

**HOW TO RUN YOUR HAMBURGER STAND
OR
YOUR COLLABORATIVE LAW PRACTICE**

©S. Camille Milner, August 2005

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Background

Born: Ft. Worth, Texas, December 24, 1958
Resident of Denton, Texas, from June 1963 – present

Education

Graduated from Denton High School, 1977
Graduated with a Double Major in History and Political Science from the University of North Texas, Magna Cum Laude, August 1980
Graduated from the University of Texas School of Law, May 22, 1983
Attended three Collaborative Basic Training Courses and the Advanced Collaborative Law Training Course by Chip Rose, J.D.

Employment History

Municipal Judge, City of Denton, 1985-1986
Law Office of S. Camille Milner, April 1, 1985-December 31, 1988
Milner & Walters, P.C., January 1, 1989-December 31, 1992
Milner, Walters & Garcia, P.C., January 1, 1993-March 31, 1994
S. Camille Milner, P.C., April 1, 1994-present

Professional Associations

Member, Denton County Bar Association, 1985-present
Secretary-Treasurer, Denton County Bar Association, 1991-1992
Vice President, Denton County Bar Association, 1992-1993
President, Denton County Bar Association, 1993-1994
Member, State Bar of Texas
Member, Family Law Section of the State Bar of Texas and Denton County Bar Asso.
Member, Texas Academy of Family Law Specialists
Member, Real Estate, Probate & Trust Section of the State Bar of Texas and Denton County Bar Association
Member, State Bar College
Board Certified—Family Law—Texas Board of Legal Specialization
Member, Collaborative Law Section of the Denton County Bar Association
District 14 Representative, Local Bar Leaders Committee, State Bar of Texas
Member, International Association of Collaborative Professionals (IACP)
Member, Collaborative Law Institute of Texas (CLI-TX)

Honors

Denton County Bar Association named “Best Bar” by the State Bar of Texas 1993-1994 during presidency
Named “Attorney of the Year” by the Greater Denton Legal Assistants Association-1993

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HOW TO RUN YOUR HAMBURGER STAND OR YOUR COLLABORATIVE LAW PRACTICE

I. INTRODUCTION

This paper and the presentation accompanying it seek to provide a way to implement the “systems approach” to your Collaborative Law practice, a sort of “how-to manual” for those interested in becoming collaborative lawyers or a quick reference/process checklist for those who have been involved in the collaborative family law practice since its inception.

II. SYSTEMS AND WHY THEY ARE IMPORTANT

A. Why Systems are Important to the Practice of Law

In 1995, *The E-Myth Revisited* was published by Michael Gerber. The basis of this book was that if you set up “systems,” you could recreate a consistency of experience for consumers that will make your business succeed and thrive. While many adults would consider the food at McDonald’s™ to be nothing more than basic, chances are, whenever you have been there your experience is consistent with what you expected it to be and what you experienced there in previous visits.

For lawyers, the fact that *The E-Myth Revisited* is an education on how Ray Kroc developed the successful McDonald’s™ franchise might seem irrelevant. After all, we are not business people—we are “professionals.” Ah, think again. Lawyers are business people, and those who are successful in the profession have used (albeit unknowingly) some form of the “systems” that made McDonald’s successful. Have you ever used the Texas Family Law Practice Manual forms, Texas Guardianship or Probate Manual or the real estate forms promulgated by the State Bar of Texas? Have you ever used ProDoc™? Are you a member of the Collaborative Law Institute of Texas and have you ever downloaded any of the forms that are promulgated by that organization? If so, you are already using a form of the very systems theory that is fundamental to successful businesses. Imagine if every time you did a family law case you had to start from scratch in creating each form; you would never have time to put your professional signature on anything else because you would be spending all your time recreating the basics.

B. Why Systems are Critical to the Growth and Success of Collaborative Law

Amongst those of us who have been involved in the Collaborative Law Practice since it crossed the Red River and came into Texas about six years ago,

there exists the belief that Collaborative Law has saturated the state. Unfortunately, that is a misconception. If you review the map of collaborative professionals on the Collaborative Law Institute of Texas website, you will find huge areas where there are few or no collaborative family law attorneys practicing. If we are to hope that the collaborative family law practice will one day be the norm or even an option regularly considered by clients, the saturation of our collaborative family law bar must increase far beyond the areas that it is now reaching. But just as with any other change of specialty or career, a short cut to this new skill set may determine how many people actually make that change. In addition, when we have staff turnover this system can be reviewed and used immediately by new staff members without receiving in-depth collaborative training. (See Appendix A).

