

Collaborative Language

By: Brian Don Levy

Collaborative Attorney & Mediator

www.CollaborativeAttorney.com

www.CollaborativeDivorceServices.com

Ontario <> 626.332-1304 <> 909.837-1100

Orange <> 714.487-0500 Ext. 310

Palm Springs <> 760.766-2090 Ext. 310

Toll Free: (855) 5 MEDIATE

While divorce may be inevitable, the way you divorce isn't. The process you choose is the second most important decision that you will make as you begin to transition your family from what it was to what it will be.

In this day and age, there are some divorce litigation attorneys who call themselves Collaborative Lawyers because they see it as a business model to support their sagging litigation practice. On the other hand, there are genuine Collaborative Professionals who understand this body of work, and have made the internal paradigm shift that always precedes the transition from Litigator to Collaborative Professional. As a consumer, how can you tell if the lawyer you are meeting with is a genuine Collaborative Professional, or someone just trying to sell you something they think you want and they can't really give it to you? One rule of thumb is that true Collaborative Professionals do not try to sell anything. Collaborative Practice is in their heart and they just show you their heart. That having been said, here are some options for you to consider.

One option is to ask the collaborative lawyer you are speaking with to give you the names of at least three divorce coaches that they have worked with before. If you are meeting with a collaborative attorney who can not give you at least 3 divorce coaches as references or benchmarks to check with, chances are that attorney is either not a Collaborative Professional, or has not done enough collaborative work yet. If the collaborative attorney you are meeting with tells you that he or she does not work with divorce coaches, then they are not practicing in the full team model - a warning sign for you!

Another option is to ask the collaborative attorney you are speaking with to provide you with information pertaining to his or her collaborative training, collaborative education and collaborative publications. If a collaborative attorney is not able to demonstrate that he or she is pursuing a collaborative education on an ongoing basis, chances are that his or her commitment to the collaborative process is suspect. This author publishes his collaborative training on this website, whether as an attendee or as a trainer, and is very proud of the growing body of work that supports his collaborative journey.

Another option is to listen to the language that the collaborative attorney you are meeting with is using. True Collaborative Professionals have a unique language style that focuses

on the family, and begins to diffuse the positioning and "win-loose" mentality that limits options for the family and produces frustration, failed results and unmet needs. Some examples of the differences in language are below. As you will see, the differences are distinct.

<u>LITIGATION LANGUAGE</u>	<u>COLLABORATIVE LANGUAGE</u>
You are entitled to _____	What are your hopes & concerns?
Spousal Support	Reallocation of resources for the family
Divorce Petition	Transition Document
Calls you "my client"	Refers to you by name
I will protect you	I will make sure that you have all of the information necessary to enable you to make good choices for your family.
You should _____	What would it look like if _____
As your attorney I will...	You have a team of collaborative professionals to support you.
I will provide you with solutions.	We will brainstorm together as a team.
I know what you want or need.	Let's make an assessment of what will position you for success.
Child custody\visitation	Co-Parenting Plan.
Child Support/ DissoMaster	Needs and ability
I can get you.....	You are supported in this process by your Divorce Coach, Neutral Financial and me, so that your emotional, financial and legal needs will be met.
The law says _____	The law is one option, and the law limits you from assessing other options that may be far better suited to your achieving success as you have defined it for yourself and for your family.
My legal advice is _____	Let me give you some legal information.
I know that under the law _____	The law is uncertain, and what a judge will do is difficult to predict as legal professionals can and do differ.
I am a Divorce Lawyer	I am a Peacemaker.
I am in charge of.....	We work as a team of Collaborative Professionals
You will end up with _____	I will position you to achieve success as you have defined it for yourself and for your family.
Ground Rules	Foundations For Success