

COLLABORATIVE DIVORCE GUIDE



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Family law is deeply personal. We start by asking what is most important to you; if it is important to you, it is a priority for us. We offer no cookie-cutter solutions. Instead, we will work with you to create a plan tailored to your family's unique needs. When we represent you, we serve your entire family, including your children. Instead of fanning the flames of conflict, we aim to preserve family relationships – especially co-parenting relationships – whenever possible. After all, you are hiring us to solve your problems, not make them worse.

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We are family lawyers by choice, and we understand that what we do today is going to have lasting consequences for your family and your future. Family law matters are often stressful, so we will treat you with the care, integrity, and wisdom you deserve.

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Most of our cases resolve in mediation, saving our clients time and money. All of our attorneys are also trained in Collaborative Law; like mediation, this dispute resolution process allows you to have more confidentiality and control over your final agreement than letting a Judge decide your fate. Our skilled litigators will take your case to trial, if necessary, but experience shows that most clients benefit from an out-of-court settlement.

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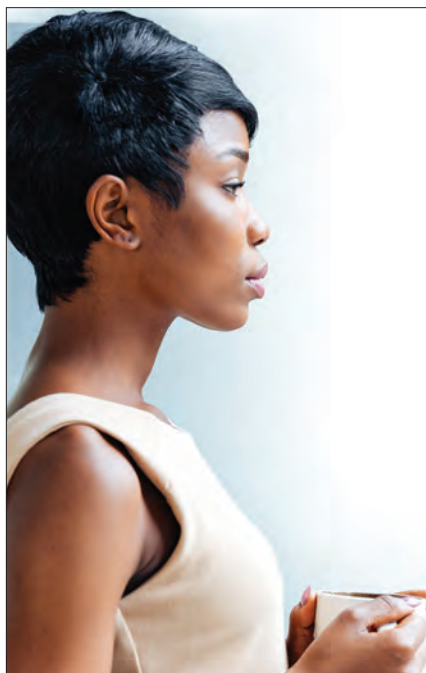
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Battling your spouse in court puts your divorce – and the fate of your children, your finances, and your future – in the hands of a judge instead of your own. But what if there were another way?

In this **Collaborative Divorce Guide**, you'll find articles, interviews, tips, 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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3 Divorce Options: Which One Is Right for You?

Which path should you take to obtain your divorce? If divorce is in your future, you should understand your options, so that you can choose the process that will work best for you and your family.

By Joryn Jenkins, Family and Collaborative Lawyer, and Certified Family Mediator

Divorce proceedings are often fraught with emotion and angst. While couples who decide to end their marriages have choices as to which divorce process they utilize, too often they are simply unaware of the alternatives. Here's what you need to know about your three main choices in order of likely stress: Collaborative Divorce, Divorce Mediation, or Litigation.

Option 1: Collaborative Practice

Collaborative practice ("CP") is a negotiation process that also occurs outside of court, but is specifically structured to ensure respectful and efficient meetings between the two spouses. The focus and objective of collaborative practice is to produce solutions that meet the needs of both participants, as well as those of your children, if any, within a safe and confidential setting.

Most divorce processes address only the legal and financial separation between the parties. And many times, you, the spouses, have already taken care of the emotional element of dissolving your marriage. If not, the collaborative process will enable you to end your marriage legally, financially, and emotionally – without sacrificing those

relationships that you value most, as so often happens in court.

CP is based on three primary principles: the spouses' pledge not to go to court (i.e. to war); their pledge to an open and transparent, but private and confidential, exchange of information; and solutions customized by the clients to account for the highest priorities of the adults, their children, and any other interested persons.

In CP, the clients each retain a lawyer and they have the option to share a team of other neutral professionals – usually a mental health professional, a financial professional, and a child or parenting specialist, as needed. All team members, including the participants' lawyers, should be trained in the collaborative paradigm. However, a team may agree to the participants' choice of a professional who has not yet been trained collaboratively if its members believe that they can collaborate with the clients' nominee and that he/she will contribute to a successful outcome.

CP consists of a series of meetings between each spouse and each neutral professional, between each spouse and his or her attorney, sometimes between both spouses and each neutral

professional, and almost always with the full team (all of the professionals, the neutrals and the lawyers, and both spouses). These meetings are intended to be non-confrontational and to focus on the shared primary goal of finding an acceptable resolution between the spouses.

Like the neutral team members, collaborative lawyers are trained to work with one another and their clients to manage communications, ensure that each client is heard, and fully explore each issue and every possible solution. CP does not rely on court-imposed cookie-cutter resolutions but instead permits the participants to negotiate in a safe and structured atmosphere of honesty, cooperation, integrity, and professionalism geared toward the future well-being of their restructured family.

The critical element of the collaborative process that distinguishes it from any other is that the collaborative attorneys will withdraw and the spouses must retain separate trial attorneys if any adversarial proceedings ensue. This assures that everyone involved in the process is committed solely to the collaboration and its goals; no one splits his or her attention between collaborating and preparing for possible litigation in



the event that the CP is terminated.

Some participants may be uncomfortable with the idea that they will lose their attorneys if they cannot reach a settlement, but the fact that the attorneys must withdraw means that they will encourage their clients to accept a reasonable settlement rather than prolong the process.

Furthermore, while there are many ethical lawyers, some simply do not understand that we all have a conflict with our clients: we want to make money and our clients want to save money. CP eradicates this conflict by eliminating the lawyer's ability to "stir the pot," whether by design or by accident. The lawyer's sole job in the collaborative model is to help the clients satisfy their interests and settle their divorce. If he fails in that task and the collaboration terminates, then he loses his job. The parties then proceed to Divorce Option #3: Litigation.

One last word about CP: as an experienced collaborative counselor, I have witnessed magic in these divorces – there is no other way to describe it. I have seen secrets shared, apologies made (and accepted), and ceremonies that left the full team in tears in which the participants thanked each other for their children, their love, and their time together. Only in the safe and protected cocoon that the CP team provides can such transformations take place, leading to stronger and better restructured – albeit divorced – families.

Option 2: Divorce Mediation

Mediation is a dispute resolution process in which an impartial person (the "mediator") facilitates settlement negotiations between the two spouses. The mediator may be an attorney, a licensed mental health counselor, a certified public accountant, or some other specially trained professional. The critical elements are that she is trained to mediate and to remain neutral; she does not represent either spouse.

When deciding which type of mediator to retain, consider the primary issues of your divorce. If you have children or a mentally ill spouse, for example, a counselor may be best because she is better

trained to understand the developmental stages of children and how to most effectively negotiate with an ill person. If your issues are primarily financial, you may wish to hire a financial professional of some kind.

In mediation, both of you, either together or separately, either with counsel or without, sit with the mediator to work out your agreement. If the relationship has become oppositional, then the mediator will often work with both of you at the same time, sometimes even shuttling back and forth between you in your separate rooms ("shuttle mediation").

Mediation is intended to be interest-based rather than positional. However, spouses often become positional as they succumb to the stress of negotiating the terms of their divorce. If so, it is likely because you are not able to back down from "positions" and to identify "interests" without the help of a very talented mediator.

In any event, an attorney will best understand the legal ramifications of your agreement. Even if you retain a counselor or financial professional to mediate the details of your divorce, you may still want to engage a lawyer to review your settlement agreement before it becomes official.

Option 3: Traditional Courtroom Divorce (Litigation)

In spite of the plethora of divorce choices, today's traditional divorce method is litigation – primarily because most couples are unaware of any other options they could exercise.

With the advent of the internet, people are becoming more educated about their options. Regardless, while the vast majority of litigating parties end up settling, many issues are still tried in the courtroom; settlements only come after interminable courtroom battles on which countless dollars are spent and endless time wasted. Rather than trying to settle matters amicably, attorneys file motions for even the simplest of issues.

Parties play "discovery" games, refusing to provide financial documents so that the other side has to chase them

down. The process tends to be expensive and hostile. Litigation can destroy families who are already emotionally taxed and at odds with one another. And it fails to account for the fact that, in family law, once the divorce is finalized, the parties still have to deal with one another if children are involved.

Studies that compare the collaborative divorce model with the conventional courtroom divorce demonstrate that CP:

1. costs less;
2. takes less time;
3. is private and confidential;
4. causes less stress;
5. preserves relationships; and
6. produces customized results that the former spouses are more likely to abide by going forward.

That last point is worth repeating: couples who negotiate their own dissolution of marriage agreements, rather than asking a judge to decide the details of their separation and their post-divorce lives, are more likely to abide by their settlement agreements. They suffer less post-divorce litigation because they "own" their agreements. Their agreements are decisions they have made for themselves and their families.

Further, judges are limited as to what they can rule, and couples who agree with each other have more leeway to formulate creative contracts that are more likely to fit their families' specific and sometimes unique needs.

Divorce discussions usually first focus on agreeing how those negotiations should occur. Understanding the different process options is an important first step in resolving your divorce as quickly, inexpensively, and as free of stress as possible. ■



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Begin Your Collaborative Divorce by Setting Goals

Divorce should be more than going through the legal process: it should be a time to set goals and create a vision for your new life. Collaborative Divorce can help you set goals for a happy post-divorce future.

By Nanci Smith, Collaborative Divorce Lawyer

A lawyer is trained to solve problems. We look for solutions that meet the interests of our clients.

All too often, while we are focused on the destination, the resolution, the “win,” many of us miss the opportunities for healing and growth along the way.

We fixate on the outcome as opposed to the process. This is where the Collaborative Law shines a bright light on the opportunities for empowerment and camaraderie.

It starts with setting goals. This applies to us as lawyers, the divorcing couple with a complex emotional history, and to all the people whose lives are about to be forever changed by their divorce. Goals set intentions. If you do not set an intention for your own future, who will?

Traditional divorce lawyers get people divorced. Approximately 98% of the time, divorces are resolved without resorting to a fully contested evidentiary hearing, the biggest gun in the lawyer’s arsenal. The outcome

is clearly defined: we want to win the case and get our clients what they said they wanted when we first met. This approach does not require a lot of imagination, although it does require a tremendous amount of time, energy, and trial advocacy skills.

The clients pay mightily for this exercise, both financially and emotionally. It is an adversarial process. That is how it is designed and that is how it will end unless there is an intervention early in the decision-making process.



