Since the last *St. Louis Bar Journal* issue devoted to the topic of family law (Winter 2001), attorneys in Missouri have begun offering Collaborative Law (CL) as an Alternative Dispute Resolution option for divorcing clients. Collaborative Law is a non-adversarial, interest-based, client-centered process in which clients and their collaborative attorneys pledge to negotiate an out-of-court settlement that meets "the legitimate needs of both spouses and any children, to the maximum degree possible." [1]

Conceptualized in 1990 by Stuart Webb, a family law attorney in Minnesota, CL quickly spread throughout the United States and Canada, and is now practiced in ten other countries, almost exclusively in family law matters. In 1999, the International Academy of Collaborative Professionals (IACP) was formed to serve as the umbrella organization of the CL movement. The IACP now has 3,600 members, of whom 82% are attorneys, 15% are mental health professionals, and 3% are financial professionals.[2]

There are now 175 local collaborative practice groups in the United States,[3] including three in Missouri.[4] The IACP "estimates that more than 10,000 lawyers and other professionals throughout the world have received CL training."[5]

Julie Macfarlane, author of a study of CL cases in Canada and the U.S., characterized the "exponential growth of collaborative family lawyering" as "one of the most signifi-

1. Pauline H. Tesler, *Collaborative Law: Achieving Effective Resolution in Divorce Without Litigation*, Introduction to the First Edition at xxviii. (2nd ed. 2008). Tesler is an experienced collaborative family law attorney and CL trainer who co-founded the International Academy of Collaborative Professionals (IACP). She is the author of numerous articles on the subject of CL.

2. Private communication with Talia Katz, Executive Director of the IACP.

3. Private communication with Talia Katz, Executive Director of the IACP. See also, the IACP web site, www.collaborativepractice.com, click on "Locate a Collaborative Practice Group."

4. The Missouri practice groups are located in St. Louis, Kansas City, and Columbia/Jefferson City. In St. Louis, the Collaborative Family Law Association (www.stlouiscollaborativelaw.com) began as a lawyer-only organization in 2002 and expanded to an interdisciplinary group in 2005, adding mental health and financial professionals as members. In Kansas City, the Collaborative Law Institute of Missouri (www.collablawmo.com) was founded in 2002 and became interdisciplinary in 2007. The Mid-Missouri Collaborative & Cooperative Law Association (www.mmccla.org) started in 2007 and is a lawyer-only practice group.

5. David Hoffman, Foreword to the Second Edition of Tesler, *Collaborative Law* at xv, *supra* note 1.

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cant developments in the provision of family legal services in the last 25 years."[6] How, then, does CL differ from contested court proceedings and even informal or cooperative settlement negotiations? How does the team (interdisciplinary) approach to CL function? How have clients using the collaborative process described their divorce experience? What ethical considerations does Collaborative Law bring into play? Finally, is the growing practice of CL "good news, bad news, or no news"?

I. A Different Kind of Divorce: The "Good News"?

For many in our society, the word "divorce" conjures up images of a hostile, adversarial dispute to be resolved in the court system by a third party, the judge, who decides issues that the litigants have been unable to resolve. While court intervention is certainly necessary for some couples, it is not necessary for others. Collaborative Law is an alternative for couples who want respectful, non-adversarial settlement negotiations and who are willing to negotiate in good faith in a transparent process in which information is shared voluntarily.

As one family law judge aptly stated,

> A divorce is not a legal problem. It is a relationship problem with collateral legal consequences . . . The adversary system intuitively encourages conflict and often inflames the feelings of anger, hostility, emotional pain and emotional trauma that normally accompany the divorce process.[7]

The CL movement aspires to provide an emotionally safe, non-adversarial process in which divorcing spouses can have frank conversations with each other in order to make decisions in their divorce, with a focus on what is truly important for themselves and their children.

A. Essential Elements of CL

In the CL process, the clients and their attorneys state that their only goal is settlement. To achieve that goal, they pledge to conduct their negotiations in good faith, to voluntarily produce all financial information, to disclose any mistakes and not take advantage of them, and to refrain from threatening or using litigation. These and other protocols are included in the Participation Agreement (PA), a contract which is signed by the parties (and in some practice groups, by the attorneys).[8] CL is a client-focused process in which the clients decide how often and when they want to meet, what interests and goals they wish to achieve, and what other collaborative professionals, if any, they will hire to assist them (see "D" below). Instead of focusing on the past and gathering evidence of the other spouse's failures during the marriage, clients in a collaborative divorce are focused on the future.

