Linda L. Piff, Esq.

NO COURT DIVORCE

A Better Way To Divorce

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INTRODUCTION

A Family Was Literally Ripped Apart

My story begins in 2004. It was then that I became painfully aware of the permanent destruction that can be done when the adversarial divorce process rips families apart and when divorce becomes a declaration of war and the children collateral damage.

I was representing a wife in a traditional court divorce case. It began as a fairly typical divorce, but the usual issues quickly escalated into a nasty battle pitting lawyer against lawyer and husband against wife. Legal costs went through the roof, the children became pawns and the ongoing conflict aggravated painful emotions like salt in a wound.

By the time the case was finally set for trial, one of the children was living with his mother and the other son was living with his dad. At the beginning of the trial the husband and wife were no longer speaking to each other. By the time it was over neither child spoke to the parent he was not living with and worse yet, the brothers were no longer speaking to each other. One son even refused to invite his brother or mother to his wedding.

It was never my intention to tear families apart during the course of their divorce.

But what inevitably became a declaration of war at the outset of litigation resulted in the children becoming victims of that war.

I wondered how I could live with the career I had chosen. The truth was I couldn't! Not like this. I decided right then and there that I was either going to close the doors of my law practice forever and go into landscaping (I didn't have any experience in landscaping, but I love working outdoors) or I was going to change the way people divorced in New Jersey. I chose the latter.

A Better Way To Divorce In New Jersey Is Born

My colleague and I talked at length about the tragedy that we had just witnessed in terms of the family unit. We agreed to find a way that attorneys could collaborate on divorce and bring in mental health professionals and financial professionals to help the parties as part of the divorce process. We did a Google search on "collaborate on divorce" and found that our thought process was not unique. Stuart G. Webb had developed an out of court process called Collaborative Divorce in 1990 in Minnesota. We both agreed that we would try to bring this process to New Jersey to help save families.

We started out with a small group of 10 like-minded professionals in an Ocean County conference room in July 2004. We decided to ask our Supreme Court for permission to practice this type of divorce in New Jersey. New Jersey Ethics Opinion 699 granted New Jersey attorneys permission to practice collaborative law on December 5, 2005. By that time our group had grown to 28 people.

We then decided to begin training other attorneys, mental health professionals and financial professionals throughout the state. To date over 1000 professionals have been trained. There is now a statewide organization, and nine practice groups throughout most counties in the state.

The state Council, which I chaired, worked closely with the Law Revision Commission starting in 2011 and thereafter the State Council hired a lobbyist. After meeting with Senators and Assemblyman throughout the State over the course of two years and testifying before the Senate Judiciary Committee, Senate Budget Committee and the Assembly Judiciary Committee, the New Jersey Family Collaborative Law Act passed all Committees unanimously as well as unanimously passing on the floor of the Senate and the Assembly.

It is very rewarding to think that an idea birthed out of the terrible results from a trial in 2004 now allows families the option to divorce with dignity and can help parents learn to effectively co-parent their children.

Collaborative Law is a powerful idea whose time has come, and the proof is in the rapid growth of the practice throughout the state.

I No Longer Worry About The Effect Divorce Will Have On Families

I no longer worry about the effects of litigating a case on my client and his or her children.

I no longer worry about what a court might order my client to do which may very well be contrary to what the parties want.

I enjoy coming to work each day. I feel I have left a legacy that will live on beyond my years. I am optimistic that the next generation of children will live in a family unit that will help foster their growth and not be disruptive and emotionally damaging.

Is No Court Divorce Right for You?

After helping thousands of people just like you end their marriages, I know that you have many questions.

- You don't know how you will support yourself financially after the divorce.
- You are worried about the children.
- You aren't even sure if a no court divorce would work for you.
- What if your spouse won't agree to a no court divorce?

You don't have to wrestle with these questions alone. I can help. The hurt and pain you feel due to the circumstances that brought you here are enough to deal with. Read through this book. I can help you with the details of a possible divorce so that you can focus on healing and new beginnings.

Linda L. Piff, Esq.

CHAPTER 1

Why Choose A No Court Divorce?

