

# Foreword

Nancy Cameron

I want to thank Woody Mosten, an elder statesman of client-centered legal processes, and Adam Cordover, an enthusiastic younger practitioner devoted to extending the breadth and depth of the Collaborative process, for teaming up as editors. *Building a Successful Collaborative Family Law Practice* is a welcome addition to the Collaborative practice literature. For many who have been trained in Collaborative practice, the step from training to doing, and then from doing enough cases to being able to make Collaborative practice a core part of their work, can be daunting. This book provides a roadmap for those who have been trained in Collaborative practice and want a resource to help build a sustainable flow of Collaborative cases and of out-of-court settlement work in order to build a profitable nonlitigation practice. The book provides a number of different perspectives, from all three professions who practice in the interdisciplinary model of Collaborative practice: lawyers, mental health professionals, and a financial specialist. Most dear to my heart, this book has chapters written by professionals from different generations, which is a vital component of sustaining Collaborative practice into the future. One of my favorite anecdotes from the book, because it speaks of the unquenchable passion of a younger generation, is Adam Cordover's description of educating the judiciary. "Though I had only been a lawyer for three or four years at the time, and did not know her well," Adam writes as he explains his invitation to a local judge to educate her about Collaborative practice, "she graciously scheduled a lunch meeting with me."

I love the courage that supports this passion. This resonates for me, as I am sure it resonates with many others who have felt the swell of passion themselves as they found work that matches their personal values. It resonates because deep in the soul of my work I long to build a little more peace in our world.

This theme is woven throughout the book. It is spoken not from a height of arrogance or self-aggrandizement, but from a place of deep curiosity and commitment: This is the work I am here to do—how do I do it better, how do I contribute to building peace in a polarized world, when I work in a field that is rife with conflict?

The hows are set out clearly in this book. Intention, though not the title of any one chapter, resonates throughout many of the chapters. Kevin Scudder's chapter on defining your practice signature sets out a clear, intentional process to build your practice signature. Melissa Sulkowski's practice tips on how a mental health professional can be the entry point for many of the Collaborative cases in her community is a striking reminder to all of us of the power that mental health professionals have to help build this process for families. Nancy Retsinas and Susan Buniva's chapter on using behavioral health professionals is a reminder to all of us that we must be intentional in order to build well-functioning, egalitarian, professional teams, when the legal system has always been structured in a hierarchical fashion. Brian Galbraith's chapter sets out the intentional steps to build one model of a financially successful business supporting Collaborative practice.

There is also a clear pragmatism throughout the book. In the conclusion, the editors speak of their different approaches, recognizing that how each of us builds our Collaborative practice is going to be an interaction between what works for us personally and which intentional steps we choose to focus on. There are clear chapters on creating an initial client consultation in a manner that helps clients understand the way Collaborative practice can meet their personal needs. Ron Ousky's chapter on developing a range of Collaborative models speaks to the need to build a client-centered process that not only builds on client values as we build resolution, but that also looks to client values and needs as we build process.

Michael Fancher's chapter is a thoughtful look at cases that do not resolve in the Collaborative process: steps we can take that may help us through impasse, what our obligations may be if we think the couple we are working with will not reach resolution and other thorny termination questions. Fancher refers to the International Academy of Collaborative Professionals (IACP) ethical guidelines; I encourage all readers to look at these ethical guidelines because they are an important compass as we contemplate practice conundrums. It is also very important to be familiar with the ethical guidelines as one thinks about hybrid processes as discussed in Elizabeth Potter Scully's chapter. It is important to be particularly mindful of whether or not you are in a Collaborative process, as defined by the ethical standards. As professionals, it is incumbent on us to know the ethical guidelines, the differences between privilege and confidentiality, and as Scully points out, what your jurisdiction provides for, including any case law that has developed around contractual confidentiality as set out in the participation agreement in the Collaborative

process. Participation agreements must clearly define the beginning and the end of the Collaborative process. If we, as professionals, are not clear about these nuances, our clients won't be either.

The book is a rich starting point for any lawyer who has contemplated having a litigation-free practice, but has been fearful that saying "I no longer take litigation cases" is the first step toward not being able to pay the office rent. The desire to build a practice that does not revolve around the courtroom but instead centers around how we build resolution begins with the first intentional act, followed by the next. This book provides a wide resource of those steps—steps that can be applied not only by lawyers but by all professionals who work in the Collaborative model.



Nancy Cameron is one of the founders of the Collaborative Divorce Association of Vancouver and of the BC Collaborative Roster Society. She has been a speaker and trainer in the area of Collaborative law to groups across Canada and the United States, as well as in Europe, Asia, and Australia. She has written numerous articles on Collaborative practice, as well as a book, *Collaborative Practice: Deepening the Dialogue*. She was the President of the International Academy of Collaborative Practitioners in 2009. She received her Queens Counsel Designation in 2005, and has been named to the peer-reviewed Best Lawyers in Canada (in the field of Alternate Dispute Resolution) since 2012, and named Best ADR Professional, Vancouver in 2014. She is particularly interested in how we bring change to complex human systems and cultural change within family justice systems.

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