

INTRODUCTION

Collaborative law is a transparent process, distinct from other models of dispute resolution, that allows clients, attorneys and other professional participants to meet together to resolve their disputes in a civil and respectful manner. The process occurs in a safe environment with each client represented by a collaboratively trained attorney. The attorneys are diligent advocates for their clients, but they do not act in an adversarial manner. The clients agree to work together honestly, in good faith, and to disclose all relevant information. The goal is to reach a settlement that meets their needs and interests.

All of the professionals are committed to the process. Commitment to the process by clients is a key component for a successful result. Their commitment keeps them in the process and provides the impetus for them to work toward total settlement of the issues. A creative energy evolves as the team works together and process moves forward.

The process employs a problem-solving technique known as Interest-Based Negotiation. The purpose is to reach agreements on issues that meet the needs and the interests of each party. All negotiations occur in informal meetings in an environment conducive to collaboration. The professionals model behavior for the clients. Threats, positioning, intimidation and hostile language have no place in the collaborative process. If the case does not settle, both attorneys must withdraw and cannot participate in litigation for their clients.

The clients have the freedom to be heard in the collaborative process and to address their specific needs and interests openly. When each client has the opportunity to share their perceptions of issues it allows for discussions that can only occur in collaborative conference settings.

Since the dissolution of marriage is comprised of legal, emotional and financial issues the practice of law has been enhanced for the collaborative attorneys with the participation of neutral mental health (MHP) and financial professionals (FP).

After the attorneys have each met with their respective clients, the attorneys contact the mental health professional (MHP), a neutral participant in the process, and let the MHP know that the clients will be calling to set up appointments. The MHP then schedules the parties before the first team meeting to gain some insight into the dynamics of the clients' relationship and to assess their ability to communicate with each other. The MHP explains their role in the process and emphasizes that therapy is not provided. Helping the parties move forward in the process is the goal, through the development of better communication skills. The MHP then contacts the attorneys in a joint teleconference to discuss any "hot button" issues gleaned from the meetings and to schedule the first team meeting. An agenda is agreed upon which will be followed at the team meeting. Agendas are necessary for all team meetings to keep all participants on task.

The first team meeting allows the attorneys, clients and MHP to commence their work together with the first order of business to be the review of the Participation Agreement. Some practitioners prefer that the Agreement be read aloud but that is a matter of personal preference. Once read and signed by all participants, there is discussion about the appropriate and allowable behavior throughout the process. The parties have the opportunity to discuss their specific short term and long-term goals, needs and interests and then immediate matters are addressed.

It is the obligation for all of the professionals to create a safe environment for both parties. The parties need to be able

to work in an environment that is free of threats, positioning and intimidation. The parties have an opportunity in the process to be heard and to express their view of the various issues. Listening is critical since each party's perception of the same issue may differ, sometimes widely, and it is essential that the view of each party is heard and absorbed by all participants, especially the other party. Paying careful attention and listening to the other party allows for open and productive discussions and helps the parties move forward and progress toward settlement.

Informed consent by the parties is essential, especially since attorneys are bound by the Rules of Professional Conduct. It is the attorney's obligation to clearly explain to the client the various means available to pursue dissolution of marriage and to distinguish each model. Further, the process requires that the attorneys must withdraw if one of the clients wants to pursue litigation, that once the parties reach settlement and the settlement agreement is ratified by the court at the final hearing the judgment cannot be appealed since it was based on the parties' agreement memorialized in the Collaborative Marital Settlement Agreement.

When necessary, a neutral financial professional is engaged in the process. The FP's role is determined by the parties' needs and the facts and issues in the case. The role of the FP can be as limited or as extensive as determined by the attorneys and agreed to by the parties. Financial information that has been exchanged by the parties is provided to the FP. The attorneys confer with the FP to provide her/him with an overview of the issues in the case and the parties then meet with the FP who explains the FP's role and listens to each party's concerns. The FP contacts the attorneys after meeting with the clients and discusses any issues that have been raised by either party or any additional documents needed from either or both parties. After reviewing all of the financial information, preparing various schedules, the information is provided to counsel to review and the next team meeting is scheduled. The FP is then scheduled for a team meeting,

There may be several meetings with the FP and, if necessary, the attorneys may decide to bring in a mediator to assist the parties in reaching settlement. Once a final settlement is reached, an agreement is drafted, the parties file a Joint Petition for Dissolution of Marriage and Joint Answer and the matter is set for an uncontested final hearing.

