

WHAT IS APPROPRIATE DISPUTE RESOLUTION (ADR)? HOW CAN A COLLABORATIVE DIVORCE HELP ME AND MY SPOUSE SEPARATE IN A COST EFFICIENT, PRIVATE, SWIFT & PEACEFUL MANNER?

BY LANIKAI NEIGHBOR TOM DIGRAZIA, & LISA JACOBS

Among life events causing the most stress and resulting medical illness, divorce ranks as second, only after death of one's spouse holding the number one spot. Given this reality, if your marriage is beyond repair, you are faced with a stark choice. You can enter into the violent world of adversarial divorce—with its often long-term, extreme expense, and children-damaging results—or discover the more *mindful and appropriate* process called **collaborative divorce** to end your marriage in a more *peaceful, cost-effective, private, and sustainable way*.

The two most *appropriate* dispute resolution processes for divorcing families are Mediation and Collaborative Divorce. This article will focus on the Collaborative Divorce process.

The challenge for most people detaching from a marital relationship is to be able to peacefully process the *emotional divorce rollercoaster*. This *rollercoaster* consists of extreme feelings of loss, rejection, anger, fear, sorrow, insecurity and anxiety on the one hand, while often mixed with positive feelings of separating from your spouse.

The term *Appropriate Dispute Resolution* implies a more *mindful* approach to resolving family conflict. This allows for a process for resolving conflict in the least adversarial and destructive manner for families: one that is intrinsically cooperative and often transformative in nature. The Collaborative Divorce process is an *appropriate* way to end a marriage with *mindful awareness and clarity*.

In a Collaborative Divorce process, each spouse and his/her Collaborative Lawyer, all work together *mindfully and appropriately* to problem-solve and reach an agreement that meets the needs of everyone involved. The spouses and their Collaborative Lawyers sign a contract committing to resolve all issues without resorting to litigation or threats of court intervention. A Collaborative Divorce also

addresses the financial issues and *emotional rollercoaster*, so the couple is highly encouraged to use a financial specialist and mental health professional that expertly and efficiently supports the family through the divorce process.

Additional advantages to the Collaborative Divorce process are that it is faster and more economical for complex divorces, particularly where considerable financial assets and children's needs are involved. All relevant information is shared in team meetings, transparently and in a timely manner, so the divorce moves forward swiftly and privately. Hawai'i litigated cases can take more than two years to resolve. It can cost contentious litigants well over \$100,000! In contrast, a Collaborative Divorce typically costs one-third to one-half the amount of time and total cost of a litigated divorce, even when a full team of four Collaborative professionals is utilized.

By conducting themselves with mutual respect and cooperation generally not found in adversarial divorce cases, former spouses shorten the time needed for healing post-divorce and are better able to get on with their lives.

For more information on ADR and Collaborative Divorce, please contact: Tom DiGrazia, (808-262-0770), digratiato01@gmail.com, website: www.edihi.com, Adjunct Professor of Mediation and Conflict, Hawaii Pacific University, Author of soon-to-be published, "Light On Peacemaking: A Guide To The Mindful Mediation Of Family Conflict" or Lisa Jacobs, (808-263-6299), Lisa@PonoDivorce.com, website: www.PonoDivorce.com (Experienced Collaborative Attorneys, Mediators & Peacemakers)