What Are Your Goals for Your Divorce?

Early in the Collaborative Practice model, there is a “goals” meeting. It may sound like fluff, but I assure you it is quite substantive and important. We educate our clients about the differences between a “position” and an “interest.”

These are the typical concepts of a traditional negotiation/mediation. Collaborative Practice goes deeper than identifying “interests.”

Your Collaborative Divorce lawyer will ask:

- What are your goals for this process, for your children, for your future relationship with your spouse?
- What do you *really* want?

This requires that you take time to reflect on how you want their life to look in the short-term (while the divorce is happening), in the medium-term (a couple of years after the divorce), and in the long-term (five years and beyond).

This exercise creates space. Space to breathe after the wind has been knocked out of you. Space to contemplate. Space to be creative. Space to listen to yourself, not the voices of society, or well-meaning parents, friends, scared children, or, most importantly, your soon-to-be former spouse whose opinion about your goals is no longer relevant.

There is no need to fear sharing goals, since there is no judgment, and each person is entitled to their own. This is often a moment of revelation. The safety of the Collaborative Divorce paradigm ensures it is shame-free and open.

There is no need to worry that your goals are too big, too adventurous, too risky, or just too much. Setting goals will help you start to see beyond individual trees to look the whole forest. Setting goals will set your intention for how the divorce process will move forward.

For the clients, it is empowering. For the professional team (lawyers, mental health coach, and financial neutral), it provides insight into the clients’ aspirations which gives us something to strive for as well.

Here’s Webster’s definition of the differences between positions, interests, and goals:

- **Position** – a point of view, adopted or held to.
- **Interest** – right, title, or legal share of something; participation in advantage and responsibility.
- **Goal** – the end toward which effort is directed.

Choose a Non-Adversarial Path Toward Divorce

Since the divorce process is going to take effort, why not take the time at the outset of this massive life transition

to identify values, goals, and plans to emerge from divorce healthy and wholehearted? This is the beginning of the rest of your life.

Ironically, divorce provides the perfect platform to discover who you are at this time of your life, and to seriously question and identify how you will walk through and live your post-divorce life.

This is not easy work. Divorce is hard. Find the right Collaborative lawyer to help guide you along this non-adversarial path toward divorce. Even if you didn’t ask for this divorce, you still have a choice about how you handle yourselves.

You and your spouse should consult with separate Collaborative lawyers to educate yourself about this paradigm shift. Even if you don’t choose this process, take the time to set some goals and share them with a trusted friend or advisor. ■



Nanci Smith began her solo private practice in 2005 and works exclusively in the area of Family Law. A strong advocate of the collaborative model,

she has received advanced training in and practices Collaborative Divorce, mediation, and litigation in Vermont Family Court.

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Goals set intentions. If you do not set an intention for your own future, who will?

How Collaborative Divorce Works

In this form of Alternative Dispute Resolution, you and your soon-to-be-ex-spouse work together to find unique solutions for the good of your family – without involving the court.

By Gillian Bishop, Collaborative Lawyer and Mediator



The collaborative approach allows for a couple’s real concerns to be heard and acknowledged in a way that is not possible with a more traditional court-based process. It gives you and your ex-partner your own voices and real control over the outcome. Collaborative divorce will also broaden your perspective and help you see different points of view from your former partner and children, if they have them.

Collaboratively Trained Lawyers

In collaborative divorce, each of you retain a collaboratively trained lawyer to advise you. In an ideal world, the two lawyers will already know each other and work well together – which is helpful, as the lawyer-lawyer relationship is a key element to a successful process. However, the approach will still work well with lawyers who have never worked together.

Anchor (or Aspirations) Statements

These documents are unique to the collaborative approach of dispute resolution. In essence, the anchor statements, which are delivered by you and your former partner to each other at the start of the collaborative process, are statements of your highest hopes for the process and your family's post-separation life. They keep everyone focused on the goals you aim to meet at the end point of the discussions.

Usually, they address two aspects:

1. How the negotiations might take place (“process”), and
2. What the outcome should enable each of you to do/have (“substance”).

To help you draft your anchor statement, it may be helpful to jot down answers to the following questions:

- What is most important for you and your family?
- What really matters to you?
- What do you want to avoid?
- What is the best outcome you could hope for you and the whole family?
- What memories do you want to have of this process when you look back at it in 18 months' time and in 10 years' time?
- How do you want your children (if any) to remember this time of their parents' separation?
- What do you think needs to happen in this process to help your children flourish?

These are just pointers. Your anchor statement is not meant to be just an answer to these questions; there may be other things that you want to add.

The Participation Agreement

This is the document that the two of you and your lawyers sign before the collaborative process begins. It confirms the way in which the negotiations and dealings between you and your lawyers will be conducted. The participation agreement confirms that:

- You and your former partner will do all you can to try to resolve matters without going to court.
- If the process breaks down, the two collaborative lawyers will take no part in any future court proceedings. This is known as the “disqualification clause”.

Take time to read the participation agreement carefully and ask your lawyer about any clauses you don't understand or that concern you before you sign the document.

4-Way Meetings

All the work in the collaborative approach is done round the table in a series of 4-way meetings. There are several reasons for working in this way, such as:

- It enables you to set the agenda and ensure that everyone is aware about what matters to you in the negotiations.
- Nothing is hidden from you or your partner. There are no behind-the-scenes negotiations.
- The things that are important to you can be articulated by you and heard by everyone.
- You are able to build a rapport with, and establish trust in, your partner's lawyer.
- You can ask questions and see and hear the way that they are answered, and you can ask for further clarification then and there.

- You can move at your pace through the process.
- There is no need for lengthy or aggressive correspondence between lawyers.
- There is much less room for misunderstandings, and any misunderstandings can be dealt with immediately.

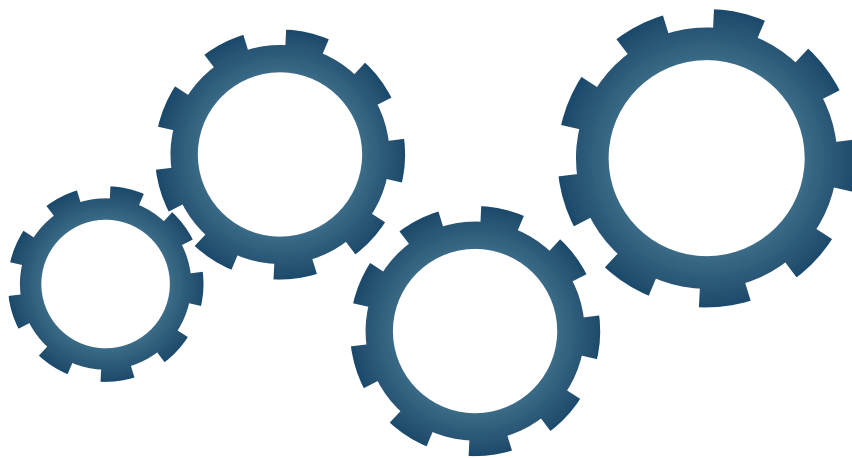
No Court

Crucially, the collaborative approach does not involve the court other than to deal with the legal formalities of the divorce and to approve the settlement you reach. (But usually agreements are endorsed by the court, so the arrangements you reach will be as “legally binding” as those reached after an often longer, litigated process.)

As well as avoiding all the hostility and polarization that happens within the court process, the “no court” rule in the collaborative approach allows you the freedom to be open and transparent in your negotiations without the fear that at any moment your partner and their lawyer may decide to start court proceedings and try to use against you what you have said, when trying to find a settlement.

The collaborative approach does break down occasionally. Research by Resolution, the UK family lawyers' group, has revealed that the success rate is in excess of 85%), but if that happens, the collaborative lawyers must withdraw from your case. This is not a negative: it simply means there's no need to fear one lawyer attempting to prolong the process unnecessarily to increase their fees, or that your spouse will hire your lawyer – with whom you had spent time building rapport and trust – to gain an advantage in court.

If the process breaks down, the information and evidence that have been provided about facts can then be used in the court process to reduce



In Collaborative Divorce, you ask the right professional to deal with the right problem.

the time it takes. (The conversations about how to settle the case, however, are usually entirely excluded.)

Your collaborative lawyers would remain in place if you ever wanted to come back to them to pursue agreements by a further stage of collaborative work.

An Open and Transparent Process

This is one of the keys to the success of the collaborative approach and also one of its greatest benefits. You and your partner must be prepared and must trust the other to be open and honest in your dealings around the collaborative table. If you each have your combined best interests and, where necessary, your role as separated co-parents as the focus of your actions, then being open and transparent will not be a problem. Transparency creates trust, and working in an open way is likely to improve how you are able to communicate with each other in the longer term; for example, in relation to your wider family or in relation to children.

As part of this openness it is imperative that both you and your partner understand that your two lawyers will work together much more closely than in a traditional case. It will be important that they share information so that when the 4-way meetings take place there are no surprises or ambushes.

You should expect your lawyer to tell your partner's lawyer everything

that you tell them. If you don't want this to happen, then you'll need to discuss why this is with your lawyer.

Other Collaborative Experts

Since the collaborative approach has grown in popularity, so too has the interest of other professionals who have traditionally been involved in helping families resolve their disputes on separation and divorce. If they have been trained in the collaborative approach, the following professionals may be part of the process:

- Divorce coach
- Mental health professional(s)
- Parenting and child consultants
- Financial experts, including:
 - Forensic accountants
 - Business valuers
 - Certified Divorce Financial Analysts
 - Pension experts

With your permission, these experts can be brought into the collaborative process as required to help things along, or advise you jointly about settlement options or asset valuation. In collaborative divorce, you ask the right professional to deal with the right problem. The relevant professional usually gives their feedback and opinions during a meeting, which become 5-way or even 6-way as necessary. This reduces correspondence as well as time, since you can ask questions and receive answers right on the spot. Sometimes, the feedback is in paper form rather than in person, if this is all that's required.

One of the lawyers' roles is to guide you as to whether other collaborative experts should assist the process – specifically, what tasks they would be asked to perform and the stage at which they would be involved. Aside from the benefits of reaching a better solution, engaging other professionals generally shortens the process and reduces costs.

