

**THE INTERNATIONAL ACADEMY OF COLLABORATIVE PROFESSIONALS
RESEARCH REGARDING COLLABORATIVE PRACTICE
-BASIC FINDINGS-**

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INTRODUCTION

Some of the most basic questions asked by most family law clients interested in the Collaborative process are: How long will my case take? How much will it cost? How many meetings will I need to attend? How likely is it that my case will settle in the Collaborative process? The IACP has gathered the largest amount quantitative data to date, primarily from jurisdictions in the United States and Canada, revealing answers to these and other questions. Nine hundred and thirty-three cases were reported on an IACP Professional Practice Survey from October 16, 2006 through July 6, 2010. This article will explore the results from the Survey addressing these important questions, and also provide foundational information about the Collaborative process being used and the demographic characteristics of Collaborative clients.ⁱ

BACKGROUND AND METHODOLOGY

The IACP Research Committee created a comprehensive Collaborative Practice Survey for completion by Collaborative Practitioners in the spring of 2006, which was launched as a pilot study in Texas and Minnesota, and then updated. The Survey was formally launched on October 16, 2006, and conducted through the IACP website until March, 2008. In January, 2008 the IACP hired Crescent Research, a Dallas, Texas based marketing research company, to restructure the Survey to a more user friendly online format, and to administer the Survey. The Survey became available online through Crescent on April 1, 2008 and continued through July 6, 2010.

The Collaborative Practice Survey asked Professionals about:

- (1) Client demographics

- (2) Type of proceeding (divorce, pre-marital or post-nuptial agreement, modification of parenting issues, paternity matter, etc.)
- (3) Type of collaborative process used (team, referral or lawyer onlyⁱⁱ)
- (4) Professionals on the case (licensure and title, collaborative training, definition of role, fees and fee structure)
- (5) The case (length of collaborative process, outcome, number of joint meetings held, difficulty level and factors causing case to be difficult or to terminate (*this latter topic is addressed in two separate articles in this edition*))
- (6) Total fees charged to clients by each professional

Between October 16, 2006 and July 6, 2010, 933 Collaborative Practice cases were reported: 815 from the United States, 97 from Canada, 17 from England, 2 from Australia and 1 from Scotland. As of July 6, 2010, 157 IACP professionals reported 518 cases to Crescent Researchⁱⁱⁱ. Thirteen professionals reported ten or more cases and 69 professionals reported only one case.

The protocol for reporting cases was as follows:

- (1) Any collaborative professional who was also a member of the IACP could report a case;
- (2) So as to avoid duplication of data, only one professional on each case was permitted to report the case; and
- (3) To eliminate bias in the reporting of cases, the professional who reported a case was required to report all collaborative cases in which s/he participated and which were completed during the quarter in which s/he was reporting one case.

FINDINGS

Types of Cases

Ninety-seven percent (97%) of cases reported in the IACP Collaborative Practice Survey (“IACP Survey”) involved divorces.

Slightly more than one-half of all cases reported in the IACP Survey used one or more mental health professionals and/or a financial professional. One or more mental health professionals

were used in 44% of reported cases and 48% used a financial professional. Forty-three percent (43%) of reported cases used lawyers only.

The “team model” was used in 43% of reported cases and the “referral” model was used in 14% of cases.^{iv} Among team model cases, 79% involved a financial professional, and 82% involved at least one mental health professional (46% of the cases with at least one mental health professional involved one mental health professional, 37% involved two mental health professionals, and 17% involved three mental health professionals). Among referral model cases, 71% involved a financial professional and 45% involved at least one mental health professional (71% of the cases with a mental health professional involved one mental health professional, 24% involved two and 5% involved three.) Mediators were used in only 3% of all reported cases.

Figure 1: Interdisciplinary Nature of Collaborative Practice

	Percentage of Case Using Model	Percentage of cases in Model Using MHPs	Percentage of Cases in Model Using FPs
Lawyer Only Cases	43%		
Team Model Cases	43%	82%	79%
Referral Model Case	14%	45%	71%

Collaborative Professionals

Most collaborative professionals involved in cases reported in the IACP Survey for whom training data was reported received both basic and supplementary training. Ninety-seven percent (97%) of the lawyers received basic collaborative training, and 86% received supplemental collaborative training. Ninety-one percent (91%) of the financial professionals received basic collaborative training and 78% received supplemental collaborative training. Ninety-eight percent (98%) of mental health professionals received basic collaborative training, and 82% received supplemental collaborative training. Many of these reported professionals

served on more than one case and their training is reported more than once in the data; thus, the data is weighted in favor of those professionals with multiple cases.