"The only thing more unthinkable than leaving was staying; the only thing more impossible than staying was leaving. I didn't want to destroy anything or anybody. I just wanted to slip quietly out the back door, without causing any fuss or consequences."[1]

Elizabeth Gilbert, Eat, Pray, Love

Even when it is clear that divorce is the only option, the prospect of an impending drawn out legal battle over the most sensitive and personal details of your life can be overwhelming. For some it can even be debilitating. You have probably heard horror stories of what can happen when the court system pits lawyer against lawyer and husband against wife. What was already a bad situation is made worse as fear and anger create a "win at all costs" conflict that exacerbates painful emotions of sadness, loss and feelings of betrayal. Legal costs soar, confidential financial and personal information becomes a matter of public record and ultimately it is the children who suffer. The collateral damage done can last a lifetime.

Many experts believe that the turmoil of the adversarial divorce process itself, and how the parents act toward one another during the divorce, does far greater damage than the actual dissolution of the marriage. It is the way you divorce, not the fact that you divorce that can harm the children. Unfortunately, divorce can be such an emotional experience that it can be easy to overlook what the children are going through. Yet, the permanent scars being seared into the lives of children can create a lifetime of bitterness and guilt.

Divorce is considered to be one of the most stressful events that most people will ever experience. In fact, according to the Holmes-Rahe Stress Inventory[2], divorce ranks only second to the death of a spouse as one of life's most stressful events. In her 1969 book, On Death and Dying, Elisabeth Kubler-Ross proposed that there are five stages of grief associated with a major life event such as death or divorce. These include: Denial and Isolation, Anger, Bargaining, Depression and Acceptance.[3]

It is not surprising that people can experience a wide range of emotions associated with the divorce process that can inflame an already difficult situation. This emotional roller-coaster can impact good judgment and influence the ability to think rationally.

But it doesn't have to be that way.

Divorce doesn't have to be the final climatic win-at-all-costs fight we have come to expect. It doesn't have to create lasting emotional scars that destroy relationships with shared friends and family.

The truth is most couples don't want it to end that way. They just want it to end.

Many couples want to avoid court and a long drawn out legal process that drains the life out of them and their bank accounts. They do not want to live life in limbo while their case lingers in court for a year or more. They want to protect the interests of all family members and maintain privacy over the divorce process and their assets, but most of all, the majority of couples want to make protecting their children a priority.

Divorce without court is transforming how couples end their marriages. No court alternatives are becoming an increasingly popular mainstream alternative and rapidly causing a paradigm shift in cultural expectations regarding divorce. The most effective types of no court divorce are collaborative divorce and mediation.

Divorce Without Court

In No Court Divorce, the parties agree from the outset not to litigate their case. They agree to focus on solutions that will govern the rest of their lives and that of their children. The emphasis is on reaching a mutually acceptable agreement instead of focusing on what each party is entitled to or who is at fault.

The only time the parties go to court is once their case is settled. Once settled, a Complaint for Divorce is filed and the case is put on an expedited track. The case is concluded usually within forty-five (45) days with a fifteen (15) minute court appearance by one (1) party required to appear in some New Jersey counties. In other counties in New Jersey there is no need for either party to appear.

The purpose of this book is to give you an overview of No Court Divorce. You will have a general understanding of what No Court Divorce is, how to decide if it is the right option for you, and where to go from here.

CHAPTER 2

Is A No Court Divorce Suitable For Everyone?

Based on my experiences with helping hundreds of clients end their marriages over the years, a No Court Divorce tends to be the best option for the majority of couples. A no court divorce is usually the most effective approach for reaching a resolution of the issues while avoiding the hostility and costs of traditional divorce litigation. Of course, every situation is different, and there are many factors to consider in determining whether a no court model will work for you.

First, when considering a process for your divorce, think with the end in mind. Take a moment to step away from the chaos, the hurt, the sadness, and the disappointment and imagine your life after divorce.[1] As you do so, consider these questions:

- Where do you want to end up after the dust settles?
- What do you want your life to look like?
- What will really be important to you when the hurt heals, and you can more clearly see the big picture?

