



Maryland Collaborative Practice Council

january 2014

resolving disputes respectfully

Message from the President

Happy New Year!

On November 6, 2013 MCPC held its second annual Collaborative Leadership Summit at Rolling Road Golf Club in Catonsville. The Annual Leadership Summit was established to give collaborative leaders from around the state an opportunity to meet for dinner, socializing, and to share with each other about collaborative goings on around the state in the smaller collaborative communities. This year's Leadership Summit was attended by over 30 collaborative leaders from around the state it was a resounding success. Attendees left the Leadership Summit informed and energized about collaborative practice in Maryland.

The Administrative Office of the Courts of Maryland (AOC) will be sponsoring a 3-day collaborative team training in Annapolis from April 23-25 (registration form at www.marylandcollaborativepractice.com). There will be no charge to attend. Participants are required to commit to provide *pro bono* services with their local MLSC-funded legal service provider as part of the Department of Family Administration's Collaborative Law *Pro Bono* Project.

The Committee spearheading the passage of the Uniform Collaborative Law Act has been hard at work over the past year and are optimistic that 2014 will be the year that Maryland joins 8 other jurisdictions around the country that have adopted the UCLA (see details on page 9).



The University of Maryland School of Law, for the second year in a row, will be offering a course on collaborative practice, "Collaborative Law and Practice," exploring the theory and practice of collaborative law, and introducing future attorneys to collaborative practice.

MCPC has been working with professionals in Prince George's County and Mid-shore, who participated in the AOC's 3-day training last June, in support of their efforts to create new practice groups in those jurisdictions. The Prince George's group is already up and running and will be hosting a 6-part educational program geared toward providing recently trained collaborative practitioners with the tools to develop their collaborative practices. This 6-day training program was created and implemented through the efforts of L.J. Pelham and the Collaborative Practice Center of Montgomery County to assist recently trained collaborative practitioners in generating collaborative cases.

MCPC is creating an endowment fund that will provide financial support to fund collaborative initiatives around the state for years to come. Stay tuned for details.

Finally, MCPC is hard at work on changes to its website and hope to roll out those changes this spring.

Hold the date for the April AOC training, and if you have any collaborative news to share, feel free to email me at sweisbaum@mac.com.

Steven M. Weisbaum

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Upcoming Events

Breaking Down Barriers to Support: How a Cohesive Collaborative Team Can Inspire New Thinking

February 8, 2014 // 9:00 AM - 4:00 PM

University of Virginia, Northern Virginia Center,
Falls Church, VA

Cost: \$90.00

Speakers: Paul Smollar, Esq. and Adele D'Ari, Ed. D., et al.

For more information and to register, please visit: <http://cpnova.com/event-breaking-down-barriers-to-support>

Administrative Office of the Courts Three-Day Collaborative Training

April 23-25, 2014 // 9:00 AM - 4:00 PM

The Judiciary Education and Conference Center,
Annapolis, MD

Cost: Free

For more information and to register, please visit:
http://www.marylandcollaborativepractice.com/files/Save-the-date_Collab.LawTrg_Apr.2014.pdf

The Collaborative Institute 2014

(presented by CDRP and CDA)

June 6, 2014 // 8:30 AM – 4:00 PM

Lakewood Country Club, Rockville, MD

Speaker: Olivia Mellan will be giving a presentation called "Finding Money Harmony in Collaborative Divorce". Olivia is both a psychotherapist and financial professional who has written five books on money issues and couples and has appeared on Oprah, The Today Show, and 20/20. She is also a regular monthly contributor to many magazines geared to financial professionals. Having been divorced herself, she is very much interested in the collaborative divorce movement. Professionals in all disciplines have much to learn from Olivia about the psychology of money that will help in assisting collaborative clients with the difficult conversations. Learn more at www.moneyharmony.com

For more information (as it becomes available), please visit:
<http://www.collaborativedivorcemd.com>



Maryland Collaborative Practice Council

Mission Statement

The purpose of the MCPC is to support collaborative practice groups, advocate state-wide on legislative, executive, and judicial initiatives, and to advance the use of the Collaborative Process as a method of dispute resolution.

Vision

The vision for MCPC is to be the hub of the collaborative wheel that supports, connects, and unites practice groups, and is the foundation for advocacy and expanded use of the Collaborative Process in Maryland.

