

“MODELING” IN COLLABORATIVE LAW : A SURMOUNTABLE CHALLENGE???

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Collaborative Law is challenging. I find myself challenged at every turn in my collaborative family law practice, actually; from the initial client interview, which is, of course, a marketing opportunity, to signing up the spouse, to starting the process, to dealing fairly and transparently with the spouse and the other attorney, to guiding the parties to their intended goals with dignity and respect, to engaging in those difficult conversations. But I think the most difficult part of the process is the responsibility I have to myself, to my client, to the process, to everyone involved to model the kind of behavior I expect everyone else to have.

Teaching by example – modeling – is one of the most effective tools we have at our disposal when we want the parties to a dispute or to a divorce to learn how to settle the crisis in their lives effectively and fairly. In the field of family law, modeling good behavior can and must serve as a guide to the divorcing parents so that they can serve as an example to their children now and in the future. After all, if the divorced parents can, on their own, resolve a future disagreement amicably (perhaps returning to the collaborative process to accomplish it), then they teach their children the possibilities of compromise and respect. In addition, the attorneys must learn how to get themselves out of the possibility of conflict with each other during the collaborative process, so they must model compromise, constructive problem-solving and good behavior to each other and to and for the parties.

I just returned from the memorial service for the mother of a young friend of my family and, as happens on these occasions, I learned a lot. This gentle woman and her ex-husband (and his new family) all lived in a small Massachusetts town and, although he admitted to a couple of rough post-divorce years, had figured out how to continue to love each other through the years. He told me (I had to ask him how they did it) that they were just somehow able to focus on their two sons throughout it all, and that after the birth of his two daughters, it just seemed natural to keep all the kids at their center. (I also give his new wife a lot of credit here; she is certainly another paradigm of generosity.) So they made a conscious decision to work together, to share all the children, to respect each other and treat each other in the best possible way at any given time. I am awestruck at their success and saw evidence of their good work when I saw and heard all of the children talk about the love that all the parents were able to spread. As a result, the 4 children (now adults and teen-agers) care deeply about each other and are a direct reflection of the modeling of all of their parents. What a wonderful place the world would be if this were the norm instead of the aberration in after-divorce families!

So, I know the importance of modeling good behavior and am still daunted by the challenge because my humanity often gets in the way. I find that continuing my education about collaborative law, by listening to the wisdom that abounds in the collaborative community, by attending seminars and workshops and conferences, by reading the literature about collaborative law, assists me in my skill-building journey. I encourage each of you to join me.

9/18/05