



## FAQ Based on Cases Reported to the Practice Survey as of July 6, 2010 International Academy of Collaborative Professionals Research Project



### **Is Collaborative Practice used for matters other than divorce?**

Absolutely, but 97% of the 933 cases reported in the database were divorces.

### **How likely is it that a mental health professional (MHP) will be involved in a collaborative case?**

44% of the cases have at least one MHP involved – 23% with 1 MHP, 15% with 2, and 6% with 3. This differs by region. For example, in Texas 66% of 115 cases reported involve an MHP (in all but one of those cases only 1 MHP was involved). In California, 77% of 81 cases reported involve one or more MHPs (9% with 1, 51% with 2, and 17% with 3). In Georgia, 90% of 50 cases reported involve one or more MHPs (6% with 1, 32% with 2, and 52% with 3). In Minnesota, 39% of cases involved one or more MHPs (20% with 1, 17% with 2 and 2% with 3). In New York, 19% of 162 cases reported involve one or more MHPs (16% with 1, 2% with 2, and 1% with 3). In Canada, 26% of 97 cases reported involve one or more MHPs (12% with 1, 10% with 2, and 3% with 3).

The model practiced predominantly in Texas involves both clients retaining one neutral MHP (who is not referred to as a coach); in California the predominant model involves each of the clients having an MHP as a coach; in Georgia, the majority of clients hire a coach and both parties also retain a child specialist. And in New York and Canada, clients most often do not retain any MHPs.

### **How likely is it that a financial professional (FP) will be involved in a collaborative case?**

48% of collaborative cases involve an FP, and 95% are reported as serving in a neutral capacity. Again, there are regional differences. In Texas, 70% of the cases involve an FP; in Minnesota that percentage is 61%, in California, 54%; in Georgia, 96%; in New York, 30%; and in Canada, 21%.

**Is it likely that a mediator will be involved?** No, 97% of the cases do not involve mediators.

**Is it likely other professionals will be involved?** Sometimes clients need a neutral expert. For example, in 23% of cases a real estate appraiser is engaged to help with valuation.

**How frequently is the team model employed in collaborative cases?** 43% of cases are handled using a team model. Lawyers only, without other core professionals, are engaged in 42% of all cases and 14% of the cases are handled using a referral model. This also varies by region.

**Do all divorce clients who use the collaborative process have children?** No, but most do. 84% of all cases involve children, 16% do not, and about one-fourth of the cases involve clients with children who are not subject to the legal process, so approximately 40% of the cases do not involve development of a parenting plan. Twenty-five percent (25%) of children of clients in the process were over 19 years of age. Even in cases with children who are past the age of majority and not subject to the legal process the parents may choose to address issues regarding adult children in the collaborative process.

**How many months does it likely take to complete a collaborative case?** 44% of all cases complete in less than 7 months, and 58% in less than 9 months. Only 21% take longer than a year, and 14% take less than 3 months.

**In a divorce case, how many face-to-face joint meetings likely will occur in which both spouses are present?** 96% of all cases have such joint meetings. 56% of cases reporting meeting data involve one or more meetings with all core professionals. In the cases reporting meetings with all core professionals, 14% report only one meeting that includes all the core professionals and 37% report 5 or more such meetings; the average number of these joint meetings is 4. The average number of hours per meeting is approximately 2.5.

If the case involves professionals other than the lawyers, other face-to-face meetings likely will occur involving both clients and at least one but not all core professionals. The percentage in all cases of such meetings are: both lawyers and both clients – 63% of cases with an average of 4 meetings; lawyers, clients and the MHP(s) – 11% of the cases with an average of 3 meetings; lawyers, clients and the FP – 18% with an average of 2 meetings; MHPs and both clients – 25% with average of 4 meetings; and FP and both clients – 26% with an average of 2 meetings. 15% of the cases report no such meetings. On average, such meetings last approximately 2 hours.

35% of all cases involve a meeting with only one client and an MHP and/or an FP. Of course, clients also meet privately with their lawyers.

**How likely is it that a case will be completed with a settlement agreement or result in reconciliation?**

It is highly likely that the case will either be completed with a settlement agreement (86%) or by reconciliation (2%) (1% rated the result as “other”). Of the 11% (all cases) that terminate, from what we hear, many of those cases are later settled without trial, but the research project does not track them. 14% of the terminated cases reached a partial agreement.

**Is the collaborative process only for easy cases?** No, 40% of collaborative cases are viewed as difficult or very difficult by the professionals on the case. 20% are viewed as easy or very easy.

**What are the factors that make a case more challenging?**

The difficulty factors which the reporting professionals considered to have contributed to the termination of the cases which appeared in over 50% of the terminated cases and which were significantly more likely to be present in the cases that terminated than difficult cases that settled (83% of terminated cases are rated difficult) are:

- 1) Clients rarely or never trusted the other client or one or more of the other professionals
- 2) Cooperation between clients was always or almost always impossible
- 3) One or both clients acted unilaterally
- 4) One or both clients' expectations about the outcome were unrealistic
- 5) One or both clients obtained outside advice
- 6) Mental health issues of one or both clients

Obtaining outside advice may be a by-product of the decision-making process about whether to continue in the process or to litigate. Having sought outside advice was a difficulty factor identified in 53% of the terminated cases compared to only 32% of all cases rated difficult.

**What are the total fees of the collaborative professionals likely to be?**

It depends on many factors, including the hourly fees, the number of meetings, and the number of professionals involved. Based on all jurisdictions, in an easy case, the combined fees average \$12,150 (rounded to nearest \$50). If a case is difficult, the combined fees average \$32,600. The overall average is around \$23,000 for all core collaborative professionals. The average ranges from \$17,800 in cases with no children to \$25,600 in cases with children who are subject to the legal process.