

# COLLABORATIVE DIVORCE GUIDE



## **MICHAEL C. GOOD AND ASSOCIATES LAW FIRM**

Registered Collaborative Family Lawyers

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*At Michael C. Good & Associates Law Firm,  
we work hard  
to provide our clients with  
a positive client experience  
in a professional,  
yet relaxed, setting.*

## Divorce Respectfully

Our Registered Collaborative Family Lawyers will work with you and your spouse towards a reasonable settlement without resorting to expensive and adversarial litigation.

Collaborative Divorce:

- is solution-oriented
- can be significantly less expensive than litigation
- gives control to you and your spouse instead of to the courts
- can prevent permanent damage to relationships
- is characterized by dignity and fairness
- helps reduce the trauma and strain on children
- promotes a healthy life after divorce



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## Your Divorce Doesn't Have to be Destructive

### Leaders in Collaborative Divorce

Registered Collaborative Family Lawyers Michael Good and Wendy Phillips-Berard at Michael C. Good & Associates Law Firm have a combined 18 years of experience in offering Collaborative Divorce to help clients avoid the costly, stressful and potentially destructive war of divorce litigation. They are among the leaders in this field in St. Albert. Michael Good has been a guest lecturer on Collaborative Practice at the University of Alberta Law School and a past Chair of the Association of Collaborative Family Professionals (Edmonton). Wendy Phillips-Berard is also a member of the executive of the ACFP(E) and co-chair of the ACFP(E) Forms, Precedents and Protocols Committee.

### Committed to Minimizing Conflict and Stress During Divorce

Our firm uses the Collaborative Divorce approach to help both spouses identify their best interests, so they can focus on what really matters to them and their children in the immediate, short and long-term future. By focusing on interests instead of positions, Collaborative Divorce opens up the possibility of a respectful, equitable and fair resolution.

### Giving you Control through Practical and Creative Solutions

The adversarial court system requires spouses to take positions in all matters that need to be resolved and imposes time restraints. This begins the battle that can develop into a war — one side wins, the other side loses — but the war can continue for a lifetime. With Collaborative Divorce, you and your spouse regain control over your schedule and put the key, life-altering decisions back in your own hands. You also open yourself up to a range of creative options, so that your final divorce resolution fits your unique needs and aspirations.

### Personal and Exceptional Client Care

At Michael C. Good and Associates Law Firm, you can depend on our genuine concern every step of the way, and our commitment to giving you honest, practical, credible and legally accurate information and advice, so that you can make the best decisions possible.

### A Team of Qualified Professionals Ready to Help

Divorce affects many aspects of your life: legal, financial, emotional, social, vocational and more. If and when you need them, we will personally link you to caring and qualified Divorce Coaches, Financial Specialists, Child Specialists and other capable professionals who have the experience and the knowledge to help you get the answers and advice you need, while ensuring complete confidentiality.



Battling your spouse in court puts your divorce — and the fate of your children, your finances and your future — in the hands of a Judge... instead of your own. But what if there was another way?

In this **Collaborative Divorce Guide**, you'll find articles, interviews, tips, insights and other key resources to help you understand whether Collaborative Divorce, an out-of-court divorce resolution method, is the best choice for you, your family and your future.



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# What Is Collaborative Divorce?



**An alternative to divorce litigation in which all parties work together to create solutions — without going to court.**

by Jeffrey Cottrill

**EVERYBODY** knows how destructive and painful divorce litigation can be. Trials can be long, expensive, and emotionally traumatic for the spouses — not to mention the children. As you and your lawyer battle in court against your spouse, using character slurs and bullying tactics to damage each other's reputations — all of it culminating in a final decision from the judge, a complete stranger who likely doesn't understand your true needs and goals — you have to ask: can't there be a better way?

Minneapolis divorce lawyer Stuart G. Webb thought so. That's why, after 18 years of practicing matrimonial litigation in the adversarial system, Webb invented collaborative law in 1990. Ever since then, Collaborative Divorce has gained widespread acceptance as a friendlier, more constructive alternative to the traditional method of resolving divorce.

Collaborative Divorce is a process in which each spouse hires a lawyer specifically trained in collaborative family law: both lawyers work together with both spouses in confidential, four-way meetings in order to come up with mutually beneficial resolutions to their divorce issues. It's

a cooperative, rather than competitive, method of settling marriage dissolution — based on full disclosure and empathy rather than on trying to “win” with antagonistic deceit and mistrust.

But what makes Collaborative Divorce unique is that both collaborative lawyers in a case commit themselves only to a settlement that works. They and their clients sign an agreement stating that they will not take the case to court. The concept of two sides working against each other doesn't even enter into the process: the collaborative process permits only open, cooperative, and respectful dialogue that aims for outcomes that benefit both parties involved as well as their children. If, for any reason, collaborative negotiations break down and the spouses insist on litigating, then both collaborative lawyers must resign from the case and the spouses have to hire new counsel to represent them in court.

In addition to lawyers, Collaborative Divorce can also make use of other divorce professionals. Many cases employ a neutral financial consultant who helps evaluate the money and property divisions for both spouses, so each gets as fair a share as possible. It's also common

for collaborative cases to make use of mental-health professionals who help each spouse get past the emotional issues they're dealing with. A child specialist is also recommended, to help the parties stay aware of and address their children's needs during divorce. In a collaborative case, everybody works as a team to resolve all the legal, financial, and emotional issues: no one is trying to take advantage of the other side.

This Collaborative Divorce Guide offers information from collaborative family lawyers Stuart Webb and Pauline Tesler, as well as a section answering frequently asked questions about Collaborative Divorce. If you're considering or going through divorce right now, we hope that you'll find this Guide informative and useful and that you and your spouse will consider using Collaborative Divorce to settle your issues in an environment that's less stressful and combative. Divorce is never easy. But there is a way to get through it with minimal damage, so you can move on to a brighter future for you and your children. ■

*Jeffrey Cottrill is the Managing Editor of Divorce Magazine.*

# Collaborative Divorce: An Interview with Pauline Tesler



**Divorce Magazine chats with this pioneering collaborative family lawyer and the co-founder of the International Academy of Collaborative Professionals.**

Pauline H. Tesler is one of the recognized authorities on Collaborative Divorce. A Certified Family Law Specialist who has practiced law since 1981, Tesler specialized in divorce litigation until she learned about Collaborative Divorce in the early '90s. Today, she devotes her practice exclusively to the collaborative model. Recently, Divorce Magazine publisher Dan Couvrette asked Tesler some questions that many people ask about this alternative method of dispute resolution.

**Dan Couvrette: What's your basic definition of Collaborative Divorce?**

**Pauline Tesler:** Collaborative Divorce is a way of handling all divorce-related issues (dissolving the marriage itself, dividing property, and handling issues related to children) entirely outside the court system, using a specially trained team of professionals. The team includes lawyers, of course, but also mental-health and financial professionals, who work together to help a couple understand what matters most to them and create durable solutions that will work for every member of the family after the divorce, including the children.

**DC: How does it work?**

**PT:** Each spouse chooses a collaborative lawyer who has had special training to do this, because it doesn't come naturally to lawyers to work this way. And everybody signs an agreement — the lawyers *and* the clients — an agreement that nobody will take any matters to court, or even *threaten* to, as long as the collaborative process is working for everyone. If the process should break down — which happens in roughly five to ten percent of cases — you and your partner can take your issues to court and

have a judge resolve them if you prefer to, but the lawyers cannot go to court with you. So the lawyers are hired to work *solely* toward a settlement that works for you.

**DC: Why do you promote Collaborative Divorce?**

**PT:** I'm committed to this model because it's the most powerful way I've encountered to help people do a self-determined, problem-solving process in which the results are carefully thought through. Everybody's interests, concerns, needs, priorities, and values are considered. There's a genuine good-faith effort made by all parties and professionals to reach creative solutions that will last. We're not looking for quick fixes, but solutions that meet the needs of everybody in the restructuring family — regardless of whether a judge is allowed to make orders about the matters of concern. In a Collaborative Divorce, you and your spouse make the decisions, and the lawyers and other professionals on the team help you gather the facts, hear one another's concerns, and consider a broad range of options and consequences. In my community, I work with collaborative lawyers from all over the San Francisco

Bay area. I work in an interdisciplinary team model when my clients choose it, and I always suggest they consider it. An interdisciplinary team includes mental-health professionals working both as divorce coaches and as child specialists, as well as a financial consultant who gathers all of the financial information and helps us evaluate solutions and come up with creative alternatives. I like doing this work because I find that my clients are satisfied with the results.

**DC: Does the team work together in person or separately?**

**PT:** We sit down face to face; the lawyers don't try to make deals for you when you're outside the room. And we don't even get to solutions until all of the questions have been answered about the facts. So you're not going to be asked to make any decisions about financial matters, for example, until every single question that you have about the money and the property has been answered. Then we brainstorm solutions and the most creative options from which to choose, so that we come up with solutions that last for the long haul — solutions that look good not just now, but five or ten years downstream.

### DC: Is it anything like traditional divorce litigation?

**PT:** Nothing could be more different than Collaborative Divorce and litigation. Litigation is based on gladiators jousting in the courtroom and having a judge make all the decisions for you, issuing orders and telling you that this is how it's going to be. In Collaborative Divorce, on the other hand, nothing is agreed to unless you and your partner think it's an acceptable solution. We (the lawyers) don't tell you how it should be resolved; you figure out how it can be resolved, and it's done respectfully, according to your own values and priorities. So when our clients reach resolution, it's *real* resolution. It's not somebody else who doesn't know or care about you telling you what you should do with your lives, your property, and your children.

In litigation, the lawyers are in charge. You take your problems to the lawyers, and they say, "Don't worry, we'll handle it." And the way lawyers are trained to handle divorce-related problems, for the most part, is to take them to judges. That's the most expensive way we have in the legal system of resolving issues. It takes a great deal of your resources to resolve problems that way. And worse, it causes emotional damage to families to take issues into the court system, which is adversarial by nature. In Collaborative Divorce, on the other hand, you participate actively in every step of the process and no solution is adopted unless it is acceptable to both you and your partner.

### DC: How is Collaborative Divorce different from divorce mediation?

**PT:** In mediation, one neutral mediator sits with you and your partner and tries to help you reach solutions. It's just the three of you, and if there are lawyers giving you advice, often those lawyers are not in the room. You may get that advice separately from somewhere else. The lawyers are not, in other words, centrally engaged in the process of negotiating to reach settlement. And they can advise you to reject proposals or even to stop the mediation and take matters to court. In the collaborative

process, every professional is committed solely to resolution. And each of you has your own lawyer at your side giving you advice, counsel, and advocacy aimed solely at constructive solutions. We build into the process the services of mental-health professionals who can coach you and your spouse in better communication skills and anger management, and who provide information to the children and help you understand the children's issues. The team also includes a financial professional who will help answer all money questions. So it's a much richer process in terms of professional resources. And lawyers are completely aligned with settlement in the collaborative process, whereas in mediation, they may not be.