Figure 2: Training Received by Collaborative Professionals

	Percentage of Professionals Who Received Basic Training	Percentage of Professionals Who Received Supplemental Training
Lawyers	97%	86%
Mental Health Professionals	98%	82%
Financial Professionals	91%	78%

With respect to collaborative lawyers, the IACP Survey inquired as to lawyer’s perceived responsibilities to their clients as compared to their client’s family and as compared to the collaborative process. Lawyers were asked to allocate 10 points across the three categories. The data shows that lawyers believe their greatest responsibility is to their clients (5 out of 10 points), their second greatest responsibility is to the collaborative process (3 out of 10 points) and their third responsibility is to their client’s family (2 out of 10 points).

Client Demographics

Among IACP Survey responders, 58% of all husbands and 59% of all wives were between 40 and 54 years of age. There were more wives than husbands 39 years of age or younger (27% vs. 21%), and more husbands than wives 55 years or older (21% vs. 14%).

Seventy-eight percent (78%) of all clients had a 4-year college education or higher. This percentage does not vary significantly between husbands and wives (80% of husbands and 75% of wives had a 4-year college education or higher). Twenty-five percent (25%) of wives and 33% of

husbands, had an advanced/graduate or doctoral (or equivalent) degree. Only seven percent (7%) of clients had a high school diploma or less.

The earnings of clients varied greatly with gender, however. Fifty-three percent (53%) of husbands earned \$100,000 or more and only 16% of husbands earned less than \$50,000. In contrast, only thirteen percent (13%) of wives earned \$100,000 or more and 62% of wives earned less than \$50,000.

Collaborative clients had moderate to sizeable estates. The value of assets in 81% of cases was \$200,000 or more, with a significant majority of estates worth \$500,000 or more: 24% of participants' estates were valued between \$200,000 and \$499,999; 21% between \$500,000 and \$999,999; 18% between \$1,000,000 and \$1,999,999; and 17% were valued at \$2,000,000 or more. Only five percent (5%) of all cases involved estates valued at less than \$50,000.

Eighty-four percent (84%) of all reported collaborative law cases in the IACP Survey involved children, and of those cases, 62% reported having children subject to legal process^v.

Collaborative Cases

Length of Cases

The majority of Collaborative cases completed in eight months or less. The length of cases were noted in ranges: less than 3 months, 3-4 months, 5-6 months, 7-8 months, 9-12 months, 13-18 months, 19-24 months, and 2+ years. Fifty-eight percent (58%) of all cases completed in 8 or less months; 21% completed in 9-12 months; and 18% finished in 1-2 years. Fourteen percent (14%) of all cases completed in less than 3 months and 3% of cases completed in more than 2 years.

Figure 3: Length of Cases

Number of Months	Percentage of Cases Completing
Less than 3 months	13.6%
3-4 months	12.6%
5-6 months	18.1%
7-8 months	13.7%
9-12 months	20.9%
13-24 months	18.1%
More than two years	3%

Outcome of Cases

Eighty-six percent (86%) of all reported collaborative law cases settled with an agreement on all issues. An additional 2% of cases reconciled. The collaborative process terminated in 11% of cases prior to reaching an agreement on all issues.^{vi} Of those that terminated, 14% had a partial collaborative agreement.

Face-to-Face Meetings

Not surprisingly, ninety-six percent (96%) of all cases involved at least one face-to-face meeting with one or more professionals and both clients. Fifty-six percent (56%) of all cases reporting meeting data (491 of 876 cases) included face-to-face meetings with all core professionals^{vii} present. The average number of such meetings was approximately two. Meetings on average lasted approximately 2.5 hours. Twenty-one percent (21%) of cases, however, reported having five or more meetings with all core collaborative professionals.

Face-to-face meetings involving both clients and at least one but not all core professionals occur in most cases. Such meetings include:

- both lawyers and both clients – 63% of cases with an average of 4 meetings;
- lawyers, clients and a mental health professional(s) – 11% of the cases with an average of 3 meetings;
- lawyers, both clients and a financial professional – 18% of cases with an average of 2 meetings;
- mental health professional(s) and both clients – 24% with an average of 4 meetings; and
- a financial professional and both clients – 26% of cases with an average of 2 meetings.

Meetings involving only one client and a mental health professional occurred in 26% of cases; in these cases there was an average of four such meetings. Twenty-three percent (23%) of the cases reported meetings with only one client and a financial professional; in these cases there was an average of two such meetings. Meetings involving only one client and a mental health or financial professional lasted on average slightly over one hour. Of course, clients also meet privately with their lawyers – the number and length of these meetings was not addressed in the Survey.

