

## Law supports civil separations

### Collaborative process eases pain of divorce

DONNA GRAY  
FOR NEIGHBOURS

**D**ivorce. The word alone conjures images of verbal sparring, emotional turmoil, unending litigation and empty wallets. But perception isn't necessarily reality, especially when a kinder, gentler and court-free process is now available for families.

Collaborative law involves both spouses hiring specially trained lawyers to help them settle the division of assets, handle custody issues and carry out the needed paperwork, all in a series of logical and amicable steps but without the usual court drama, high costs and the negative stress that goes with it.

"Collaborative law allows families to work together, in good faith and honesty, to find a resolution that suits everyone," says Beryl McNeill, a lawyer who specializes in the field with the firm of Moe & Hannah.

"It's a process where clients get to identify and agree on what is most important, such as financial security, protecting the children from trauma, and

aiming toward an independent future."

McNeill, who is among 75 lawyers in the city who practise this form of family law, says to keep it honest, the divorcing couple and their lawyers sign a contract that keeps their behaviour, full disclosure and willingness to gel as a team on track, despite the wave of emotions that follow separation.

"It's natural to go through the grieving process, such as sadness, denial and anger at the life changes. We help keep clients focused on their role as partners in the proceedings, even if they have bad days," she says.

Couples who have children can really benefit from the expertise and assistance of a collaborative team, cites Tina Sinclair, a psychologist, mediator and collaborative specialist who is often asked help establish common ground.

"Additional services can include psychologists, therapists, mediators who act as the voice of the children. They also help clients establish what their own issues are, and to prepare for the drawing up of parenting plans, arrangements, codes of conduct and communication issues," Sinclair says.

Collaborative law isn't for everyone. If the parties do not trust each other, either through abuse, deception or adultery, or during the proceedings, someone reneges, court litigation is almost certain. Retired judge Michael



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Porter, who now operates as a mediator in Calgary, has seen his share of divorce cases gone bad. That's why he initiated training for lawyers in inter-

est-based collaborative law a few years ago, with pleasing results.

"All lawyers are trained like gladiators — they come out fighting. But, with family law, it's not necessary if you've got two parties willing to come to an agreement. If you take the metaphorical guns away from the lawyers, they have to settle a different way. In fact, 95 per cent of the work that divorce lawyers do is aimed for court, but is often settled beforehand," Porter says.

He suggests Internet research is a good first step in determining if collaborative law is the right method. Once a lawyer has been contacted, it's wise to ask about the extent of training, certification and practical experience in this specific field.

"If the person has training, but hasn't completed too many cases or if they haven't told you about collaborative law and mediation as options to litigation, then you have the right to seek out someone more qualified," he says.

McNeill says her biggest reward is helping clients see the benefits of negotiation, even through the most challenging emotions.

"It feels great when both spouses want to do things in a respectful manner. They really get to control the outcome, as opposed to a judge deciding who gets what and where the children will stay. It's a customized for the family, by the family," she says.