Adopting and implementing a systems approach as outlined in this paper, and as made available by the Collaborative Law Institute of Texas website, will provide each of our collaborative clients with a consistent experience that will make this movement succeed and grow. And not surprisingly, when you think about it, your signature style will have a greater opportunity to develop if your time is not eaten up by mundane tasks that do not need to be recreated for each case.

III. THE INTERNAL SYSTEM

A. You Personally: Live It—Don’t Just Talk It

1. Become Collaborative

a. Changing The Way WE Think

For this movement to ultimately become successful, it will require an entirely new way of thinking, and that begins with us, the lawyers. To be successful collaborative lawyers, **WE** must change not only our perspective with regard to our law practices, but also our approach to everything in life. All those Collaborative Law catchphrases such as “The Tipping Point” and “The Paradigm Shift” will only become a permanent movement and not just a fad, if we change our whole way of thinking as lawyers and people. Are you using the Eastern “Aikido” philosophy, (as trainer Chip Rose suggests) when dealing with other lawyers and clients? Instead of meeting a confrontational lawyer or client (or the pushy parent at the soccer field) with defensiveness, are you stepping back and using their energy to turn them in a different direction? Are you asking them questions to disarm them rather than angrily responding? We must study books such as *Getting to Yes* by Roger Fisher and William Ury, *Getting Past No* by William Ury, *The Tipping Point* and *Blink* by Malcolm Gladwell, *Men Are From Mars, Women are From Venus* by John

Gray, *Divorce Without Disaster* by Janet Brumley, *The Good Divorce* by Constance Ahrons and even *The Tao of Pooh* by Benjamin Hoff.

b. If We Build It They Will Come

Victor Hugo said, “There is nothing so powerful as an idea whose time has come.” When an idea is logical and it finds its “tipping point,” society, being drawn to logical systems like a magnet, will naturally follow. Society craves order, not chaos. Collaborative Law provides order; litigation is chaos. We are the leaders in the parade; society will follow if we believe and our actions demonstrate our beliefs.

2. Continue to Hone Your Collaborative Law Skills

a. Attend Collaborative Law seminars.

b. Develop or join practice groups.

c. Join the Collaborative Law Institute of Texas, www.collabtx.com, where you will find the entire system of protocols and forms, on which this paper is based, at your disposal for a minimal membership fee.

d. Join the International Association of Collaborative Professionals, www.collaborativepractice.com, where, just as with the Collaborative Law Institute of Texas, you will find a wealth of continuing education materials and information to enhance your Collaborative Law practice.

B. Your Office

1. The Public’s First Contact with Your Office

a. Your Receptionist

Is your receptionist professional, friendly and welcoming? Is she knowledgeable about Collaborative Law so that she can invite potential clients to consider it as a possibility?

b. Your Legal Assistant

Other than you, your legal assistant is the MOST important person in your Collaborative Law practice. Because your legal assistant is your first and best salesperson for Collaborative Law, she should not only be trained in Collaborative Law (at the real heavyweight lawyer trainings, not just trainings for the support staff) but she must believe in the process as much as the attorney does. Your legal assistant has the ability to plant a seed for Collaborative Law in her initial conversation with a client. She should offer Collaborative Law to every potential client who calls your office. If that potential client feels good about your legal assistant and her opinion of the advantages of Collaborative Law, the client is already programmed with the idea that Collaborative Law is something to seriously consider in their first consultation with you.

c. Your Method of Receiving Calls

Many offices now use telephone “tiers” or “trees” to receive incoming calls; this is a BIG mistake.

Think of how you feel if you call an office and a telephone answering machine or telephone tier/tree is your first contact. Having to listen to an “endless” array of choices can be maddening. Do we really want to stress our family law clients even more than they already are?

If we want our collaborative clients to feel nurtured and well cared for, an impersonal telephone answering machine is the worst thing they can be met with in your office. Have a live person answer your phone unless no one is in the office.

d. Your Website and Your Yellow Pages Ad

A more in-depth discussion of your website and your Yellow Pages ad can be found in the “External Systems” section of this paper, but when you are reviewing the internal systems of your practice, give attention to the notion that the first impression potential clients might have of you is your website and/or yellow pages ad, so give serious consideration to the statement you are making to your clients with those passive initial contacts that you have set out for the public to see.