### DC: Do you consider Collaborative Divorce more effective than mediation?

**PT:** Collaborative Divorce and mediation are cousins, and I've done both. But in my experience, the most powerful

The other main difference is that if your spouse hires a litigious lawyer, the mediation process might fall apart. So Collaborative Divorce is a more protective and solutions-oriented process than mediation can be, not because mediators aren't working toward solutions, but because they're only one person who can't possibly provide the same range of services as a Collaborative Divorce team of up to five professional helpers.

### DC: How do I find out if this model will suit my spouse and me?

**PT:** The best way to find out if this is going to work for you is to talk with a trained collaborative lawyer, who will inform you in much greater depth about what each conflict-resolution option is like and what Collaborative Divorce offers that other models may not. Your interview with the lawyer will be more focused and efficient if you first read the book that my colleague Peggy Thompson and I wrote, *Collaborative*

**In Collaborative Divorce, nothing is agreed to unless you and your partner think it's an acceptable solution.**

model in terms of getting creative, lasting solutions that work for kids as well as adults is Collaborative Divorce. Mediators can be very effective in helping motivated people to compromise and get to a deal efficiently. But no single mediator can do the work of a fully staffed, interdisciplinary Collaborative Divorce team. In mediation, you don't have mental-health professionals helping you build better communication skills, which you need after the divorce if you've got kids. There is no one whose job is to speak for, and with, your children. There is no one whose job includes helping a temporarily distressed or unreasonable partner to return to constructive problem-solving. And mediators don't bring the financial skills to help you understand complicated money and property issues and come up with creative solutions that can be evaluated for long-term consequences, because they're only one person.

*Divorce: The Revolutionary New Way to Restructure Your Family, Resolve Legal Issues, and Move on with Your Life* (Regan Books, 2006).

### DC: Is Collaborative Divorce expensive?

**PT:** Well, it's not nearly as expensive as litigation. But you should understand that you're going to have well-trained professional helpers, and you'll need to pay them. Most families don't have a budget for the legal services associated with divorce, so even the most reasonably priced professional services can be difficult to pay for. And while Collaborative Divorce is efficient and contained, I can't tell you that it's going to be cheap. No professional services are. But the difference between this kind of divorce service and litigation services is that you're getting real value for your money. You're not just getting a piece of paper — a divorce judgment — that



resolves legal issues but may ignore conflicts that keep on causing controversy long after the divorce judgment is entered. In a Collaborative Divorce, you get a deep resolution that tends to last because you and your spouse are both satisfied with it, or else you don't sign it. While you are going to have to pay for the services you receive, it's going to be worth the money, or at least, that's what most of our clients tell us.

**DC: If I've already decided to resolve my divorce collaboratively, can I still litigate if I change my mind?**

**PT:** Yes, you can. You never give up your right to take issues to court, if that's what you want. But then the collaborative process has to terminate. The lawyers cannot go to court with you, and therefore, they have to resign and help you make the transition to lawyers who *will* take matters to court for you. This can be done at any point that you determine that the process is not working as you expected. But this doesn't happen very often in our experience. I would say less than ten percent of people who choose this find that they can't get to a full resolution.

**DC: Who would be on my Collaborative Divorce team?**

**PT:** On a Collaborative Divorce team, usually the first professionals hired are the collaborative lawyers, and each of you has your own separate, specially trained lawyer representing you. I represent only my client, and the other collaborative lawyer represents only his or her client. But we're committed to working together in a collegial way that pulls in the same direction of solving problems rather than bumping heads. The other professionals on a fully staffed team would be licensed mental-health professionals, who have chosen to work as Collaborative Divorce coaches. In addition, there is a child specialist (if you have children) who will be the voice of your children and also a wise counselor to them, to answer the questions that they never want to ask their parents. Finally, we have a financial consultant, a neutral who helps marshal information about what's there in terms of money: income, assets, and also debts

and expenses. And the financial professional, later on downstream, can project the financial consequences of any settlement scenario we might consider so we know if it's going to work, not just today, but in 15 or 20 years. Not every couple has all these team members helping them, and not every community has the trained professional resources to provide this kind of fully staffed team, but this configuration has proved particularly powerful and effective in helping couples really resolve divorce-related conflict in a lasting and creative way.

**DC: Will Collaborative Divorce protect my children's best interests?**

**PT:** There is no way to go through a divorce that is more protective of children, and more focused on their needs and interests, than Collaborative Divorce. None. The child specialist is a very skilled and experienced mental-health professional who knows about child development and what happens to children during divorce. Every child has issues during a divorce. Think about it: you are an adult with an adult's understanding and experience, yet you need professional advisors to help you through the stresses and challenges of a divorce. You can't do it alone; you need experienced helpers. Who's helping your children? They need somebody to talk to who's safe, who's not a parent, and who can bring their concerns in an even-handed way into the decision-making process. That's what the Collaborative Divorce team model offers, and there's nothing like it anywhere else, and it's remarkable. We don't have custody battles in Collaborative Divorce. We have solutions.

**DC: What if I don't trust my spouse and I think he or she is hiding assets?**

**PT:** It's common at the end of a marriage for suspicion to run high, and a great deal of money can be spent doing expensive forensic audit trails to try to find the Swiss bank accounts. In a Collaborative Divorce, we have all of the same tools available that would be available anywhere to look for hidden assets. We just do it consensually. If you and your collaborative lawyer are not satisfied that a complete investigation and disclosure have taken place,

no negotiations will begin until you are satisfied that you have all the facts. In addition, both collaborative lawyers make a commitment that they won't come to the table unless they're convinced that their own client is in complete good faith about full disclosure.

**DC: Why did you write your book *Collaborative Divorce*?**

**PT:** My colleague Peggy Thompson and I wrote *Collaborative Divorce* because we wanted to put out the word as broadly as we could to couples whose marriages seem to be ending, and also to their family members, clergy, psychologists, accountants — all of the people who work with couples and families that are breaking down and restructuring. The book explains in straightforward and accessible ways how the Collaborative Divorce model works. We developed this model, and we know that clients like it because it works so well for the great majority of couples who commit to it. The book is a very good way to get your spouse to consider Collaborative Divorce. It explains why this model is so powerful, how it protects children, and how it helps divorcing adults move through this process with greater health, respect, and creativity. ■



Pauline H. Tesler is the author of *Collaborative Law: Achieving Effective Resolution in Divorce without Litigation* (ABA Books, 2001, revised and expanded edition forthcoming in 2008) and, with psychologist Peggy Thompson, *Collaborative Divorce: The Revolutionary New Way to Restructure Your Family, Resolve Legal Issues, and Move on with Your Life* (Regan Books, 2006), [www.collaborativedivorcebook.com](http://www.collaborativedivorcebook.com). Tesler and Thompson are co-founders of the *International Academy of Collaborative Professionals*, which trains lawyers and other professionals in *Collaborative Divorce*. Tesler is a Fellow of the *American Academy of Matrimonial Lawyers*, and the *State Bar of California Board of Legal Specialization* certified her as a specialist in family law in 1985.

# Four-Way Meetings

by Stuart G. Webb and Ronald D. Ouskey

**OUTSIDE** of the collaborative process, the phrase “four-way meeting” could be used to describe any meeting of four people. However, when we use the phrase *collaborative four-way meeting*, we’re referring to a specific type of meeting that typically involves four people, but sometimes more.

## The Collaborative Four-Way Is Different from Other Four-Way Meetings

Settlement meetings between clients and their lawyers sometimes occur even in the traditional litigation approach to divorce. However, the rules and the style of these meetings are completely different from the collaborative four-way meetings.

In many ways, your commitment to the collaborative process will depend on the strength of your commitment to make these four-way meetings as effective as possible. They likely will be your greatest challenge, and they require much preparation. But they present unlimited opportunities to find solutions that will help you achieve your most important goals.

Although the analogy is often overused, the collaborative process is similar to building a house. Your long-term goals and interests are the foundation. The more secure you are in the goals you have established, the more likely you are to achieve the successful and durable outcomes that you want.

Collaborative four-ways are like the frame of the house. Within that framework, you will create the outcome that will make up your actual divorce agreement. The quality of the outcome likely will depend on the foundation and the framework that supports it.



One of the reasons it’s valuable to compare the collaborative process to the process of building a home is that it will prepare you to be patient during the early stages of the four-way meetings. Much of the time spent in these early meetings will be for the purpose of setting the foundation and framing the issues. During these early stages, you may find yourself tempted to want to jump ahead to final decisions before you are ready to do so. So please carefully read the sections that follow. We strongly believe that the better you understand how four-way meetings work, the more likely you will be able to use them effectively.

## Practical Aspects of Meetings

Let’s turn to the practical task of explaining what actually happens in these meetings:

- **Who** attends these meetings? Usually, these meetings will include you, your spouse, and both lawyers.

- **Where** do these meetings take place? Generally at the offices (or conference rooms) of one of the lawyers.
- **When** do these meetings take place? They’re generally scheduled about two to four weeks apart, at a time when all the participants can be there.
- **What** happens during these meetings? Typically:
  - **Introductions** are made and a **tone** is set for the meetings
  - **Ground rules** are established for how to conduct the meetings
  - The collaborative process is **explained** and discussed
  - **Reasons for choosing** the collaborative method are discussed
  - If it is the first meeting, the **Participation Agreement** is reviewed and signed
  - **Goals and interests** are identified
  - **Information** is fully disclosed



- **Issues and interests** are identified
- **Questions** are answered
- **Homework** is determined
- Issues are **prioritized**
- **Alternatives** are identified and evaluated
- **Agreements** are reached
- **Agendas** are set for future meetings
- **Documents** are signed
- Decisions are made about whether to include other **team members**
- Decisions are made about whether to retain **experts**
- **Final steps** for completing the process are outlined.

The goals you establish and the critical interests you define in the early four-way meetings form the foundation for your success in this process.

## Identifying Goals and Interests

All of the steps in the collaborative process exist for one purpose: to help you achieve your most important legitimate goals. But you can't achieve them if you haven't first carefully considered what they are. There's a natural ten-

a number of them. Identifying these common interests will provide greater opportunities to find solutions for accomplishing these goals.

## The Conflict-Resolution Process

The framework of collaborative four-ways is generally developed around the following four steps:

1. Identifying issues
2. Gathering facts
3. Developing options
4. Negotiating solutions

Your lawyer will explain to you why each of these stages is important and will help you avoid one of the most common mistakes that people in the collaborative process make: skipping the preliminaries and jumping right into negotiating solutions.