It's really important for all professionals to be collaboratively trained; you can find a list of professionals at www.collaborativepractice.com/members. ■



This article has been edited and excerpted from A Client's Guide to Collaborative Divorce by Gillian Bishop, founder of Family Law in Partnership (FLiP), a specialist family law firm in London, England. Her firm takes a unique approach to family law, guiding their clients with expertise, integrity, and emotional and practical support.
www.flip.co.uk



of the Collaborative Divorce Process

Collaborative divorce has many benefits, but it's not for everyone. Get to know what the process entails, including the pros and cons, before deciding whether it's right for you.

By Russell J. Frank, Family Lawyer and Mediator

For the past several years, there has been an increase in the use of a “collaborative” process when dealing with family law matters, and now there is an official Collaborative Law Process Act that governs this process. Florida is the 14th state, along with the District of Columbia, to pass such a law. As this area of dispute resolution becomes more available, it may be helpful to provide a breakdown of exactly what the collaborative divorce process entails and what the benefits, and potential downfalls, of using this process may be.

What Is Collaborative Divorce?

The underlying theory behind the collaborative process is that it is generally better for parents and spouses to resolve their disputes between themselves informally rather than leaving the determination of these issues to a judge, who will be a stranger to the parties. The judge, who may only hear a few hours of testimony, will then make decisions that will have lasting effects on both parties and their children.

This works by creating a safe environment in which each party can freely express their feelings and positions. Legally, this has been established through the creation of a statutory privilege that will prevent – except in certain, limited circumstances – communications and negotiations during the collaborative process from ever being used against the other spouse in court.

If you and your ex enter this process with the intention of being honest, open, and cooperative, the chances of resolving your case via collaborative divorce increase exponentially.

Probably the most important aspect of the collaborative divorce process is that parties need to keep an open mind and be willing and able to communicate effectively with each other. This means being willing to seriously consider the recommendations and proposals of the various professionals that will likely be assisting the parties with the divorce. If you and your ex enter this process with the intention of being honest, open, and cooperative, then the chances of resolving your case via collaborative divorce increase exponentially.

What Exactly Does This Process Entail?

The collaborative divorce process will typically bring together a set of qualified professionals to discuss and resolve all issues that generally arise in divorce proceedings, including issues related to minor children and the distribution of finances and personal property. These outside professionals could include the following:

1. Financial Neutral

In order to assist with the allocation of the marital estate, including marital assets or liabilities, this is most often a professional from the financial sector – such as a financial planner, investment advisor, business valuator, accountant, or divorce financial analyst. By using such a professional, the parties should receive expert advice on the best ways to divide, distribute, or otherwise dispose of financial accounts – including bank, investment, and/or retirement accounts.

2. Child Psychologist

Going through the divorce process is hard enough on the adults, but the effects on the children can be even greater. To try and address some of the issues that can accompany the marital split, it may be necessary to use a child psychologist or counselor to ensure your children are receiving the care and attention they need during this process. The mental health professional can assist the children, one parent, both parents, or the entire familial unit to ensure a smooth transition into separate units by recommending the best ways to move forward, including therapy or individual or family counseling sessions.

3. Parenting Coordinator

A parenting coordinator may be utilized to establish a parenting plan for the parents to work from, which will detail all aspects of how they should be co-parenting post-divorce. This plan may include issues related to decision-making or

establishing a timesharing or contact schedule. A parenting coordinator would be used to facilitate the negotiations between the parents on the terms of a parenting plan.

4. Real Estate Broker

If there is real property at issue in your divorce, then it may be necessary to involve a real estate professional in your collaborative process. This may include someone who can appraise property and/or list and then sell marital properties.

Why Choose Collaborative Divorce?

One of the main benefits of the collaborative divorce process is being able to control the outcome through measured negotiations. By using some of the above professionals, along with your attorney, you will be assured that a thorough review of the issues has been conducted and that you are receiving advice from qualified professionals in their areas of expertise. By bringing these additional professionals into the process, there will generally be a greater attention to the specific needs of your family. Lastly, another benefit of the collaborative process would be to avoid protracted and extended litigation, which could end up saving you considerable money in the long run, should your divorce turn highly contested.

What You Should Know Before Starting This Process

While it's important to keep a long-term perspective on your family law case, you should understand when going into the collaborative process that it can be costly to engage the services of the outside professionals referenced above. Having said that, however, the costs of the collaborative process may end up being nominal if you fail to reach an agreement and you're forced to litigate. You must understand that if you don't resolve the case via the collaborative process, then you will have to start from scratch. Remember, due to the privilege that exists during the collaborative process, nothing that was said or done during the collaborative process can then later be used by either party in the court case. ■



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www.cplsipa.com

Identifying Your Divorce Goals

By Dr. Deanna Conklin-Danao, Clinical Psychologist

When I meet divorcing clients, the first thing we talk about are their goals for their divorce. This is a touchstone that we return to throughout our work. Whether you are using collaboration, mediation, or some other process for your divorce, identifying your objectives and concerns can help you achieve a better divorce agreement.

What Are Your Goals?

Start the process by considering goals for your divorce. Your goals may be about the process (e.g., “I want to get through this in a respectful way”), your kids (e.g., “I want my kids to be okay”), or other matters (e.g., “I want us both to have enough money after divorce”). Your concerns will often be the flip side of your goals. For example, many people worry about the impact the divorce will have on their kids, about spending too much money on the process, or about hating each other after the divorce is final. Be thoughtful and thorough and revisit your lists throughout the divorce.

How Can Identifying Goals Help the Process?

Divorces often start with each spouse taking positions, such as “I want the house” or “I want 50% of parenting time.” These positions can become entrenched and create conflict. One way to manage this process is to step back and look closely at what’s driving these positions. For example, wanting to keep a house may really be about your goal of wanting to keep your kids in the same school system. Wanting 50% of the parenting time may be about your worry of losing time with your kids. Once you figure out what really matters, you have more room to be flexible and creative. Identifying objectives allows you to think about what really matters to you, which gives you the opportunity to let go of rigid definitions of how to get there.

Why Do Goals Matter?

Taking the time to identify your goals can feel indulgent when you’re trying to make decisions about the rest of your life. However, understanding your goals can keep you moving in the right direction. For example, aiming to go through the process with integrity will help you choose your words carefully in a difficult conversation – or to apologize if you’ve said something you regret.

Committing to minimize harm to your kids may mean prioritizing matters to help them through this process (e.g., minimizing conflict, not putting them in the middle, and supporting a meaningful relationship with both parents). A goal to keep costs down will help you step away from lengthy battles about inessentials, ensuring that you don’t spend more on legal bills fighting over stuff than the stuff was ever worth.

Ideally, your lawyer or divorce coach will help you keep this exercise present throughout the process. Share your goals with your lawyer or divorce coach and let him/her know how you want your values to shape the process. Discuss your aims and issues with your support system, asking them to help you work towards key goals and come through divorce in the healthiest way possible. ■



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Is Collaborative Divorce Right for You?

10 questions to help you and your spouse figure out whether you're good candidates for Collaborative Divorce.

By Diana Shepherd, *Divorce Magazine* Co-Founder

In Collaborative Divorce, both parties hire a collaborative lawyer to offer legal advice and assist in negotiation; both lawyers and divorcing parties sign an agreement to resolve their divorce without resorting to litigation. A Collaborative Divorce “team” usually includes a financial expert (to help the couple create an equitable division of property) and a mental-health professional (to act as a coach to help one or both parties work through the emotional issues that are preventing the couple from reaching settlement). The team may include other experts as needed – such as a co-parenting specialist, business valuator, forensic accountant, etc. All team members are committed to helping the divorcing couple reach a mutually-agreeable, workable settlement. If the process doesn't work, then the whole collaborative team must resign and the parties have to hire new lawyers, financial experts, etc. to resolve their differences in court.

Even if you and your spouse aren't getting along well these days, Collaborative Divorce is still a viable option if both of you are willing and able to put your personal

feelings aside for the sake of resolving your issues in a mutually beneficial way. If you dedicate yourselves to negotiating solutions that are in the best interests of your family – both you and your children – then the collaborative model could be a good choice.

Here are ten questions to help you determine if you're a good candidate for Collaborative Divorce:

1. Do you trust your ex to give full and open disclosure of financial and other important matters?

Especially if there was infidelity, you may no longer trust your spouse with your heart, but is he/she an otherwise honest person? Do you believe he/she would not try to hide or misrepresent assets in order to prevent you from getting your fair share of marital property or your children from getting the support to which they're entitled?

2. Are you committed to resolving your differences in a cooperative manner?

If one of you is more interested in punishing the other or "winning" at all costs, Collaborative Divorce may not be a good fit for you.

3. Are you willing and able to put the good of your family above whatever hurt and anger you're feeling right now?

If you're using the team approach, you'll have a divorce coach available to help you work through the emotional issues that might otherwise prevent you from reaching an agreement.

4. Was your marriage free from serious alcohol or drug abuse, domestic violence, or mental-health issues?

These kinds of issues – especially if they are still ongoing – may mean one spouse is not a good candidate for this process.

5. Do you feel safe being in the same room with your spouse?

Are you willing and able to speak up – with the help of the divorce coach or collaborative lawyer, if necessary – regarding the issues most important to you?

6. Is creating your own solutions to the problems you and your spouse have identified important to you?

Do you want to retain ownership of the process and avoid having to "roll the dice" with a judge in court?

7. Are you committed to reducing the time, financial, and emotional costs of going to court?

According to the International Academy of Collaborative

Even if you and your spouse aren't getting along well these days, Collaborative Divorce is still a viable option if both of you are willing to put your personal feelings aside for the sake of resolving your issues.

Professionals, "Experience shows that Collaborative Practice cases generally take less time than litigated cases." In a divorce case, less time usually equals lower cost.

8. Do you like the idea of receiving neutral information about how the financial decisions you make today might impact you in the short-term and in the long-term?

The financial neutral on the Collaborative team will not advocate for one side or the other; he/she will present objective data showing the impact of various settlement proposals on both parties.

9. Are you interested in receiving neutral information about co-parenting after divorce?

The parenting/child expert on the Collaborative Team can help you create a parenting plan that is in your children's best interest based on a number of factors unique to your situation.