AGENDA

June 21, 2019

8:00–8:30am | Registration

8:30–8:45am | Welcome, Acknowledgements, Introductions
Historical Perspective and Overview of Program

8:45–9:30am | Demonstration-Attorney Client Interviews

- Initial meeting with clients
- Establish rapport with client
- Identify goals and interests
- Determine appropriateness of Collaborative for client
- Screen for Domestic Violence Issues – (UCLA Section 15)
 - Informed Consent
 - Reconciliation
 - Litigation – With or Without Attorneys
 - Mediation – Pre-Suit or Post Filing
 - Soft Negotiation
 - Collaborative Divorce
 - Paradigm shift
 - Use of an interdisciplinary team
 - Transparency of process
 - Disqualification of counsel/withdrawal provision
- Telephone conference between Attorneys
- Demonstration - Professional Team Pre-Procedural Planning Meeting

9:30–10:15am | Role of the Attorney in Collaborative Divorce

10:15–10:30am | Questions and Answers

10:30–10:45am | Break

10:45–11:30am | Role of the Mental Health Professional

11:30am–12:15pm | Demonstration: MHP Interview with Clients

12:15–1:15pm | Lunch

1:15–1:30pm | Demonstration: MHP Conference with Attorneys - Discussion of proposed Agenda

1:30–2:00pm | Demonstration: Pre-joint meeting of counsel and client

2:00–2:30pm | Role of the Financial Professional

2:30–2:45pm | Questions and Answers

2:45–3:00pm | Break

3:00–4:00pm | Demonstration: First Team Meeting

1. Introductions
 2. Designate person to take Minutes
 3. Review of Collaborative Process
 4. Review of the Participation Agreement
 5. Expectations of Conduct
 6. Sign the Participation Agreement
- Collaborative Process Begins*
7. Identify goals, needs and interests
 8. Immediate issues
 9. Discussion of documents and information needed by FP
 10. Discussion of information needed for Parent Plan by MHP
 11. Date of Determination of Status of Assets and Liabilities
 12. Homework
 13. Schedule dates for next 2 meetings

4:00–4:45pm | Collaborative Statute and Rules – Robert J. Merlin, Esq.

4:45–5:00pm | Questions and Answers

June 22, 2019

8:00–8:30am | Registration and Networking

8:30–9:00am | Demonstration: FP Meeting with Wife, Attorney, MHP

9:00–9:15am | Demonstration: FP Teleconference with Attorneys

9:15–9:45am | Demonstration: Attorney, FP, MHP meet w Husband

9:45–10:00am | Question and Answers

10:00–10:15am | Break

10:15–11:15am | Panel Discussion on Ethical Issues

11:15am–12:00pm | Demonstration: Second Team Meeting
FP- Financial Affidavits

12:00–12:45pm | Lunch

12:45–1:15pm | Demonstration: Preparation for Third Team Meeting
MHP and FP with Attorney and Husband

1:15–2:00pm | Interest Based Negotiation

2:00–2:15pm | Break

2:15–3:30pm | Demonstration: Third Team Meeting
Use of Interest-Based Negotiation

3:30–4:00pm | Execution of Final Agreement
Demonstration: Final Debrief and Survey