Answering these types of questions is important because the final outcome of your divorce can have a far reaching and long-lasting impact on the rest of your life. In reality, the issues related to divorce rarely end with the final settlement agreement.

Regardless of whether you go the traditional route, or you divorce without court, there will still be disagreements in the future. Problems are going to arise. The difference between court and no court divorces will be in how the issues are resolved. The litigated divorce process creates an expectation of ongoing litigious conflict. The No Court Divorce develops and preserves a respectful and cooperative relationship that focuses on finding creative solutions that allow everyone to win.

Even though the conduct of the other party impacts the results, how you conduct yourself during the divorce process itself can profoundly influence many areas of your life, from relationships with friends and family to finances and to the overall health and wellbeing of you and your children.

When the anger subsides, and the hurt begins to heal, will the potential fallout from the fight have been worth it?

The issues are worth some serious reflection. This is the beginning of the rest of your life. It is a new beginning. A fresh start and the direction of your new life starts now.

No court divorce may be an option for you if you…

- Want to avoid court involvement
- Consider the children to be a priority
- Have an interest in considering the best interests of all family members
- Want to maintain control over the divorce process
- Seek privacy over the divorce process, your assets, liabilities, and other confidential information.

If the above statements resonate with the goals you have established for your own divorce, then a no court divorce may be right for you. The question then becomes will you and your spouse be successful divorcing without court.

Below are indicators which can accurately gauge the likelihood of a successful no court divorce. The more of these indicators that are true for you, the better chance you will have at resolving your issues and ending your marriage without court involvement.

1. You want to protect your children from the harm often associated with traditional litigation.

The children are the innocent victims of divorce. The impact of traditional divorce on children can be significant. The conflict of an adversarial divorce often leads to strained relationships with one or both parents. Children are used as leverage in legal conflicts and can end up feeling bitter and alone. Divorce increases the risk of behavioral and psychological problems. The uncertainty, stress, and conflict associated with the parents' divorce proceedings can be a major risk factor for healthy childhood development. The hurt and painful memories can last a lifetime.[2] The very nature of the no court divorce options minimizes children's exposure to conflict and makes it a priority to protect their feelings and interests.

2. You and your partner desire to co-parent your children together.

Much of the stress that children experience during divorce can result from conflicts over parenting time. According to Dr. William Frankenstein, a licensed psychologist and experienced collaborative divorce professional, an adversarial divorce may result in a parent compensating for a sense of loss by trying to get the most time he/she can spend with the children.[3]

While he/she may justify this by citing that the efforts are in the "best interests of the children," the end result is often more conflict and blame. Dr. Frankenstein writes, "A reasonable first collaborative question a parent should ask of themselves and each other is, "How would we be handling a child related issue if we were happily married and together?"

The other issue that is made easier with co-parenting is that it makes adapting to changes as children grow a cooperative endeavor. Circumstances change, and it is highly unlikely that a parenting plan developed and ordered by the court will be feasible forever. This is one of those issues that can send parents right back to court if they have not been trained in resolving their issues in a respectful and cooperative manner through communication.

3. You desire a respectful and civilized resolution of the issues.

Due to the very framework of the court system, coupled with the emotional nature of the issues, traditional divorce litigation can quickly escalate into an all-out no-holds-barred war that is anything but respectful and civilized. The court system was never really designed for the real life needs of divorce. A person in a black robe doesn't know you and your children and is not in a better position than you to know what is best for your children.

Instead of focusing on how to achieve a feasible separation of property, assets, and parenting responsibilities that allows all parties to thrive, the very nature of litigation encourages each party to assign blame and find fault in the other party. For one party to be satisfied, he or she must prove that the other party should not be satisfied; the focus is on the past instead of how both parties can have a fresh start at a new life. No one wins in this scenario.

No court alternatives, on the other hand, begin with the expectation of resolving all matters out of court. They encourage and foster an environment of mutual respect and dignity.

4. You and your partner have friends and extended family in common, and you want to maintain and protect those relationships.

