dissolution action and the surrounding issues; however, if a protective order is in place, the collaborative approach is not an option, as this denotes a relationship dynamic that would not be appropriate for true collaborative efforts.

To begin the process, one party expresses an interest in collaborative resolution to his or her attorney or counselor. That professional contacts the professional engaged with the other party to begin the dialogue about whether both parties are willing to further explore the collaborative option. If there are children involved, collaborative professionals will stress the importance of placing co-parenting as the first priority for the parties. If both parties are interested, each one will review and sign a participation agreement. This agreement delineates the broad terms of a collaborative approach. Parties agree to:

a. Be respectful of the other party.

b. Be transparent in providing financial information to the other spouse.

c. Be fully cooperative in providing information and documents requested.

d. Waive litigation until agreed-to decree is signed and presented to judge for approval.

e. Release their attorneys and coaches if either party proceeds with litigation or if the matter does not settle. This disqualification from participation in litigation is central to the collaborative process and ensures the attorneys are committed to settlement.

Either party may file a petition for dissolution of marriage in an Oklahoma district court to start the clock running for the 90-day waiting period if there are minor children involved. Then, a team is formed, the structure of which is determined by the issues being faced in each individual case. There will always be an attorney for each of the parties, but there may be between one and three coaches participating. The parties could share a coach, each party could have his or her own or there could be one coach for each party plus an additional coach that would act as a child advocate if there is a special needs child or children who wish to have a voice in any custody or visitation issues that affect them directly. Additionally, there can be a financial neutral if there is a substantial amount of property, a unique financial circumstance or one party who lacks financial knowledge.

To start the process, each party is asked to make a list of objectives and immediate needs to be addressed. After these lists are generated, the professional members of the team meet to discuss the parties and the general goals that have been brought to light by the parties' lists. This briefing process develops the case personality. Professionals are able to strategize their approach to maximize the results of the first

Incorporating Early Settlement Mediation in Collaborative Divorce

By Marcy A. Thomas

While recently attending an advanced training on collaborative law, held by the Oklahoma Academy of Collaborative Law Professionals, it became apparent that many attorneys are not aware of all of the services available to their clients.

Collaborative law is defined as a "process by which both parties and their counsel contractually commit themselves to resolving their differences justly and equitably without resort, or threat of resort, to the courts. If the parties do not reach settlement, the attorneys must withdraw and send clients to trial attorneys."[1] There are numerous attorneys already practicing this type of law throughout Oklahoma.

There are various models of the collaborative law process. Each model is similar in that they all include attorneys. Some models include mental health professionals and some financial advisors. Each model is discussed with the client to ensure that their case is handled in the correct fashion. If additional professionals are added to the process, they too are contractually bound.

One such model in collaborative law is referred to as a MediCollab. This model was developed in California and has seen much success all over the United States. In this model, each party hires a collaborative law attorney, and they agree to attend mediation with a neutral mediator. The attorneys may attend, or may choose not to, depending on their level of comfort with their client's ability to effectively communicate settlement options. After the mediation session or sessions, the mediator gives the attorneys a memorandum of understanding so the attorneys can prepare the proper paperwork to present to the court.

Early Settlement Mediation is made up of 12 regional offices throughout Oklahoma. This program is authorized and funded through the Okla-