Negotiations generally take place in a series of four-way meetings at which both clients and their CL attorneys are present.[9] All statements made during, and all documents and reports generated for, a CL proceeding are confidential and cannot be disclosed in court if the process terminates without resolution, unless the parties specifically agree otherwise.

Each spouse is encouraged to identify his or her values, interests and goals and to also consider the perspective of the other spouse. The CL process does not assume that economic interests are the clients' only goals but leaves it up to the clients to state what is important to them.[10] Many couples are interested in preserving a cordial relationship, especially when children are involved, so that they can co-parent more effectively after the divorce.

During the four-way sessions with their collaborative attorneys, the couple first gathers all relevant information about finances and their children, then generate options for resolution. Once these steps take place, negotiations begin and decisions are made. Clients often want to jump quickly to the decision-making discussions and exchange offers and counter-offers, but, as guardians of the process, CL attorneys understand that at times they need to slow down a rushed process. A more deliberate process allows clients the opportunity to bring all information to the table and ensures that both parties understand the finances and other issues at stake. The CL lawyers then explore with the parties various options for resolution, expanding the possibilities for problem-solving so clients can then make rational,

6. Julie Macfarlane, *The Emerging Phenomenon of Collaborative Family Law (CFL): A Qualitative Study of CFL Cases* at vii (Department of Justice Canada, 2005), *available at* http://canada.justice.gc/ca/eng/pi/pad-rpad/rep-rap/2005_1/2005_1.pdf. Macfarlane conducted 150 interviews in 16 CL divorce cases in Canada and the U.S. Her study is the largest to date. Two other surveys reflected smaller populations: William H. Schwab, *Collaborative Lawyering: A Closer Look at an Emerging Practice*, 4 Pepp. Disp. Resol. L.J. 351 (2004) [25 client surveys and 71 lawyer surveys returned]; and Michaela Keet et al., *Client Engagement Inside Collaborative Law*, 24 Can. J. Fam. L. 145 (2008) [only 8 clients interviewed].

7. Hon. Robert W. Lueck, *The Collaborative [R]evolution: An Idea Whose Time Has Come In Nevada*, Nevada Lawyer (April 2004), *available at* http://www.nvbar.org/Publications/Nevada%20Lawyer%20Magazine/2004/April/CollLaw.htm.

8. For sample Participation Agreements, see Tesler, *supra* note 1, Nancy J. Cameron, *Collaborative Practice: Deepening the Dialogue* (Continuing Legal Education Society of British Columbia 2004), and the web sites for the three Missouri practice groups, *supra* note 4.

9. Lawyer-client meetings and coach-client meetings are often referred to as "four-ways."

10. For a critical analysis of the assumption that maximizing economic outcome is the primary goal of clients, *see* Pauline H. Tesler, *Collaborative Family Law, the New Lawyer, and Deep Resolution of Divorce-Related Conflicts*, 2008 Journal of Dispute Resolution 114-118, *available at* http://www.law.missouri.edu/csdr/journal/archives/v20081.html.

informed decisions.[11] Agreements reached in this manner are more likely to meet the clients' needs and therefore reduce the need for post-divorce modification proceedings.

After an agreement has been reached on all issues, the attorneys draft the Separation Agreement and Parenting Plan. When these documents have been signed by the clients, a Petition for Dissolution of Marriage is then filed with the court. The collaborative attorneys continue to represent their clients for the purpose of submitting a non-contested matter to the judge for entry of a Judgment of Dissolution of Marriage.

Nothing in CL abrogates the attorney-client privilege. Lawyers still give legal advice to their clients in private conferences and those communications are privileged.

B. The Disqualification Provision

To shift negotiations toward a settlement-only frame of mind, the Participation Agreement contains a disqualification provision; that is, the collaborative attorneys (and their firms) are disqualified from representing their clients in court in a contested proceeding should the CL process end without a settlement. Upon termination of the CL process without reaching a settlement, the collaborative attorneys must withdraw and the clients must retain new attorneys for litigation. Experienced collaborative practitioners believe strongly that the disqualification provision, sometimes referred to as the "collaborative commitment," is essential to keeping the negotiations non-adversarial. If impasse occurs, everyone is motivated to continue negotiating until a solution is reached. This is where transparency, good faith, and frankness matter. Making inflated demands or stating insincere positions are self-defeating tactics in interest-based CL negotiations.