Over the life of a marriage, most couples develop a shared circle of friends. They also create deep and meaningful relationships with extended family on both sides of the marriage. Litigious divorce can tend to isolate those relationships by forcing people to choose sides.

Ask yourself: What is the value of those relationships? Would the potential loss of those relationships be worth the cost of winning the battle over issues that may seem important now but will likely be inconsequential 10 years from now?

5. You place a great deal of importance on taking personal responsibility and handling conflicts with integrity.

At this point, how you got here is of little importance. While traditional divorce focuses on the past and who is to blame, no court divorce commits from the start to finding mutually beneficial solutions in a respectful, cooperative and controlled environment. There isn't any value in finding fault.

The outcome of the process is in your control. At the same time, you are not alone. Your lawyer will create a controlled environment and help to guide you through negotiations. In a traditional divorce, the judge divides property and establishes custodial provisions using standards that may not meet the particular needs of your family. Those who are successful divorcing out of court prefer to work out more creative property and custodial agreements. No Court Divorce provides this freedom and flexibility.

6. You want to maintain your privacy and don't want the details of your life available in the public record.

Did you know that your divorce within the court system will become a public record? All of the embarrassing details, accusations, and financial information will be put into public record and are available to the public. No one wants their dirty laundry aired to the world.

By conducting negotiations out of the court system, you can avoid the loss of your privacy. Only the final divorce settlement agreement will go into the court record. The process and decisions reached leading up to the final settlement will remain confidential.

7. A No Court Divorce saves time and money.

One of the reasons people may choose a non-adversarial approach to divorce is to avoid the expense of traditional litigation. Studies have demonstrated that a no court divorce will typically be substantially less expensive than a litigated divorce.

CHAPTER 3

Three Types of Divorce Processes That Avoid Litigation

Every marriage is different, and every divorce is unique as well. There are three different "no court" options available to end your marriage.

All of these no court alternative dispute resolution strategies can allow you to divorce quickly, at a reduced cost and without the negative consequences often associated with traditional divorce litigation.

The type of no court divorce most suited for you and your spouse will depend on your individual circumstances.

1. Collaborative Divorce

A Collaborative Divorce refers to a process where each of the parties are represented by collaboratively trained attorneys. Rather than allowing a Judge to take control of your divorce and your future, you agree from the outset to focus on coming up with solutions that will govern the rest of your lives and that of your children. A sample initial letter that starts the collaborative process and sets the tone for your divorce appears in Appendix A.

The parties decide upon the custodial arrangements and access schedule for the children, often with the help of a divorce coach who is a licensed therapist. Divorce coaches may be called upon to help the couple deal with emotions that keep them from focusing on financial issues or leave them unprepared to make decisions. Coaches also help the couple in communicating about the interests of their children and developing parenting plans, where they are unable to do so on their own.

After the case is resolved and the parties are divorced, the parties can return to the divorce coach to modify the parental schedule as their children's developmental needs change.

The parties, assisted by their attorneys, also work on solutions for dividing up their assets, paying debts, and also determining how much alimony and child support is to be paid.

If there is a need for financial assistance, the parties may agree to hire an accountant or a certified financial planner. The accountant may value the business owned by one (1) or both of the parties or determine the income the business generates. A financial professional may work with one (1) or both of the parties to establish the division of assets or a spending plan for the future after the divorce to ensure they are financially secure after divorce. Appendix B outlines the Roles of Collaborative Professionals.

In a Collaborative Divorce the parties save money by agreeing from the onset not to litigate. This allows the parties to avoid the time spent at the Court House and at the same time the parties can focus on the needs of their children while preparing for new lives.

The contract that the attorneys and the parties sign not to litigate in New Jersey requires the attorneys to withdraw if the case must be litigated.

The agreement to withdraw is what makes the collaborative process work. Why? The agreement keeps you negotiating in good faith. It also avoids the tendency toward threatening litigation at every stage of the case by attorneys who are not trained in the collaborative process and are not trained to work in the client-centered settlement context.

A sample four-way agenda appears in the Appendix C and sets the stage for an effective and productive meeting.