2. The Physical Office

a. The Exterior

When is the last time you walked the exterior of your office to see what others see? Is it inviting? Is it cluttered with litter? Is the exterior in need of paint or yard work? Does the signage make it easy to find? Is there enough parking? Is the parking area close enough that your office is easily accessible? These may seem unimportant aspects of what your office says about you, but they are not. Like it or not, our physical statement, whether it is what we wear or what the exterior of our office looks like, will either bring people in or put them off.

b. Reception Area

Is your reception area comfortable? Is the receptionist friendly and professional looking and acting? Are clients offered a variety of beverage choices? Are there current reading materials available? Are you taking advantage of the opportunity to have Collaborative Law material for clients to read? Do you have a notebook for clients to read when they arrive that includes the December 2004 Newsweek article entitled “Happy Divorce,” that features Collaborative Law? Do you have in that notebook your local practice group’s brochure and testimonials from clients who have had a positive experience with Collaborative Law? Do you have stands offering the IACP, CLI-TX or your local practice group brochures? All of these are golden opportunities to prepare the client for considering Collaborative Law before they even enter into their initial office conference with you.

c. The Lawyer’s Office(s) (Public and Private) & The Collaborative Conference Room

(1) Your Private Office

Instead of seeing clients for the first time in a sterile conference room, did you ever think about how much they would like to see YOUR office, how much it tells them about you and whether you might work together well as a team? Even though lawyers' private offices are notoriously strewn, (it used to be called the "war room," but if we are going to be collaborative that is a term that has to go), with Collaborative Law in particular, it is important to allow clients to get to know who YOU are.

(2) Your Public Office/Conference Room

If it is unrealistic for you to see clients in your private office, another option is to convert the conference room into a collaborative meeting room for both client interviews and collaborative meetings that would include a round table, the lawyer's diplomas, certifications, artwork and family photographs--those items that would traditionally be in the attorney's private office. These personal touches tell the client who the lawyer is, and the meeting room can be kept clean at all times so that the clients and other lawyers see organization rather than the disorganization as might be seen in the lawyer's "private office."

Consider buying a round table for your collaborative meetings. It may seem overly dramatic when you first think about it but the subtle details are the key to success in Collaborative Law. A round table is much more intimate; it exudes a less divisive "hard-line" feeling than the square or rectangular table. This is not a new concept; even the legendary King Arthur, with his knights of the round table, sacrificed a "head of the table" concept so that his advisors would all feel on equal footing and free to speak their minds.

Are the chairs comfortable enough for several hours of meetings? Are you mindful of temperature adjustments that need to be made for the comfort of clients, lawyers and other collaborative professionals? Is the lighting sufficient? Is your conference table large enough for everyone to spread out to work? Are there alternate areas where each "side" can take breaks from the other and have private conferences? If you don't have carpet or rugs think about the warmer feeling such things would give your conference room rather than the echoing, cold feeling of just hardwood or tile floors. Try to bring someone or several different people (maybe clients, lawyers, and other collaborative professionals) in to help you assess the "comfort quotient" of your office, and if they have suggestions, take them and implement them.

C. Diversify Your Firm

If you want to handle only collaborative cases, consider bringing in a litigation attorney to handle those matters that would otherwise be referred out;

that way, you are able to limit your practice to Collaborative Law but not suffer the financial loss of no longer taking litigation matters.

D. Using Other Professionals as Your Support Team

Setting your clients up with counselors to ready them for Collaborative Law is also critical to the success of the collaborative process, whether it is individual counseling for the parties themselves, a one time 4-hour parenting class or an extensive 12-week (24 hour) parenting class. Remember, as Chip Rose says, the key is the raw material that you use. In other words, if you have clients who are educated and readied for the collaborative approach, the case will proceed more smoothly and consequently a more functional restructured family will emerge.

E. Adopting A Collaborative Model

1. The "Collaborative Law" Model

In Texas, particularly in the non-metropolitan areas, many Collaborative Law teams are still using the model of only the two lawyers and parties. There are slight modifications to this model, where there may be one mental health coach who attends the meetings or a financial professional who either comes to the meetings or meets with the clients outside of the 4-way meetings.

2. The "Collaborative Divorce" Model

This model, which has become very popular in certain areas, includes two lawyers, two clients, with each client having their own divorce coach, a child specialist, if there are children, and a financial planner. For those practice groups that have adopted this model, they strictly adhere to this structure and believe that its methodology provides the clients a level of professional support from the various disciplines that is not available without the entire team.

