

COLLABORATIVE  
**DIVORCE**  
GUIDE



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# A Peaceful Divorce by Design



Dan Johnson



Martha Smith

Your divorce settlement is important. And how you get there matters a lot.

## Our Collaborative Divorce service makes a difference

When Dan Johnson began practicing family law in the early 1990s, he knew there had to be a better way to help clients than taking their cases to court. “Divorce litigation cost a lot of money and dragged cases on for months,” he recalls. But he soon learned about Collaborative Divorce — an alternative method of dispute resolution outside the adversarial system. Johnson and his partner, Martha Smith, are both seasoned collaborative attorneys who are trained to resolve divorce cases using this process. With their Collaborative Divorce service, you can get through your divorce with less stress, expense and conflict.

## A high rate of out-of-court settlement

Today, the law firm of Johnson & Smith has a stellar reputation in Los Angeles County for resolving the vast majority of its cases through collaborative family law. “In Collaborative Divorce, you and your spouse retain your own separate attorneys who will work together with settlement as the only goal,” Smith explains. “The best part is: both attorneys sign an agreement stating that they will resign should the process break down and you want to litigate. So everyone is committed to finding a non-adversarial solution.”

## Serving you with top-rated legal skills

Johnson and Smith are highly respected by not only clients but also other divorce lawyers and judges. Johnson is a Fellow of the American Academy of Matrimonial Lawyers and has an AV

rating in *Martindale-Hubbell*. Smith is a past-president of the California Bar Association, is listed in *Best Lawyers in America*, and has been profiled in *Newsweek* and *The Los Angeles Times*. Both have represented numerous celebrities in their divorces.

## Financial and child custody expertise

“I also have training in asset valuation,” Johnson adds, “which is extremely valuable if your divorce involves significant property issues. And if your case warrants it, we will bring in a financial advisor. Furthermore, Martha has experience as a child advocate, so we cover different aspects of your divorce.”

“Come to us for peaceful divorce resolutions,” says Smith. “We can help you design a divorce settlement agreement that is best for the future of you and your family.”

**Contact us today to book a free initial consultation and start designing your peaceful divorce.**

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Battling your spouse in court puts your divorce — and the fate of your children, your finances and your future — in the hands of a Judge... instead of your own. But what if there was another way?

In this **Collaborative Divorce Guide**, you'll find articles, interviews, tips, insights and other key resources to help you understand whether Collaborative Divorce, an out-of-court divorce resolution method, is the best choice for you, your family and your future.



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# What Is Collaborative Divorce?



**An alternative to divorce litigation in which all parties work together to create solutions — without going to court.**

by Jeffrey Cottrill

**EVERYBODY** knows how destructive and painful divorce litigation can be. Trials can be long, expensive, and emotionally traumatic for the spouses — not to mention the children. As you and your lawyer battle in court against your spouse, using character slurs and bullying tactics to damage each other's reputations — all of it culminating in a final decision from the judge, a complete stranger who likely doesn't understand your true needs and goals — you have to ask: can't there be a better way?

Minneapolis divorce lawyer Stuart G. Webb thought so. That's why, after 18 years of practicing matrimonial litigation in the adversarial system, Webb invented collaborative law in 1990. Ever since then, Collaborative Divorce has gained widespread acceptance as a friendlier, more constructive alternative to the traditional method of resolving divorce.

Collaborative Divorce is a process in which each spouse hires a lawyer specifically trained in collaborative family law: both lawyers work together with both spouses in confidential, four-way meetings in order to come up with mutually beneficial resolutions to their divorce issues. It's

a cooperative, rather than competitive, method of settling marriage dissolution — based on full disclosure and empathy rather than on trying to “win” with antagonistic deceit and mistrust.

But what makes Collaborative Divorce unique is that both collaborative lawyers in a case commit themselves only to a settlement that works. They and their clients sign an agreement stating that they will not take the case to court. The concept of two sides working against each other doesn't even enter into the process: the collaborative process permits only open, cooperative, and respectful dialogue that aims for outcomes that benefit both parties involved as well as their children. If, for any reason, collaborative negotiations break down and the spouses insist on litigating, then both collaborative lawyers must resign from the case and the spouses have to hire new counsel to represent them in court.

In addition to lawyers, Collaborative Divorce can also make use of other divorce professionals. Many cases employ a neutral financial consultant who helps evaluate the money and property divisions for both spouses, so each gets as fair a share as possible. It's also common

for collaborative cases to make use of mental-health professionals who help each spouse get past the emotional issues they're dealing with. A child specialist is also recommended, to help the parties stay aware of and address their children's needs during divorce. In a collaborative case, everybody works as a team to resolve all the legal, financial, and emotional issues: no one is trying to take advantage of the other side.

This Collaborative Divorce Guide offers information from collaborative family lawyers Stuart Webb and Pauline Tesler, as well as a section answering frequently asked questions about Collaborative Divorce. If you're considering or going through divorce right now, we hope that you'll find this Guide informative and useful and that you and your spouse will consider using Collaborative Divorce to settle your issues in an environment that's less stressful and combative. Divorce is never easy. But there is a way to get through it with minimal damage, so you can move on to a brighter future for you and your children. ■

*Jeffrey Cottrill is the Managing Editor of Divorce Magazine.*