4:00–4:30pm | Questions and Answers

BIOGRAPHIES

ROBERT J. MERLIN, ESQ. is a partner in the Law Offices of Robert J. Merlin, P.A. in Coral Gables, Florida specializing in Marital and Family Law, especially Collaborative Family Law. Bob is Florida Bar Board Certified in Marital and Family Law, is a Florida Supreme Court Certified Family Mediator and has been practicing law in the State of Florida for over 35 years. He is a member of The Florida Bar, the American Bar Association, the Dade County Bar, the Coral Gables Bar, the International Academy of Collaborative Professionals, the Collaborative Family Law Institute, the Collaborative Family Law Council of Florida, Collaborative Family Lawyers of South Florida and the South Palm Beach County Collaborative Law Group, the last five organizations being dedicated to the promotion of the practice of Collaborative Family Law as a means of amicably dissolving marriages and resolving family disputes. Bob has been on the Board of the Florida Academy of Collaborative Professionals since its creation in 2010 and he is a current member of the Board of the International Academy of Collaborative Professionals.

Bob lectures regularly on Collaborative Family Law at the University of Florida Levin College of Law and to various organizations of lawyers and other professionals and he meets the standards of the International Academy of Collaborative Professionals as a Qualified Collaborative Trainer. He is a past President of the Collaborative Family Law Institute, he is a member of the Association of Family and Conciliation Courts and is the immediate past President of its Florida chapter, and he is on the Eleventh Judicial Circuit Court Parenting Coordinators Advisory Board. He has worked extensively to pass the Uniform Collaborative Law Act and Rules in Florida. Bob graduated with honors from the University of Florida College of Law with a Juris Doctor in 1978, where he also was an associate editor of the Law Review, and he also attended Cambridge University, Cambridge, England, The Institute of Law-Polish Academy of Sciences in Warsaw, Poland and the Walter F. George School of Law, Mercer University in Macon, Georgia. Bob received his undergraduate degree from the University of Florida in 1976 with a Bachelor of Science in Accounting. Bob received the 2006 Dade County Bar Pro Bono Outstanding Law Firm Award and the 1998 Florida Eleventh Judicial Circuit Ray H. Pearson Guardian-Ad-Litem Award. He is listed in the Leading Florida Attorneys in Family Law with the Network of Leading American Attorneys, is among the Florida Super Lawyers and the Florida Trend Magazine Florida Legal Elite, he is AV rated with Martindale-Hubbell and he is listed in Martindale-Hubbell's Preeminent Family Law Attorneys.

Bob has a long history of involvement in various community organizations. He received the 2008 Gator Award from the University of Florida Hillel, he is a Past Chair of Jewish Community Services of South Florida, Inc. and he is on the Board of the Greater Miami Jewish Federation. He is the 2012 recipient of the Stu Webb Distinguished Service Award in Recognition of Exceptional Leadership and Devoted Service to the Collaborative Family Law Institute.

ROSEMARIE S. ROTH, ESQUIRE has practiced in the area of Family Law for the past 31 years. She specialized in Collaborative Family Law after she brought the process to Florida in 1999 and founded the state's first practice group, the Collaborative Family Law Institute. After serving as president for ten years Rosemarie became the founding president of the Collaborative Family Law Council of Florida in 2010 and served in that capacity until 2015. In 2009 she received the Stu Webb Distinguished Service Award in Recognition of Exceptional Leadership and Devoted Service to the Collaborative Family Law Institute. Her law practice focuses on Collaborative Family Law and the traditional model and includes divorce; post judgment issues, timesharing of children, relocation, paternity, domestic partnership agreements and pre-nuptial and post nuptial agreements.

Rosemarie is a Florida Supreme Court Certified Family Mediator, a trainer in Collaborative Law and an adjunct

professor co-teaching the first Collaborative Law workshop at the University of Miami School of Law. Rosemarie received her Bachelor of Education from the University of Miami and her Juris Doctor from Nova University Center for the Study of Law. She is a member of the Florida Bar and the Bar's Family Law Section and has served as a chair or member of the Mediation and Arbitration Committee, Rules and Forms Committee and the Legislation Committee. She is currently serving a term on the Florida Bar Family Law Rules Committee. She is a member of the Academy of Collaborative Professionals and the International Academy of Collaborative Professionals. She has lectured on Collaborative Law at the University of Miami School of Law, Florida Coastal School of Law and with the Florida Collaborative Trainers, LLC, where she is a principal, trains attorneys, mental health and financial professionals throughout Florida and New England. Her presentations have included Florida Bar CLE seminars, the Florida Chapter of AFCC, the Florida Psychological Association and various professional and civic organizations.

