

Civility rules

Couples work together to reduce pain of divorce

BY KAY HARVEY
ST. PAUL PIONEER PRESS

As Rick Aizpuru headed down that rocky road, he and a friend talked about how awful divorce can be.

The recently divorced friend suggested an alternative he found less painful than some stories he had heard about traditional divorce.

Imagine a divorcing couple promising to keep their cool. Try to envision divorce lawyers who don't argue with each other. And think about control of the divorce settlement in the hands of its key players — the divorcing partners — rather than a judge.

This isn't fiction. It's called collaborative divorce. The perks include less stress, less expense and less strain on the kids, proponents say.

"It was just so nonconfrontational," says Aizpuru, of Edina, Minn., who followed his friend's recommendation. "It allowed us to talk with one another and figure out how to get our divorce worked out."

The process helped him and his ex-wife, Natalie, to stay focused on their top priority: putting the welfare of their three children first.

"Divorce is never easy," Natalie Aizpuru says. "But I think this has minimized the impact. I think the kids are doing really well."

The creative approach to divorce got its start in a Twin Cities law office. Stuart Webb, a family law specialist in St. Louis Park, Minn., says the idea came out of a feeling of desperation over divorce cases he was handling.

"Everything was a downer, a negative," says Webb, who sometimes felt he was on the wrong person's side. "Then, I thought, 'Maybe there's a way to do it differently. To do it outrageously.'"

Ron Ousky, who practices family law in Edina, says he felt a similar kind of pain before switching to the collaborative divorce method. He

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COLLABORATION

The concept is catching on. Sixteen years after Webb's burst of inspiration, about 10,000 lawyers in 40 states and around the world are trained in the collaborative process. Webb and Ousky teamed up to help spread the word in their new book, "The Collaborative Way to Divorce."

Divorcing couples who choose collaborative divorce must agree to several things. Each partner must hire a lawyer trained in collaborative law. Each must be part of a four-person negotiating team that includes both lawyers and both divorcing partners. Each must agree to work amicably to reach a settlement with help from their lawyers, who act as guides. "We advocate rather than argue," Ousky says.

The divorcing couple must agree to settle without going to court, with the understanding that if negotiations hit an impasse, the lawyers will withdraw.

"What collaborative law does is put everybody on the same team," Ousky says.

Collaborative lawyers start by asking the couple to define their top goals by asking questions like these: What matters most to you? What are you trying to achieve with this?

For couples with young children, a parenting plan is central to their goals, which revolve around parenting schedules, financial arrangements and alleviating parents' fears.

"Sometimes, he just wants to make sure she doesn't move to California," Ousky says.

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cause it eliminates the costly discovery process. Rather than paying outside experts to compile financial and other information, the couple supplies what's needed.

Court costs are minimized because no motions are being filed to refute statements the other partner is making. Collaborative lawyers assist partners in jointly signing a petition for divorce, eliminating the other partner's need to respond.

And rather than two lawyers talking to each other climaxed by a court hearing, collaborative lawyers craft the negotiation settlement and file it, at which time it is signed by a judge.

A divorcing couple meets with lawyers in two-hour meetings, usually two to six of them to reach an agreement, Webb and Ousky say. Average total cost to the couple is \$5,000 to \$8,000. While the collaborative lawyers' role is similar to a mediator's, it reaches beyond that with the authority they have in actually crafting the settlement.

Some lawyers haven't signed up for collaborative law training because they believe they're already doing it, Webb says. But, in some cases, lawyers don't get the couple very involved, he says.

And Webb maintains the quality of a collaborative settlement is better because of an emphasis on problem solving in lieu of confrontation. That benefits their children, too.

"Parents are happier if they're not fighting. And children are in a different place than if parents are fighting," Webb says.

"What collaborative law does is put everybody on the same team."

RON OUSKY, Edina, Minn., lawyer and co-author of "The Collaborative Way to Divorce."