3. Variations on the "Model"

While there are some protocols, such as a case with a pro se client on one side is not considered a collaborative case, there are no hard and fast rules about which model is best. Some collaborative professionals have very strong opinions about which model is "best." In some venues and practice groups, they are members of multi-disciplinary teams that will not take cases other than in that model. However, you are the lawyer in your cases, and while it will enhance your choices to become familiar with all the models that have been developed, it is up to you, your counterpart counsel and your clients to decide which model is the best fit for any particular case.

IV. THE EXTERNAL SYSTEM

A. The Collaborative Meetings

1. Preparation for the Collaborative 4-Way Meetings

a. Preparation for the First Meeting

(1) Contacting and Meeting Your “Counterpart Counsel”

(a) Make the initial contact as quickly as possible to coordinate who prepares the notebooks and schedule when and where the first 4-way meeting will take place as well as your pre-meeting with your counterpart counsel. “Counterpart counsel” is a term this author believes was coined by Sheri Slovin, the well-known Cincinnati, Ohio Collaborative Law Trainer. It may seem overly politically correct, but do not overlook the fact that the terminology used in Collaborative Law changes the entire tone of the divorce process.

(b) Schedule and meet with your counterpart counsel at least one day prior to the first 4-way meeting in order to discuss or “choreograph” the meeting. DO NOT wait until the day of your first meeting to have your pre-meeting with your counterpart counsel.

i. Map out exactly what the procedures and agenda will be for the first meeting.

ii. Decide what materials and issues to cover at the first meeting and who will be responsible for what portions of the meeting.

iii. Discuss what “hot button” issues to address at the first meeting.

(2) Preparation of the Notebooks

The parties and attorneys will each have identical notebooks with his or her name on the front, as well as the style of the case.

The inside of each notebook will have dividers and the following documents already inside: Participation Agreement, Court Notification, Process Anchors, Collaborative Law Rules, Agendas, Memos, Pleadings, Orders, Documents, and Inventory & Appraisal. Each of these forms, and many more, can be found on the Collaborative Law Institute of Texas website.

The notebooks and a copy of Appendix “A” serve as a chronological “map,” showing the clients exactly what to expect in the upcoming process. Because the attorneys know what to expect and frequently fail to empathize with the lack of footing the clients feel, we must remember that putting a “map” in their hands that they can refer to while taking this journey will give them the security of knowing where they are and where they are going.

b. Food at the Meetings

Whether it is something biblical, like breaking bread together, or just primal, something magical happens if food and beverages are available at collaborative meetings.

Take time to find out what type of beverages and snacks the parties and your counterpart counsel prefer. If someone is a diabetic, obviously do not serve cookies. If the preference is cheese and summer sausage, have that available. If Diet Dr. Pepper is requested, don’t offer just coffee.

Why do this? Early on, all four people will be reluctant to go over to the side table and help themselves to refreshment. As the meeting goes on, one by one each person will slowly go over to the sideboard, help himself or herself and abandon their walls or defenses. Before long, everyone will be more relaxed and the meeting will progress more smoothly than without refreshments – works like magic!

2. The First Meeting

a. Introduce the parties and attorneys, and other collaborative professionals, if they are at the meeting.

b. Discuss the Concepts of Collaborative Law.

(1) Discuss the history and background.

(2) Discuss Interest or Client Based Negotiation vs. Position Based Negotiation.

(3) Discuss the framework of the process philosophically and why it is a better solution to the restructuring of the family than litigation.

(4) Ask each client to share why he or she chose to use the Collaborative Law method.

c. Review Contents of Notebooks

(1) Literally READ verbatim the entire Collaborative Law Participation Agreement, with either the lawyers taking turns reading portions of it aloud or each of the participants reading portions of it aloud. While this may seem like nothing more than a grade-school exercise, several things occur:

(a) The parties WILL read the participation agreement, whereas if they are entrusted to read it privately, because it is filled with legalese they will only give it a cursory review, and that cursory reading is not enough to submerge them into the process, invest them into it, and make it work.

(b) The parties will stop and ask questions with regard to specific items that they did not understand.

(c) The parties will stop at various points in the reading of the agreement and comment or ask for permission to either expound on a section or change it to meet their individual needs.

