

THE RIPPLE EFFECT – COLLABORATIVE V. COURT
BY: Margaret H. Oliver, Esquire, of Hodes, Pessin and Katz, P.A.

Families in crisis: separation, custody, support, division of assets, debt reallocation, divorce, caring for aging parents, fighting over inheritance.

When people fight the effects are far reaching. When families fight, it is like an object thrown into a pond. People bound by blood or vow are joined and supported by others along the way – circles of support. Each person has extended family, parents, siblings, grandparents, “in-laws,” and cousins. There are friends who have shared time with the couple, socialized or shared interests together. The couple may have been involved in a faith community. They may have joined or been active in groups that shared common goals or activities, clubs or civic groups. They may have worked in or been supportive of their children’s activities – scouting, soccer, horseback riding. They may have interaction with co-workers or job related activities with colleagues, interaction with school personnel, teachers, counselors, coaches and parents of their children’s friends.

The impact on all these relationships can be a gentle ripple or like a tsunami depending on how the family chooses to resolve the crisis.

Collaborative Law is a dispute resolution process that encourages open, transparent, mature and cooperative behaviors. The court process discourages openness, transparency and cooperation, and mature behaviors. Children often become pawns in the court process, and attorneys become warriors for their client’s cause. In Collaborative Law, the parties and their attorneys sign an agreement not to take the case to court. Neither party may use the attorneys or law firms involved in the collaborative process for court battles between the parties. Through four-way meetings, sharing information, and open discussion of needs, goals and concerns, the parties and attorneys can lessen the impact on the circles of support. The Collaborative Law process moves the couple or family toward a resolution with each ripple diminishing in strength lessening the impact on the support system for the family.

Contrary to Collaborative Law, the court process can be like an explosion creating huge waves that rise and fall, working outward buffeting all the support systems and family members. With each new motion filed, accusation made, question asked, document requested, deposition taken and witness called, the waves are regenerated wreaking havoc on the already fragile system supporting the family in crisis. As the support systems align themselves with one party over the other, and the parties position themselves to protect their interest, the flooding waves destroy friendships, club memberships, relationships with school personnel and activity leaders and divide faith communities.

Collaborative Law is constructive rather than destructive. It assists families in crisis to build a pattern a behavior for the future that enables the circles of support to withstand the ripples caused by the crisis and continue to support family members in their new configuration. Looking to the future, setting examples for resolving future conflicts, creating an environment for future discussions when additional changes occur, these are the ripples necessary for surviving family crisis. Collaborative Law is the right choice.

Ms. Oliver is a collaborative family law attorney in Columbia, Maryland. She can be reached at moliver@hpklegal.com or by calling her directly at 410-339-5798.