For clients, the collaborative process offers a number of benefits.

Their children are always treated as a priority, and everyone on the team works to maintain and support the couple's ability to co-parent their children.

The couple also keeps control over the timing of the process, unlike litigated cases where the court dictates the time frame.

The process is confidential, so sensitive financial and personal information doesn't become a public record.

Keeping the process outside of court until an agreement is reached eliminates hours spent in court for court-required events, saving legal costs and the client's time.

Appendix D demonstrates the differences and benefits of the collaborative process compared to a litigated divorce.

Once an agreement is reached in the collaborative process, the parties go to court for a court appearance that is normally concluded in less than fifteen (15) minutes and usually occurs within forty-five (45) days of the Agreement being signed. In New Jersey the average time for a Collaborative Divorce is six (6) months from the time the parties begin the collaborative process to the time they are divorced. On the other hand, the average time to conclude a litigated divorce is greater than one (1) year and in some counties in New Jersey, it is significantly longer than a year.

2. Mediation

In mediation, the mediator meets with both spouses together, normally without attorneys, to:

- Help identify issues you need to resolve
- Gather and share the information the parties will need to make decisions
- Help the parties communicate about how to resolve the issues

Once an agreement is reached, the Mediator prepares a Memorandum of Understanding (which is a non-binding summary of the areas the parties have reached an agreement). The spouses are not required but may bring the agreement to their attorneys for review. The attorneys may modify the Memorandum if mutually acceptable to the parties. Once agreed upon, the agreement is signed by both spouses and becomes a binding contract between them and ultimately part of their judgment of divorce judgment.

The mediation process can be much faster than a traditional divorce, typically ending in 3-5 sessions of no more than two (2) hours each. The cost can be reduced by the parties paying one (1) person, the mediator, during the course of the negotiations rather than each party paying an attorney by their side during the divorce process.

Each party will be advised to consult with their own attorney during the mediation process, so that they can meet with and be educated and assisted with making decisions about their rights during the course of mediation.

The parties have complete control over the manner and timetable in which the agreement is reached. The negotiations occur prior to the filing of any pleadings with the court, allowing the parties to focus on the issues. Mediation is a No Court Divorce process and thus resolves the issues outside the adversarial proceeding and many find the process allows the parties to maintain a healthier relationship after divorce.

Mediation is not the best alternative if there is an imbalance of power, if one party is unaware of the finances of the marriage, is concerned that the other party will not fully disclose all information, or if one party is afraid to speak up or is intimidated by the other party. A collaborative divorce is the better option if these circumstances exist.

Details about the timeline for a mediated process appears in Appendix E.

Kitchen Table Divorce

A kitchen table divorce refers to the parties sitting down and working out all of the support and equitable distribution issues between themselves. A divorce attorney can only represent one party, therefore either spouse will need to hire an attorney to prepare a document called a Matrimonial Settlement Agreement, which sets forth all of the terms of the settlement. The other party then reviews the document, often with the assistance of their own attorney. Once the Agreement is finalized, one party files for divorce.

A kitchen table divorce is a simple, private and inexpensive option for ending a marriage quickly. If both parties are able to amicably discuss sensitive issues face-to-face this may be an approach that will work for them. Typically, kitchen table divorce is most effective when there are not any complex issues and children are not involved.

It is important that each party have access to an experienced divorce attorney they can turn to for advice and counseling and who can ensure that all of their interests are protected if they decide to go forward with a kitchen table divorce.

Determining Which Approach is Right For You

Most likely you didn't rush into your marriage without carefully considering the facts. You shouldn't make hasty decisions about your divorce either. The approach to divorce that worked for your friend or co-worker may not be the best solution for you. Consider your circumstances and options carefully. The rest of your life could be impacted by the outcome of your divorce process.

CHAPTER 4

Eight Tips To Help You Save Time And Money

Listed below are eight tips that will help you save both time and money with a No Court Divorce.