10. Does the idea of modeling how to resolve disputes in a mature, respectful manner for your children appeal to you?

Some parents don't seem to recognize what terrible role models they're being for their children when they're "fighting dirty" and being unwilling to compromise on the most insignificant of issues.

If you answered "yes" to most or all of these questions, you may be a good candidate for Collaborative Divorce. The next step is for you and your spouse to each consult with a Collaborative Lawyer to discuss your unique situation. ■



Diana Shepherd is the co-founder and Editorial Director of Divorce Magazine. She is an award-winning author and editor, and has been writing about divorce, separation, stepfamily, and remarriage issues since 1995.

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DIVORCE

Without Fighting



Your active participation in settling your divorce is the single most important factor in getting an outcome you can live with.

The most common question asked by our clients who are contemplating separation and divorce is whether they will be okay at the end of the day. They usually start with their concerns about finances and family; however, when asked specifically if they are worried about how they will get from where they are now to a final settlement with their partner or spouse, most express anxiety.

We forget that in life we are constantly negotiating, and over the years we have developed that skill in many areas. Driving requires negotiation. Maintaining friendships, raising

By Eva Sachs (B. Comm., CFP®, CDFATM)
and Marion Korn, (LL.B, LL.M, AccFM)

Negotiating is not about fighting, nor is it about winning – it is about refining viable options that have been developed with the help of divorce professionals.

children, buying and selling houses, and getting along with the neighbors are all aspects of our lives that require us to negotiate agreement.

Some negotiations are based on reactive responses. A perfect example is how we might respond to a driver who waits until the last minute to cut into a busy lane, seconds ahead of us at a major turn onto a freeway entrance ramp. Chances are we might take an offensive attitude, our blood pressure rising as we squeeze out the other car. In this situation, we have almost no information; the other driver may be stressed because he has a long drive ahead and is worried about missing his child's soccer game. So now your reaction is: "I got here first and you are out of luck. Next time get in the turning lane earlier!" Meanwhile, the other driver is responding: "I'm stressed and in a hurry, and now I'm angry you won't let me in!" If we base negotiations on unreflective feelings rather than on information, we are more likely to negotiate in a positional manner.

The other negotiation option is to work towards an outcome in which each person's concerns are taken into account and everyone has the same information. The driving example would look quite different. Studies on merging traffic suggest that the more cooperative the behavior of all drivers, the earlier everyone gets to their destination. Giving way to accommodate a family situation – in this case, a dad rushing to get to his child's soccer game – is easier when the details are known. For the accommodating drivers, the stress is lessened by the knowledge that they are not really losing travel time.

How should we approach the settlement process?

It is one thing to make a driving decision or to negotiate bedtime with a child; it is another entirely to face the prospect of ending a marriage, with all the worries of financial realities and uncertain futures. The prospect of entering into these life-altering discussions with a long-time partner, co-parent, and companion is even more daunting when coupled with the realization that both are now thinking of themselves as *me* and no longer as *we*. The possibility that instinctive self-preservation might override obligation causes tension and fear. What was predictable about each other is now not so certain.

Even when separating couples have a vague idea of what they think will be fair for both of them, certain aspects of any separation contract are complicated.

We often see frustration in the faces of couples who took the high road and worked out their best and fairest solution, only to be told that they needed legal and other professional advice and more information. This message, although delivered with the best of intentions, contains a new uncertainty: *How do we get this done without fighting?*

What does it mean to negotiate?

Here is the starting place: your active participation in settling your divorce is the single most important factor in getting an outcome you can live with. Whatever the final process, there comes a time when negotiations will take place. Whether they are carried on through lawyers or at the table

in settlement meetings, mediation, or collaboration, the goal is to reach agreement.

Couples have to understand how negotiations happen. Negotiating is not about fighting, nor is it about winning – it is about refining viable options that have been developed with the help of divorce professionals. A viable option incorporates needs as well as values. Here are some examples:

- Support paid to one spouse by the other so that both have enough to live on with dignity.
- Recognition that a person paying support will retire one day and that both spouses need a plan to go forward after that.
- Division of property that does not necessarily follow the legal model so that both persons will be able to meet expenses for the rest of their lives. As an example: in most places, inheritances may not be considered part of the assets available for sharing. If you are separating after a long marriage, those assets may mean the difference between a viable financial future for both as opposed to security for only one. Likely this money was considered part of a joint retirement plan for decades. Does it make sense to re-characterize the funds because of a late-in-life separation?
- Trading off other benefits by one spouse to realize a goal – such as remaining in the family home.
- Division of household contents in a way that recognizes each person's needs and preferences.
- Putting money aside for the children's education, weddings, or major purchases such as their first homes.

Each of the above options has multiple details that can be negotiated. Take, for example, the contribution to children's future expenses. Each parent may have a different amount in mind. Refinement of the options is based on presenting a proposal that meets the other person's needs. One spouse might offer to put \$20,000 into a fund for an upcoming wedding if the other agrees to accept slightly less support for a few years, to allow the other to rebuild the investment fund from which the money will be withdrawn.

What is needed to negotiate effectively?

Information is the most important element of a successful negotiation. In the above example, one spouse offers to put aside money for a child's wedding if the other (the support recipient) will forego some support. Here is a (non-exhaustive) list of what is needed by both negotiators in order to refine their responses:

- The interest rate the wedding fund will earn.
- The expected costs of the wedding.
- The amount the recipient will contribute to the wedding.
- The expenses the recipient can cut from his or her budget and for how long.
- A contingency plan if the contributing spouse loses her/his job and cannot recover the amount invested in the fund.
- The contribution expected from the child.
- The effect of the transfer of funds on the contributing spouse's ability to buy a property after separation.

What is the most effective approach to negotiations?

When separation happens, it is normal to have concerns about the future, whether you are the person asking to separate or the person being asked. Keeping those concerns bottled up is a natural human response; we often don't talk about our fears. However, those fears and worries must be managed.

One spouse may worry about health problems causing the end of her working life, and the other may worry that he will have to work harder and may not feel up to the task.

An atmosphere of silent worry is not a good starting place for negotiations. Discussions should start with openness about individual goals. Here are some examples:

- I would like to know what the future will look like if I can't work because of poor health.
- I would like to understand what will happen when our savings are divided, and how long the money will last.
- I would like to know whether it is a good idea for me to buy the house from my spouse or whether it is best for us to sell it.
- If we sell the house, I want to know if I should buy another house or a condo or just save the money.
- I want to know that we will listen to each other while we are negotiating.
- It is important to me that you look after your assets so that I can stop supporting you at some point.

Each of the above goals and wishes can be taken into account when looking at options for settlement. Financial professionals working with divorcing couples commonly use computer programs to create projections of what the financial future will look like for both parties. Such tools offer guidance and can be used to introduce refinements until the outcomes are acceptable to everyone. If things change unexpectedly over time, the financial professional who created the projections can revisit them, make adjustments, and discuss new options.

The most effective way to negotiate is with the assistance of divorce professionals you trust. They work with you until you understand the value of what you have. They help you create options to explore possible financial outcomes that will meet needs. They have your best interests in mind and help you explore what those best interests are.

They manage the process of negotiation while fully appreciating that time and money are important. They respect your family values. They guide you through legal principles. A good divorce professional is a good negotiation coach. Finally, they work as hard as they can to get the job done and an agreement signed.

Final Thoughts

- Negotiating does not mean fighting. It means participating in a process where everyone has the same information and options are created and tweaked until a settlement emerges that everyone is able to live with.
- You should expect to give up things to get things.
- The more you are directly involved in your settlement negotiations, the more closely your final agreement will meet your future needs. ■

This article has been excerpted from *When Harry Left Sally* (MS Publications) by Eva Sachs (B. Comm., CFP®, CDFATM) and Marion Korn, (LL.B, LL.M, AccFM). This book shows you how to work out your divorce without fighting and without court, end your marriage with an understanding that each of you will be okay, and earn – and keep – the respect of your children.



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legal, family, and financial professionals.
www.whenharryleftsally.ca

20 Words to Avoid While Negotiating Your Divorce

There are words to avoid – those that exhaust, hurt, and undermine – and words to use liberally – those that invigorate, heal, and strengthen – during negotiations and after divorce.

By Gray Robinson, Relationship Expert and Author

Words matter. Many people speak and think in an undisciplined manner, without any regard for the words they are using.

Certain words can have a tremendous impact, not only on how others perceive us but on how we feel about ourselves. There are words to avoid – those that exhaust, hurt, and undermine – and words to use liberally – those that invigorate, heal, and strengthen – after divorce.

Here is a list of 20 words that can be extremely debilitating to yourself and others. Try to avoid speaking or even thinking the following words whenever possible.

- **Failure:** No one (and nothing) is a failure. Failure is simply something that doesn't work for its intended purpose. Thomas Edison said that he never failed: he just discovered 10,000 ways something didn't work. What some people call failure is simply a step towards finding success.
- **Victim:** Calling yourself or your ex a victim implies that there's nothing you can do to change your situation. Divorcing people who call themselves "victims" are not being responsible for their actions. They blame what happens in their life on others (usually on their ex). Every person has more power than that – even if they don't know it yet.
- **Stupid:** The word "stupid" is one of the most destructive labels we call ourselves or others. Just because we didn't know the answer or couldn't foresee an outcome does not mean we are defective.



- **Can't:** Many people use the word “can’t” to excuse laziness or unwillingness. What they really mean is “I don’t want to.” People often fail to achieve their potential because they take the easy way out, thinking they “can’t” do something.

Remember: one kind word can change someone’s entire day.

- **Should:** This word indicates criticism, whether used about someone else or yourself. Everything happens exactly the way it is supposed to happen. Therefore, any second-guessing is a waste of time and unproductive.
- **If Only:** The words “if only” express negative judgment and criticism. They also cause stress and suffering, largely because suffering is caused by wishing the past was different.
- **Try:** Everyone remembers the famous words of Yoda the Jedi Master, “Do or do not, there is No Try.” When we say we will try, or we tried, we are not doing our best. It also assumes that you will not succeed. By eliminating the word “try,” you make up your mind to either do something or not.
- **But:** Remember that when we use the word “but,” it negates everything we say or write before that. The words “and” or “yet” are a much better choice in most circumstances. *“Words are our most inexhaustible source of magic.” (J.K. Rowling)*
- **Never:** Whenever we use the word never, we will regret it. The word “never” indicates prejudice against something, and we want to have an open mind and prepare for any eventuality. Life is what happens when we had something else planned (usually preceded by “never”). “Rarely” is a much better word.
- **Always:** Just like “never,” by using the word “always,” we are setting ourselves up for being proven wrong.

