

# The Divorce Whisperer

HE HELPS COUPLES SPLIT RESPECTFULLY

**H**al Bartholomew is a family-law attorney who specializes in collaborative divorce. We recently spoke with him about the benefits of collaborative divorce.

**You have a very impressive background in family law. You were the managing partner with the firm of Desmond, Miller, Desmond and Bartholomew for 15 years and you co-founded the firm of Bartholomew and Wasznicky with fellow family law specialist Diane Wasznicky in 1989. But you're particularly interested in something called collaborative practice. What is that?**

It's a team approach to helping couples navigate the divorce process. The couple works to resolve disputes respectfully, without going to court, with a team of trained professionals, which includes attorneys, child specialists, divorce coaches and financial specialists.

**How did the idea of a collaborative (instead of litigious) process come about?**

Collaborative practice wasn't "invented," so to speak, until 1990. An attorney in Minneapolis, Stuart Webb, was tired of going to court and being successful but having unhappy



Hal Bartholomew

clients and feeling like he wasn't necessarily helping the family as a whole. He decided to only participate in the negotiation stage of the divorce and he found that within the first two years of this new approach, 98 of his 100 cases were resolved without going to court. He realized he had something. Then a team in the Bay Area developed protocols to maintain consistency in the process.

**How does collaborative practice work?**

Each party has an attorney and each attorney agrees to a good-faith

negotiation. (A lot of people laugh when I say "attorney" and "good faith" in the same sentence.) It just means that an attorney is hired to help resolve issues, not to throw Molotov cocktails into the mix.

If the attorney doesn't help to resolve things amicably, and the parties need to resort to the court system, then he or she is disqualified from being further involved. This also includes the entire professional team. This disqualification tells the clients that we are here to help you resolve issues and for no other reason.

As an attorney, you're taught that to go to court and win is the best thing, but that's not the case here. Our job is to assist the couple, not have a judge tell them what to do.

Each party has a divorce coach (a mental health professional) to help deal with the emotional issues that arise during the process. Divorce often is 95 percent emotional, 5 percent legal. This helps the couple communicate better.

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The financial professional is there as a financial "neutral" to collect information and make the process more efficient.

The final person on the team is the child specialist, who meets with the children and reports back to the couple how their kids are doing. Are they having age-appropriate responses? This helps the couple understand what's best for the child and how they can make that happen.

**That sounds much more humane than some traditional divorce proceedings; it sounds like it's founded on respect.**

The hardest-working people in the process are the couple. As the attorney, you're more like an ally. You're not standing up at the ramparts telling the other side what your client demands. The team forms

By Jessica Laskey  
Shoptalk

a kind of corral around the couple to help them work together in a protected space. Everything is done face-to-face, there are no nasty letters going back and forth. Collaboration takes away the escalation.

**How are you spreading the word about this legal option?**

I co-founded the Sacramento Collaborative Practice Group in 1997 and was its first president, and I'm still president! We now have 100 members from various professional disciplines and we have a training team; we're about to do our 16th two-day basic interdisciplinary training.

I was also the first president of Collaborative Practice California, a statewide organization of about 22 practice groups that I helped found 12 years ago. We need people to be trained. You can't just say, "I'm a collaborative lawyer."

There's a major paradigm shift from being an advocate for a client to allowing the collaborative process to work. As an attorney, you're trained that if there's silence, you fill it. You

learn in mediation training that silence can be very important because it allows your client to think.

**What's the number one reason someone might consider collaborative practice?**

I always ask, "Do you want to be able to dance with your former spouse at your child's wedding?" I try to get clients to focus on the future. What does this process mean to you?

**What are your priorities?**

I have couples set out goals as intention statements. Why are we doing this? Almost everyone answers, "For my children."

*If you're considering a collaborative practice divorce—or if you need legal assistance in the areas of divorce mediation, same-sex family law and child advocacy—contact Hal Bartholomew at 455-5200 or hal@divorcewithrespect.com. Bartholomew and Wasznicky LLP is at 4740 Folsom Blvd. For more information, go to divorceoption.com. ■*

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