(d) Also read any attachments such as a standard Temporary Injunction regarding the usual issues in a family law case. The time to enter into Agreed Temporary Orders is at this first meeting, when everyone is optimistic and all is “sweetness and bright,” so to speak. If you wait until later the optimism and good relations may have cooled and you may have a party who

wants or needs temporary orders but cannot get them without abandoning the collaborative process because the other side is no longer willing to agree.

(e) In reviewing the document together, questioning specific items, and changing sections to meet their needs, the parties commit to the agreement because they understand the Collaborative Law process and are able to anticipate problems specific to their case. It becomes THEIR agreement.

(2) The other contents of the notebook should be thoroughly reviewed together, but particularly the “Process Anchors,” as created by Chip Rose at www.mediate.com/crose, which are effective communication tools including not interrupting the other side and speaking in terms of how he or she feels rather than in judgmental terms. These should be reviewed regularly as a group.

- d. Set the agenda for the next meeting.
 - e. Schedule the time and location for the next meeting.
 - f. One of the attorneys keeps minutes or a memo of the meeting, has it typed and forwards it by email to the counterpart counsel and clients prior to the next meeting.
 - g. This meeting will typically take approximately two hours to complete.
3. The Second 4-Way Meeting
 - a. Prior to each meeting **REMEMBER** to **ALWAYS** meet with your client and your counterpart counsel to prepare for the next meeting. Every time these pre-meetings are abandoned, there are bumps in the road that damage and sometimes destroy the process. It is amazing how such a small effort will determine the ultimate outcome of this process.
 - b. Determine Goals
 - (1) Have a dry erase board set up and ready for the parties’ goals to be listed at this meeting.
 - (2) Have each party describe his or her goals for the collaborative process and the divorce process. It is best if these are benevolent goals, such as financial stability, stability for the children, and continuation of a cordial relationship between the parties after the conclusion of the divorce.
 - c. Assign Homework
 - (1) Have the clients begin envisioning options to discuss at the next meeting in order to reach their goals.
 - (2) Instruct clients to gather documentation to be reviewed at the next meeting.
 - (3) Begin preparing an Inventory and Appraisal, either together or individually.
 - d. Set the agenda for the next meeting.
 - e. Schedule the time and location for the next meeting.

f. Again, one of the attorneys keeps minutes or a memo of the meeting, has it typed and forwards it by email to the counterpart counsel and clients prior to the next meeting.

4. The Third or Fourth 4-Way Meeting
 - a. As always, meet with your client and your counterpart counsel prior to the meeting
 - b. It is usually best to either deal with property or children’s issues at one single meeting rather than trying to cover two major topics at any single meeting, but if progress is made and the parties conclude one topic and want to begin another topic, go with the flow of the parties’ wishes.
 - c. If documents or information have been gathered, they should be reviewed together and this meeting may be limited to reviewing the gathered information and attempting to agree on values.
 - d. If Inventories and Appraisements have been prepared, determine if the values of the assets and liabilities can be agreed upon. If so, prepare identical inventories for each client to sign as his or her sworn inventory. If the parties are unable to agree on values, decide whether the parties or counsel are going to do further research to reach a consensus or agree to disagree and sign their sworn inventories even though they may not mirror each other.
 - e. Explore **OPTIONS**
 - (1) Use the dry erase board to write out every possible option for every interest and issue in the case, no matter how unlikely or outrageous.
 - (2) Help the clients narrow down the viable options.
 - (3) Assist the clients in reaching a consensus that will be a win-win for all parties and children, if there are children.
 - f. If the parties are able to reach agreements, they need to decide if they want to go ahead and draft them as Rule 11 Agreements or if they want to defer writing up any agreements until the entire case is resolved. IF clients want to have a less formal way to memorialize their agreements, they can either just approve the memo of each meeting or even sign off on each memo as approved by them.
 - g. If there are any unresolved issues at the conclusion of this meeting, another meeting may be necessary to complete the discussion and reach a resolution on those outstanding issues.
5. The Fourth or Fifth 4-Way Meeting
 - a. As always, meet with your client and your counterpart counsel prior to the meeting.
 - b. If you covered and completed property issues at the last meeting, use this meeting to cover the children’s issues; if you completed the children’s issues at the last meeting, this meeting will cover property issues.

c. Any issues that have come up from the past meetings that need to be refined or revisited should be revisited and resolved.

d. The format regarding putting agreements into Rule 11 Agreements may be repeated as in the previous meetings.