1) Hire a trained mediator or collaborative attorney. An experienced professional will be able to assist you in coming to a resolution in a more efficient fashion because the professional has experienced similar issues with divorcing couples in the past. Unfortunately, old habits die hard. A lawyer who primarily handles traditional divorce litigation may have a natural tendency to revert to an adversarial approach if collaboration starts to break down. Professionals experienced in No Court Divorce methods of alternative dispute resolution will be committed and trained to achieve an agreement in the best interests of all parties.

2) Educate yourself about the divorce process you have chosen through internet searches, You-Tube videos and your local library or bookstore. There is a wealth of information available to you. Understanding the process will help you move as quickly as possible through it. This equates to less legal expenses for you. Appendix F contains helpful hints to consider before going to an attorney.

3) Come prepared for each meeting. Do your homework and bring to each session the documents and other information requested by the mediator or requested during a meeting by your collaborative attorneys.

4) Develop a support system to guide you through the difficult emotional periods of the divorce. The support system can be a therapist, a close friend or family member, a support group you join or a combination of any of the above.

5) Write down your questions for your mediator or attorney ahead of the meeting.

6) Be on time for the meeting and stick to the topic at hand. Divorce is an emotional process and discussions can easily get off on tangents. However, getting off topic can cost you money. This is another reason a professional experienced in No Court Divorce is so important. Your attorney or mediator will be trained in strategies that foster respectful and open communication focusing on problem solving and resolution of the issues.

7) If you have a simple question, call and ask the staff rather than speaking with the mediator or attorney. Often you are not charged with telephone calls with the professional staff.

8) Start focusing on your future and set goals for yourself. This will help you move in the right direction and not get stuck in the past. This is why a No Court Divorce can be so effective in saving time, money and heartbreak. Collaborative divorce and mediation focus on the future and what is best for everyone. Traditional litigation focuses on the past and what went wrong.

By avoiding litigation with a No Court Divorce, you will not only save time and money but more importantly, you will preserve family relationships. In both mediation and collaborative divorce, the children are treated as a priority and all professionals involved work to maintain and support the couple's ability to co-parent the children after divorce. That is priceless.

Conclusion

Divorce is never easy. It may be one of the most painful and emotional experiences you will ever go through. No Court Divorce won't be easy either, but it does provide a better way to put your marriage behind you and move forward with your life.

The three types of No Court Divorce are very important alternatives to a litigated divorce. The processes are less expensive, not as emotionally challenging and also much quicker than a traditional court divorce. Children are at the forefront and because the parties work to achieve consensus on all issues, the devastation experienced in the court house setting is avoided.

A family law attorney experienced in collaborative divorce and mediation can help you decide which option is best for you.

My hope is that this book will help educate you and allow you to move forward with your life in an amicable fashion through a "No Court Divorce."

Appendices

APPENDIX A

Initial Letter To Spouse

Dear :

Please be advised that your spouse has retained me to assist her/him in obtaining a marital dissolution. I am most hopeful that we will be able to engage in a series of 4-way meetings attended by you and your spouse, your lawyer and myself. At these 4-way meetings, we would explore potential settlement options collaboratively to individualize a resolution to the dissolution of your marriage.

Enclosed is a brochure listing the names, addresses, and telephone numbers of family lawyers in the area who would be willing to represent you and work toward an amicable settlement, rather than proceed immediately to litigation and the filing of a Complaint for Divorce. Please note that the attorneys listed therein do not work for each other and are not, in any manner, affiliated with each other. They are simply experienced matrimonial lawyers who are committed to the process of resolving their clients' cases through amicable solutions and settlement negotiations, as opposed to litigation.

Divorce is rarely easy. However, I believe that each spouse should be given the opportunity to play a major role in the creation, design, and implementation of a quality resolution to their marital disputes in an emotionally safe process.

In the traditional Court process, both parties and their counsel seek to persuade a judge to rule at the expense of the other side. Since the Judge who will ultimately impose solutions upon both parties knows very little about your case, the outcome is almost never better than a solution designed by the parties themselves. Knowing beforehand where the traditional system will lead, and what the emotional and financial toll can be, many couples choose to come to a resolution themselves that will be best for all parties concerned.