Rosemarie has appeared on NBC 6, Miami, Florida and on WLRN, the local Miami NPR affiliate, discussing Collaborative Law. Her passion for the Collaborative process is infectious and has resulted in practitioners throughout Florida establishing 12 other practice groups. Rosemarie co-authored the chapter on Collaborative Law in the Florida Bar Continuing Legal Education handbook, *Dissolution of Marriage*. She can be contacted by email at rlsroth@gmail.com or office at (305) 596-7303, website: www.rothfamilylaw.com and www.floridacollaborativetrainers.com.

EDWARD S. SACHS, CPA/ABV CFF is a Certified Public Accountant, Accredited in Business Valuation and Certified in Family Forensics by the American Institute of Certified Public Accountants. After 25 years of representing spouses in litigated divorces, in 2016, Mr. Sachs left his position as Director of Litigation and Valuation Services for a large Coral Gables firm and opened his own accounting practice dedicated to the Collaborative Process and other alternatives to litigation in settling financial issues in divorce and business.

Ed currently serves as President of the Florida Academy of Collaborative Professionals and is a member of three practice groups in Miami-Dade, Broward and South Palm Beach counties. He has trained countless professionals throughout Florida in the Collaborative Process. He can be reached at his email - ed@edsachscca.com. (305) 610-2395 or his website - www.edsachscca.com

LANA M. STERN, PH.D is a Licensed Psychologist, Licensed Marriage and Family Therapist, Parent Coordinator and Florida Supreme Court Certified Mediator. She is an active and enthusiastic proponent of the Collaborative Process and has worked extensively on Collaborative family law cases as the MHP/Facilitator. Her article, "Wolf in Sheep's Clothing", has been published in both the Spring 2017 issue of *Collaborative Review* (The Journal of the International Academy of Collaborative Professionals) and in *The Divorce Puzzle—Connecting the Pieces Collaboratively*, (2017). Additionally, she has co-authored the chapter "Collaborative Law" in The Florida Bar CLE textbook, *Dissolution of Marriage*.

She is a member of the International Academy of Collaborative Professionals (IACP), served on the IACP Trainers Network and Development Committee and currently serves on the IACP Higher Education Taskforce. She is a member of the International and Florida Associations of Family and Conciliation Courts (AFCC) and member of the Collaborative Family Law Institute (CFLI) of Miami for 10 years and is a past Vice President. She serves on the CFLI Board, and on the Education, Membership and Mentoring committees. Lana has been on the Board of the Florida Academy of Collaborative Professionals since its creation in 2010 and Chairs the Education and Training Committee.

Dr. Stern has lectured statewide, nationally and internationally on the role of the neutral mental health facilitator in the Collaborative Process. In 2011, she co-founded "Florida Collaborative Trainers" an interdisciplinary training group and has presented multiple 2-day basic and 1-day advanced trainings to attorneys, mental health professionals and financial professionals throughout Florida and at the University of Florida Levin College of Law in Gainesville, the Florida Coastal School of Law in Jacksonville. She co-taught the first Collaborative Law Workshop at the University of Miami School of Law.

Dr. Stern has been in private practice for 30 years as a psychologist in the Coral Gables, Florida area. She is a member of the American Psychological Association, and the Florida and Dade County Psychological Associations. She was an Adjunct Professor at Florida International University for 6 years, supervising master's level, Mental Health and School Counselors during their Practicum and Internship. She worked for Drake, Beam, Morin, an outplacement corporation, as a career consultant and corporate trainer. Dr. Stern can be reached at: (305) 448-5006, lmsternphd@aol.com, www.drlanamstern.com and <http://www.floridacollaborativetrainers.com>.