For a discussion of whether clients become "trapped" by the disqualification provision and other ethical considerations of CL, see Section IV below.

C. The Paradigm Shift

While the mechanics of collaborative practice are relatively straightforward, the shift in mindset needed to practice CL skillfully is not. This change in mind set, behaviors, and negotiating techniques, from adversarial gladiator to collaborative problem-solver, is often referred to as the "paradigm shift". CL challenges lawyers to step out of their rights-based bargaining model with its emphasis on maximizing economic results and asks lawyers to listen closely to their clients to determine their values, interests, and goals, as well as those of the other spouse. From the perspective of this new paradigm, the collaborative lawyer can then become an effective advocate for his or her client in working towards a mutually agreeable resolution. By way of comparison, the following are examples of just a few of the ways the role of a lawyer in the adversarial process must shift for effective collaborative practice. The lawyer must shift his focus from trial to settlement; positional bargaining shifts to interest-based negotiation; the focus on debate shifts to a focus on dialogue; and, the focus on legal criteria shifts to a focus on all criteria that each client sees as important. The CL attorney and other professionals involved need to understand the emotional issues that impact negotiations; they must also be mindful to use language that promotes respectful dialogue and productive communication rather than inflammatory, positional language. Transparency, rather than secret strategizing in the adversarial process, is a hallmark of good collaborative practice. The focus is on win-win, not win-lose, solutions.

Because of our legal training and current legal culture, lawyers have little or no practical experience with interest-based negotiations or the other skills needed to make this paradigm shift. Lawyers generally need special training to learn how to advocate for interests, not positions, to listen deeply to both clients, and to assist clients to focus on problem-solving, rather than blaming. Local CL practice groups generally require that their members receive training in mediation, CL process, and interest-based negotiation theory and practice. Practice groups also support and reinforce the attorney's commitment to non-adversarial advocacy.

The disqualification provision in the Participation Agreement helps to foster this paradigm shift. Pauline Tesler remarks,

> We [attorneys] learn what we have to learn. When experienced litigators can resolve an impasse (one that they themselves may even have created) by taking the issue to court, there is little external pressure to get serious about transparency, good faith participation, values-based negotiations, or interests and needs as the measure of the adequacy of proposed solutions.[12]

Ms. Tesler adds, "With [the disqualification agreement], collaborative lawyers are thrust into circumstances that motivate and support change in how we understand our job and how we perform it."[13]

11. Pauline Tesler describes the "shadow client" as the client who is not functioning on a high level, one who is gripped by short-term but powerful emotions such as fear, guilt, shame, and anger (*supra* note 1 at 29-30 and 83-85). It is often the "shadow client" who is asked to make, and does make, settlement decisions when flooded with emotion. The "shadow client" may appear at various times during the divorce process. Collaborative lawyers aspire to recognize such emotional dynamics and encourage clients to wait until their higher, rational self is back in control before making decisions.

12. Tesler, *supra* note 10 at 120.

13. Tesler, *supra* note 10 at 121.

D. Interdisciplinary Team Collaborative Practice

CL is the only divorce process which addresses the emotional, financial, and legal needs of divorcing clients by offering the services of mental health and financial professionals who work collaboratively with the clients and attorneys inside the same "safe container." The professionals working in this collaborative "container" may communicate with each other freely and all work done in the "container" by and among all of the professionals and parties is not admissible in court should the collaborative process be unsuccessful. Although clients are not required to use any CL professionals except attorneys, they may also choose to work with divorce coaches, a child specialist, and a financial consultant.[14] When CL is practiced in this way, the local practice group usually consists of lawyers, mental health professionals, and financial professionals as members.[15]

Divorce coaches are licensed mental health professionals who work with their individual clients to manage their emotions during the divorce process, improve communication and listening skills, clarify values and interests, discuss parenting issues, and help develop parenting plans. The clients meet with their respective coaches privately as well as in four-way coach-client sessions.

A child specialist is a licensed mental health professional who serves as the children's voice in the divorce. The child specialist offers insight to the parents on the children's needs and assists the parents in generating options for the Parenting Plan that will meet those needs. The child specialist may work closely with the coaches to communicate information to the parents.

The financial professional is an accountant or financial planner with special training in divorce matters as well as collaborative training. The financial consultant serves in a neutral role and assists the clients in preparing post-divorce budgets, developing cash flow projections, and analyzing settlement scenarios developed in the lawyer four-ways. The financial consultant does not negotiate or mediate.