MCPC Board Members

Full Board Members

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Kathleen Wobber, Secretary
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Jac Knust, CPB
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Colette Brunell, HCCP
Debora May, CDRP (Montgomery)
Stephanie Fink, CDA (Montgomery)
Brian Kane, CCWM (Washington, Frederick)

Your Collaborative Tool Belt - Visual Aids

by Kathleen Wobber

The Collaborative Tool Belt is a series of articles on tools for collaborative practice. If you have tools which you have found useful, please send an email to k.wobber@parlerwobber.com and your information will be shared with the collaborative community.

Explaining the Collaborative Process and then engaging the clients without the help of visual aids is challenging. Fortunately, there are a number of excellent visual aids which can assist practitioners.

A favorite aid in explaining the continuum of dispute resolution processes is a small foam board which fits neatly on a bookshelf. The board visually demonstrates the differences between self-help, mediation, the Collaborative Process, non-collaborative settlement and litigation models. Using arrows and figures, the clients can see the amount of interaction they have with each other and with professionals. In a dramatic fashion, the client can see that as he moves from self-help to litigation, the process becomes more expensive and the client loses control of the outcome. If you are interested in purchasing a Dispute Resolution Communication Mechanisms board, contact Ali Doyle at 443-520-9690 or adoylelaw@aol.com.

Another favorite tool is the oversized post-it note. One hallmark of a collaborative meeting is the posting of shared goals. Many practitioners use the traditional easel paper with sticky top, but this can be oversized and hard to put into a file. The oversized post-it is 11" square, is transportable and can easily be stuck to the wall then folded to fit in your file. The "3M Post-it Big Pad" can be found on Amazon, \$7.98 for 30 sheets.

To assist clients in understanding how a collaborative meeting proceeds, the best aids are the various video series. These often come in multiple DVDs, though you can purchase just one to highlight the interaction at the four-way meetings, or sessions with a divorce coach. The "Hal and Elaine" case (produced by Pauline Tessler) is a case study which demonstrates a two-coach model case and it has discussion topics for each scene. The "Collaborative Practice in Action" DVDs (produced by Rita Pollak and Cathy Heenan) models a one-coach case

and has the following episodes: 1) How to talk with prospective client about collaborative law, 2) Coach conducting an initial interview with client, 3) Building the collaborative team, 4) Initial 5 way meeting, 5) Team De-briefs after initial five-way meeting, and four other episodes (introducing son to new boyfriend, attorney de-brief, innovative problem solving, and financial neutral dealing with who gets the house). The CDRP provides free loans of the CDs to practice groups, which gives you a chance to view the series before purchase. To borrow the DVD's, contact the CDRP at <http://www.collablawmaryland.org>.

The Role of an Appraiser in the Collaborative Process

by Jenifer Stick, Certified General Appraiser #308

At first glance, the role of the appraiser in the Collaborative Process seems fairly simple, because the appraisal process is objective. An appraiser looks at the subject property, finds comparable properties which have recently sold or are on the market, and adjusts the comparables in order to make a price comparison to the subject property. However, the appraiser often is privy to the personal lives of the participants, a view which other team members will never have. Take for example the Smith Family. The appraiser was given a briefing by the attorneys, who stated that although couple is low key and gets along well, the Husband has serious concerns about the Wife's ability to maintain a clean and livable household. The couple also strongly disagreed about the value of the house, which the Wife was to retain.

As the appraiser approached the home, through the open windows she heard a loud shouting match going on, in the presence of the couple's two young children. When the door was answered however all seemed well, although the children were cowering. Upon entering the home, the appraiser could see that it was cluttered in a way that was typical of an overwhelmed couple, but certainly not a health hazard.

Instead of simply looking around the home then leaving, the appraiser first sat down with the couple to explain the process. She allowed each spouse to point out items which he or she thought might impact the value of the

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Maryland Collaborative Practice Group Updates

Collaborative Council of Western Maryland (CCWM)

CCWM recently had its annual meeting and will continue in 2014 to focus their efforts on educating the public, the collaborative professions and the local judiciary about collaborative practice.

It is also working with ACP (Frederick) to host a joint forum and networking event as it did in 2012. For information about collaborative practice in Western Maryland, please contact Ron Sulchek, CPA at rsulchek@sulchek.com or Brian Kane, Esq. at brian.kane@poole-kane.com

Collaborative Divorce Association (CDA)

CDA has had great meetings and programs during the fall and winter!

