Thank you for joining:

**Applying the Collaborative Approach, Both Professionally and Personally**

The webinar will begin shortly.

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Applying the Collaborative Approach, Both Professionally and Personally

Presented by: Regina A. DeMeo, LAW JD ‘98

June 26, 2012
12 pm – 1pm EDT
Applying the Collaborative Approach

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What is the Collaborative Approach?

- Method for resolving conflict based on agreement up front not to battle, rather to focus on finding a solution.

- 3 step process:
  - A. Identify issues to be addressed;
  - B. Gather relevant information through candid discussions;
  - C. Generate options & find solution that everyone can live with – a win-win situation.
Collaborative Movement

STU WEBB - MN ATTORNEY IN LATE ‘80S

CA GROUP IN EARLY 90S

1999- AM. INSTITUTE OF COLLABORTIVE PROFESSIONALS

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UCLA- UNIFORM COLLAB. LAW ACT
AREAS OF APPLICATION

IN THE LAW-
• FAMILY LAW CASES
• TRUST & ESTATES ISSUES
• MEDICAL MALPRACTICE

IN LIFE-
• WORK PLACE
• PERSONAL RELATIONSHIPS
• PARENTING
CORE PRINCIPLES OF COLLABORATIVE DIVORCE

• Participation Agreement- contract not to litigate, includes a cooling off period;

• Commitment to maintain the status quo;

• Use joint experts as team to address the legal, financial and emotional aspects of the divorce;

• Open exchange of information, including full financial disclosure;

• Focus on well being of entire family, not individual goals/interests.
Main Reasons for a Collaborative Divorce:

1. Interest in avoiding court for financial, health or emotional/personal reasons, incl. confidentiality issues;

2. Preservation of goodwill within the family;

3. Foster a good co-parenting relationship, including healthy mechanism for addressing future issues;

4. Set pace of the process & control outcome;

5. Reduce risk of costly litigation.
Points of Reference

The Law- attorneys should do joint discussion for parties to have as reference point

Sense of Fairness- each party should explain his/her thoughts

Familial relationships/historical framework

Cultural / religious norms
WHY CONFLICT?

- Conflict is a normal part of life— at work, home, any situation with other individuals. Why? We all have different goals, interests, desires, priorities.

- Good communication skills are rare— we can all express our positions, but it is not often that someone can be open about underlying concerns.

- The ability to resolve conflict is largely based on our backgrounds and education. Maladaptive behaviors are hard to break.
Dr. Gottman- 7 principles for making marriage work:
  o Avoiding the 4 dark horsemen

Dr. Chapman’s 5 Love Languages:
  o Touch
  o Quality time
  o Gifts
  o Acts of kindness
  o Words of affirmation

Mistakes Were Made, But Not by Me- E. Aronson & C. Tavris
Bill Eddy’s books and website- High Conflict Institute
AAML’s “Focusing on Forever.” www.aaml.org
The Litigator Model

- Win/Lose Mentality
- Survival of the fittest
- Deny any fault or wrongdoing
- Strategist/gamer mentality
- Focus on rules & facts, not feelings
- Control situations- limit communication
- Focus on individual interests
- High stakes/high stress
- Detachment skills are key
- Short term vision
The Paradigm Shift

Litigator:
- Gamer/warrior mentality
- Strategy
- Limit communication
- Focus on individual int.
- Win/Lose Mentality
- High stakes/high stress
- Detachment skills key
- Short term vision

Collaborator:
- No games
- Work as team
- Facilitate communication
- Focus on family/systems approach
- Win/Win Mentality
- Peacemaker skills key
- Attachment awareness
- Long-term vision
Applying the Collaborative Approach

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