### Identifying Issues: You Can't Find the Answers Unless You Know the Questions

You may believe that you already know all the issues that you need to resolve, but chances are there are quite a few that would never occur to you unless you were a practicing collaborative

process that's designed to collect the facts as quickly as possible. During the four-way meetings, the lawyers help the clients identify what kind of information they may need to help them make decisions. Generally, one or more of the participants will agree to take responsibility for obtaining the information, and the requested information is distributed to the other members of the group prior to the next four-way meeting.

### Developing Options: Imagining the Unimaginable

Now you're ready to consider your alternatives. In many instances, you may believe you have already considered every possible way of resolving the issues at hand. However, if you spend time considering other possibilities, you'll be surprised at how many more you can generate.

### Negotiating Solutions: Finding the Right Answers

If you've done a thorough job with the first three steps, you'll find it easy to negotiate workable solutions. If you reach an impasse in resolving any of the issues, your lawyers (and any other professionals who may be assisting you) will help you identify ways of getting around it.

### Roles of the Parties and the Lawyers during the Meeting

While you and your spouse are ultimately responsible for the outcomes of the four-way meetings, your lawyers are primarily responsible for keeping the process on track and for creating a safe and effective environment for reaching solutions. You and your spouse also play a role in creating and maintaining an environment that is conducive to problem-solving.

### Addressing the Emotional and Financial Challenges of Four-Way Meetings

We feel confident that you will see just how effective four-way meetings can be if you choose to pursue a Collaborative Divorce. However, your success in these meetings may depend on

**All of the steps in the collaborative process exist for one purpose: to help you achieve your most important legitimate goals.**

dency to become absorbed in the immediate problems that you are facing and to focus only on narrow ideas about how you might resolve these urgent concerns. Your success in the collaborative process will depend a great deal on your ability to pause in the middle of the chaos to truly think about your long-term goals. Keeping these crucial goals in mind will make it easier to make compromises or let go of less significant issues in order to preserve the things that matter the most to you.

The other reason for you and your spouse to identify your overall goals is that you're likely to find that you share

lawyer. In addition, your list may not include concerns or issues that your spouse may have. Before you can begin working on any specific issue, it is important to identify as many as you can so you can get a better sense of how to prioritize the next steps.

### Gathering Facts: Making Sure You Have All of the Pieces of the Puzzle

Once you have identified the issues, the next step is to gather information. You can't make good decisions unless you're confident that you have all of the information you need to do so. The collaborative model uses an informal

ability to address the emotional and financial challenges that may arise.

## The Emotional Challenge

Collaborative four-way meetings, while effective, can often be emotionally difficult. The thought of sitting in the same room as your spouse and his or her lawyer might cause you a great deal of discomfort. If that's true, it's important that you communicate with your lawyer or other professionals about your discomfort, so that they can help you develop specific strategies that will work for you.

## Special Situations

There are some cases in which the emotional challenges are so great that special accommodations need to be made. If, for example, you and/or your spouse are having tremendous difficulty accepting the divorce, direct interaction with one another could trigger strong feelings that make it difficult to create a safe and effective environment during the four-way meetings. And certainly in cases where there has been a history of abuse or where there is a strong power imbalance, adjustments may need to be made, and it may not even be possible for the spouses to have direct interaction.

If you find your four-way meetings to be emotionally challenging, you and your lawyer may want to consider the following options.

1. Add specific ground rules to ensure that discussions avoid triggering strong emotional responses.
2. Work with divorce coaches or divorce-closure counselors to do your part in creating a better environment.
3. Meet in two separate rooms for all or part of the four-way meetings and have the lawyers move back and forth between the two rooms. In these situations, the four-way meetings are often replaced by three-way meetings, with the lawyers meeting with each client individually.
4. Slow down the process to allow the parties more time to make the emotional adjustment

necessary for more effective four-way meetings.

5. Spend additional time preparing for these meetings with your lawyers.

Following these suggestions is not going to magically make your four-way meeting fun and enjoyable. Even in the best situations, you'll probably feel a little uncomfortable. As a general rule, four-way meetings are hard work for all participants. However, in almost all cases, the benefits gained by directly participating in your solutions will justify your commitment and hard work.

## The Financial Challenge

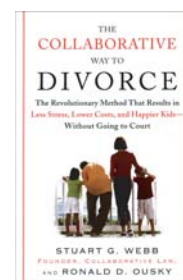
Much of the expense of your case will be related to these meetings. Your lawyers will spend time preparing for them, attending them, and summarizing or debriefing them. As a result, you may be worried about how much they're costing. If you're worrying about your bills, you're not going to be fully present for the meetings, and the meetings won't be nearly as effective. As with the emotional challenge, running from the problem may only make it worse, so it's important to address this financial challenge:

1. Consider whether the amount you are spending will have an impact on the quality of your outcome.
2. Be as thorough as you can in gathering and organizing the information that you need for the meetings. This can reduce your legal fees dramatically in two ways: First, you avoid having your lawyer charge you for doing legwork you could have done on your own. Second, the four-way meetings are more productive because all of the information you need is readily available and organized in a useful way.
3. Create a structure for safe and effective two-way meetings with your spouse, so that you can address as many issues as possible outside the four-ways.
4. Talk with your lawyer about how you can make the four-way meetings more effective.
5. Make sure that there is enough time between the four-way

meetings so everyone is prepared. It can be tempting to rush the process by asking that meetings be scheduled close together. This may seem like a way of getting more done more quickly, but if busy schedules prevent the parties or the lawyers from completing the necessary homework between meetings, the four-ways will be less productive and more of them will be needed.

6. Finally, think about whether you need to let go of some smaller issues that could be bogging down the progress of the meetings. Even people who are very cost-conscious can lose perspective and spend a disproportionate amount of time on minor issues. Between meetings, when there is time to reflect, think about whether the cost of holding onto that issues is really worth the resources and emotional energy that you are investing in it.

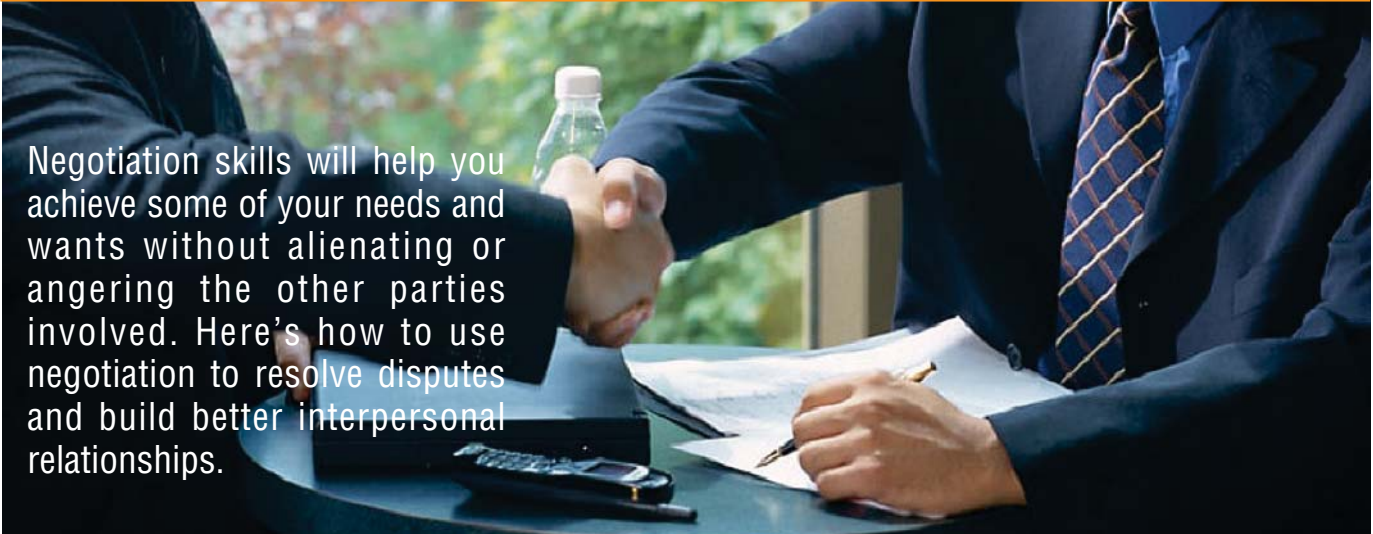
Four-way meetings are the building blocks of the collaborative process. Successful four-way meetings can help you reach agreements that will allow both spouses to achieve their goals and create a groundwork for communication after the divorce. ■



*This article was excerpted and edited with permission from The Collaborative Way to Divorce: The Revolutionary Method that Results in Less Stress, Lower Costs, and*

*Happier Kids—Without Going to Court by Stuart G. Webb and Ronald D. Ouskey (Plume Books, 2007). Webb, a family lawyer in Minneapolis, invented Collaborative Divorce in 1990 and has practiced exclusively in the collaborative method ever since. Ouskey is a frequent speaker and writer on collaborative practice (in which he is a pioneer) and also practices in Minnesota.*

# A Fair Negotiation



Negotiation skills will help you achieve some of your needs and wants without alienating or angering the other parties involved. Here's how to use negotiation to resolve disputes and build better interpersonal relationships.

**WE'VE** all heard about those nightmarish divorces that drag on in court for months or years because one or both parties is determined to get his or her way in the final outcome no matter the cost. There are also cases in which one party gets “cleaned out” by the other because of a failure to communicate an inability to stand against the more powerful personality’s demands.

Adversarial litigation is a costly, damaging process that often results in at least one party getting shafted: the adversarial “win-lose” contest inevitably results in bitterness and dissatisfaction for somebody. That’s one reason why mediation and collaborative law have become more popular as cooperative “win-win” methods of settling divorce. Rather than duking it out until one party wins, it’s more constructive to work out an agreement together through the art of negotiation. Negotiation is an important personal-relations skill that enables you to get what you want without running roughshod over those around you. Whether you’re dealing with your ex-spouse, friends, relatives, neighbors, co-workers and supervisors, professionals, or even your children, you have to be able to put everybody’s point of view in clear perspective, so that you can create a solution that works for both of you.

## Be Fair to the Other Party

You know what *you* want, of course. That’s the easy part. It’s when you show respect for what the other person wants that you move toward fair negotiation. Sometimes a solution that addresses both parties’ goals is possible, and sometimes both parties’ goals directly conflict with each other. But once both parties understand and empathize with each other’s point of view, the situation can change from an adversarial deadlock to a resolvable dispute.