6. The Fifth, Sixth or Final 4-Way Meeting

a. At the time the issues have been resolved and the agreements have been reduced to an order, a final 4-Way Meeting should be scheduled to execute all the documents that are necessary to complete the divorce.

b. A prove-up should be scheduled either the day of the final 4-way or shortly thereafter.

7. The Number of 4-Way Meetings

a. Obviously there is no magic formula as to how many 4-way meetings you should have in any particular case or the order in which you cover the issues in a divorce. In some cases where the clients are on a “fast-track,” and, for example, have no children or only a small community property estate, the case may be settled in as few as two meetings. The format set forth herein is simply a starting point for the new collaborative lawyer to use while they are developing their own style and their ability to “read” what the different types of cases need.

B. Marketing Your Practice

1. Develop a Niche Market

a. You Do Not Have to Quit Your Regular Job to Market Yourself 12 Hours Each Day or Spend Thousands of Dollars

(1) A common concern of lawyers who want to practice Collaborative Law is that in order to generate Collaborative Law business, they will need to spend exorbitant amounts of time or money marketing themselves, such as speaking to service clubs or taking the entire chamber of commerce, one by one, out to lunch.

(2) In reality, you already have a niche market; you just have to recognize it.

(3) Do you have friends or acquaintances that are physicians, chiropractors, nurses, accountants, schoolteachers, barbers, hairdressers, golfing buddies, hunting buddies, neighbors, country club members, or members of your church or other groups with common interests, for example?

(4) As Jennifer Tull, a well-known Austin Collaborative Lawyer, has said, “We should think about groups whose interests have been under-recognized or under-served in the litigation model and let them know that Collaborative Law may provide them with a better forum for resolution. Gay and lesbian partners, for example, have historically had little recourse for resolution of what would be family law cases among heterosexual partners. Parents

of children with special need often find that the resources available to them through the court system are unsatisfactory. Even parents who work retail or unusual schedules, like airline pilots and emergency room physicians, need relief from the application of the Family Code guidelines and will benefit from your Collaborative services. Each of these groups has an internal communications system. Tap into that system through a former client or friend, and you have found a good source of business.”

(4) There are a hundred ways to market your practice just by being excited about what you do and talking about it to people, one on one. And the public is very interested in hearing about this new and different way you have of being the “peacemaker” rather than the divorce lawyer.

2. Promote Other Collaborative Professionals

a. Psychologists, psychiatrists, counselors, physicians, accountants, and Certified Financial Planners are just a few examples of Collaborative Professionals who will market your practice for you, if they are aware that you are practicing Collaborative Law.

b. Whether the professional has been trained as a collaborative professional or not, they, like you, are in a service profession, and want to have a pool of qualified legal professionals to whom they can refer people in need of legal services.

c. If other professionals know about Collaborative Law, some will be excited to learn and serve as coaches while others will just be glad to have an alternative dispute resolution method to recommend to their clients or patients.

d. You will find yourself referring to those same professionals that have referred clients to you, because you will be of like minds in your approach to helping members of the public.

3. Leave Your Mark Wherever You Go

a. Branding

(1) Back to the concept of the franchise. Like it or not, you know what the Golden Arches and the Mouse Ears symbolize. It is an immediate recognition of that company, which is what marketing is all about.

(2) Whether you develop your own logo or incorporate the one that your collaborative practice group uses, give the clients a visual by which to remember you.

b. Printed Material

(1) Add the words Collaborative Lawyer to both your business cards and your letterhead.

(2) Develop your own brochures and/or,

(3) Use the brochures from your collaborative practice group, the Collaborative Law Institute of

Texas or the International Association of Collaborative Professionals.

(4) These materials will serve as visual reminders of who and what you are.

c. Develop a Website

(1) A basic website is available for a minimal expense. It is astonishing how many clients search the “web” for attorneys now instead of, or in addition to, the traditional methods such as the yellow pages.

(2) Try to make your website unique to your personality so that clients will be attracted to your practice and remember you.

(3) Take time to have your website linked to other collaborative websites such as the Collaborative Law Institute of Texas, the International Association of Collaborative Professionals or your local bar association website.

c. Your Yellow Pages Ad

(1) Either secure the advice of a marketing professional or take the time yourself to closely review your telephone book ads.

