

## **PARTIES' INITIAL CONSULTATIONS WITH COLLABORATIVE ATTORNEYS**

- Individual client/potential client meetings with properly trained collaborative attorneys (30-60 minutes)
- Each attorney should:
  - **ACTIVELY LISTEN TO CLIENT'S STORY**
  - Conduct preliminary assessment of issues (children & finances) & collaborative process potential
  - Screen for domestic abuse and/or other power and control concerns
  - Explain all options available for resolving dissolution of marriage issues
    - Negotiation
    - Litigation
    - Arbitration
    - Mediation
    - **Collaborative – including requirement of Participation Agreement and role of additional professional team members**
- Both clients must voluntarily choose collaborative process
- Each party should sign written fee agreement with his or her own collaborative attorney

## **ATTORNEY PRE-BRIEF MEETING & PREP OF AGENDA FOR 1<sup>ST</sup> JOINT MEETING**

- Attorneys meet – preferably in person, but possibly by phone conference, Skype, etc., to discuss initial case impressions and plan for first joint meeting with parties (20-30 minutes)
  
- Planning of First Joint Meeting:
  - Date, Time and Location
  - Attorney responsibility for preparing documents:
    - Agenda
    - Ground Rules
    - Participation Agreement
    - Meeting Notes
  
- Discussion regarding potential need for additional professional team members and presentation of such information to parties
  - **Financial Neutral (“FN”)**
  - Divorce Coach, Child Specialist and/or Other Mental Health Professional(s) (“MHP”)
  - Mediator
  - Other

## **FIRST JOINT MEETING: PARTIES & ATTORNEYS**

- Parties & attorneys meet together (1.5 to 3.0 hours)
- Introductions & brief discussion of Agenda; identify amount of time available for meeting
- Discuss Ground Rules; Review & sign Participation Agreement
- Discuss roadmap to resolution in collaborative process:
  1. Identify goals / interests
  2. Gather facts
  3. Identify issues
  4. Identify & evaluate options
  5. Negotiate / make decisions
- **Discuss and identify any other team members needed**
  - **FN qualification considerations:**
    - **Education – CFP®, CPA, ChFC, CDFIA®, etc.**
    - **Training – mediation, collaborative, practice group**
    - **Experience/Referrals – attorneys, clients, others**
    - **Process/Tools – printed materials, charts, software, projection, after-tax cash flow analysis**
      - **Willing to do demonstration?**
    - **Costs – hourly rate, additional fees & expenses**
    - **E&O Insurance Coverage**
  - **Establish plan for promptly notifying & retaining new team member such as FN**
- Identify & discuss any temporary issues needing immediate attention
- Begin identifying long term issues

- Identify next steps in the process & discuss agenda for next meeting
  - Set next meeting date(s), time & location
  - Identify any tasks (such as documentation gathering or preparation) to be completed by each team member & set deadlines for task completion
  
- **Meeting notes to be promptly provided to all team members, including any newly added professionals such as the FN**

## **PROFESSIONAL TEAM POST-BRIEF MEETING**

- **Include any additional team members agreed upon by parties during first joint meeting**
- Meeting may be in person or by phone conference, Skype, etc. (20-30 minutes)
- Identify note taker for meeting
- Discussion between all team members as to:
  - Any issues of concern from first joint meeting
  - **Expectations for role and duties of professional team member**
  - **Preferred form of communications between various team members and parties individually or jointly**
  - Other issues as needed
- **Establish any deadlines by which information, documentation, notes, etc., will be shared with other professional team members prior to next joint meeting with parties**
- **Establish which meetings FN &/or MHP will participate in & be sure to provide them with reasonable advance notice of any changes in meeting dates, agendas, etc.**
- **Meeting notes to be promptly provided to all professional team members**

## **PROFESSIONAL MEETINGS WITH PARTIES INDIVIDUALLY AS NEEDED**

- **FN Meeting(s) with Parties**
  - **Meet individually or jointly – per professional team agreed upon preference**
  - **Review & execute financial pro's fee agreement**
  - **Prepare / fine tune each party's individual budget**
    - **Discussion regarding income & expenses**
    - **Attorneys should notify FN of each party's level of assistance needed in preparing his or her individual budget**
  - **Gather information / documentation in relation to assets & liabilities**
  - **Assess potential need for appraisals and/or other valuations, vocational rehabilitation expert, etc.**
  - **Discuss concepts such as "Loss Aversion"**
  - **Communicate with other team members if needed**
- **Attorney Meeting(s) with Client**
  - Obtain feedback regarding joint meeting
  - Collaborate on gathering and/or providing of information and documentation
  - Discuss current issues of concern
  - Assist in providing info & documentation to FN
  - Communicate with other team members if needed
  - Clarify client's preferences for next meeting agenda
- **MHP Meeting(s) with Parties**
  - Meet with party/parties/child(ren) as agreed upon by collaborative team
  - Review & execute MHP's fee agreement
  - Work with parties as needed