In closing, I sincerely hope that you will both elect to resolve your differences amicably. Please provide the within letter to the attorney of your choice and ask her or him to contact me within ten (10) days to discuss how to proceed going forward.

Thank you very much.

Sincerely yours,

LINDA L. PIFF

APPENDIX B

Roles Of Collaborative Professionals

Collaborative Divorce Attorneys

- Assists clients in gathering and analyzing information
- Helps clients evaluate settlement options in the context of established legal precedents
- Sets the framework for negotiation
- Prepares the required legal documentation of the agreement and obtains a Judgment
- Helps clients develop post-divorce agreements as needed

Collaborative Financial Specialist

- Gathers financial data
- Prepares client's statements of net worth
- Prepares cash flow analysis and provides business evaluation, if needed
- Develops different financial scenarios for clients to evaluate considering the assets of martial estate and income of parties
- Provides financial guidance, planning, support and budgeting
- Explains the tax consequences of alternate solutions

Collaborative Coaches

- Help clients clarify their concerns
- Help clients manage their emotions
- Help clients develop and reinforce effective communication skills
- Help clients develop effective co-parenting skills
- Help clients develop a workable co-parenting plan that addresses the needs and interests of parents and children

Collaborative Child Specialist

- Listens to each child and brings the voice of each child to the Collaborative Practice
- Provides guidance to the parents about talking to the children about divorce and the Collaborative Process
- Provides recommendations to the team and parents to assist in developing an effective co-parenting plan

APPENDIX C

FIRST FOUR-WAY AGENDA:
MEETING DATE:

Attorney for
Attorney for

Introduction
- a. Identify amount of time available
- b. Determine note taking responsibility

2. Review and sign Participation Agreement

3. Review of Ground Rules

4. Identification of Goals/Interests
   - a. Write up goals for each client
   - b. Write up shared goals

5. Review Resolution Method Used in the Collaborative Process
   - a. Understanding interests and goals
   - b. Gathering Information
   - c. Developing Options
   - d. Evaluating Options
   - e. Negotiating settlement acceptable to the parties

6. Identification of Asset Information
   - a. What is gathered so far?
   - b. What is needed?

7. Identify any temporary issues

8. Resolve temporary issues, if necessary

9. Identify need for other team members
   - a. Financial neutral
   - b. Coaches
   - c. Child Specialist

10. Identify next steps in process for resolving long term issues

11. Determine next two meetings
    - a. Set date, time and place
    - b. Identify homework
      - i. Who will do each task?
      - ii. When will it be completed?

APPENDIX D

LITIGATION	COLLABORATIVE
• A "WIN AT ALL COST" SYSTEM PITS LAWYER AGAINST LAWYER, HUSBAND AGAINST WIFE.	• HUSBANDS AND WIVES, ASSISTED BY TRAINED ATTORNEYS, REACH A SETTLEMENT WITH MINIMAL ANTAGONISM.
• CONTINUING CONFLICT AGGRAVATES EXISTING PAINFUL EMOTIONS.	• A STRUCTERED AND CONTROLLED SETTING ENCOURAGES TRUST AND OBJECTIVITY IN THE NEGOTIATIONS.
• LEGAL COSTS SOAR.	• LEGAL COSTS CAN BE CONTAINED.
• AS THE CONFLICT ESCALATES, CHILDREN SUFFER.	• PARTIES CAN PROTECT CHILDREN'S FEELINGS AND INTERESTS.
• CONFIDENTIAL FINANCIAL AND PERSONAL MATTERS BECOME PUBLIC RECORD AND OPEN TO SCRUTINY.	• SINCE THERE ARE NO PUBLIC HEARINGS, CONFIDENTIALITY IS MORE EASILY MAINTAINED.
• A JUDGE DIVIDES PROPERTY AND ESTABLISHES CUSTODIAL PROVISIONS USING STANDARDS THAT MAY NOT MEET FAMILIES' PARTICULAR NEEDS.	• ATTORNEYS AND SPOUSES CAN CRAFT MORE CREATIVE PROPERTY AGREEMENTS AND CUSTODIAL ARRANGEMENTS.
• NEGOTIATIONS ALL TOO OFTEN TAKE PLACE IN CROWDED COURT HOUSES UNDER INTENSE PRESSURE.	• NEGOTIATIONS OCCUR IN A NEUTRAL ENVIRONMENT AND ON A TIMETABLE AGREED UPON BY THE PARTIES.
• PROCEEDINGS MAY BE PROLONGED.	• AGREEMENTS CAN BE REACHED MORE EFFICIENTLY.
• MOST OF THE CASES SETTLE, BUT ONLY AFTER DAMAGE HAS BEEN DONE AND SUBSTANTIAL COSTS HAVE BEEN INCURRED.	• PARTIES AGREE TO SETTLE AT THE OUTSET, IN A PROCESS CONDUCIVE TO HELPING THEM HEAL AND MOVE FORWARD.