In October it hosted a dinner meeting at Lakewood Country Club. Two of CDA's financial neutrals, David DeJong and Lou Hobson, and its lone mortgage broker, Craig Strent, talked about their respective roles in collaborative cases.

In November CDA met at Shulman Rogers for refreshments and a program presented by mental health professionals Karen Freed, Julia Kirvan, Gail Thornburgh, Gail Bleach, Andrea Leiman, and Jonathan Ladd on working with clients who are ambivalent about divorce – how ambivalence manifests itself and how to deal with it. Thanks to member Hadrian Hatfield for facilitating use of his firm's huge conference room.

December began with a bang. CDA and CDRP (the two Montgomery County practice groups) had a joint holiday party at Blackfinn in Bethesda that was a huge success.

CDA continues its roll in 2014 with a meeting on January 23, also to be held at Shulman Rogers. Speakers Robin Taub, Carl Mitlehner, and Gail Thornburgh will discuss brainstorming – what succeeds and fails in brainstorming? What are effective methods for generating creative solutions? What are new ways to help clients discover their interests and core concerns? How not to get bogged down by brainstorming so that there is an action plan? CDA's March meeting will be a dinner (location TBD) and the

program is about dealing with difficult cases. Specific topics may include, but will not be limited to: when and how to modify the traditional meeting format if necessary; setting limits for the "limit averse" client; and successful responses to immediate needs. The presenters are Stephanie Fink, Jan White and Barbara Burr.

To cap off the year in June, CDA and CDRP are teaming up once again to sponsor a day long Institute. Stay tuned for more information.

Finally, Donna Van Scoy and Heather Hostetter, CDA co-presidents, spearheaded the quest to obtain an ad for collaborative divorce in *Washingtonian Magazine* that is being paid for by CDA, CDRP, DCACP, and CPNV. Beginning with this month's issue, the ad will appear in *Washingtonian* magazine each month for the next twelve months. Kudos to Donna and Heather! See the ad on page 6.

Collaborative Dispute Resolution Professionals (CDRP)

CDRP's upcoming educational programs include:

February 8, 2014: "Breaking Down Barriers: How A Cohesive Collaborative Team Can Inspire New Thinking". This Saturday presentation will be given by Paul Smollar, Esq. and Adele D'Ari, Ed. D., et al. and hosted by CPNV in Northern Virginia. For more information and to register for this event, please visit: <http://cpnova.com/event-breaking-down-barriers-to-support>.

February 24, 2014: "When Client Dynamics Challenge the Collaborative Process" Roundtable Discussion. This roundtable will discuss the kinds of client dynamics that challenge the Collaborative Process. It will also share information on what the professionals can you do or have done when clients intentionally or unintentionally thwart the process. To be held at Timpanos in Rockville, MD.

March 24, 2014: "Delving into the Heart of Conflict". Presenters Barbara Burr, Esq. and Lisa Herrick will discuss how successful conflict resolution depends on skillful communication and creative problem solving. In addition, they will discuss how knowing one's own relationship to conflict can be essential to becoming a productive and efficient peacemaker. They will help participants identify their own conflict style, their typical reactions to conflict, and their favored approaches in addressing conflict, and

learn how to engage in focused and constructive negotiations while working to overcome their own emotional roadblocks to reaching successful outcomes. To be held at Timpanos in Rockville, MD.

April 28, 2014: "How Adults and Children Experience Divorce: A Therapist's Perspective". Presented by Aaron Bourne, LPC and Krista Hummer, LCSW-C. To be held at Timpanos in Rockville, MD.

May 19, 2014: "Using the Law in the Collaborative Process" Roundtable Discussion. This discussion will surround the sharing of information on the law in the Collaborative Process, the pitfalls/concerns you have about discussing or not discussing the law in the Collaborative Process, and how have you dealt with these concerns.

Howard County Collaborative Professionals (HCCP)

HCCP is excited to announce its upcoming series of presentations for the Winter of 2014.

January 24, 2014: "HCCP Annual Winter Party". To start off the new year, and celebrate the end of last year, HCCP will be hosting its annual winter party at Sheela Reddy's home at 6 PM. Sheela is planning an exciting activity/presentation "Drumming Away Stress from Those Jarring Bumps in the Road". Sheela describes this as a "team-building exercise where someone brings various types of home-made instruments to drum and make music as a methi-phone for making music together as a team...not noise". Sheela is an extraordinary hostess and they always have a wonderful time!