There are only a few aspects of life that can be described as always, such as sunrises in the east. “Usually” or “most of the time” are better options.

- **Stuff:** Many people use this verb as a noun. It is imprecise and vague. You will usually have to specify what you are talking about anyway, so just avoid its use whenever possible.
- **Nice:** Nice is a vague term that is largely useless. It can be positive or negative.

“Better than a thousand hollow words is one word that brings peace.” (Buddha)

- **Fault:** Fault is a word that fixes blame to us or others. When we say, “that is my fault,” we are blaming ourselves for something that may or may not have been in our control. This word often telegraphs victimhood and should be avoided.
- **So:** This is a word that is relatively meaningless and is often used in a sarcastic manner.
- **Really:** This is also a rather vague term that can signify ignorance or guesswork. What does it mean? Saying I am “really” happy, sad, mad, etc. doesn’t describe your emotions. It only shows you are a vague person.
- **Simply:** Nothing is simple. Use of this word is generally an overgeneralization and patronizing. *“It does not require many words to speak the truth.” (Chief Joseph, Nez Perce Tribe)*
- **Losers:** You should never use this word in reference to yourself or others. We don’t know what other people may be going through in their lives. And if we are talking about ourselves, we destroy our self-esteem and confidence.
- **Other Derogatory Terms:** Most people don’t realize that when they use derogatory terms in general, they

are describing how they feel about themselves. “Bitch,” “bastard,” racial/religious/gender slurs, epithets, or other curse terms mirror how we feel about ourselves. Don’t use them. Just don’t.

- **Right/Wrong:** More wars have been fought over these two words than any others. If we can avoid using them, we will all be much happier.
- **Sorry, But...:** When you follow “I’m sorry” with “but...”, it does nothing to soothe ruffled feathers (e.g., “I’m sorry I yelled at you, but you were being a real jerk!” is not a sincere apology). When we use “sorry” to describe how we feel or to apologize, it can carry a subliminal message that we did something wrong – which may be why some people avoid this word at all costs. However, a genuine apology can defuse someone’s anger – and it is possible to apologize without admitting blame. For example: “That sounds hard. I’m sorry you’re struggling with this right now.”

I can think of other words to avoid, but these are some I work with every day. Good luck with training yourself to speak clearly and precisely. ■



Gray Robinson (Esq.) is a retired trial attorney, relationship expert, and award-winning author who empowers people to create the lives they want. In 2004, he became a counselor and business consultant, helping individuals and groups break through trauma and unhealthy thinking to realize their greatest potential.

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Keep Your Cool In Heated Situations

When emotions run high, intelligence tends to run low. Use these ten simple tips to help you keep your cool when the conversations get heated.

By Carolyn Ellis, Divorce Coach

Patricia was negotiating a separation agreement with her soon-to-be ex-husband with the help of a mediator. After months of mediation sessions and mounting legal bills, she felt like abandoning the negotiations and taking her ex to court. "I don't even recognize who this man is anymore. How did I ever decide to have two children with Frank?" she asked during one of our coaching sessions. "All I'm trying to do is what's in the best interest of our kids and obtain the kind of support that the law requires him to pay. But Frank is being so belligerent and disrespectful!"

At this point, Patricia was too upset to negotiate calmly; she wanted to "give Frank a taste of his own medicine" by becoming equally belligerent and disrespectful to him. This could have derailed the mediation process and ended with the two of them slugging it out in court. Instead, Patricia worked to control her emotions to prevent the heat of the moment from undermining her long-term goals, and she was able to negotiate a settlement that both of them could live with.

There aren't many people who jump for joy at the prospect of having a potentially contentious and heated conversation with someone they used to love. It can be very unsettling, profoundly frustrating, and deeply disappointing. The unfortunate reality for the vast majority of divorcing couples is that tense moments, conflicts, and arguments are inevitable during your divorce journey; but it is how you handle the conflict that will help to determine how long and how difficult the process will be.

Negotiating your separation agreement requires you to make decisions about crucial factors that will impact you and your family for years to come – such as division of marital assets, child custody, and financial support. When emotions run high, intelligence tends to run low. During divorce, you're asked to make decisions about your life when you're least equipped to do so.

Brain science helps to explain why it's so hard to make complex and challenging decisions when you're in a place of emotional upset. When faced with situations that create fear or insecurity, the amygdala in the limbic brain is triggered and sets off the "flight or fight" response. Adrenalin floods through your body, creating physiological responses to ensure your physical survival. For example, breathing and heart rates increase, sending blood to your limbs so you can run or go into battle.

Instead of being able to respond, you can only react when you are hijacked by your amygdala. The cerebral cortex, the part of your brain that governs reasoning and logic, is hard to access; however, this is what you'll need to call upon the most when you're in the midst of finalizing your divorce or co-parenting agreement with your ex.

Use these ten simple tips to help you keep your cool when the conversations get heated.

Tip 1 – Take Some Deep Belly Breaths

Nothing helps prevent you from spiraling into emotional reactivity like taking a few deep breaths. Plus, this strategy is free, easy, and something you can do any place, any time.

Studies show that taking deep, conscious breaths for even one minute can help you feel more grounded quickly. Breathing like this helps to dial down the amygdala response that triggers the "fight or flight" response so you can better access the part of your brain that governs rational thought.

Most of us tend to breathe more shallowly, using primarily the chest cavity. It can take a bit of an adjustment to learn how to breathe more deeply, using your full lung capacity. To help you get the deep breaths going, place your hand on your navel and breathe deeply right down into your diaphragm. When you inhale, imagine you're sending your breath right down to your hand. You're on the right track when you see your hand moving outwards with your inhale, and then back in towards your body on the exhale.

Tip 2 – Move Your Energy

To help express yourself clearly in your negotiations, it's important to get your energy clear. Past upsets and grievances, unexpressed emotions, worries about the future, or feelings of anger, sadness, guilt, or fear create static that can make it harder to get your point across effectively.

If you're feeling angry, write an angry letter (don't send it, however!), write about your feelings in a journal, take

your dog for a walk, or work up a sweat at the gym. If you're feeling sad, spend time with people you love or do some yoga. To get a fresh perspective, take a nature walk, or get creative in the kitchen or with a hobby. Finding ways to move and release pent-up emotions before you have your tough conversations makes it easier to speak your truth when it really counts.

Tip 3 – Get the Big Picture

When you're deep in the trenches of negotiating your divorce settlement, it's so easy to lose perspective. Everything feels urgent and high-stakes. It's important to take the time to get the big picture.

One of the most effective ways to do this is to look out into the future: imagine what you want your life to look and feel like 20 years from now. Do you want to be upset and still resentful about your ex, or do you want to feel more peace and clarity in your life from all the wisdom you're gaining from this divorce experience? If you have children, what do you want the day they graduate college or get married to be like? Keep the big picture in mind and do your best to let that vision pull you through the stress and conflict you might feel today.

Tip 4 – Don't Give Away Your Power

When it comes to a divorce, everyone has an opinion for you. We hire lawyers; we talk with therapists or coaches; we poll friends, family, and neighbors for their experiences and suggestions. We devour self-help books and attend workshops to try and find our way through the divorce maze. But at the end of the day, you are the world's best expert on you and what's right for your life.

When you decide to take responsibility for your choices, you put yourself in the driver's seat of your life. When the heat is on and the conversation gets tough, it's tempting to give your power away to others in order to avoid conflict. Your lawyer may be an expert on the law, but you and your family are the ones who will have to live with the consequences of your legal decisions. Your ex-partner will know what buttons to push to upset you; during your marriage, you may have backed down when he or she pushed those buttons. Today, don't take the bait. You have both the power and the responsibility to give input on decisions that will affect the rest of your life.

Tip 5 – Pick Your Battles

What tends to surprise most people is how grueling it is to actually implement the decision to end your divorce. Especially if you have children, there are a lot of major issues that need to be negotiated such as child support and custody, spousal support, and division of assets and debts.

It's crucial to pick your battles. You'll get exhausted if you

go to the wall on every single issue that arises. Brainstorm a list of all the issues that you can think of – holiday schedules, education choices for the kids, what happens when one of you loses a job or when a new partner comes on the scene, and how to handle it when your teenager wants to get tattoos and a few piercings. What’s negotiable for you? What’s a deal-breaker issue for you?

Get clear on your core issues and set some priorities. You’ll need to have some give and take in your relationship with your ex, particularly if you are co-parents. Learn to become strategic and identify where you’re willing to get creative or compromise in order to build good-will for the long run.

Tip 6 – It’s Not Personal

One big trap that is easy to fall into is taking interactions and choices made by your ex-spouse personally. Especially in situations of conflict, people will inevitably have different opinions and strong emotional reactions. Allow others to have their own emotional upsets. Doing your own emotional homework with a therapist or coach can help you defuse some of those “hot buttons” that ex-partners are so skilled at pushing.

Realize that what your ex-partner thinks of you is no longer any of your business. The degree to which you continue to respond and react to what your ex thinks, says, or does is the degree to which you help create your own suffering. In the words of spiritual teacher Matt Kahn, “What others think of you is their journey. What you think of yourself is yours.”

Tip 7 – Own Your Part

We are human beings, not saints. Particularly when under stress, we’re likely to do or say things that we may regret later. Help keep your negotiations moving in the right direction by taking responsibility for your actions and how you may have contributed to the conflicts you’re trying to resolve.

In negotiations, take ownership for your feelings when you speak. Avoid blaming statements such as: “You’re being unfair!” Instead, take responsibility for your feelings by using “I” statements, such as: “I feel upset when XYZ happens.”

When you do find yourself making a misstep or losing your cool, show yourself compassion. See these “mistakes” as enormous learning opportunities.