One of the most difficult barriers to successful bargaining is when at least one party chooses a fixed position or “bottom line” and stubbornly sticks to it without considering its fairness to the other. For example, if both spouses in a divorce want full custody of the children and completely refuse to compromise, the process won’t go anywhere. But if one spouse yields to the other — or better yet, if both agree on joint custody — the process can move toward resolution. Smart negotiators know that they will have to compromise on some issues to a certain extent and that they’re highly unlikely to get everything they want.

Sometimes, however, a party will be immovable not because of needs or

wants but out of a personal desire to “get back” at the other party. This only leads to escalated conflict and the kind of expensive, draining, adversarial mudslinging that you’re trying to avoid. Don’t give in to anger or hate. Even if you’re still carrying hostility toward the other person over past issues, keep it out of the negotiation process. Remember that the goal is a fair agreement, not revenge or “teaching a lesson.”

Negotiation is about working together, not competing against each other. So if you want the other party to understand your needs and make a few compromises in your favor, you will have to do the same for him or her. Listen to the other person. Give the other party the space and time to make his or her needs clear. Try honestly to understand how the situation looks from the other side’s point of view; this may be the most valuable skill you can master in bargaining with others in any dispute situation. Listen to the other side in the way you would like them to listen to you. The more respect and attention you show, the more likely the other person will be to let down his or her defensive guard and show you the same respect.

Even if you know that something the other side wants is impossible or unfair to you, don’t immediately criticize the



person for it. That's a good way to burn down the bridge of understanding you're trying to build. Instead, hear the other party out first and then deal with how to reconcile your conflicting wants. Is there a solution that leaves both of you satisfied, as opposed to having one happy and the other unhappy? Also ask yourself if this particular issue is as important to you as you think it is. Would it really be that much of a loss if you made a sacrifice in this area, or just gave way a little? Or maybe there's a way both of you can "share" the benefits.

This will require you to "take the high road" and leave the past in the past. You can't drag old hurts and resentments into your negotiation and expect it to succeed. Find somewhere else to vent your anger and frustration — with a counselor or a support group, for instance — so that you can be as calm and cooperative as possible under the circumstances. A complete understanding of the other person's perspective as well as your own is essential to negotiating a fair resolution to any problem.

## Be Fair to Yourself

Negotiation is about give-and-take. While it's important to let the other party feel that his or her needs are being addressed, be sure that you're being heard equally. As admirable as it is to give way on issues, a deal can't be truly fair unless you're receiving the same generosity and respect in return. Remember, the saying isn't "do unto others *better* than you would have them do unto you."

There are instances in which one party may give in too much to the other because of a power imbalance: the former may feel threatened or simply be too much in the habit of giving in. For example, this may happen for a marriage in which one spouse has always been dominant; sadly, this pattern often continues when the couple breaks up. There are also instances in which one party may want to give away the farm to ease guilt, particularly if the other party has been very vocal about supposed injustices done by the former. But the object is not to right past wrongs or to keep the other person quiet: it's to achieve a fair resolution for both. This is where a neutral third

party (such as an experienced divorce mediator) may help in assuring that all get their say in a negotiation; he or she would be able to spot when one person is getting the short end of the stick or just isn't being heard.

If no neutral third party is available, you may have to stand up for yourself when dealing with somebody who tries

bitter end over an issue. Negotiation turns your opponent into a partner — even, potentially, an enemy into a friend — because you're working together to benefit both of you. You can avoid the increased hostility and awkwardness that result from continued antagonism — the wasted energy, stress, and emotional strain involved in clinging to your position and pursuing your wants at all

**A complete understanding of the other person's perspective as well as your own is essential to negotiating a fair resolution to any problem.**

to take advantage of your guilt or generosity. Listen to the other party's needs and concerns, but don't let them completely override your own. Be firm if you know for sure that you're not being treated fairly; don't give in to guilt or feelings of inferiority. If the person you're trying to negotiate with continues to be unreasonable, a fair final agreement may be impossible without the assistance of a trained mediator or collaborative lawyers. Sometimes, a more firm, confident attitude in bargaining can work wonders. A normally domineering or stubborn person may be baffled by your refusal to back down and eventually find no other alternative than to give in on the issue.

When the other party agrees to let you have something your way, don't be ashamed to take it. In exchange, of course, assure the other person that some other issue will go his or her way. Accepting the other party's concessions is just as important to negotiation as offering concessions: both reinforce the fact that you are aiming at a "win-win" solution rather than either of you being short-changed.

As important as it is to understand the other party's needs, he or she has a duty to do the same for you. Negotiation is a cooperative process: it won't work if either of you is still trying to get the better of the other.

## A Better Outcome

There are many benefits to bargaining instead of arguing or fighting to the

costs — and wind up with an outcome that's fair, pleasing, and the result of your own empowerment.

Master the negotiation, and you will be assured success in many situations. Follow the tips we've provided, and you can reap benefits without having to risk being defeated in any "battles."

## Negotiating Dos and Don'ts

Here are some things to do and not to do when negotiating with someone:

- Do listen attentively.
- Do demonstrate respect for the other person's point of view.
- Do make your own point of view clear without blaming or whining.
- Do separate your "non-negotiables" from areas where you're willing to compromise.
- Do look for "happy medium" solutions that satisfy both parties.
- Don't drag past disputes into this one.
- Don't be rude to, interrupt, blame, or patronize the other party.
- Don't back the other party into a corner with absolute demands; these inflexible statements usually begin with phrases such as "You must..." or "You will never..."
- Don't give in to demands out of intimidation or guilt.
- Don't expect to get everything you want. ■

*Jeffrey Cottrill is the Managing Editor of Divorce Magazine.*

# Getting Settled

By Nancy Kurn, CPA, JD, LLM, MBA, CDFA™

**What you need to know before creating a settlement agreement.**



**YOU'VE** sat down with your spouse and hammered out what you think is a pretty great settlement: you get to keep all of the property you really wanted, and your ex gets stuck with all of the debt. But whether or not that agreement will hold up in court depends on a number of factors, including how it is worded, whether or not there was full financial disclosure by both parties, and possibly whether both parties had independent legal counsel.

That being said, you should make every effort to negotiate your settlement agreement rather than fight over every item in court. Such agreements have several benefits over a judge's ruling, including: they take less time; they reduce the financial and emotional costs; and the parties are more likely to abide by the terms of the agreement.

If you're able to put aside your emotions and focus on the issues at hand, your chances of negotiating a settlement are extremely high. A courtroom is simply not the right venue to express your

feelings of anger or loss, so find a counselor or a support group to help you work through your emotions so you can be as clear-headed and as practical as possible during negotiations with your spouse. Some couples will be able to settle all issues; others will be able to settle some issues and have to litigate the rest.

This article will cover property issues only; your settlement agreement will need to thoroughly address spousal or child support as well as custody and visitation issues. As always, you should consult with your lawyer and/or mediator to make certain your best interests, and those of your family, are protected.

Your settlement agreement should be very comprehensive — particularly with regard to how the property is divided. Once you sign an agreement regarding property division, it cannot be changed unless both of you agree to the changes or unless there is some legal basis, such as fraud, for setting aside the agreement. It's up to you to make sure that your lawyer doesn't leave any assets out of

your settlement agreement (unless it's something that you're going to litigate in court).

You don't necessarily have to list every single personal possession in your settlement agreement, but you should list personal items that are important to you. You should also list financial assets, including retirement assets and real estate.

Your agreement should state who gets each asset or how the asset or the proceeds from its sale will be divided. Let's take a look at the most common categories.

## Financial Assets

Financial assets include cash, savings accounts, checking accounts, Certificates of Deposit, money-market accounts, stocks, bonds, Real Estate Investment Trusts (REIT), mutual funds, and savings bonds. These assets may be more important to the non-working or lower-income-earning spouse. He or she may need to use these

assets to cover some of his or her living expenses.

## Retirement Assets

Not all assets have the same tax consequences; retirement assets are generally before-tax assets. This means that in order to access the money, you have to pay income tax on any distributions you receive. In some cases, you may also have to pay a penalty on the distribution in addition to any income tax that you pay. For example: Mary suggested to Gus, “You keep your retirement assets, valued at \$100,000, and I’ll take the money-market account, valued at \$100,000.” Gus agreed because it was an equal division of the assets. However, when Gus retires in 2009, he will pay tax on the distributions. So if Gus paid tax at a rate of 25%, then he would end up with only \$75,000 versus the \$100,000 that Mary received.

In the U.S., there are many different types of retirement assets, including defined benefit plans, defined contribution plans, IRAs, and Roth IRAs. It is important that you determine how defined benefit plans, such as pensions, will be divided between you and your spouse. This is generally spelled out as a percentage of the retirement benefit at the time of the divorce. It is also imperative for the agreement to state if the employee’s spouse will be entitled to survivor’s benefits if the employee dies. It is important to make sure that the non-employee in fact qualifies for survivor benefits; otherwise, he or she may be better off with another asset.

take the percentage that is awarded and roll it over to an IRA or perhaps maintain it as a separate account in the same plan. The agreement should specify the percentage that you and your spouse will receive.

IRAs or Roth IRAs are also easily divisible. Remember that distributions from Roth IRAs will generally not be taxed, while distributions from IRAs will generally be taxed. As a result, \$10,000 from a Roth IRA is probably a better asset than \$10,000 from an IRA.

In Canada, there are two basic types of pension plans: “Defined Contribution Plans” and “Defined Benefit Plans.” The first type defines who is to make the contributions to fund the plan, how much they are to contribute, and when they are to make the contributions. The second will also specify who is to make what contributions, how much they are to contribute, and when. However, a defined benefit pension plan will also have a formula for determining the amount of annual pension that the member has earned. It is the projection of these future pension payments (which are not at all related to the amount of contributions that have been made) that must be valued.

Depending on the type of plan and which province you live in, a portion of the pension (usually the portion accumulated during your marriage) may be subject to division like any other family asset. If one or both spouses have Registered Retirement Savings Plans (RRSPs), the portion accumulated

for each person. Not all pension plans permit division of the pensions. In any case, it is still important to have the pension valued properly: dividing one pension into two is not a way to avoid the cost of a valuation (or to avoid arguing over which value is the right value for the pension).

Federal government pensions qualify for division under the Pension Benefits Division Act (PBDA). This Act provides that the member may transfer a portion of the value of the pension to a retirement vehicle for the spouse. This is known as the Maximum Transferable Amount (MTA).

The Canada Pension Plan (CPP) recognizes that married persons, common-law couples, and same-sex partners share in the building of their assets and entitlements, including their CPP credits. When a relationship ends, CPP credits built up by the individuals during the time they lived together can be combined and then divided equally between them by means of “credit splitting”. As a result, the person with fewer credits — that would normally be the lower income earner — receives some credits earned by the other — normally the higher income earner — so that they both have the same number of credits accumulated during the marriage or other relationship.

