

## Reconcilable differences -- Divorces can be handled amicably

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By Tom Weber

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Rochester attorney Terri Wintering has heard it over and over again from clients who come to her seeking legal help with their divorce.

"Most people come in here and say to me, 'I don't want to go to court. I don't want a big fight,'" Wintering said.

For the past couple of years, Wintering has been able to offer them an alternative: collaborative divorce, a steadily growing option intended to take the big fights -- and the courts -- out of divorce.

"It really has to be analyzed on a case-by-case basis," Wintering said, "but for most people, this is a good option."

Collaborative divorce, which is practiced by only about a dozen attorneys in the Rochester area, is based on a team, rather than adversarial, approach to splitting up. The spouses and their attorneys sit down at a table and attempt to reach a settlement that is acceptable to both parties.

"The goal is to get a reasoned decision," said Mary Dunlap, another Rochester attorney who uses the collaborative divorce process.

In most cases, despite the potential disputes and pitfalls, collaborative divorce takes less time, and costs less money, than a traditional litigated divorce proceeding.

"Most of them can be done in a short period of time," Dunlap said.

Wintering estimated most of her cases using the collaborative method have been settled in two or three months, compared with at least twice that long for traditional divorces.

But, given the nature of divorce, is it reasonable to expect a settlement to be reached through collaboration?

"There's a perception that there is a core group of people this wouldn't work for," Dunlap said. "I still think the majority of cases could go this way."

"Obviously, by its nature, you have to have people committed to working in good faith," Wintering said.

That, of course, is not always possible in a divorce. "Some people feel the need to have their day in court to justify their position," Dunlap said.

At the same time, the rules of the collaborative divorce process require the parties to get new attorneys and start all over again if, at some point, they decide to push away from the table and take their dispute to court instead.

"But of the 10 to 15 cases I've had, they've all been successfully resolved," Wintering said.

That rate of success is what makes Wintering and Dunlap confident collaborative divorce will eventually become a more widely used method of settling the breakup of a marriage.

"I think it's a matter of getting the word to more people," Dunlap said. "It's a matter of educating clients."

**Divorcing nicely**

To learn more about collaborative divorce, visit the Web site of the International Academy of Collaborative Professionals, [www.collaborativepractice.com](http://www.collaborativepractice.com).

Among books on the topic are:

- "Collaborative Divorce: The Revolutionary New Way to Restructure Your Family, Resolve Legal Issues and Move on With Your Life" by Pauline H. Tesler and Peggy Thompson (Regan Books).
- "The Collaborative Way to Divorce: The Revolutionary Method That Results in Less Stress, Lower Cost and Happier Kids -- Without Going to Court" by Ron Ousky and Stuart Webb (Hudson Street Press).