Collaborative Style Comes Together for Clients

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What types of cases is collaborative law used for?

Family law including separation, divorce, parental rights and premarital agreements are the most common. It is also used for civil matters such as estates, trusts, probate, business and employment.

What are the pros and cons?

Pros: Clients have control over the process and the outcome. They are provided with legal, emotional and financial guidance and are able to create options based on their real interests in life rather than competing against each other. The clients look toward the future rather than “getting even” for past events. The process allows for closure and finality rather than regret and resentment lingering on and leading to future litigation.

Cons: If the parties’ intentions are to take advantage of one another, this process will not be appropriate or successful.

Since collaborative law discourages litigation, does it have a negative effect on your practice methodology?

Although collaborative professionals make substantially less money from a collaborative case compared to a litigation case, their overhead expenses and the personal costs due to the stress of conflict are substantially less also. The fulfillment and reward of supporting a family through this healing divorce process is immensely valuable for the professionals.

How do you charge for collaborative law?

Generally, each professional charges on an hourly basis. In litigation, many hours and thousands of dollars can be spent in discovery motions and waiting in court. The collaborative process is an outcome-building process. According to the International Academy of Collaborative Professionals, the collaborative process on average costs 50 percent less than the cost of litigation in California.

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Currently, how often is collaborative law used over litigation? Which do lawyers and clients prefer?

We know that 70 percent of all divorce cases in California are pro per (where the parties represent themselves), with no lawyers involved. Five percent of cases are litigated. The remaining 25 percent are resolved through some kind of consensual dispute resolution. Using my experience as a guide, among people who were educated about the different options available to them, 40 percent were in favor of collaborative process, 40 percent favored mediation, and 20 percent felt the need to pursue litigation. Among family law attorneys who have experience with both types of cases, most prefer the collaborative process because of its cooperative approach.

Is collaborative law a growing trend? Yes. The challenge for Family Divorce Solutions is educating our potential clients about this option. As people learn about their

‘The courts are now beginning to entertain electronic evidence, but I would recommend also maintaining a hard copy.’

Ronn Supancic: New law will help his practice.

How will this law affect divorce settlements monetarily?

It affects divorce settlements in three ways: attorneys’ fees, child support and spousal support. Perpetrators can be held responsible for attorneys’ fees, and victims are entitled to higher amounts of child support and spousal support.

In general, it’s going to increase the safety of victims of domestic violence and reduce the level of physical violence, emotional violence and abusive conduct throughout the marriage. This, in turn, will reduce the amount of contested cases and, hopefully, the caseload in family court. But the best outcome will be in saving families’ money and children grief and anguish in any kind of family conflict – civil, probate, family, business or any other areas of law. – Stephanie Henkel