You should be aware that there is more than one way to value a pension; if the amounts are significant, you should consider having an expert valuation done.

## Employee Benefits

In addition to retirement plans, many employers provide other fringe benefits and incentives to their employees. These benefits include year-end bonuses, accrued vacation time, accrued sick time, health insurance, life insurance, disability insurance, expense accounts, stock options, and more unusual benefits such as Phantom Stock, Stock Appreciation Rights, and Restricted Stock.

Some of these benefits may be included in your list of assets; other benefits may be included as income, and some may not be included at all.

**Make every effort to negotiate your settlement agreement rather than fight over every item in court**

Defined contribution plans include 401(k) plans, profit-sharing plans, simple IRAs, and other types of contributory plans. Generally, these can be divided today, and the non-employee spouse can

during marriage will also be subject to division.

Some people will want to divide the pension into two separate pensions: one



Determining if a benefit should be treated as a marital asset, income, or nothing at all can be very subjective. Different jurisdictions and judges may view the benefits differently. As a rule of thumb, if the benefit is guaranteed, then it should be included as an asset or as income. A year-end bonus could arguably be an asset, an income item, or nothing at all if it is not guaranteed. For example: Barbara and Jeremy were married for 15 years. Jeremy, the employee-spouse, received a bonus every year. Barbara could certainly make a reasonable argument that it is an asset or income for purposes of calculating child support and alimony. Vested stock options would also be an asset; with the changes in the market, they may not have any value, while unvested stock options, on the other hand, may not be an asset.

## Personal Property

List your personal possessions, particularly those that are important to you,

and note how they are going to be divided. This would include big-ticket items, such as cars, boats, and motor homes, as well as items such as jewelry, furniture, photos, and personal papers.

Keep the value of these assets in perspective — and recognize when it's time to give up the fight. We've all heard of those cases where parties spend thousands of dollars fighting over an asset that's worth less than \$100.

Each spouse should keep copies of joint tax returns. We recommend that you keep at least the past five years; in addition, you will need records to calculate the cost basis for any assets that you keep.

## Real Estate

Real estate includes your marital home and any other homes, vacation properties, timeshares, and rental properties — commercial and residential —

as well as any business property. The properties should be listed, and the settlement agreement should address how they are going to be divided.

If the property is going to be sold, the following issues need to be addressed:

- Who is going to pay the expenses until the property is sold?
- How will the proceeds be divided?
- If one spouse pays the expenses, will he or she be reimbursed, from the proceeds, before they are divided?

## Debts

Generally, the person who takes the property will be expected to pay the mortgage or debt related to the property. Does this mean that the other spouse has no financial obligation for a joint debt? Absolutely not. Unless the spouse who takes the property refinances the mortgage, both spouses will still be obligated to pay the debt. The divorce decree cannot terminate your financial obligation to your creditor. For example, Bob and Amy are dividing their assets as shown in "Table One".

After the divorce, Bob would be liable for the car payment and Amy would be liable for the mortgage. If either failed to make these payments, the other spouse would still be liable. But if Amy or Bob refinance after the divorce, the other spouse will no longer be liable for the debt.

Requiring the other spouse to refinance after the divorce is something that should be put in the settlement agreement. They could, for instance, allow a certain time period to refinance. If they do not refinance or do not qualify to refinance, then the asset could be sold and the loan could be paid off with the proceeds from the sale.

If only one spouse is obligated on the debt during the marriage, then the other spouse cannot be held liable. This occurs most frequently with credit-card debt. However, if you have a credit card that is a joint debt, then just like the mortgage, if one spouse is responsible for paying the joint credit-card debt pursuant to the terms of the settlement agreement,

**TABLE ONE:**

	Equity	Value	Bob	Amy
Cash and Checking		\$13,000	\$13,000	
Mutual Funds		\$17,000	\$17,000	
Amy's Car		\$ 5,000		\$ 5,000
Bob's Car	\$25,000			
Debt on Bob's Car	(\$10,000)			
Car Equity		\$15,000	\$15,000	
Home	\$200,000			
Mortgage	(\$160,000)			
Home Equity		\$40,000		\$40,000
<b>Total Value</b>		<b>\$90,000</b>	<b>\$45,000</b>	<b>\$45,000</b>

**TABLE TWO:**

	Value	Mike	Julie
Home (Equity)	\$ 40,000		\$ 40,000
Cash and Checking	\$ 3,000		\$ 3,000
Mutual Funds	\$ 7,000		\$ 7,000
Mike's Business	\$150,000	\$150,000	
Total Value	\$200,000	\$150,000	\$ 50,000
Property Settlement Note		(\$50,000)	\$ 50,000
<b>Revised Total</b>		<b>\$100,000</b>	<b>\$100,000</b>

this does not mean that the other spouse is no longer responsible for the debt. Unfortunately, both spouses will remain liable to the creditor. If one spouse refuses to pay, then the other spouse will have to pay off the debt. If you can afford it, paying off credit-card debt with liquid assets is the best way to deal with unsecured debt.

## Closely Held Business

A closely held business can be in the form of a sole proprietorship, corporation, general or limited partnership, or limited liability company. Before one spouse agrees to take a business interest, he or she has to make sure there are no restrictions on owning the interest. There could be legal or contractual restrictions on which spouse could own the business interest.

If the business, for instance, is a professional corporation, as defined by state or provincial law, then one spouse may be legally restricted from maintaining an ownership interest. For instance, if Joe is a physician and Barb is an accountant, in many states or provinces, only Joe could own his medical practice and only Barb could own her accountancy practice. Another restriction may exist if there is a liquor license or taxicab medallion that is only transferable with government approval.

A “buy-sell” agreement is an example of a contractual restriction that may preclude a transfer to a spouse. If the “non-owner” spouse is awarded the business interest in the divorce, then the spouse may be forced to sell the business interest at a substantial discount. For example: Joe owns 25% of a business that has a total value of \$100,000; his share is valued at \$25,000. If the buy-sell agreement requires Barb to sell her interest at 50% of the value, and if she were awarded the stock in the divorce, she would be required to sell her interest for \$12,500.

## Property Settlement Note

A property settlement note is generally used to equalize the assets. For instance, Mike and Julie have the following assets (shown in “Table Two” on the previous page).

To equalize the division of assets, Mike should pay Julie an additional \$50,000. This can be structured as a note payable to Julie in the amount of \$50,000 at an agreed-upon interest rate. If Mike and Julie agree that the note would be payable over five years at a 5% interest rate, then the annual principal and interest payments would be \$11,549.

A property settlement note has some significant drawbacks, however, including:

- If the agreement isn’t followed, it becomes another issue to fight over.
- What happens if Mike doesn’t pay?
- Should Mike pay interest on the note?
- If the note is unsecured, it would probably be discharged in bankruptcy.
- What happens if Mike dies or becomes disabled before the note is paid in full?

## Life Insurance

Some life-insurance policies have cash value. This means that the owner could borrow money from the policy or trade the promise to pay a future sum at death for the current cash value, less any costs or charges.

Other policies, such as term insurance, have no cash value. Term insurance may still be valuable, though, particularly if the insured person is now uninsurable.

The settlement agreement should address who will own the existing life insurance policies. Naming an ex-spouse or child as the irrevocable beneficiary of a group policy is minimally effective, since the designation can be changed unilaterally by the employee when the carrier changes, or indeed at any other time. If the non-insured spouse is supposed to be the beneficiary, then the best way to protect his or her interest is to have the non-insured spouse own the policy. Using the above example, if Mike owns a policy and is the insured, and they agree that Julie should be the beneficiary, then he should transfer ownership of the policy to Julie. She should verify that she is the beneficiary of the

policy. They can structure it so that he pays her the premiums as alimony. That way, she can be sure that the payments are made and that she remains the beneficiary. Otherwise, she is at risk if he lets the policy lapse or changes the beneficiary.

## Other Assets

Some other assets to address in the settlement agreement include: Frequent Flyer Miles, lottery winnings or other prize winnings, club dues and annual membership fees, inheritance and gifts, and trusts naming one spouse as a current beneficiary.

Keep in mind the assets listed here are not by any means exhaustive; you and your spouse may have assets in addition to those listed in this article. They can make a huge difference in your post-divorce life, so take the time to list them carefully and discuss them fully before you settle things, once and for all. ■

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# Managing ANGER

**ANGER** is a very familiar emotion for all of us, and in healthy relationships, it can be an overwhelmingly positive force in our lives. Healthy anger can tell us if there's something wrong, painful, or threatening that we need to take care of. It helps us protect ourselves and to know when people are crossing our boundaries.

But for couples who are going through separation or divorce, anger is often anything but healthy. In her informative book *The Good Divorce*, Dr. Constance Ahrons defines divorce-related anger as “an extreme rage, vindictiveness, and over-powering bitterness that is felt when a love relationship is ending. It is a special kind of anger that usually hasn't been experienced before.”

When anger is coupled with divorce, it's often used as a misguided means of hanging onto a failed marriage. After all, for many people, a bad relationship is better than no relationship at all. Divorce anger allows people to punish their ex as often as possible, all the while maintaining an ongoing (bitter) relationship with him/her. It's a situation that leaves both partners in divorce limbo, a perilous situation that obstructs growth and self-awareness. If you wish to move forward, you'll need to learn to handle your anger.

Some people hold onto their anger so tightly — stoking the fires on a daily basis — that their rage takes over their whole lives, coloring and informing all their thoughts and actions. They weigh every action to see how much emotional

**Divorce-related anger can literally make you crazy, causing you to say and do things you'd never dream of if you were thinking clearly. Even though it's a normal part of the healing process, anger can become a destructive force in your life.**

or physical harm it will inflict on their ex-spouse (even simply being a nuisance will do “in a pinch”) without seeing the injuries they may be inflicting on innocent victims. Using children as human shields in the divorce battle is a common way to fan the flames of divorce anger. Many scenarios are possible, all of which are damaging and punitive to the children: the custodial parent withholds visitation from the non-custodial parent; the non-custodial parent refuses to pay child support; the custodial parent “forgets” to pick the children up; or the non-custodial parent is hours late in bringing them back. “We forget what's best for the children because we are so intent on getting that other person,” writes Ahrons. But “getting back through the kids is hitting below the belt.”

Divorce anger is also often expressed through the legal process itself. Here, it's very important to remember that your lawyer is your advocate, not your therapist or your best friend. Expressing anger to your ex-spouse through the legal process invariably leads to

prolonged, emotional proceedings that will ultimately leave you and the family resources drained dry.

