

Collaborative what?

by Mark E. Allen and Peter M. Schloss

That's right — "Collaborative Law." What is Collaborative Law? In short, Collaborative Law is a method of handling dissolution of marriage and other family disputes in which the parties and the attorneys agree to resolve disputed issues without litigating in court. Both parties sign a binding contract to direct all of their combined energy toward the settlement of their case, and as a part of that contract, further agree that should the situation arise where the case cannot be settled, the lawyers can no longer participate or represent the parties in a litigated format.

The collaborative law concept was first developed by Stu Webb in 1991 and the first bar association group was organized in 1992 by Pauline Tesler. Since that time the collaborative law method has grown tremendously and bar organizations in at least 35 states incorporate the collaborative law method into their organizations. The state of Texas has even created a statutory recognition of collaborative law as a specialty practice. A quick browsing of the Web will now lead one to find thousands of hits on "collaborative law" in Missouri alone.

While the collaborative model for resolving family law disputes is not for every case or every practitioner, it certainly has a lot to offer many clients and practitioners alike. The advantages often cited to

the collaborative model are enhanced creativity by counsel, schedules which are determined by the parties rather than the court system and a climate of cooperation which is much less stressful than the traditional method based on an adversarial litigated trial to resolve family law disputes.

The collaborative model is not simply mediation and is not necessarily "easier." Clients who have mental illness, are dishonest, abused, etc.... are probably not appropriate candidates for the collaborative method. In speaking with other attorneys and researching this area, it must be noted that there appears to be a very consistent opinion that the collabora-

"The advantages [of collaborative law] . . . are enhanced creativity by counsel, schedules which are determined by the parties rather than the court system and a climate of cooperation which is much less stressful than the traditional method . . ."

tive law practice is very fulfilling and provides a spark of creativity for many lawyers.

For those looking for more information on collaborative law, please consider reading Pauline H. Tesler's book, *Collaborative Law—Achieving Effective Resolution in Divorce Without Litigation*, or consider becoming a member of the Collaborative Law Institute of Missouri. There are already several excellent Clay County lawyers who are participating members of this group.

Please visit their website at www.collablawmo.com. ♦

Swearing-in Ceremony for Judge Gabbert July 9

Associate Circuit Judge A. Rex Gabbert was named by Governor Bob Holden as the Circuit Judge of Division 2 of the Clay County Circuit Court.

Gabbert was selected from a panel of three persons, including Douglass F. Noland and Michael E. Reardon.

Judge Gabbert's investiture ceremony will be July 9, 2004, at 2:00 p.m. at the Clay County Courthouse, Division 1. The public is invited. ♦

Bar Foundation

The Clay County Bar Foundation through its scholarship program, which is funded by generous donations from the members of The Clay County Bar Association, have awarded a total of four scholarships to area high school seniors this year.

Susan E. Long presented the scholarship to Haley Devin O'Brien, a senior from North Kansas City High School. Steven D. Wolcott presented the scholarship to Allison Elizabeth Ann Koile, a senior from Smithville High School. Douglass F. Noland presented scholarships to Brett Michael Harding and Chance Andrew Harp, seniors from Oak Park High School. ♦