The collaborative professionals communicate frequently with one another so that all team members are informed of the work in which the clients are engaged. Shared information among the team members ensures that the CL process functions as efficiently as possible.

The divorce coaches, the child specialist, and the financial consultant are all available to continue their work in these roles with the couple after the legal divorce process has been finalized. The continued support of these divorce professionals can provide a significant benefit to the couple, because implementation of their divorce agreement will often lead to new issues that need to be discussed and resolved. The team members' ongoing availability to the clients helps ensure that the clients' future discussions will remain collaborative. These team members may not, however, provide services to either party other than in their roles as collaborative professionals.[16]

II. Who is Choosing CL and What are Their Experiences?

Recently released statistics compiled by the International Academy of Collaborative Practitioners (IACP) provide the first objective, quantifiable measurements of collaborative practice.[17] Raw data was reported by CL professionals for 502 family law cases over a two-year period (10/15/06 to 8/22/08). The data was supplied in response to a Professional Practice Survey available online to IACP members. Crescent Research, Inc. analyzed and summarized the data. Based on these 502 reported cases, we have learned that:

- 87% of reported cases were successfully resolved, 3% ended in reconciliation, and only 10% were terminated;

- 43% were lawyer-only cases and 56% were interdisciplinary;

- the average cost for both attorneys was $18,755;

- 32% of cases met 3-4 times, 20% of cases met 5-6 times, 20% of cases met 7-9 times, and 10% of cases met 10+ times;

- 48% of cases involved a financial professional;

- 40% of cases involved one or more mental health professionals;

- 72% of cases involved children that were subject to the court's jurisdiction (i.e., parenting plans needed);

- 76% of all clients were over the age of 40, and 60% were between the ages of 40 and 54;

- 80% of clients had completed at least 4 years of college, and 38% had obtained advanced degrees; and

- 80% of the marital estates were worth $200,000 or more, and 56% of the marital estates were worth $500,000 or more.

14. Many practice groups, including the Collaborative Family Law Association in St. Louis, have adopted the two-coach model, in which each spouse has his or her individual coach. However, a variant practiced in other practice groups, particularly in Texas, utilizes a single coach for the couple.

15. *See* note 4, *supra*. Both the St. Louis and Kansas City practice groups are interdisciplinary.

16. For a fuller explanation of the roles of the divorce coaches, child specialist, and financial consultant, *see* the IACP web site, *supra* note 3; Tesler, *supra* note 1; Tesler, *supra* note 10; and, Cameron, *supra* note 8.

17. International Academy of Collaborative Professionals Practice Survey (IACP 2008).

Given the high success rate of collaborative cases, it appears that collaborative attorneys have been doing a satisfactory job of screening their clients to determine which couples are most likely to have a positive outcome. This should alleviate concerns expressed by some commentators that clients can become "trapped" in the collaborative process because of the disqualification agreement. (See Section IV, below, for a fuller discussion.)

Julie Macfarlane concluded in her study that

> [c]lient satisfaction with CFL (Collaborative Family Law) is generally high. Many clients emerge from the traumatic process of divorce with a clear sense that the collaborative process has enabled them to behave honourably toward their ex-spouse and their family . . . The team model can offer a depth and range of client services that traditional legal practice cannot match, and for those clients who can afford it and who see the value of a comprehensive transition plan for their family in its new form, the team model offers enormous potential.[18]

As far as the content of the agreements reached,

> [t]here is no evidence from this study that collaborative cases result in weaker parties bargaining away their legal entitlements. The limited number of cases followed in this study that reached a final resolution (11) matched or exceeded the legal entitlements in most respects. Many outcomes included value-added components, such as detailed and creative plans . . . .

for parenting issues.[19] Macfarlane did note that ". . . some clients are disappointed at the eventual cost of the process . . . having initially formed an unrealistic expectation of cost."[20] The same can undoubtedly be said of clients who experienced a contested divorce in court. Managing client expectations is part of the ongoing attorney-client relationship, no matter what divorce model is chosen.

III. Collaborative Law Statutes

In "another important sign of the arrival of CL as a major component of the American legal system . . . ,"[21] the National Conference of Commissioners on Uniform State Laws (NCCUSL) is nearing completion of a Uniform Collaborative Law Act. The NCCUSL will vote on the final version of the Act in 2009; a draft Act is currently under revision.[22] If approved by the NCCUSL, the Act will then be sent to the ABA House of Delegates before going to the states.