Using the court as a venue to vent your anger is a bad idea for a couple of key reasons: it's the wrong venue, and it's very expensive (financially and emotionally). Unfortunately, the legal divorce process itself tends to add fuel to the fires of anger. Dividing property (some of which has great sentimental value) and trying to prove your case for custody and/or support can be very emotionally charged because these issues underline what is being lost or changed because of your divorce. Some degree of upset is inevitable, but driving yourself alongside your ex into bankruptcy is truly cutting off your nose to spite your face.

So how can you cope with this new and intense anger? The key lies in understanding its roots and in finding constructive ways to express the hurt, disappointment, and loss that both you and your former spouse are feeling now as you proceed through separation and divorce.

Here's some advice about coping with your own and your ex-spouse's divorce-related anger.

## **If You're Angry:**

**Write it out.** Work through your anger by keeping a journal or by writing letters you don't mail. By doing so, you can release your anger without engaging another person. Also, it is possible that you maybe angry with yourself.



**Shout it out.** Roll up the windows in your car, or put your head in a pillow and scream.

**Talk it out.** It's important when you're angry to develop your own personal support system. Instead of directing your anger at your ex-spouse, talk to a good friend (or two), or find a therapist who specializes in anger management.

**Get some professional help.** Anger can suppress other emotions, both positive and negative. Talking to a professional can help you begin to feel those emotions you've been suppressing and move past the anger. You could also benefit from a support or anger-management group, where you can share your story of isolation and help people move to a position of growth and development.

**Take responsibility for your part of the marriage break-up.** "It's a rare couple in which both partners were

**Keep conflicts at a moderate level.** Your ex will often match your level of intensity. And be sure to choose your battles carefully. Expressing every little irritation and disagreement provokes resentment. Think about the most important issues and let go of the small stuff.

**Use "I-messages" when expressing anger.** Say: "I feel disappointed when you don't call," not: "You stupid idiot, you're always late!"

**Give yourself time to recover from the loss of your marriage.** On average, experts say that the healing process takes at least two years, and often longer. "It's important to realize how sad you are," says Ahrons. "This won't necessarily make you more vulnerable to your ex-spouse; your successful handling of your emotions puts you in a more powerful position."

**Forgive, let go, move on.** Anger can become a comfort, a constant in our

calm down." Put limits on what you'll take and how you'll be treated.

**Get some assertiveness training to boost your self-esteem.** "Anger is like a fire that must be burned up into the ashes of forgiveness," writes Ahrons. "If we are passive, it is like throwing more logs onto the fire."

**Try not to take your ex-spouse's comments too personally.** Remember that anger is a projection of one's own inner feelings and one's own world. Accept the fact that this person is angry because they're going through turmoil.

**Stay calm.** It can really help de-escalate the other person's anger. Relaxation techniques, such as deep breathing, can be effective when you're listening to someone who's really angry.

**Learn to recognize your own hot buttons.** When someone pushes one of your buttons, your response is going to be way out of proportion to the offense.

**Try to feel a little compassion — no matter how hard that may be.** Your ex may be feeling fearful and threatened, so try to hear what's underneath the anger; quite often, it's fear, pain, or shame. Showing empathy or compassion for your ex can go a long way to defusing his or her anger.

**Be honest with yourself.** Recognize that when someone is angry with you, there may be something in what they're saying. If your ex is yelling at you, you can choose to think he/she's a jerk and start yelling back, or you can "dig for the gold" in what he/she's saying. Keep the gold; discard the dirt and rocks.

**Value your safety above all else.** If your former partner's divorce anger seems to be headed in a dangerous direction, put some boundaries in place and communicate through a third party. Threats should always be taken seriously: remove yourself from the situation and refuse face-to-face contact if you sense any danger at all. ■

*Jane Nahirny is the former Editorial Director of Divorce Magazine.*

**When someone pushes one of your buttons, your response is going to be way out of proportion to the offense.**

exactly equal in the breaking of the marriage, but it's an even rarer couple in which one partner was solely at fault," writes Constance Ahrons in *The Good Divorce*.

**Do some personal growth work.** Anger is a great motivator toward action and can propel you to take steps in your life to change situations.

**Learn what "pushes your buttons."** Try to understand your anger — and what triggers it — before you express it. Don't be afraid to say that you need some time to think about your response.

**Protect your children.** Never make them part of your conflict with your former partner by withholding visitation or support or poisoning their minds against your ex. "For the sake of the children, if for no other reason, learn constructive methods of expressing anger," Ahrons says.

lives, but as long as you continue to nurse your anger against your ex, you will never have a happy, fulfilled, post-divorce life. Own your responsibility for the break-up, and realize that you have the power to make the choice to forgive and move on, or stay angry and remain stuck. It doesn't matter what your ex does; you can still choose forgiveness.

### **If Your Ex Is Angry:**

**Listen to and validate your ex-spouse's comments.** By really listening to his or her concerns, you may learn where the anger is coming from and identify what you can do to help. It also really helps to defuse the situation by saying something like, "I understand why you're angry with me."

**Don't be afraid to take a "time-out."** Walk away from an anger attack if you can't handle it. You can try saying, "I'm not going to talk to you until you

# Breaking The News To Your Kids

How, what, and when to tell the children about your divorce.

*Teri Morrison is a former Contributing Editor to Divorce Magazine.*



**HURT**, pain, loss, and anger are feelings you may have about your divorce. And while this may be one of the most stressful periods in your life, it's at least doubly so for your children.

Experts agree that far too often, it's children who suffer most in separation or divorce, so it's important to handle telling them in a mature, adult manner. "Before you tell your kids about your decision to end your marriage, discuss with your spouse what you are going to say and how you will say it," says Stephanie Marston, a licensed marriage, family, and child counselor, in her book *The Divorced Parent*. Julie Criss-Hagerty, Ph.D., a licensed clinical psychologist in Newhall, CA, concurs and adds, "The optimum time is when you have made the final decision to separate and you have a time line as to what is going to happen. Have a game plan in mind with details about visitations, phone calls, and where Mom and Dad are going to be living." The more information children have about the day-to-day facts, the better they are able to deal with this period.

Here are some strategies for talking to your kids and helping them deal with the aftermath of the news.

## Tell Them Together, as Early as Possible

If possible, this job should not be done solo. "There are several advantages to telling your children the news together. You let them know that your decision is mutual, mature, and rational, one that you both have considered carefully and to which you are committed," says Marston.

While it's important not to put off breaking the news for too long, you should also avoid jumping into it without thinking about it first. You and your ex-spouse need to take the time to develop a clear plan or strategy for telling the kids before you talk to them. You can make this difficult conversation a little easier by deciding who will say what and by agreeing to support each other in front of the children.

Parents are often surprised that their children know about an impending separation or divorce long before they are officially told. That's because separation and divorce are usually preceded by tension or arguing in the home. However, the kids still need to be officially told, no matter what they might have figured out for themselves.

"It's best if both parents can give the children the news as a couple," confirms Robert M. Galatzer-Levy, M.D., a Chicago-based child and adolescent psychiatrist and the author of *The*

*Scientific Basis of Child Custody Decisions*. "If they can cooperate enough to do this, it will send a positive message about the future." This approach will give both of you an opportunity to reassure your children of your continued love for them. However, if you think there's going to be a lot of conflict or a confrontation if you tell the children together, then it's better to have one of you break the news to the children alone. Re-enacting major battles in front of your children will probably do more damage than the news of the separation or divorce itself.

## See Things Through Your Children's Eyes

It's a good idea to work out some of the details of your divorce before you sit down with the kids. Knowing things such as where they will live, which parent they will live with, and visitation schedules will help your kids get over the initial shock of the news. Although your children will have an immediate emotional response to the news of your separation or divorce, don't be surprised if most of their questions are practical and appear somewhat self-centered.

Children's concerns often depend on their age. "Most children have questions about their security: where they are going to live, or if they're going to stay

at the same school,” says Carol-Ann Flicker, Ph.D., a clinical child psychologist in Beverly Hills. “If they don’t ask the questions, they may act them out. Younger children in particular ‘play divorce’ and take various roles. In some children, there will be sadness and depression. Other kids will be hyper or aggressive, and in some cases, you will see regressive behavior.”

“It’s important to see the problem through your child’s eyes,” says Dr. Galatzer-Levy. “A three-year-old might be most concerned about where the dog’s going to be living, while a fifteen-year-old wants to know if he or she’ll be going to a different high school.” Both you and your ex-spouse may want to consult parenting books or a therapist or mediator before talking to your children.

## Be Honest

When it comes to telling the children about the reasons for your separation or divorce, honesty is of the utmost importance. “Try to be as truthful as you can given the age of the kids. Children don’t just listen to the words. They listen to the tone; they notice the look. They see the evidence,” Flicker says. Criss-Hagerty agrees: “Deceptions may be easier for the parent in the beginning, but they will backfire later, and the child will get angry when he or she finds out that the truth has been withheld.”

## Be Age-appropriate

Being honest doesn’t mean you should fill them in on every sordid, adult detail; make sure you talk to them in an age-appropriate manner. “A younger child needs simple information, and it should cover what’s happening and what’s going to happen to them. Don’t give them too much information all at once,” advises Flicker. “Teenagers may be more willing to ask why — and they may question the fidelity of one parent. The bottom line in divorce is: don’t lie and don’t bad-mouth the other parent.”

## Stick to the Facts

Divorcing parents of adult children should also refrain from saying too much. It’s tempting to use your adult

kids as sounding boards or therapists, but the long-term problems you’ll cause far outweigh any short-lived satisfaction you might feel after unburdening yourself to your child.

## Keep It Real

You may also feel compelled to paint a picture of a “better life” after the divorce to smooth things over. Don’t promise things that won’t or can’t happen. If the children ask you something that you’re unsure of — whether

listen to their concerns and answer their questions honestly, it’s just as important to listen for their “hidden” questions and concerns. A child often won’t ask the questions that are really on his or her mind: “Is it my fault?” “Will you leave me next?” “Will you always love me?” Children of any age will need repeated assurances that you love them and won’t leave them. “Children of divorce often feel abandoned, particularly when one parent leaves. This is why the phone calls and the knowledge of when they will be visiting the absent parent are

**A child’s age, gender, and level of understanding will affect how they react to the news of your impending separation or divorce.**

or not everyone has to move out of the family home, for example — let them know you’re not sure and that you’ll keep them up-to-date.

## Be Prepared for All Types of Reactions

A child’s age, gender, and level of understanding will affect how they react to the news of your impending separation or divorce. A preschooler may not understand the implications of divorce, but they will certainly notice an absent parent and may fear complete abandonment. An adolescent might assign blame to the parent he or she believes is at fault. Most children feel guilty, but while a teenager may wonder and ask if he or she is the cause of the separation, a younger child will often assume he or she is responsible.