February 10, 2014: "How Mental Health Professionals Clear Bumps in the Road". Colby Hall will moderate a panel of mental health professionals on this topic at this 11:45 AM lunch meeting at Union Jack's at Columbia Mall.

March 10, 2014: "Psychiatric/Forensic Evaluations: The Long and Short Versions". Presented by Doctors John Lefkowitz and Gina Santoro. 11:45 AM lunch meeting at Union Jack's at Columbia Mall.

April 28, 2014: "Legislative Update". Cindy Lifson will update the group at this breakfast meeting at 8 AM at Meg Oliver's office.

May, 24, 2014: "The Multicultural Family". To conclude the series, Dr. Sheela Reedy will present on this topic. 11:45 AM at Union Jack's at the Columbia Mall.

Stay tuned for the date of HCCP's next Happy Hour (which will probably be in the spring).

HCCP will be back with further announcements next quarter! Please contact Tom Burns with any questions at 410-465-7904.

Prince George's County Collaborative Professionals (PGCCP)

PGCCP is more than pleased with the progress the group has made since its debut. It has already held four organizational meetings where the group has discussed the organization's standards and goals and participated in group and team building exercises.

Family law attorney and collaborative law trainer, Bruce Avery, conducted the PGCCP's first training session on January 9, 2014. The session focused on communicating process options to potential new clients.

PGCCP is encouraged with the amount of interest and participants it has received since their first organizational meeting in October of last year. Membership consists of a blend of attorneys, mental health professionals and financial neutrals. The group had been greatly assisted by former MCPC president, Margie Hofberg, in assuring connectivity with the other MCPC groups.

In the next quarter, PGCCP plans to continue with education, training and choosing its necessary committees. It's flourishing with new ideas and welcomes everyone to embark on its mission.

If you have any questions or would like to join PGCCP please contact attorneys Kathy Brissette-Minus: 301-883-8710, kathy.minus@kbminuslaw.com or Kristin Gooray Hagood: 240-839-1670, kristin.hagood@gmail.com.

Practice Groups Bind Together In Public Outreach Campaign

Four practice groups in Maryland, District of Columbia and Northern Virginia have put together a public message to “Consider Collaborative Divorce”. The advertisement will run in 12 issues of the Washingtonian Magazine, which is widely circulated. The ad layout is quite striking (see below). The practice groups agreed to rotate the group listings so that each group has a chance to be listed first. Kudos to the D.C. Metro practice groups for a great marketing campaign!

Consider Collaborative Divorce

Collaborative Divorce Association
Collaborative Dispute Resolution Professionals
Collaborative Professionals of Northern Virginia
D.C. Academy of Collaborative Professionals

www.collaborativedivorcemd.com
www.collablawmaryland.org
www.cpnova.com
www.collaborativepracticeDC.com

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Collaborative Project of Maryland Connects with International Community

by Suzy Eckstein, Board Member,
Collaborative Project of Maryland

The Collaborative Project of Maryland (“CPM”), a non-profit organization formed in January of 2012 to assist Maryland families of modest means to have access to the Collaborative Process, is now connecting with the international community to help provide information and inspiration for others. A portion of CPM is modeled on and inspired by a presentation given at the International Academy of Collaborative Professionals in October of 2011, where the municipality of Ramat Gan, Israel, present a Program at the IACP forum, “Collaborative Divorce in the Public Sector-The Ramat Gan Israel Model”.

This year CPM took lessons learned over the past few years and presented a program at the IACP Forum in San Antonio, Texas, “Bringing the Collaborative Process to Families of Modest means: A Maryland Case Study“. The continued invaluable support of the Maryland Administrative Office of Courts (“AOC”) was evident in San Antonio, as the presenters included Connie Kratovil-Lavelle, Executive Director of Family Administration at AOC. The program was well attended by professionals from all over the world and the United States. The IACP Access to Collaboration Task Force also presented a program which summarized the efforts of others to start *pro bono/low bono* collaborative programs.

CPM continues to connect with other collaborative professionals around the world. Recently, CPM submitted an article to the *The Collaborative Review*, the Journal of the International Academy of Collaborative Professionals. The article is titled, “The Collaborative Project of Maryland: How *Pro Bono* Projects Can Find a Place in the Collaborative Community” and includes information on how CPM began, the inner workings and structure of CPM, “dos” on executing a successful program, and notes on important connections to consider in the community.