The draft Act (2008) is not limited to family law matters. Key provisions include Section 3, which sets minimum requirements for the Participation Agreement (PA), including the disqualification provision and the duty to make full disclosure of relevant information. The draft also provides for a stay of litigation proceedings if the parties sign a PA after a contested proceeding has been filed.[23] To ensure informed consent, Section 7 imposes a duty on the attorney to discuss with a potential client both the benefits and the risks of CL, to inform the client of alternative processes, including litigation and mediation, and to screen each client for appropriateness in using the CL process, with special attention to screening for domestic violence.

Three states -- California, North Carolina, and Texas -- have already enacted statutes governing Collaborative Law.[24]

IV. Good News, Bad News, or No News? Ethical Considerations in CL

A. Is Collaborative Family Law "Bad News"?

CL practitioners have carefully examined the ethics of collaborative practice and the IACP has developed ethical standards.[25] Whether collaborative practice is good for clients has been questioned by commentators. The most notable concerns relate to the disqualification provision. From the client's perspective, the concern is that the disqualification provision puts too much pressure on clients to stay in the process, and, from the attorney's perspective, the concern is whether this limited representation is ethical under our professional codes of conduct.[26] Criticism also comes from some mediators who see the process

18. Macfarlane, *supra* note 6, at 78.

19. Macfarlane, *supra* note 6 at 78.

20. Macfarlane, *supra* note 6 at 79.

21. David Hoffman, Foreword to the Second Edition of Tesler, *Collaborative Law* at xv, *supra* note 1.

22. All drafts of the Uniform Collaborative Law Act are on the NCCUSL web site at: http://www.nccusl.org/Update/CommitteeSearchResults.aspx?committee=279.

23. In the St. Louis area, no stay provisions have been enacted by local court rule at this time. Therefore, lawyers in the Collaborative Family Law Association do not file a Petition for Dissolution of Marriage until the Separation Agreement and Parenting Plan have been signed; i.e., the divorce is non-contested.

24. Cal. Fam. Code §2013 (2007); N.C. Gen. Stat. §§50-70 through 50-79 (2006); Tex. Fam. Code §6.603 and §153.0072 (2006).

25. The IACP's Ethical Standards can be found on the IACP web site at https://www.collaborativepractice.com/lib/Ethics/Ethical%20Standards%20Jan%20%2008.pdf.

26. John Lande, *The Promise and Perils of Collaborative Law* at 30, 12 Dispute Resolution Magazine 29 (Fall 2005).

as infringing on their work.[27]

The most troubling "bad news" issue, whether the disqualification agreement is unethical, has been resolved in favor of CL in several states, including Missouri.[28] Ethical opinions in our state, as well as Kentucky, Minnesota, Maryland, New Jersey, North Carolina, and Pennsylvania, have concluded that CL is consistent with the Rules of Professional Conduct. Colorado is the lone state that has found that CL is unethical if attorneys sign the Participation Agreement along with their clients. In order to comply with this ethical ruling, the Participation Agreement in collaborative cases in Colorado is signed only by the parties and not by the attorneys.[29]

The Missouri ethics opinion views the ethical concern primarily with respect to whether the client has given informed consent as defined by Missouri Supreme Court Rule 4-1.0(e), as CL is a type of limited scope representation. In order to comply with the Rules of Professional Conduct in Missouri, when practicing Collaborative Law, the attorney must clearly and thoroughly inform the client how the process works, explain the pros and cons and the alternatives, and the client must sign a written consent to the limited representation under Rule 4-1.2. The opinion notes that the concerns of a potential tension between the attorney's interest in staying in the case and a client's determination that settlement efforts have failed do not make the collaborative law process unethical and notes that similar tensions exist in many other attorney-client relationships. The most obvious example of the contingent fee case is noted. In contingent fees cases, as well as in CL, the attorney must not put his interest above the client's best interests. In fact, the same tension can be seen in litigation, where it may be in the client's best interest to resolve the matter, but in the attorney's interest to continue the litigation and attendant attorney's fees. In all such matters, attorneys must put their clients' interests ahead of their own.[30]

Whether CL is ethical has also been addressed in an opinion issued by the American Bar Association's Standing Committee on Ethics and Professional Responsibility. The ABA states that collaborative practice does not create an inherent conflict of interest for lawyers and notes that ". . . [t]he structure creates a problem-solving atmosphere with a focus on interest-based negotiation and client empowerment."[31]

The trend is clearly in favor of finding that CL practice meets ethical standards.