Above all, let your children express their feelings about the separation or divorce, whether it’s denial, sadness, or anger. Since you’re probably going through a pretty tough time yourself right now, you may be tempted to conclude that your kids are fine when they’re actually quite upset.

## Listen

Most children respond to the news of a separation or divorce with a lot of questions, such as: “Why is this happening to us/me?” or “Why can’t we all live together?” While it’s important to

crucial. Reassure them that you understand their feelings,” says Criss-Hagerty.

## Keep the Kids Out of the Middle

You can’t stress enough that this is an adult problem, that the adults are going to work it out, and that you’re going to continue to love your children, no matter what happens.

Don’t ever use your kids as bargaining tools. Every parent in the middle of a divorce has probably thought at least once of using his or her child to get back at a former spouse. Thoughts of withholding support, refusing visitation, or just plain dumping on your kids about your ex may give you moments of pleasure, but ultimately, these actions will only hurt your children.

Nor should you force your children to take sides. Do whatever you can to avoid asking them to give up their loyalty and love for their other parent, either directly or indirectly. This includes subtly trying to find out information about your ex’s activities or telling the kids you’d like to buy them new shoes “but Dad’s not giving us enough money,” for example. Trying to co-opt a child’s loyalty is very damaging: your children will start to feel responsible for your problems and try to solve them. Remember that your kids aren’t divorcing your ex: you are. ■



# Common Questions about Collaborative Divorce



Here are answers to some of the most frequently asked questions about the Collaborative Divorce process.

by Jeffrey Cottrill and Jane Nahirny

## **“What are some of the advantages of Collaborative Divorce?”**

The most obvious benefit of a Collaborative Divorce is the reduction in stress and emotional trauma. It’s an alternative to the traditional, adversarial method of resolving divorce in which two sides fight each other in court. Instead of trying to demolish each other through character attacks and public humiliation, both sides in Collaborative Divorce work together in a private setting to come up with a mutually beneficial resolution. Unlike in a long, drawn-out court battle rife with personal conflict, participants in a collaborative settlement walk away with dignity and self-respect.

Another important advantage is the power and control that Collaborative Divorce affords you. In litigation, the final decisions rest with a court-appointed judge, who only knows you through the trial testimony and whose range of options is limited. In a Collaborative Divorce, however, you and your spouse control the negotiations based on your own unique circumstances — with the assistance of your collaborative lawyers. This method allows for tailor-

made, outside-the-box solutions that you can adapt to fit your own family situation, whether that involves child custody and visitation, business ownership, dividing high-value assets, or all of these together. It allows for far more creativity and flexibility than the traditional divorce does.

The overall goal of Collaborative Divorce is to craft resolutions that will work for everybody involved in the long term. The process often employs neutral professionals — such as financial advisors or child specialists — to assist the parties and their collaborative family lawyers in addressing the issues of property and children, so that all areas are covered in an expert way without any bias in favor of one party. Everybody focuses on solving the problems rather than on placing blame for them.

So Collaborative Divorce has several advantages over litigation as a process of resolving marital dissolution.

**“My husband says we’ll save time and money by sharing a lawyer. Is that how Collaborative Divorce works?”**

No. In Collaborative Divorce, each spouse hires his or her own collaborative lawyer.

However, divorce cases resolved through the collaborative process sometimes (though not always) cost less than traditional litigated cases, because the parties and their lawyers do not hire their own sets of financial or mental-health experts: often, one neutral financial advisor takes part, for example. All the professionals involved work together to resolve the issues. Another reason Collaborative Divorce may be less expensive (and time-consuming) for you is that the parties and professionals are not caught up in arguing, filing motions, or awaiting distant court dates. Since the goal is to work together to come to a common resolution rather than to “defeat” each other, things tend to go more quickly, cheaply, and smoothly in the collaborative method.

**“How do we know if we’re good candidates for Collaborative Divorce?”**

If both you and your spouse are interested in resolving your divorce cooperatively and openly, with a sincere

commitment to work out the issues in a non-adversarial environment, then you would do well to consider Collaborative Divorce. While the process is not for everyone, the collaborative model is an effective way to get through divorce with less emotional stress.

Even if you and your spouse aren't getting along, Collaborative Divorce may work for you if you are willing and able to put your personal feelings aside for the sake of resolving the issues in a mutually beneficial way. Particularly if you dedicate yourselves to negotiating solutions that are in the best interests of your children, the collaborative model is a good choice. And if you just don't trust your spouse because of infidelity, or if you're not familiar enough with the family finances, the collaborative professionals — lawyers, financial experts, child specialists, etc. — should be able to compensate for any power imbalance in your relationship and help keep the negotiations fair and equal.

Collaborative Divorce is less likely to work for divorcing couples in which at least one spouse has demonstrated bad faith to the other, or in which one is determined to “punish” the other or to “win”. In addition, some family-law experts don't recommend it for marriages that include a history of serious alcohol or drug abuse, domestic violence, or mental-health issues.

Of course, it all depends on your individual case. You would be best to discuss it in a consultation with a lawyer to find out if Collaborative Divorce is right for you.

### **“How does Collaborative Divorce differ from mediation or litigation?”**

In Collaborative Divorce, both parties hire collaborative lawyers and sign a contract with them, in which they agree to resolve their divorce without resorting to litigation. Instead of fighting it out and trying to “win” over each other, the spouses and their lawyers negotiate with each other in confidential

meetings in order to reach a mutually agreeable settlement. If the process doesn't work, then both collaborative lawyers must resign from the case and the parties have to hire new lawyers to resolve their divorce in court.

Like mediation, collaborative law is a cooperative and stress-reducing alternative to litigation. But the main difference between Collaborative Divorce and mediation is that, in the latter, the spouses work out their settlement by themselves under the supervision of a mediator. Although it's recommended that each mediating party retain a

**“Collaborative law is a unique new process that aims to bypass the traditional adversarial divorce — while constantly employing legal expertise — through a spirit of cooperation and a mutual agreement not to resort to court.”**

lawyer to advise them, lawyers generally don't attend mediation conferences; instead, a lawyer drafts the final settlement papers, and the parties' own lawyers finalize the outcome in court. Another key difference is that the collaborative process specifically prohibits litigation.

One unique feature of Collaborative Divorce is the frequent use of neutral professionals — such as a financial advisor or child specialist — to deal with both parties' financial, emotional, or custody/visitation issues. In litigation, the parties might choose to hire their own professionals to help with these issues on their own sides. But in

collaborative law, these professionals are unbiased and work together with both collaborative lawyers.

Collaborative law is a unique new process that aims to bypass the traditional adversarial divorce — while constantly employing legal expertise — through a spirit of cooperation and a mutual agreement not to resort to court.

### **“How is a Collaborative Divorce settlement different from a settlement in a traditional case?”**

Most divorce cases settle out of court, in terms of property division, spousal and child support, and custody and visitation. But what distinguishes the collaborative model here is its ability to help the spouses plan for their post-divorce lives: you wind up not only with a legal settlement, but also with the tools to move on to the next stage of your life financially and emotionally.

In the collaborative process, a functional divorce settlement is the only goal, and the parties and professionals devote all their energy to it. Because everybody involved has agreed not to consider litigation an option, the focus is on goals rather than on positions and strategy. While the collaborative lawyers advise the parties on the law, other professionals deal with areas that the lawyers don't have the training to give feedback on, such as the impact of financial decisions and the children's well-being. The overall outcome isn't merely a legal decision: it also encompasses how the family is going to work in the best possible way after the divorce is final.

In addition, litigation is not ruled out in mediation, therefore the parties and their lawyers may still be taking opposing sides to some extent; in fact, mediation is often just one step in a litigated divorce. In Collaborative Divorce, though, the process is all about working together for everybody's benefit.

In general, Collaborative Divorce allows for the possibility of a far more

complete divorce settlement — one that plans for the next stage of your life — than you would be able to achieve through a traditional legal settlement.

### **“What role does the financial advisor play in the Collaborative Divorce model? Do we need to involve one in our divorce?”**

Unlike in a traditional divorce case, where each spouse may hire and pay for his or her own financial advisor to work exclusively with that party, a financial professional in a Collaborative Divorce is completely neutral. The professional’s job here is to evaluate both parties’ assets and income without bias, and to analyze the overall financial picture, in order to help create a division of assets and, if relevant, a support-payment plan that works best for both sides.

The neutral perspective is essential to the collaborative process: the parties are often more likely to listen to and heed by the suggestions of a professional who doesn’t take sides than similar suggestions from one of the lawyers. The neutrality of the financial advisor also helps to minimize the influence of the parties’ emotions on the settlement, in order to analyze the situation objectively.

Among other services, the financial professional in a Collaborative Divorce helps both parties to gather and organize all the relevant financial information regarding the marital assets and liabilities and to understand what the main financial issues of the divorce are. He or she also develops future projections of the parties’ incomes and expenses, and of the values of the marital property and other assets, based on present calculations. Through this, the financial professional can provide practical and realistic options for dividing the marital estate and (when necessary) creating a support plan, leading to a financial resolution that both spouses can live with after the divorce.

Since every divorce has some level of financial issues, using a neutral financial advisor in your Collaborative Divorce is highly recommended. The financial

professional has the expertise you need to make important decisions about your divorce settlement as you and your spouse make the transition from one to two households.

### **“What happens if the collaborative model doesn’t work for us and we can’t reach a settlement?”**

In collaborative family law, both parties retain a specially trained collaborative lawyer. As you may or may not know, both lawyers must disqualify themselves if a case breaks down and either party wishes to go to litigation. Proponents of this relatively new alternative-dispute-resolution process say that this requirement virtually guarantees settlement, as it is very expensive to hire and educate a new lawyer.

It’s motivating for all parties concerned who are invested in the process of negotiation to continue and to find solutions to all of the parties’ problems. Just knowing that the lawyers you’ve chosen will never litigate your case also creates a sense of trust. You can be more open and less fearful of the process. This, say experts, also helps result in an expeditious and fair settlement.

### **“My wife and her lawyer are not cooperating fairly. Will we reach a fair settlement?”**

It sounds like your wife’s lawyer is not a collaborative family lawyer — or a very poor one. The whole philosophy of Collaborative Divorce is about resolving disputes through fair cooperation, whereas a traditional divorce lawyer works by trying to “win” in a conflict with the other party.

To be an effective collaborative lawyer, one must receive special training in communication skills, conflict management, and negotiation based on both parties’ best interests. The collaborative lawyer allows his or her client to speak for himself or herself in private meetings and focuses on respectfully listening to both sides’ points of view. The process requires openness, honesty, and mutual trust in order to be

successful. This is a radically different environment from what a divorce litigator is accustomed to. In a traditional divorce, the lawyer often takes charge, speaks for the client, establishes a position directly opposed to the other party, and focuses on confronting and attacking the other party through cross-examination while defending the client against similar attacks.