Coming full circle, one of the attorneys, Idith Schaham, from the Ramat Gan Project visited CPM this past summer and discussions are under way for Idith to return to the United States to provide a half-day seminar on how to

navigate the differences between private collaborative cases and *pro bono/low bono* collaborative cases.

There is more happening for the use of the Collaborative Process by families of modest means at home in Maryland, including:

1. CPM presented at a training for 40 court personnel to increase awareness of the availability of Collaborative Process services to families of modest means.
2. AOC funded and collaborated with the Institute for Governmental Service and Research University of Maryland, College Park to study and present in a report “The Current and Prospective Use of Collaborative Law in Maryland”. Recommendations included the continuation of grants to support collaborative low bono services.
3. Training is to be provided by AOC to Maryland Legal Aide Organizations’ family law attorneys in April 2014. Legal Aide is also planning a pilot project relating to collaborative cases on the heels of the training.
4. AOC worked with Maryland’s Legal Services Corporation to expand their Judicare funding to legal services providers for use in collaborative cases. In the past, the Judicare funding was only for contested custody cases.

The University of Maryland and University of Baltimore Law Schools continue to support the Project through offering student manpower, clinical programs and courses in the Collaborative Process, as well as other valuable input.

Look for the opportunity to join CPM in the Spring/ Summer to hear from Ramat Gan, Israel and learn more about how you can volunteer and help make the use of the Collaborative Process accessible to all.

For more information on the Collaborative Project of Maryland please visit www.collaborativeprojectmd.org.

Leveraging a Career/Life Coach to Support Client Progress

by Janet Ladd, MS, PCC, SPHR

Samantha J. arrived at an unsettling juncture when she agreed to participate in the Collaborative Process to facilitate her divorce. After 15 years of marriage and with two small children at home, she felt fearful about her employment prospects, stuck, and unsure how to move forward. Although a college grad and successful early in her banking career, the 8 years she enjoyed as a stay-at-home mom left her confidence shaky. "I knew my life was changing dramatically," recalls Samantha. "I knew I needed to pull myself together and find a job. It was the only way I could create the financial and emotional stability I needed to support myself and the needs of my changing family. I knew what I needed to do but didn't know how to do it. I was terrified."

Enter the Career/Life Coach

Samantha is not alone. It is hard to move ahead without the right kind of support, yet in going through the Collaborative Process, a spouse who cannot see the possibilities of a future career may be a barrier to resolution. Often a separation brings to light financial problems in the family, and it becomes apparent that in order to make the separation feasible, the under-employed partner must find full-time employment. By leveraging the services of a certified career/life coach, individuals like Samantha, are receiving the necessary support to plan a future career and move their life forward. Having a career plan in place early in the Collaborative Process allows the team to move forward in determining the level of necessary family support from the employed spouse, with a goal of making the under-employed spouse self-supporting. Specifically, the right career/life coach can help clients:

- Come to grips with the ending of their marriage vis-à-vis re-entry into the workforce. This can be an emotionally painful time and includes grieving, reflection, and re-establishing a healthy sense of self-identity. This process takes time, and the thought of finding employment in the midst of a divorce can be daunting. The healing can happen sooner with the right support and by taking the right actions toward career goals.
- Define their core values, strengths, career interests, and options

- Create specific goals (personal and career-related) and detailed action plans for achieving those goals
- Develop a resume and appropriate job-search strategies
- Identify and acquire skills to support job-acquisition
- Prepare for successful interviewing
- Rebuild self-confidence and a sense of hope about the future
- Feel supported as they take personal responsibility for their career, happiness, and wellbeing

Career/Life Coaching is not Counseling or Therapy

Although there may be similarities, career/life coaching is not the same as counseling or therapy, and it is important that clients understand the distinction. Counseling or therapy is often thought of as moving people from a state of dysfunction to one of being functional. Counseling often focuses on understanding the past and exploring issues that hinder a person from moving forward.

Career/Life Coaching, on the other hand, supports individuals who are ready to move forward in their careers and feel they need support and guidance in defining and fulfilling their goals. The International Coach Federation (ICF), the largest coaching, credentialing and support organization in the world, defines coaching as "partnering with clients in a thought-provoking and creative process that inspires them to maximize their personal and professional potential." Coaching clients understand their career success is dependent on their own willingness to work to achieve their goals.

