

The best option for divorcing couples who want what is fair, not a fight

Lawyers at Kawartha Collaborative Practice have specialized training and a true dedication to a settlement-focused process

By **Jeanne Pengelly** -Published September 22, 2017



Couples who divorce by going to court often face high levels of emotional stress, long delays between court dates, and prohibitive legal costs. Through its team of lawyers, financial professionals, and family professionals, Kawartha Collaborative Practice offers an alternative solution: avoiding court, reducing conflict, and bringing about the most peaceful and cost-effective solution for a separating family.

Who gets the dog? Why should he get the candlesticks? What about the kids? They are not ready for her new boyfriend! Will I be able to pay my bills, and provide for our children? How will life change?

These are some of the questions divorcing couples face — as varied and unique as the couple and as treacherous to maneuver as an unknown path in the dark. These are the questions a new form of divorce process is addressing.

Statistics tell us that divorce is all too common; the last Stats Can report suggests one in three first marriages end in divorce.



Lawyer Nicole Lawson of Kawartha Collaborative Practice.

Family law lawyer Nicole Lawson says that the number of separating families is even higher than those statistics, when one considers the number of common law relationships where people separate and a divorce is not required (and therefore not reflected in the divorce rates.)

Lawson has been a family law lawyer in Peterborough for the past 17 years. Although she has always believed in a settlement-focused approach to family law matters, the reality is that, until recently, many families ended up trying to resolve their differences in the court system.

“Unfortunately, when two spouses, or two lawyers for that fact, disagree, the end result is most often going to court,” Lawson explains. “Collaborative practice provides such a refreshing change from this pattern.

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Going to court carries such high costs, both emotionally and financially. It is incredibly stressful for the separating couple, as well as other extended family who often become invested in the conflict.

Collaborative practice has become Lawson’s passion.

“People are at their most vulnerable in every aspect of their lives when going through a separation,” she says. “It is a painful and heart-wrenching experience no matter who is making the decision to separate.

“People look to their lawyers for proper guidance and support during this time. It is up to us, as lawyers, to reduce conflict, to avoid court, and to bring about the most peaceful and cost-effective solution for a separating family. ”

According to the Ontario Collaborative Law Federation, “No single approach [to divorce] is right for everyone. Many people find the no-court process, known as Collaborative Practice, a welcome alternative to the often destructive, uncomfortable aspects of conventional dispute resolution.”

Collaborative practice, which includes collaborative law and what is called “interdisciplinary collaborative divorce,” is a way to resolve disputes out of court, with the help of trained professionals.

It’s been around since the 1980s, originating in Minnesota, and spreading across the world. It’s been known by several names — “no-court divorce,” “divorce with dignity,” “peaceful divorce” — and its goal is to support both spouses through what can be the most tumultuous time in their lives.

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In the Kawarthas region, you can access the collaborative process through Kawartha Collaborative Practice, an association of lawyers, financial professionals, and family professionals who work together to promote the collaborative process.

“You can have solutions in the collaborative process that you are never going to get in family court,” Lawson says. “Unique solutions that take into account the dynamics around the table, the emotions that are driving a case, the intangibles.”

If two spouses choose the collaborative process, they commit to keep their case out of court.

“The most important aspect of this process is that all professionals involved have specialized training and a true dedication to a settlement-focused process,” she says. “Urgent issues are addressed by everyone immediately, conflict is minimized, and each professional can count on the other to encourage and promote a respectful environment.

Collaborative practice is quite well suited to those high-conflict couples that carry a lot of emotion into the room. You get a room full of professionals that are specially trained, and keep the focus on solutions for settlement.

“This a huge departure from the court process which involves high-stress and long delays. There are often many months between court dates and little happening in the case in between.

“There’s a misconception that collaborative law is a big, warm, fuzzy experience. Actually, that’s not the case. It’s hard work, and collaborative practice is quite well suited to those high-conflict couples that carry a lot of emotion into the room. You get a room full of professionals that are specially trained, and keep the focus on solutions for settlement.”



Lawyer Anna Friend of Kawartha Collaborative Practice.

Lawyer Anna Friend is also part of Kawartha Collaborative Practice. She agrees the collaborative process is far less adversarial than traditional divorce litigation.

“It really is an opportunity to address all the issues affecting the parties, not just the legal ones,” she says.

Friend uses an example of a couple arguing over who should get the dog.

“The dog has emotional value, but it is not a topic the court is equipped to deal with.”

Traditional divorce law is suited to the division of a house, she adds, not family heirlooms that may have little monetary value, but much emotional value.

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It really is an opportunity to address all the issues affecting the parties, not just the legal ones ... With the collaborative process, it gives you a chance to find a more global solution.

There is another plus to collaborative law: it can help cut costs. With a financial professional working on behalf of both clients, the result not only considers the entire family picture, but also does so with a price tag for one financial expert, not two.

“And, when you are at court, you do not get a financial professional to answer your questions,” Friend adds.

With divorce rates where they are, and the court backlog where it is, Friend says she sees the future of collaborative law growing.

“The cost of divorce through the court with counsel is prohibitive to many. We are going to have to think of something else — collaborative practice is the ‘something else.’”

Most people are looking for what is fair, not a fight. Collaborative practice is truly the better way.

For Lawson, the process is becoming her passion.

“I truly believe that most people don’t want to maintain conflict. Separation and divorce is never easy. Most people are looking for what is fair, not a fight. Collaborative practice is truly the better way.”

If you are facing a separation or a divorce and don't want to go through the traditional court process, call 705-928-3218 or visit www.kawarthacollaborative.com. You can also find them on [Facebook](#).