Cost

As shown in figure 1 below, the IACP Survey results show that the average total cost for all core collaborative professionals of a collaborative case was \$24,185.^{viii} Broken down by profession, the cost to clients for both lawyers averaged \$20,884, the cost for financial professionals averaged \$4,421, and the cost for mental health professionals averaged \$3,858.^{ix}

Figure 4: Average fees paid in collaborative cases

Professional Fees Paid	
Average total fees paid for all professionals	\$24,185

in all cases	
Average fees paid to both lawyers Lawyers	\$20,884
Average fees paid to all mental health professionals	\$3,858
Average total fees paid to financial professional	\$4,421

Not unexpectedly, easy cases cost clients less than difficult cases: all collaborative professionals on average cost \$12,127 in easy cases, \$21,633 in moderate cases cost, and \$32,588 in difficult cases.

Figure 5: Impact Of Difficulty Level On Fees

Impact Of Difficulty Level On Fees	
Average total fees paid in easy cases	\$12,127
Average total fees paid in moderate cases	\$21,633
Average total fees paid in difficult cases	\$32,588

Cases with children on average cost more than cases without children. Fees for all collaborative professionals in cases with no children averaged \$17,826 as compared to \$25,576 in cases with children subject to the legal process.

The model used also affects the cost of cases. Lawyer only cases cost clients less on average than referral model cases, which cost less on average than team model cases: fees for all collaborative professionals in lawyer only cases averaged \$15,667 as compared to \$22,030 in referral model cases, and \$34,071 in team model cases.

Figure 6: Fees Paid in Each Model

Fees Paid in Each Model	
Average total fees paid in lawyer only cases	\$15,667
Average total fees paid in referral model cases	\$22,030
Average total fees paid in team cases	\$34,071

Finally, the cost of cases varied by region. For example, in Minnesota, the average total cost of a collaborative case was \$14,054, and in New York the average total cost was \$21,642. In Texas, the average total cost of a collaborative case was \$37,397, and in California the average total cost of a collaborative case was \$41,485.

Cost, of course, is directly related to hourly fees charged. Fifty-six percent (56%) of all lawyers charged \$299 per hour or less; 18% charged \$300 - \$349 per hour; 17% charged \$350 - \$399 per hour; and 9% charged \$400 per hour or more.

Forty-four (44%) of all mental health professionals charged \$150 - \$199 per hour; 27% charged \$200 - \$249 per hour and 18% charged \$100 - \$149 per hour.

Forty-seven percent (47%) of all financial professionals charged \$150 - \$199 per hour; 29% charged \$200 - \$249 per hour; 15% charged \$250 per hour or more and 9% charged \$149 per hour or less.

Hourly rates also varied significantly by region. For example, in Minnesota 99% of all lawyers charge \$299 per hour or less. In California, 12% of all lawyers charged \$300 per hour or more.

CONCLUSION

The IACP Professional Practice Survey provides the most significant quantitative data regarding collaborative practice collected to date. The data suggests that middle and upper middle class educated divorcing spouses with children are making the most use of the Collaborative process at this time. Almost one-half of all collaborative cases use some type of interdisciplinary process. Eighty-six percent (86%) of cases settle within the collaborative process and an additional small percentage (2%) reconcile. The majority of cases resolve within eight months or less. Although fees incurred in cases conducted through the Collaborative process may be significant, the results of the Client Experience Survey (see, “*What Clients Say About Their Experience in the Collaborative Process*”) indicate that clients believe the fees they pay are reasonable.

ⁱ It is important to bear in mind that variations in data exist between jurisdictions. These variations are explored in a separate article available on the IACP website, titled: *Geographical Differences among Five U.S. States and One Canadian Province*.

ⁱⁱ IACP website at http://www.collaborativepractice.com/_t.asp?M=3&T=About (last visited July 13, 2011.)

ⁱⁱⁱ Data is not available regarding the number of professionals reporting cases prior to IACP’s retention of Crescent Research.

^{iv} “Team model” and “referral model” were not defined in the Collaborative Practice Survey; thus, these findings represent reporters views as to the model used in their particular case.

^v Seventeen percent (17%) of reported cases with children did not indicate one way or another whether the children were subject to the legal process.

^{vi} One percent of cases reported no outcome.

^{vii} A core professional was defined in the Survey as: “a lawyer, mental health professional, financial professional or mediator engaged to assist one or both clients in the Collaborative Process whether the Core Professional is retained at the outset of a case or during the process and whether or not collaboratively trained, provided that the professional agrees to Collaborative Practice principles while involved in the case. Core Collaborative Professionals are distinguished from other professionals clients may retain during a case by the breadth of their roles in the Collaborative Process. In this regard, professionals retained solely to value assets or provide expertise with respect to a specialized issue are not core professionals.”

^{viii} Fees for neutral experts, such as pension experts, are not included in the data.

^{ix} Because not every case involved every professional, the average cost for each professional does not add up to the total average cost of a case.