

COLLABORATIVE LAW

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Generally speaking, 97% - 98% of all divorce cases settle. Judges often tell divorcing parties that it is not a matter of “if” a case will settle, it is a matter of “when.”

Some cases settle in days, some weeks and others may linger for years. There are many factors that affect the time in which a case will ultimately settle. The two biggest factors, though, are the litigants themselves as well as the attorneys they hire. The more amicable the parties are, the more likely a settlement will be reached. The more settlement minded the attorneys are that are involved in the case, the more likely the case will settle.

For years, mediation has been an option for people going through a divorce. In mediation, the parties hire a Mediator to assist them in working out the details of their divorce. The Mediator facilitates the discussion and

functions as an intermediary between the parties. The Mediator works with the parties to reach resolution and once same occurs, the Mediator prepares a Memorandum of Understanding confirming the terms of the settlement. The Memorandum of Understanding is not binding, but once it is incorporated into a Marital Settlement Agreement and executed by the parties, it is a binding agreement.

Another approach divorcing spouses may want to consider is a new, but efficient and effective, approach. It is a Collaborative approach to divorce. This approach is different in that both parties hire an attorney, but the parties and the attorneys all agree in advance and in writing that they will work hard to settle their case and, if their case does not settle, the attorneys will not litigate the case and, in fact, will have to get out of the case. This provides an abundance of incentive for all involved to come to the table in good faith and in the spirit of compromise in an attempt to reach resolution, because if a settlement is not reached, the clients need to hire new attorneys to proceed to litigation.

In more complex or emotional Collaborative Law cases, the attorneys can bring in experts as needed. For example, financial experts may need to become involved to assist in valuing assets or determining lifestyle or cash flow. A divorce coach or a child specialist may be needed to assist the parties on custody and parenting time issues. The Collaborative

approach is more of a team approach wherein the goal is to have a civilized and amicable divorce. The Collaborative process usually takes three to six months and the fees will be significantly less than a litigated divorce case.

The focal point in a Collaborative divorce is on the children. Children are the priority of all involved. Another main goal is to attempt to reach both parties’ goals and objectives of the divorce. A Collaborative divorce is another alternative to divorcing parties and provides a mechanism to divorce your spouse with dignity.

Jeralyn Lawrence, a member of the Norris McLaughlin & Marcus Matrimonial Law Group, was recently honored as an Outstanding Woman in Somerset County for 2008 by the Somerset County Commission On the Status Of Women. She has been selected as one of the Top 50 Female New Jersey Super Lawyers® 2008 and is included in the Family Law section of Super Lawyers. Jeralyn has been selected by her peers as one of New Jersey’s Top 10 matrimonial lawyers under the age of 40 and has been recognized by the New Jersey Law Journal as one of 40 accomplished and promising attorneys in the State of New Jersey under the age of 40. Jeralyn is a frequent speaker at matrimonial law programs and seminars.
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