

Collaborative law: a common sense approach

By Susan Watson

Collaborative law is a non-adversarial problem solving approach to resolving legal disputes. In collaborative law, each party is represented by a specially trained attorney whose job it is to facilitate a win/win settlement. Four-way meetings take place with the two parties and their two lawyers sitting at the same table. The process focuses on the future rather than the past, and on rebuilding relationships rather than finding fault. It differs from traditional mediation since the clients' attorneys are actually the mediators themselves, unlike "shuttle mediation" where one independent mediator deals with both sets of clients.

Attorneys have now been trained in collaborative law in 35 states, including Tennessee. **The process has been practiced in divorce settings for more than 20 years and has expanded to other legal matters beyond family law.** The heart of the process is the "collaborative commitment" which is signed by all parties. In this contract the two attorneys promise they will not use any litigation tools or take an adversarial posture with each other or with the clients. Collaborative attorneys advocate for their own client's interest, but in a more transparent and less hostile way.

In the contract, the attorneys also agree that they will not go to court. Without the threat of court, everyone is better able to "think outside the box" and create solutions that are unique to their situation, not necessarily what a judge would do. Resulting agreements are often more flexible and creative and are more enduring.

Attorneys Jacqueline O. Kittrell, Natalie LeVasseur, Lisa Collins Werner, and Ann Barker



ing since the client is fully invested in coming up with the solutions. This type of divorce helps parents develop the tools to communicate which then assists in helping their children work more smoothly through a difficult situation. This is quite different from the

Collaborative attorneys advocate for their own client's interest, but in a more transparent and less hostile way.

"scorched earth" type of divorce some families must go through.

If the collaborative process breaks down and litigation is required to reach a settlement, the attorneys must withdraw. The goal of the collaborative lawyer is therefore the same as the client's goal – to reach settlement.

The collaborative process can usually be completed in weeks or months, rather than the months or years often required in litigated cases. It is generally less costly, and solutions established in the settlement are better understood and more "user friendly" to the clients involved. Collaborative law offers a win/win opportunity to people facing difficult legal differences.

There are currently four attorneys in the Knoxville area who have been trained and certified in collaborative law. Lisa Collins Werner, Jacqueline Kittrell, Ann Barker and Natalie LeVasseur are experienced lawyers who are committed to the efficient common sense approach to solving disputes that this process offers. Their contact information is listed below. If you are in a situation that could be resolved by this unique approach to solving disputes, please call any of them for more information about this form of representation.

NATALIE P.
LeVASSEUR

- 254-7500
- Associated Independent Attorneys
158 W. Cumberland Ave.,
Suite 100
Natalie.levasseur@gmail.com

JACQUELINE O.
KITTRELL

- 684-9843
- Director,
Community
Mediation Center
6420 Strawberry Plains Pk.
www.2mediate.org

LISA COLLINS
WERNER

- 691-0400
- Consensus
Mediation Group
Advantage Place
308 N. Peters Place,
Suite 160
lisawerner@knoxvillemediation.com

ANN BARKER

- 850-1412
- Barker
Collaborative Law
& Mediation
Knoxville, TN
www.annbarkerlaw.com