Tip 8 – Get Support

Einstein said that problems cannot be solved at the level of thinking that created them in the first place. Learn to ask for help and support; if you don’t ask, the answer will always be no. If you do ask, the chances are great that you’ll be able to break through whatever problem is keeping you stuck.

If you reach an impasse with your ex-spouse, get help when you need it. You may need to enlist a third party (counselor, mediator, lawyer, etc.) to help resolve difficult issues. It’s critical that you find effective support in your social network during your divorce process. Find a trusted friend or divorce “buddy,” a divorce coach, therapist, or a community support group.

Tip 9 – Talk It Out

When you have big stakes on the line, it’s best not to “wing it” and hope it all turns out the way you want. Taking time to prepare yourself in advance helps give you the confidence and clarity that can make all the difference.

One way to do this is to write down all the key points you want to make. Get some of those nervous jitters and hesitations out of the way before the meeting even starts by practicing out loud. You can even do this in front of a mirror to take your “talk it out” strategy to an even deeper level.

Tip 10 – Surrender

Anyone who has ever tried to paddle a canoe or swim upstream can confirm that going against the current can be exhausting. When you make the choice to surrender, you let go of needing to know or control everything all the time. Surrendering isn’t a sign of weakness: it doesn’t mean you’re giving up your position or your beliefs. Sometimes, the best choice about “what to do” is simply to breathe and stay in the present moment; stay open to learning any wisdom this situation has to offer you.

Before you head in to your next tough conversation, take a moment to close your eyes and get centered. Create an intention that you can come back to when you feel challenged or unsettled, such as: “Let this be resolved in the highest and best interests of all involved” or “Let me speak my truth powerfully and clearly today.” You can even anchor this intention by holding a small object, such as a small crystal or stone, in your hand. Bring this object with you to your meeting to help you stay centered and remind you of your intention to surrender your desire to control every aspect of the negotiation. ■



Carolyn Ellis is an award-winning coach, transformational expert and author of the award-winning [The 7 Pitfalls of Single Parenting: What to Avoid to Help Your Children Thrive After Divorce](#) and [The Divorce Resource Kit](#). She specializes in helping individuals navigate change and uncertainty by tapping into their own inner brilliance and emotional resilience. To learn more or to book a session, please visit www.ThriveAfterDivorce.com and www.BrillianceMastery.com.

Four-Way Meetings

The goals you establish and the critical interests you define in four-way meetings form the foundation for your success in this process.

By Stuart G. Webb and Ronald D. Ousk,
Family Law Attorneys

Outside of the collaborative process, the phrase “four-way meeting” could be used to describe any meeting of four people. However, when we use the phrase *collaborative four-way meeting*, we’re referring to a specific type of meeting that typically involves four people, but sometimes more.

The Collaborative Four-Way Is Different from Other Four-Way Meetings

Settlement meetings between clients and their lawyers sometimes occur even in the traditional litigation approach to divorce. However, the rules and the style of these meetings are completely different from the collaborative four-way meetings.

In many ways, your commitment to the collaborative process will depend on the strength of your commitment to make these four-way meetings as effective as possible. They likely will be your greatest challenge, and they require much preparation. But they present unlimited opportunities to find solutions that will help you achieve your most important goals.

Although the analogy is often overused, the collaborative process is similar to building a house. Your long-term goals and interests are the foundation. The more secure you are in the goals you have established, the more likely you are to achieve the successful and durable outcomes that you want.

Collaborative four-ways are like the frame of the house. Within that framework, you will create the outcome that will make up your actual divorce agreement. The quality of the outcome likely will depend on the foundation and the framework that supports it.

One of the reasons it’s valuable to compare the collaborative process to the process of building a home is that it will prepare you to be patient during the early stages of the four-way meetings. Much of the time spent in these early meetings will be for the purpose of setting the foundation and framing the issues. During these early stages, you may find yourself tempted to want to jump ahead to final decisions before you are ready to do so. So please carefully read the sections that follow. We strongly believe that the better you understand how four-way meetings work, the more likely you will be able to use them effectively.

Practical Aspects of Meetings

Let’s turn to the practical task of explaining what actually happens in these meetings:

- **Who** attends these meetings? Usually, these meetings will include you, your spouse, and both lawyers.
- **Where** do these meetings take place? Generally at the offices (or conference rooms) of one of the lawyers.
- **When** do these meetings take place? They’re generally scheduled about two to four weeks apart, at a time when all the participants can be there.
- **What** happens during these meetings? Typically:



- **Introductions** are made and a **tone** is set for the meetings
- **Ground rules** are established for how to conduct the meetings
- The collaborative process is **explained** and discussed
- **Reasons for choosing** the collaborative method are discussed
- If it is the first meeting, the **Participation Agreement** is reviewed and signed
- **Goals and positions** are identified
- **Information** is fully disclosed
- **Issues and interests** are identified
- **Questions** are answered
- **Homework** is determined
- Issues are **prioritized**
- **Alternatives** are identified and evaluated
- **Agreements** are reached
- **Agendas** are set for future meetings
- **Documents** are signed
- Decisions are made about whether to include other **team members**
- Decisions are made about whether to retain **experts**
- **Final steps** for completing the process are outlined.

The goals you establish and the critical interests you define in the early four-way meetings form the foundation for your success in this process.

Identifying Goals and Interests

All of the steps in the collaborative process exist for one purpose: to help you achieve your most important legitimate goals. But you can't achieve them if you haven't first carefully considered what they are. There's a natural tendency to become absorbed in the immediate problems that you are facing and to focus only on narrow ideas about how you might resolve these urgent concerns. Your success in the collaborative process will depend a great deal on your ability to pause in the middle of the chaos to truly think about your long-term goals. Keeping these crucial goals in mind will make it easier to make compromises or let go

of less significant issues in order to preserve the things that matter the most to you.

The other reason for you and your spouse to identify your overall goals is that you're likely to find that you share a number of them. Identifying these common interests will provide greater opportunities to find solutions for accomplishing these goals.

The Conflict-Resolution Process

The framework of collaborative four-ways is generally developed around the following four steps:

- Identifying issues
- Gathering facts
- Developing options
- Negotiating solutions.

Your lawyer will explain to you why each of these stages is important and will help you avoid one of the most common mistakes that people in the collaborative process make: skipping the preliminaries and jumping right into negotiating solutions.

- **Identifying Issues: You Can't Find the Answers Unless You Know the Questions**

You may believe that you already know all the issues that you need to resolve, but chances are there are quite a few that would never occur to you unless you were a practicing collaborative lawyer. In addition, your list may not include concerns or issues that your spouse may have. Before you can begin working on any specific issue, it is important to identify as many as you can so you can get a better sense of how to prioritize the next steps.

- **Gathering Facts: Making Sure You Have All of the Pieces of the Puzzle**

Once you have identified the issues, the next step is to gather information. You can't make good decisions unless you're confident that you have all of the information you need to do so. The collaborative model uses an informal process that's designed to collect the facts as quickly as possible. During the four-way meetings, the lawyers help the clients identify

what kind of information they may need to help them make decisions. Generally, one or more of the participants will agree to take responsibility for obtaining the information, and the requested information is distributed to the other members of the group prior to the next four-way meeting.

- **Developing Options: Imagining the Unimaginable**

Now you're ready to consider your alternatives. In many instances, you may believe you have already considered every possible way of resolving the issues at hand. However, if you spend time considering other possibilities, you'll be surprised at how many more you can generate.

- **Negotiating Solutions: Finding the Right Answers**

If you've done a thorough job with the first three steps, you'll find it easy to negotiate workable solutions. If you reach an impasse in resolving any of the issues, your lawyers (and any other professionals who may be assisting you) will help you identify ways of getting around it.

Roles of the Parties and the Lawyers During the Meeting

While you and your spouse are ultimately responsible for the outcomes of the four-way meetings, your lawyers are primarily responsible for keeping the process on track and for creating a safe and effective environment for reaching solutions. You and your spouse also play a role in creating and maintaining an environment that is conducive to problem-solving.

- **Addressing the Emotional & Financial Challenges of Four-Way Meetings**

We feel confident that you will see just how effective four-way meetings can be if you choose to pursue a Collaborative Divorce. However, your success in these meetings may depend on your ability to address the emotional and financial challenges that may arise.

- **The Emotional Challenge**

Collaborative four-way meetings, while effective, can often be emotionally difficult. The thought of sitting in the same room as your spouse and his or her lawyer might cause you a great deal of discomfort. If that's true, it's important that you communicate with your lawyer or other professionals about your discomfort, so that they can help you develop specific strategies that will work for you.

- **Special Situations**

There are some cases in which the emotional challenges are so great that special accommodations need to be made. If, for example, you and/or your spouse are having tremendous difficulty accepting the divorce, direct interaction with one another could trigger strong feelings that make it difficult to create a safe and effective environment during the four-way meetings. And certainly in cases where there has been a history of abuse or where there is a strong power imbalance, adjustments may need to be made, and it may not even be possible for the spouses to have direct interaction.

If you find your four-way meetings to be emotionally challenging, you and your lawyer may want to consider the following options.

1. Add specific ground rules to ensure that discussions avoid triggering strong emotional responses.
2. Work with divorce coaches or divorce-closure counselors to do your part in creating a better environment.
3. Meet in two separate rooms for all or part of the four-way meetings and have the lawyers move back and forth between the two rooms. In these situations, the four-way meetings are often replaced by three-way meetings, with the lawyers meeting with each client individually.
4. Slow down the process to allow the parties more time to make the emotional adjustment necessary for more effective four-way

meetings.

5. Spend additional time preparing for these meetings with your lawyers.

Following these suggestions is not going to magically make your four-way meeting fun and enjoyable. Even in the best situations, you'll probably feel a little uncomfortable. As a general rule, four-way meetings are hard work for all participants. However, in almost all cases, the benefits gained by directly participating in your solutions will justify your commitment and hard work.

- **The Financial Challenge**

Much of the expense of your case will be related to these meetings. Your lawyers will spend time preparing for them, attending them, and summarizing or debriefing them. As a result, you may be worried about how much they're costing. If you're worrying about your bills, you're not going to be fully present for the meetings, and the meetings won't be nearly as effective. As with the emotional challenge, running from the problem may only make it worse, so it's important to address this financial challenge.

