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Rick Lawless preferred the new process for one reason: "I didn't get shafted." That's sort of the point. A Central Kansas Collaborative Family Law Practice Group lawyer says, "It doesn't work if you are attacking your spouse, surprising your spouse, or trying to destroy your spouse."

NEW LAW GROUP MINIMIZES DIVORCE STRIFE

Divorce out of court

BY DEB GRUVER

The Wichita Eagle

Not too many years ago, the only metal detectors at the Sedgwick County Courthouse were on the fourth floor, where lawyers and judges hash out divorces and other domestic matters. Emotions run high when people are ending a marriage.

Tempers flare. People say mean things. Some just want to "get" their spouses.

That's why 21 area lawyers have formed the Central Kansas Collaborative Family Law Practice Group. It offers a new "style" of divorce in which the parties agree to meet to settle their differences rather than go through the court system. Lawyers still are involved, and the divorce still is filed in court, but there is no litigation.

So far, only seven couples have used the collaborative family law process in Sedgwick County, which had 2,762 of the state's 9,310 divorces in 2002, the last year for which statistics are available.

Rick Lawless had been married nine years when he and his then-wife decided to divorce last fall.

His ex-wife learned about collaborative family law from her lawyer, James Guy, and wanted to go that route. Lawless agreed to give it a try.

Both had been divorced before. Lawless said he liked the collaborative family law process much more than a traditional divorce for one simple reason: "I didn't get shafted."

"We were able to negotiate everything" out of court, he said, although there were some tense moments.

The couple separated Aug. 18. After six or seven meetings, his divorce was final Nov. 21.

Divorces made simple

The idea behind collaborative family law is to make divorce less messy, less volatile and less of a burden on the court system. Couples also potentially could save money on lawyer's fees - which can range from \$500 for uncontested dissolution to tens of thousands of dollars for each side for contested cases -- because there are no court appearances. Most of the time, the case is handled with just a few meetings at which both spouses' lawyers are present.

The trend toward collaborative family law divorces started in Minneapolis in 1990. A year ago, Washburn Law School and the Kansas Trial Lawyers Association offered training. Eleven lawyers from this area attended. Five were so impressed and excited that they came back and started the nonprofit practice group. Another 10 lawyers went through training in September. In addition to the Wichita practice, a group of lawyers in Kansas City now offers the service.

Agreeing to disagree

Couples who opt to go the collaborative law route sign a contract committing to resolve their divorce without court intervention. Then, they sit down together with their lawyers to work toward "a settlement that's beneficial to all," said Lynn Ward, president of the Wichita law group.

The meetings are designed to be low-conflict. For example, lawyers don't call each other "opponents." They call each other "counterparts."

"It will be a much less angry environment, I guarantee it," said Diane Sherwood, vice president of the central Kansas group. "You don't have to walk through a metal detector." Lawless said he would recommend the alternative over traditional litigation.

"You know what is expected, and you know the consequences," Lawless said. "It worked out pretty well," he said of his divorce. "It's something I can live with."

Ward hopes that one day all of her divorce cases will go the collaborative route. Litigating often escalates what already is an emotionally difficult time for people.

She pulls out a flier about the process. It shows a red-hot stove burner.

The caption says, "It's time we changed what divorce often feels like."

"People become polarized, and attorneys contribute to that," Ward said. "It becomes very adversarial often. This is much more of a problem-solving atmosphere."

Sherwood, a divorce lawyer since 1993, also prefers mediation.

The lawyers realize, however, that collaborative family law isn't for everyone.

"It doesn't work if you are attacking your spouse, surprising your spouse, or trying to destroy your spouse," Sherwood said.

If couples can't resolve an issue without going to court, they can withdraw from the collaborative law process. But they must hire new lawyers.

A graceful end

Sedgwick County District Judge Eric Yost hears divorce, paternity and custody issues as the presiding judge for domestic cases.

He said he fully supports collaborative law. In fact, he has agreed to waive filing fees for such cases, which automatically takes \$111 off the divorce bill.

"From my perspective, the court encourages any type of settlement. It's always best for the parties to work things out," Yost said. "It keeps people from rushing in here and starting a litigation war. It gives them an opportunity to get things done peacefully."

In addition to less emotional hardship, he said, such divorces should be less taxing financially. "The lawyers should be commended for doing things that in theory will reduce the amount of lawyers' fees," he said.

Shelly Bedker also would recommend the process. She started her divorce in February and expects to be finished in April.

"We wanted to avoid the drama," Bedker said. "That and it's cheaper, too."

Bedker has met twice with Sherwood and has had one meeting with her husband and his lawyer.

She and her husband have been married about 13 years. They have one child together. "This way we have less of a tendency to cause hard feelings, and you have more control over the situation," she said. "It's better for kids, too, I think."

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