Is it possible for a collaborative family lawyer to negotiate with a traditional divorce lawyer? Maybe, but there would have to be some kind of compromise outside the collaborative system. The traditional lawyer would have to negotiate with some respect and courtesy in order to get anywhere, and the collaborative lawyer would have to be prepared to litigate (or to resign from the case) if the talks continued to break down. However, in order to create a truly collaborative resolution to the divorce, both parties’ lawyers have to officially agree that going to court is not an option, and then cooperate as a team with the parties and other professionals involved, to get the job done.

### **“Does Collaborative Divorce work the same way throughout the United States and Canada?”**

Collaborative Divorce uses the same basic model throughout North America — that of two collaborative lawyers who negotiate together with both clients with an agreement not to resort to litigation. However, specific rules and norms may vary depending on your area. Please contact your lawyer and/or your local collaborative-law group if you have questions about how the process usually works in your state or province. ■

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**For more Answers to Frequently Asked Questions about Collaborative Divorce and other aspects of the divorce process, please visit: [www.divorcemag.com/faq](http://www.divorcemag.com/faq).**



# Stress-Busting Tips

Divorce is one of the most stressful life events you can experience, but there are some valuable ways — both physical and mental — you can reduce your anxiety levels.

**COUNT TO TEN.** Find a quiet, comfortable place to sit — perhaps a park bench during your lunch break, or a favorite chair at home. Don't lie down unless you're certain you won't fall asleep. Start to take slow, deep breaths. Think "one inhale" as you breathe in, and "one exhale" as you breathe out; you'll count the next breath as "two inhale, two exhale," up to "ten inhale, ten exhale." Then start again from "one inhale." If you lose your place, start again from "one inhale." The counting helps to focus and quiet your mind, shutting out intrusive, stressful thoughts. Continue counting your deep breaths for 10 minutes once or twice a day.

**LAUGH IT OFF.** From a tiny giggle to a side-splitting guffaw, laughter can help to reduce stress. Research has found that laughter initiates the release of beta-endorphins — the same "feel-good" natural relaxants that are released during exercise. Endorphins also block cortisol, a hormone that can affect your blood pressure, immune system, and weight. Rent a comedy video or go see a funny movie; read a book that has you in stitches; subscribe to your local comedy TV station; and hang out with people who make you laugh. Or pick up a copy of *Health, Healing, and the Amuse System: Humor as Survival Training* by humor-research pioneer Dr. Paul McGhee at [www.laughterremedy.com](http://www.laughterremedy.com).

**JUST WALK AWAY.** Any exercise, even a leisurely 20-minute stroll, has

the ability to reduce stress. Make your walk extra-relaxing by listening to a soothing audiobook and/or by taking your walk in pleasant surroundings. Keep your eyes open, though: you don't want to walk into traffic or other pedestrians!

**WRITE IT OUT.** You've probably heard about the power of journaling: writing down your thoughts, feelings, and experiences on a daily basis can help to unburden both your mind and body. So for the next couple of weeks, try to spend at least 20 minutes a day writing in a journal. Jot down the details of a stressful day or an encounter with your ex. You're not looking for prizes for style or grammar here: the point is to get as much into your journal and off your chest as quickly as possible. You can keep your journal(s) for future reference — so you can see how far you've come — or you can burn them as part of a "letting go" ritual.

**TUNE IT OUT.** Slow music has been shown to ease anxiety as well as lower blood pressure and heart rate. Try something from the Solitudes collection; some of their titles feature only nature sounds (waterfalls, babbling brooks, gentle surf breaking on the seashore), and others combine nature sounds with music. Check out the "Re-

laxation" section under "Discography" at [www.solitudes.com](http://www.solitudes.com).

**PRACTICE YOGA.** Hatha Yoga can help you release built-up tension and stress, strengthening the body while calming the mind. Once you've learned the poses (preferably from a qualified instructor), all you need is a quiet, comfortable place and about 20-40 minutes each day to breathe and stretch your stress away. "People who practice yoga and meditation report they have more self-confidence, sleep better and eat better and that their stress and anxiety levels are greatly reduced," says Helen Goldstein, director of The Yoga Studio in Toronto. "And 20 minutes of meditation has the positive effects of two-to-three hours of sleep."

■  
*Diana Shepherd is the former Editor of Divorce Magazine.*



# Full ESTEEM Ahead

Our self-esteem can take a beating after divorce. Here are some tips to raise it back up again.

**1) Recognize that what you're going through is normal.** "It's an emotional process," says M. Chet Mirman, Ph.D., a clinical psychologist and co-founder of The Center for Divorce Recovery, a Chicago-area psychotherapy center specializing in divorce-related issues. "It helps when someone's going through a divorce if they remind themselves that this is a normal part of the process — that this too will pass."

**2) Go on living your life as fully as possible while grieving the loss of your marriage,** advises Jeffrey Rossman, Ph.D., a psychologist and the director of the Behavioral Health Department at Canyon Ranch in the Berkshires.

Know that the grieving can take place right alongside full engagement with life, he says. "And try to 'live well': That's a wonderful way to boost your self-esteem."

**3) Calm, subdue, and wrestle those self-punishing thoughts to the ground.** In their book, *Conquer Your Critical Inner Voice* (New Harbinger Publications), Robert W. Firestone, Ph.D., Lisa Firestone, Ph.D., and Joyce Catlett, M.A. note that: "The critical inner voice is the language of the defended, negative side of your personality; the side that is opposed to your ongoing personal development."

**4) Work to replace the inner critic with a healthier voice.** Pick up a copy of *Self-Esteem*, by Matthew McKay, Ph.D. and Patrick Fanning (New Harbinger Publications). Chapter Four deals with "Accurate Self-Assessment." These important pages will help you create a realistic inventory of your strengths and weaknesses, which the authors claim will lead to a "self-description that is accurate, fair, and supportive."

**5) Avoid assigning blame, either to your ex or to yourself.** When you feel yourself blaming either yourself or your spouse, shift to learning, suggests Dr. Rossman. "Ask yourself, 'What can I learn from this?'" Avoiding the blame game is particularly important if you have children. Bad-mouthing your former spouse in front of the children may provide you with a sense of release in the short-term, but it's very damaging for the children in the long-term, stresses Dr. Rossman.

**6) Take responsibility for your own happiness.** In his book, *A Woman's Self-Esteem: Struggles and Triumphs in the Search for Identity* (Jossey-Bass), Nathaniel Branden (who also authored *The Six Pillars of Self-Esteem*) explores the origins of personal happiness and suggests that intrinsically happy individuals consciously commit themselves to their state of eternal bliss.

**7) Develop a more positive body image.** While physical appearance alone cannot determine an individual's self-esteem, learning to accept and appreciate how you look is important. In his book, *The Body Image Workbook: An 8-Step Program for Learning to Like Your Looks* (New Harbinger Publications), author Thomas F. Cash, Ph.D., discusses body-image distortions and offers guidance through sensitively written text and useful "Helpsheets for Change."

**8) Start dating again — if you're ready.** "Look at it as an opportunity to learn more about yourself. Each date is a chance to cultivate your skills; it's also an opportunity to get to know another person." But resist the temptation to look at dating as a "spouse hunt," advises Dr. Rossman. "If you're on a date, and you decide that this is not the person of your dreams, you can feel like you've wasted your time. Even if that person is not going to be your life partner, there can still be something very worthwhile in getting to know him/her."

**9) Learn to enjoy your own company.** "How you think about it makes all the difference," says Dr. Rossman. "Instead of saying, 'Oh, I'm divorced and I'm home alone, what a loser I am,' why not say, 'What a nice opportunity to do whatever I want?'"

**10) Feel the pain, experience the gain.** "I think when people want advice about self-esteem, sometimes what they're really saying is, 'What can I do to feel better?'" My advice is almost the opposite," concludes Dr. Mirman. "It's a really difficult and painful process, and if you allow yourself to feel bad, you're going to get through it better. There's going to be more happiness at the other side — but you need to actually give yourself permission to feel badly for a while in order to feel good later on." ■

*Diana Shepherd is the former Editor of Divorce Magazine*

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We asked prominent mediators how to overcome some of the most common barriers to a successful mediation.

### THE POWER OF LISTENING

Attentive, intentional listening helps reduce resistance and opens your thinking to creative solutions.

### TAKING CONFLICT OUT OF DIVORCE

Some important steps to help end the conflict of divorce.

## Money Matters

[divorcemag.com/articles/Financial\\_Planning](http://divorcemag.com/articles/Financial_Planning)

### CHARTING YOUR EXPENSES

Help with budgeting for your family's past, present, and future expenses.

### DISCOVERING YOUR FINANCIAL REALITY

Understanding your financial situation.

### DROWNING IN DEBT?

Strategies for ending your post-divorce credit woes.

### LOVE, MONEY, AND THE BLENDED FAMILY

Divorce and the economics of love.

### MONEY MYTHS

Beliefs can prevent you from making rational decisions about your money.

### WHO GETS WHAT?

Deciding what's "yours," "mine," or "ours" can be hard. Here are guidelines.

## Children/Parenting

[divorcemag.com/articles/Children\\_and\\_Divorce](http://divorcemag.com/articles/Children_and_Divorce)

### BECOMING A BACHELOR PARENT

The new adjustments a bachelor parent faces can be overwhelming, but the rewards are immeasurable.

### BUILDING A HAPPIER FUTURE

How you handle your divorce will determine how your children will fare today and tomorrow.



## Free Monthly Divorce TeleSeminars

Attend our series of monthly TeleSeminars designed to help those who are separated and divorced. This Teleseminar series will educate and empower you as you go through your divorce process and design a new life.



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MAGAZINE TELESEMINARS

# Join Your Divorce Community

Aside from getting expert advice, there are times you may want to connect with real people who are going through their own divorce or have gone through a divorce. You may simply want to vent, ask some questions, get some support, share your thoughts, insights, tips or even inspire others through your own divorce story. If this sounds like you, join the **Divorce Magazine Community online**, where you'll connect with divorcing people 24/7 through the following:



### Discussion Forum

[www.divorcemag.com/forums](http://www.divorcemag.com/forums)

This forum has been active since 1996. Choose one of the discussions and post your questions and comments.

### Tell Your Divorce Story

<http://divorceblog.divorcemag.com>

You can post your divorce story as a way of healing or inspiring others who are going through a divorce.

### Divorce Blog

[www.BlogsOnDivorce.com](http://www.BlogsOnDivorce.com)

This blog features a wide range of bloggers who are seasoned divorce professionals, including divorce lawyers, judges, therapists, authors, financial advisors, etc. Read and comment on their posts and advice on relationship, separation, divorce law, and how to move on after divorce.

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