1. Consider whether the amount you are spending will have an impact on the quality of your outcome.
2. Be as thorough as you can in gathering and organizing the information that you need for the meetings. This can reduce your legal fees dramatically in two ways: first, you avoid having your lawyer charge you for doing legwork you could have done on your own; second, the four-way meetings are more productive because all of the information you need is readily available and organized in a useful way.
3. Create a structure for safe and effective two-way meetings with your spouse, so that you can address as many issues as possible outside the four-ways.
4. Talk with your lawyer about how you can make the four-way meetings more effective.

5. Make sure that there is enough time between the four-way meetings so everyone is prepared. It can be tempting to rush the process by asking that meetings be scheduled close together. This may seem like a way of getting more done more quickly, but if busy schedules prevent the parties or the lawyers from completing the necessary homework between meetings, the four-ways will be less productive and more of them will be needed.

6. Finally, think about whether you need to let go of some smaller issues that could be bogging down the progress of the meetings. Even people who are very cost-conscious can lose perspective and spend a disproportionate amount of time on minor issue. Between meetings, when there is time to reflect, think about whether the cost of holding onto that issue is really worth the resources and emotional energy that you are investing in it.

Four-way meetings are the building blocks of the collaborative process. Successful four-way meetings can help you reach agreements that will allow both spouses to achieve their goals and create a groundwork for communication after the divorce. ■



This article was excerpted and edited with permission from The Collaborative Way to Divorce: The Revolutionary Method that Results in Less Stress, Lower Costs, and Happier Kids – Without Going to Court (Plume Books, 2007) by Stuart G. Webb and Ronald D. Ouskey. Webb, a family lawyer in MN.,

invented Collaborative Divorce in 1990 and has practiced exclusively in the collaborative method ever since. Ouskey is a frequent speaker and writer on collaborative practice (in which he is a pioneer) and also practices in Minnesota.

Should You Get a Divorce?

10 Questions to Consider



Deciding whether to divorce is a tough, complex, and controversial subject. Here are ten key questions to think about before pulling the plug.

By Terry Gaspard,
Licensed Therapist and Author

Is your marriage just so-so, or is it toxic? Are you unsure about whether you ever really loved your partner, or are you just going through a difficult time? Should you get a divorce?

Maybe you worry about whether you should stay together for the sake of your children even though your marriage has been a disaster for a long time.

Before you make a final decision about something as important as divorce, it is important to examine your situation carefully. While there is no foolproof way to know if divorce is the best solution to an unhappy marriage (or even one where infidelity is present), many people consider it to be a viable option to chronic unhappiness, high conflict, or even falling out of love with their partner.

Should You Get a Divorce? Here Are 10 Key Questions to Ask Yourself

The following list of questions will help you to examine your thoughts, feelings, and options prior to making a decision about whether or not to proceed with a divorce.

1. Do I feel constantly criticized and put down by my partner, which leaves me feeling not good

enough? According to relationship expert Dr. John Gottman, author of *Why Marriages Succeed or Fail* (Simon & Schuster), criticism is one of the main reasons why marriages collapse. It can be lethal to a marriage because it can lead to contempt.

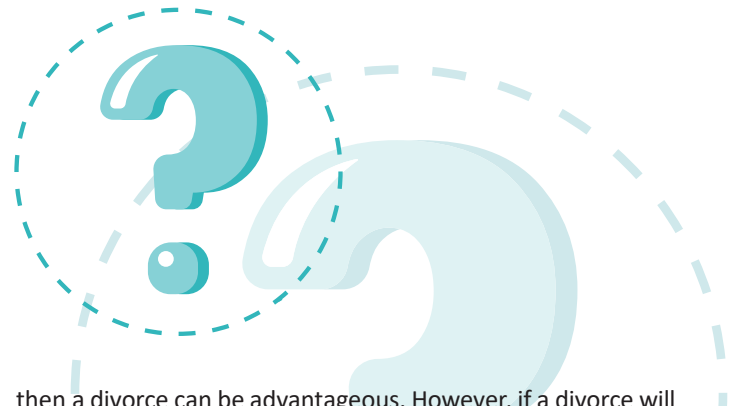
2. Do I feel disrespected by my spouse? Does my partner honor my boundaries? When you lose respect for your partner, or vice versa, you may feel they are damaged goods. If left unchecked, this dynamic will destroy your marriage.

3. Does my partner engage in a pattern of chronic, overt, destructive behavior? This would include activities such as internet gambling, alcoholism, drug abuse, porn, or illegal activities.

4. Is my marriage characterized by persistent high conflict without many periods of harmony or happiness in the relationship?

5. Do I experience emotional, physical, or financial abuse in my marriage that causes me to feel unsafe and/or disrespected? For the most part, experts agree that any type of abuse erodes feelings of security, trust, or sense of belonging in a relationship. These issues can't be resolved in the context of a marriage.

6. After an argument, do we work to repair our relationship and get back on track? Or have we fallen into the trap of blaming each other and failing to compromise



or apologize? As a result, do we experience less warmth and closeness? One of the most important solutions to this problem is to improve your repair skills. Couples need to get back on track after a fight if they don't want issues to fester.

7. **Do we rarely have sex or spend time together and have no desire to change this pattern?** Intimate relationships require nurturing, and couples who spend time together and have sex regularly report that they are more emotionally connected than those who don't.
8. **Is one of us involved in an ongoing affair?** The crucial aspect of an affair is betrayal. If a spouse fails to end an affair, take responsibility for their actions, and make a commitment to stop the betrayal, there is little chance that a marriage can be saved.
9. **Does my partner refuse to talk at all when you have a dispute?** If so, she or he may be "stonewalling." Unfortunately, stonewalling or shutting down is one of the predictors of divorce.
10. **Does my partner refuse to work on our relationship?** If your spouse doesn't care enough to work on improving your marriage – or they heap all the blame for your relationship issues on you – that's a big sign that they're done with it. It takes two to tango, and one person can't save a marriage. This includes refusing to spend time together and/or attending couples counseling sessions.

Should You Stay or Should You Go?

Many people ask me, "Should I get a divorce?" By far, this is one of the most commonly asked questions clients and bloggers ask me. And even though I've lectured on this topic many times, I still find myself pausing and choosing my words carefully. The reason why this question is so difficult for me to answer is because every couple and family is different, and one size doesn't fit all when it comes to divorce.

Other reasons include whether or not you have children: parental conflict plays a large role in children's emotional and psychological adjustment (in both intact and divorced families), and there is quite a lot of controversy about research findings.

Whether parents should stay together for the sake of their children depends to a large degree on the level of stress and disruption in family relationships associated with an unhappy or conflictual marriage. An important question is: would the well-being of the children be enhanced by a move to a divorced, single-parent family? If the answer is yes,

then a divorce can be advantageous. However, if a divorce will expose children to drastically diminished resources – causing ongoing conflict and difficulty providing for the children – then the answer may be to stay together.

In her landmark book *For Better or for Worse: Divorce Reconsidered* (W.W. Norton & Company), eminent psychologist E. Mavis Hetherington highlights the results of her study of 1,400 families and the importance of examining the type of conflict children experience. She notes that high-conflict that involves the child; is physically violent, threatening, or abusive; and conflict in which the child feels caught in the middle, has the most adverse consequences for children.

In another review of this topic, Paul Amato states: "When parents engage in a pattern of chronic, overt, destructive conflict, children may be no worse off (and perhaps better off) if the marriage ends in divorce." The main finding highlighted by Amato and Hetherington is this: While parental divorce may expose children to more risk factors for subsequent social and psychological problems, that association is moderate, and the majority of youth (75%) reach adulthood as well-functioning individuals.

Even the late divorce expert Judith Wallerstein, who tended to emphasize the detrimental impact of parental divorce, wrote: "Children raised in extremely unhappy homes or violent homes face misery in childhood and tragic consequences in adulthood." She went on to say, "I don't know of any research, mine included, that says divorce is universally detrimental to children."

Truth be told, many factors are involved in determining whether or not a couple should divorce. Every relationship and family has unique dynamics and characteristics. Deciding whether to divorce is a tough, complex, and controversial subject. There are no right or wrong answers, nor are there any simplistic solutions. However, if a couple has the maturity and fortitude to re-connect and work on their marriage (and abuse is absent), they may be able to heal and improve their relationship over time. ■



Terry Gaspard (MSW, LICSW) is a licensed therapist, college instructor, and nonfiction author specializing in divorce, women's issues, children, and relationships. As a therapist, she helps people heal from the pain they experience related to divorce and other losses.

www.movingpastdivorce.com

A Fair Negotiation

Learn how your negotiation skills will help you achieve some of your needs and wants without alienating or angering the other parties involved.

By Jeffrey Cottrill



We've all heard about those nightmarish divorces that drag on in court for months or years because one or both parties is determined to get his or her way in the final outcome no matter the cost. There are also cases in which one party gets "cleaned out" by the other because of a failure to communicate or an inability to stand against the more powerful personality's demands.

Extended litigation is a costly, damaging process; the adversarial "win-lose" contest inevitably results in bitterness and dissatisfaction for at least one of the parties. That's one reason why mediation and collaborative law have become more popular as cooperative "win-win" methods of settling divorce. Rather than duking it out until one party wins, it's more constructive to work out an agreement together through the art of negotiation.

Negotiation is an important personal-relations skill that enables you to get what you want without running roughshod over those around you. Whether you're dealing with your ex-spouse, friends, relatives, neighbors, co-workers and supervisors, professionals, or even your children, you have to be able to put everybody's point of view in clear perspective, so that you can create a solution that works for both of you.

Be Fair to the Other Party

You know what you want, of course. That's the easy part. It's when you show respect for what the other person wants that you move toward fair negotiation. Sometimes a solution that addresses both parties' goals is possible, and sometimes both parties' goals directly conflict with each other. But once both parties understand and empathize with each other's point of view, the situation can change from an adversarial deadlock to a resolvable dispute.