## PROFESSIONAL TEAM PRE-BRIEF MEETING

- **Attorneys, FN and MHPs (as applicable) reconvene to prepare for second joint meeting with parties (20-30 minutes)**
- Identify note taker for meeting
- If not already done, exchange new information and/or documentation per prior Professional Team Post-Brief Meeting
- **Confirm which professionals will attend second joint meeting and for what purpose**
- Identify how each professional will participate in joint meeting:
  - Is there a reason for a particular professional to run the meeting? For example:
    - MHP – child custody issues
    - **FN – financial issues**
    - Attorneys – legal issues
- Verify details in relation to agenda items (with specific direction from parties) and designate team member responsible for preparing & distributing agenda and other documentation, if applicable, prior to joint meeting
- Designate team member who will serve as note taker for joint meeting
- **Meeting notes to be promptly provided to all professional team members**

## **SECOND JOINT MEETING: PARTIES & PROFESSIONAL TEAM MEMBERS**

- Team meeting with parties and agreed upon professionals present (1.5 to 3.0 hours)
- Brief recap of work done since last joint meeting
- Summarize issues being addressed during this meeting per agenda chosen by the parties; examples:
  - Child(ren)'s Issues:
    - Telling the children about the divorce
    - Legal Custody
    - Physical Custody/Care
    - Child Support
    - Medical Support
    - Post Secondary Education
  - **Division of Assets & Liabilities**
  - **Determination of Alimony/Spousal Support**
- Prepare & sign (parties & attorneys) memorandum of agreement with respect to any agreements made by the parties during the meeting
- Identify next steps in the process & discuss agenda for next meeting
  - Set next meeting date(s), time & location
  - Identify any tasks (such as documentation gathering or preparation) to be completed by each team member & set deadlines for task completion
- **Meeting notes to be promptly provided to all team members, including FN &/or MHP if relevant to their roles**



## PROFESSIONAL TEAM POST-BRIEF MEETING

- Meeting may be in person or by phone conference, Skype, etc. (20-30 minutes)
- Identify note taker for meeting
- Discussion between all team members as to:
  - Any new issues of concern from second joint meeting
  - Other issues as needed
- **Establish any deadlines by which additional information, documentation, notes, etc., will be shared with other professional team members prior to next joint meeting with parties**
- **Meeting notes to be promptly provided to all professional team members**

## **ADDITIONAL MEETINGS AS NEEDED TO CASE COMPLETION**

- Repeat the process as needed until all issues have been resolved between the parties:
  1. Pre-Brief Meeting
  2. Joint Meeting
  3. Post-Brief Meeting
  
- Upon full resolution of all issues, identify legal and/or other documentation to be prepared and designate professional(s) responsible for such preparation.
  - Attorneys should try to utilize a balanced approach to case workload if possible.
  - **Attorneys should notify FN if documentation such as budget information is needed for filing.**
  
- Schedule date, time and location for final meeting, at which time the parties will:
  - Execute all necessary legal documents
  - Debrief regarding final agreement & collaborative process
  - Ask any additional questions if needed
  
- Attorneys should designate which of them will be responsible for filing documents, handling payment of court costs, etc.
  
- **Copies of final case documents should be provided to parties & all members of collaborative team.**

## **SUMMARY OF PROTOCOLS FOR WORKING WITH FINANCIAL NEUTRAL IN COLLABORATIVE DIVORCE**

- Attorneys should promptly notify the FN of the parties' desire to have the FN join the collaborative team in a particular case.
- Letter of Engagement
- **Regular, continuing communications must be had between the attorneys & the FN with respect to FN's case involvement:**
  - Agree upon manner in which FN costs will be handled with parties
  - Calendar meeting dates, times & locations
  - Identify meetings FN is expected to attend
  - Specify nature & scope of work expected of FN
  - Establish preferred method of communications between parties & FN
    - Direct contact, through lawyer(s), other
    - In person, by phone, email, Skype, other
    - Only during joint meetings, outside joint meetings, individually, together, etc.
  - Determine whether one or both of the parties will need significant assistance from FN in preparing an individual budget
  - Set deadlines as to when information, reports &/or analysis are needed from FN
  - Exchange relevant information needed for preparing financial documentation needed for filing such as budgets for financial affidavit, division of assets, etc.
- Meeting notes from all meetings with any relevance to the parties' financial issues should always be promptly shared with the FN.