(2) If you can, convince the telephone company to add a new category in the yellow pages section (which some venues have done) entitled “Collaborative Lawyers” in addition to the general categories or the specialty categories. If the telephone company will not do that at least add “Collaborative Lawyer” to your own ad.

4. Customer Comment Cards, or The Dreaded “Exit Poll”

a. At every McDonald’s restaurant, next to the door, are comment cards. In most every service industry the same practice is in place. We cannot know to what extent those companies pay attention to those comments, but the concept is important enough that the companies make the effort to ask.

b. Elizabeth Ferris, the Marketing Expert on Collaborative Law contends that we need to do an exit interview with each of our collaborative clients to learn how to improve our systems. Even the most confident lawyer, in truth, does not have the ego to willingly ask a client on the way out the door what they think of that attorney’s services.

a. As hard as it may be, particularly in the formative stages of this movement, client feedback is critical. We propose to be driven by client interests and service to the client, so it is time for us to put our money where our mouths are, face the music, and all those clichés that apply to this painful concept. Undoubtedly, we will receive some good and some bad reviews. The good ones we can use (if permission is granted) to put on our websites, in our brochures, and in our materials that are given to clients while they wait for their first interview with us. From the

bad reviews and comments, we can hopefully glean the wisdom to know how to improve our own practices and the practice of Collaborative Law overall.

IV. CONCLUSION

It is our hope that by providing a concise how-to manual and checklist, those of you who have never ventured into the Collaborative Law practice will feel empowered to go there without feeling overwhelmed by the necessity of developing your entire system from “scratch.” And for those of you who are already involved in the collaborative practice, it is hoped that this checklist will provide you with a shortcut to giving each of your clients the consistent experience that Collaborative Law provides. So good luck on your Collaborative Law practice OR your hamburger stand, whichever direction your heart leads you!

Appendix A

Collaborative Law Procedural Checklist

1. Initial Office Consultation with Client

Discuss advantages of Collaborative Law vs. Litigation Model

Provide client with *Divorce Without Disaster* by Janet Brumley (or similar printed material) as well as IACP, CLI-TX, local practice group brochures, and website addresses

2. Prepare for First 4-way Collaborative Meeting

Contact and meet your Counterpart Counsel

Decide location of first meeting

Map out procedures and agenda

Discuss materials and issues to cover and who is responsible for what

Discuss “hot button” issues

Determine who is to prepare the notebooks

Preparation of notebooks with tabs and the following documents:

Participation Agreement
Court Notification of the Use of Collaborative Law
Process Anchors/Collaborative Law Rules
Agendas
Memos
Pleadings
Orders
Documents
Inventory & Appraisement

Determine what refreshments are to be served at the meetings

3. First Collaborative Meeting Agenda

Explain the history and process of Collaborative Law and review handout comparing the use of collaborative law with litigation

Discuss the difference between interest-based negotiation and position-based negotiation

Review Collaborative Law Participation Agreement, Court Notification of the Use of Collaborative Law, Ground Rules, Process Anchors and Tips for Communicating

Discuss and decide if going to file Joint Original Petition or if not, who will be filing the Original Petition

Sign Participation Agreement, Notice to Court and Rule 11 Agreements/ Temporary Orders, as applicable.

Discuss and adopt which Collaborative Law Model you will be using

Calendar next meeting and decide the location

Create agenda for next meeting

Summary

4. Second Collaborative Meeting Agenda

Use whiteboard to discuss goals

Assign homework to gather information for next meeting

Calendar next meeting and decide the location

Create agenda for next meeting

Summary

5. Third Collaborative Meeting Agenda

Review information gathered

Develop Inventory & Appraisal of property information gathered

If time permits, begin reviewing options

Calendar next meeting and agree on location

Create agenda for next meeting

Summary

6. Fourth Collaborative Meeting Agenda

Review options and write them on whiteboard:

Children's Issues; or
Property

Calendar next meeting and decide the location

Create agenda for next meeting

Summary

7. Fifth Collaborative Meeting Agenda

Continue to review options on issues not covered at the previous meeting:

Children's Issues; or
Property

Calendar next meeting and decide the location

Create agenda for next meeting

Summary

8. Sixth Collaborative Meeting Agenda

Review draft of Agreed Final Decree of Divorce, if agreements were reached at the previous meeting

Revise Agreed Decree together, execute it and all necessary ancillary documents

Calendar next meeting, if necessary

Create agenda for next meeting, if necessary

Summary

Do Prove-up at that time or schedule the Prove-up