B. Is Collaborative Practice "No News"?

Most family lawyers settle most of their cases. However, the shift to reaching agreement in a collaborative process is clearly not "no news." Research has found that a problem-solving approach is often more effective than an adversarial approach.[32] In addition, many attorneys in traditional negotiations are fearful of using an interest-based strategy due to a mistrust of the good faith of their opposing counsel and a concern that opposing counsel would "secretly take advantage of their honesty."[33] Few comprehensive strategies have been developed to move people to use an interest-based approach instead of traditional positional bargaining and Collaborative Practice is just that, fostering a needed atmosphere of trust to engage in interest-based negotiations.[34]

27. Susan Zaidel, Ph.D., ponders: "I was left wondering if the new collaborative lawyer was merely a disguise for the traditional, competitive, adversarial lawyer - a new tactic to lure the public away from mediation and back into the lawyers' den, only this time a den with chairs for mental health professionals in the role of divorce coaches and experts on children." Susan Zaidel, *How Collaborative is Collaborative Divorce*? at 4, Family Mediation News, Summer 2008.

28. *Formal Opinion 124 on Collaborative Law*, Advisory Committee of the Supreme Court of Missouri, Aug. 20, 2008, *available at* Your Missouri Courts web site, http://www.courts.mo.gov/file/FO%20124%20(Collaborative%20Law).pdf.

29. Links to all these ethical opinions, including that of Missouri, can be found on the web site of the ABA Section of Dispute Resolution, Collaborative Law Committee, at http://www.abanet.org/dch/committee.cfm?com=DR035000.

30. *Supra* note 28.

31. ABA Formal Ethics Opinion 07-447 (Aug. 9, 2007), *available at* http://www.abanet.org/dch/committee.cfm?com=DR035000.

32. American Bar Association Section of Dispute Resolution Collaborative Law Committee - Ethics Sub Committee, Summary of Ethics Rules Governing Collaborative Practice, citing Andrea Kupfer Schneider, *Shattering Negotiation Myths: Empirical Evidence on the Effectiveness of Negotiation Style*, 7 Harv. Negot. L. Rev. 143, 167 (2002).

33. Scott R. Peppet, *Lawyers' Bargaining Ethics, Contract, and Collaboration*, 90 Iowa Law Rev. at 482 (2005), cited in John Lande, *Principles for Policymaking about Collaborative Law and Other ADR Processes*, 22 Ohio State Journal on Dispute Resolution, at 673-674 (2007). Prof. Lande has written other articles about CL, including *Possibilities for Collaborative Law: Ethics and Practice of Lawyer Disqualification and Process Control in a New Model of Lawyering*, 64 Ohio State Law Journal 1315 (2003) and *Fitting the Forum to the Family Fuss: Choosing Mediation, Collaborative Law, or Cooperative Law for Negotiating Divorce Cases* (with Gregg Herman), 42 Family Court Review 280 (2004).

34. Prof. Lande notes that ". . . CL is an ingenious mechanism to generally reverse the traditional presumption that negotiators will use adversarial negotiation. In addition, it develops a new legal culture by institutionalizing local practice groups and has great potential to develop more reflective practice." Lande, *Principles for Policymaking…* at 628, *supra* note 33.

Prof. MacFarlane notes that

> . . . the collaborative process fosters a spirit of openness, cooperation and commitment to finding a solution that differs qualitatively from solutions achieved through conventional lawyer-to-lawyer negotiations.[35]

The creation of a supportive environment with a commitment to settlement, in which clients and attorneys can safely engage in interest-based negotiations, which generally result in more satisfactory outcomes and which offer the opportunity to lead to deeper resolution, is clearly not "no news."

V. Conclusion

Whether practiced in the lawyer-only model or the interdisciplinary model, Collaborative Law is a valuable option for clients who are seeking a respectful resolution of their divorce issues. When arguing is minimized and conflicts are contained, children benefit as well as the adults, and the groundwork for a more positive co-parenting relationship is established. In Missouri, we now have assurance that Collaborative Law practice is ethical. Statistics show that most collaborative divorces are resolved successfully and that clients are generally satisfied with the process. Collaborative Law has become an established alternative for divorcing clients not only in Missouri but across the United States. We think that's good news.

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35. Macfarlane, *supra* note 6, Executive Summary at x.