One of the most difficult barriers to successful bargaining is when at least one party chooses a fixed position or "bottom line" and stubbornly sticks to it without considering its fairness to the other. For example, if both spouses in a divorce want full custody of the children and completely refuse to compromise, the process won't go anywhere. But if one spouse yields to the other – or better yet, if both agree on joint custody – the process can move toward resolution. Smart negotiators know that they will have to compromise on some issues to a certain extent and that they're highly unlikely to get everything they want.

Sometimes, however, a party will be immovable not because of needs or wants but out of a personal desire to "get back" at the other party. This only leads to escalated conflict and the kind of expensive, draining, adversarial mud-slinging that you're trying to avoid. Don't give in to anger or hate. Even if you're still carrying hostility toward the other person over past issues, keep it out of the negotiation process. Remember that the goal is a fair agreement, not revenge or "teaching a lesson."

Negotiation is about working together, not competing against each other. So if you want the other party to understand your needs and make a few compromises in your favor, you will have to do the same for him or her. Listen to the other person. Give the other party the space and time to make his or her needs clear. Try honestly to understand how the situation

looks from the other side's point of view; this may be the most valuable skill you can master in bargaining with others in any dispute situation. Listen to the other side in the way you would like them to listen to you. The more respect and attention you show, the more likely the other person will be to let down his or her defensive guard and show you the same respect.

Even if you know that something the other side wants is impossible or unfair to you, don't immediately criticize the person for it. That's a good way to burn down the bridge of understanding you're trying to build. Instead, hear the other party out first and then deal with how to reconcile your conflicting wants. Is there a solution that leaves both of you satisfied, as opposed to having one happy and the other unhappy? Also ask yourself if this particular issue is as important to you as you think it is. Would it really be that much of a loss if you made a sacrifice in this area or just gave way a little? Or maybe there's a way both of you can "share" the benefits.

This will require you to "take the high road" and leave the past in the past. You can't drag old hurts and resentments into your negotiation and expect it to succeed. Find somewhere else to vent your anger and frustration – with a counselor or a support group, for instance – so that you can be as calm and cooperative as possible under the circumstances. A complete understanding of the other person's perspective as well as your own is essential to negotiating a fair resolution to any problem.

Be Fair to Yourself

Negotiation is about give-and-take. While it's important to let the other party feel that his or her needs are being addressed, be sure that you're being heard equally. As admirable as it is to give way on issues, a deal can't be truly fair unless you're receiving the same generosity and respect in return. Remember, the saying isn't "do unto others better than you would have them do unto you."

There are instances in which one party may give in too much to the other because of a power imbalance: the former may feel threatened or simply be too much in the habit of giving in. For example, this may happen for a marriage in which one spouse has always been dominant; sadly, this pattern often continues when the couple breaks up. There are also instances in which one party may want to "give away the farm" to ease guilt, particularly if the other party has been very vocal about supposed injustices done by the former. But the object of negotiation is not to right past wrongs or to keep the other person quiet: it's to achieve a fair resolution for both parties. This is where a neutral third party (such as an experienced divorce mediator) may help in assuring that all get their say in a negotiation; he or she would be able to spot when one person is getting the short end of the stick or just isn't being heard.

If no neutral third party is available, you may have to stand up for yourself when dealing with somebody who tries to take advantage of your guilt or generosity. Listen to the other party's needs and concerns, but don't let them completely override your own. Be firm if you know that you're not being treated fairly; don't give in to guilt or feelings of inferiority. If the person

you're trying to negotiate with continues to be unreasonable, a fair final agreement may be impossible without the assistance of a trained mediator or collaborative lawyers. Sometimes a firm, confident attitude in bargaining can work wonders. A normally domineering or stubborn person may be baffled by your refusal to back down and eventually find no other alternative than to give in on the issue.

When the other party agrees to let you have something your way, don't be ashamed to take it. In exchange, of course, assure the other person that some other issue will go his or her way. Accepting the other party's concessions is just as important to negotiation as offering concessions: both reinforce the fact that you are aiming at a "win-win" solution rather than either of you being short-changed.

As important as it is to understand the other party's needs, he or she has a duty to do the same for you. Negotiation is a cooperative process: it won't work if either of you is trying to get the better of the other.

A Better Outcome

There are many benefits to bargaining instead of arguing or fighting to the bitter end over an issue. Negotiation turns your opponent into a partner – even, potentially, an enemy into a friend – because you're working together to benefit both of you. You can avoid the increased hostility and awkwardness that result from continued antagonism – the wasted energy, stress, and emotional strain involved in clinging to your position and pursuing your wants at all costs – and wind up with an outcome that's fair, pleasing, and the result of your own empowerment.

Better negotiation skills lead to better outcomes in most situations. Follow the tips we've provided, and you can reap benefits without having to risk being defeated in any "battles."

Negotiating Dos and Don'ts

Here are some things to do and not to do when negotiating with someone:

- Do listen attentively.
- Do demonstrate respect for the other person's point of view.
- Do make your own point of view clear without blaming or whining.
- Do separate your "non-negotiables" from areas where you are willing to compromise.
- Do look for "happy medium" solutions that satisfy both parties.
- Don't drag past disputes into this one.
- Don't be rude to, interrupt, blame, or patronize the other party.
- Don't back the other party into a corner with absolute demands; these inflexible statements usually begin with phrases such as "You must..." or "You will never..."
- Don't give in to demands out of intimidation or guilt.
- Don't expect to get everything you want. ■

Jeffrey Cottrill is a former Divorce Magazine staff writer.

5 POWERFUL LIFE LESSONS *to* LEARN FROM DIVORCE

If you can see your separation and divorce as a series of life lessons, you can move forward and become a better – and happier – version of yourself.

By Dr. Andra Brosh, Clinical Psychologist

When my husband told me he wanted a divorce, I felt like my life was over. We were married for 20 years and lived in a beautiful house with two kids. I was truly living the dream. The moment I heard those words, my whole world came crashing down. The fantasy I had of “forever” was now a reality of never. For three years, I spent my time picking up the pieces of my shattered dream, doing my best to make sense of everything. I never thought this crazy, surreal ride would end.

I was diagnosed with breast cancer shortly before my marriage ended, which I beautifully navigated and survived. Just a few months after my diagnosis, my husband said, “I don’t want to be married to you anymore.” While it would have been easy for me to slip into a victimized state, I managed to draw on what my cancer journey had taught me. I decided the end of my marriage would become another opportunity for transformation.

Both experiences offered me very precious life lessons and skills that I wouldn’t trade for anything. Both these experiences also rudely awakened me to the power of my spiritual self, and the magnitude of self-actualization as a byproduct of trauma.

I knew that looking anywhere but inward for what I needed would not only be futile but draining and disappointing as well. Although I felt wary of trusting myself after being so blindsided by these life

circumstances, I knew that it was my inner wisdom and gut instinct that would get me through to the other side. I wanted to extract what I could from the devastation and disillusionment I was experiencing and to spin it into gold for my own personal benefit. In order to do that, I had to see all of my experiences as lessons and to go forward with the intention of using this learning to become a better version of myself.

5 Lessons to Learn from Divorce

Here are the five most important lessons I learned from my two biggest life challenges.

1 Trauma Is an Everyday Phenomenon

I have learned that there are two kinds of trauma. There are “big T” traumas that shatter your world and make you question everything you thought was true, and then there are “small t” traumas that are more about being in the wrong place at the wrong time. Both of these types of trauma can happen at any time, but we often don’t acknowledge the smaller ones in the same way we do the bigger ones. This is an important lesson because the smaller traumas serve as a preparation; they offer a kind of resilience that can help you through the greater challenges of life. Embracing the negative moments in life makes you stronger. That saying “life is a big dress rehearsal” isn’t far off. You’re building your internal immune system each and every time you face a difficult moment.

2 The Spirit Is Stronger than the Mind and Body

Spirituality came as a huge lesson for me when I was traversing my diagnosis and transitioning through divorce. My body broke down from the stress, and my mind betrayed me constantly with negative thoughts and irrational fears. My one place of solace came when I tapped into my beliefs around something greater. This can come in any form of faith, but the lesson for me was that no matter how out of control my world became, I could always come back to the spirit as a place of grounding. This took the form of prayer, spending time in nature, nurturing sacred experiences with friends and family, and spending my personal time doing things that strengthened this part of myself.

3 Fear Is a Waste of Time and Energy

I laid awake many nights before I figured this out. My lesson about fear was realized when the two things I was

most afraid of happened to me. I spent so much of my life worrying about becoming ill or losing my husband only to have both manifest in my life. I came to understand that fear and worries are just defenses against reality, and the truth is that none of us are immune. Instead, I now focus on accepting the harsh facts that we cannot control certain outcomes of life and that no matter how hard we try to prevent some things, we will often find our attempts to be futile. It’s better to focus on the things you love and enjoy, and put your energy toward the aspects of your life that you actually have influence over.

4 Nothing Lasts Forever

This may seem like an obvious lesson, but we are conditioned to believe that things last forever. The focus in our culture is prolonging everything, leaving us feeling like a shorter outcome equates with failure. The lesson that nothing lasts forever generates a more powerful attitude toward life, because if we recognize this fact, we can live a more potent life. I also learned that while things don’t last forever, a regenerative experience can happen. Some things in life come full circle if we’re patient enough to wait for a new outcome, and we also know that many situations offer a kind of rebirth that can bring beautiful change. Clinging to “forever” creates suffering, but remaining hopeful for something different can offer peace of mind at a difficult time.

5 Perspective Is Everything

One of my favorite quotes from Dr. Wayne Dyer is this: “Change the way you look at things and the things you look at change.” The mind creates perspective, and your perspective of the world completely influences how you feel. It’s not always easy to take a positive perspective, but it is fairly simple to have an honest one. What you don’t want to do is distort the way the world is seen with false beliefs and irrational thinking. I learned that having a solid and honest perspective, even if it was painful, created far less suffering than when I made things up in my head. ■

In order to spin my devastation into gold, I had to see all of my experiences as lessons and to go forward with the intention of using this learning to become a better version of myself.



Andra Brosh (Ph.D., BCHN) is a clinical psychologist and board-certified holistic nutritionist who brings a fresh perspective to what it means to heal from divorce. Dr. Brosh is committed to guiding women through the divorce journey using inspiration, personal accountability, and her proven method of radical self-healing.

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