APPENDIX E

Mediation Process

How Process Begins	Process very often begins before pleadings are filed with the court; pleadings are filed only after settlement is reached.
Timetable	Timing of the process is controlled by the parties.
Involvement of Lawyers	Spouses may or may not be represented during the mediation process;
Communication	Both spouses meet with one mediator to negotiate settlement; attorneys need not be present during mediation.
Discovery	“Discovery” is informal and conducted in the process of mediation.
Privacy	The negotiations details are kept private.

APPENDIX F

Three Important Things To Do Before Filing For Divorce

1. Educate yourself about different divorce options and how suitable they are for you.

   Have you and your spouse discussed and agreed upon which divorce process you will utilize for your divorce?

2. Educate yourself about your future and take time to consider your own future goals. Become familiar with your finances. Learn about how to help your children during and after the divorce process. I have introduced a reading list to my website. Take time to consider your goals for your own future, you may not be able to arrive at your destination.

3. Search the internet for matrimonial attorneys in your area. Read through their websites. Interview several attorneys. Make a list of questions to ask the attorney and jot down their answers so you can review answers at your leisure. Ask friends if they have any recommendations. Ask your therapist or financial advisor for suggestions.

MOST IMPORTANTLY, TAKE CARE OF YOURSELF DURING THIS EMOTIONAL AND STRESSFUL TIME.

About The Author

After a devastating matrimonial trial in 2004 when a family unit was completely destroyed, Linda began the journey of bringing a new type of No Court Divorce to New Jersey. A No Court Divorce that would help preserve the family unit while at the same time allow her clients to move forward with their lives. Linda's goal is to have her clients exit the divorce process with the legal, personal, emotional and financial resources of the entire family in line with the goals of the divorcing couple. By doing so, her clients are poised for future growth and security in these areas. Linda's job is to educate clients about the process and help relieve uncertainty about the future.

Linda Piff has committed her practice to the Collaborative Law and Mediation processes. Linda Piff pioneered bringing collaborative divorce law to New Jersey in 2004. Collaborative Law is now widely recognized in New Jersey and was enacted as a Statute on December 10, 2014. Linda is also a Court Appointed Economic Mediator and a trained Mediator. Linda is the past Chair of the New Jersey Council of Collaborative Practice Groups, Founder and Past President of Jersey Shore Collaborative Practice Group and Collaborative Divorce Professionals of New Jersey. Linda owns a training firm that has trained other collaborative professionals and has lectured frequently throughout New Jersey and the Tri-State area.

Linda is co-author of Inside the Minds: Developing A Collaborative Law Practice.

For more information about No Court Divorce or to schedule a consultation with Linda Piff, please call (732) 556-0240

Notes

Chapter 1

1. Elizabeth Gilbert, Eat, Pray, Love
2. Holmes- Rahe Stress Inventory, http://www.stress.org/holmes-rahe-stress-inventory/
3. http://psychcentral.com/lib/the-5-stages-of-loss-and-grief/000617

Chapter 2

1. The Collaborative Way To Divorce by Stuart G. Webb
2. http://emeryondivorce.com/how_divorce_affects_children.php
3. http://njcollaborativeprofessionals.com/blog/parenting-time-collaborative-divorce