ICF-accredited coaches, who are bound by strict ethical guidelines, understand the difference between their role and the function of a therapist, and are quick to refer clients to appropriate mental health professionals when needed.

Focused on the Future

For Samantha and others who have gone through separation and divorce, coaching can be key to personal and professional transformation. "It was amazing that

someone I didn't even know helped me change my life so much," reflected Samantha after six months of coaching. "I was able to rediscover myself, learn how to build my personal brand, customize my resume, and tell my story to hiring managers. Although I still experience sadness, I have a renewed sense of hope and excitement about the future."

About the Author

Janet Ladd, Founder and Managing Principal of Bounce-Forward Coaching Group (<http://www.bounce-forward.com>), is a certified Professional Coach and Organizational Development Consultant with over 25 years of experience in business, technology, human resources, and consulting. With an extensive network of talented and like-minded professionals who share her passion for integrity, compassion, and being an agent of positive change, Bounce-Forward provides one-on-one and group coaching, consulting, and educational services to support positive transformation.

Personally, Janet holds a Master's Degree of Science in Applied Behavioral Science from Johns Hopkins University and is a graduate of Newfield Network, one of the most highly regarded ICF-accredited coach training institutes in the world. She has attended training in collaborative law through the State of Maryland and, as a survivor of both cancer and separation, understands how supplemental Career/Life coaching can support individuals through difficult transition.

Janet Ladd, MS, PCC, SPHR can be contacted at Janet@Bounce-Forward.com.

MCPC Leadership Summit a Success

On November 6, 2013, the MCPC held its Annual Leadership Summit at the Rolling Road Golf Club in Catonsville, Maryland. Collaborative leaders from around the state were invited to attend and learn about what others were doing in their "collaborative neighborhood". After a wonderful dinner and time for fellowship, each leader provided an update on practice group programs and upcoming seminars. The attendance at the Summit was a testament to the growing number of practice groups, including Prince Georges' County and the Mid-Shore. To ensure your practice group stays connected, consider sending a leader to the next Leadership Summit in 2014 (details to follow in the next newsletter)!

Maryland Uniform Collaborative Law Act Update

by Ronald B. Bergman, Esq.,
MCPC Board Member at Large

The 2014 Maryland Legislative Session has already convened and there has been a great deal of positive momentum, especially garnered over the past year, to help support Maryland's ongoing efforts to be the 9th State or Jurisdiction (DC) to pass a uniform bill. The collective wisdom and strategy for this session will be to pass the most important aspects of the Uniform Act in both the Senate and the House and then work closely with the Court of Appeals Rules Committee to have the rest of the Uniform Bill incorporated into the Rules. It was heading in this similar direction after the legislative committee testified twice on the proposed entire bill, had a bill briefing in the House during the 2012 session, after other ad hoc collaborative groups made presentations before various judicial committees in 2011 and 2012, and in various meetings with the executive and legislative leaders of MSBA. Of course, the Maryland Administrative Office of the Courts has been a tremendous supporter of the collaborative law movement over the past few years in many different ways, in part, by sponsoring a number of collaborative trainings and by funding the statewide collaborative law *bono-pro bono* project.

Maryland collaborative legislative efforts these past years have been spearheaded by Ron Bergman, Suzy Eckstein and Craig Little, with the tremendous support of Mary Pence, Bruce Avery and a host of other participants and MCPC members at key times. Bill sponsors this year in the two Judicial Committees are the very able and dynamic Senator Jamie Raskin (Takoma Park) and the most able and persistent Delegate Jeff Waldstreicher (Kensington), who has been the House sponsor throughout, along with co-sponsor Kathleen DuMais (Rockville).

Mary and Ron have recently met with and contacted various prominent judges and lawyers on the Rules Committee and will be working closely with Suzy, Craig and Bruce in putting together a small MCPC contingency to caucus with the Rules Committee at their March meeting to consider the new collaborative rule proposal.

The UCLA was originally enacted by the Uniform Laws Commission to be passed by the State Legislatures or

to be incorporated into state court rules as they impact the practice of law. When Maryland passes the new statute and enacts the rules, it will be the first state to do so.

Great things are expected to happen in the coming year and members of the Maryland collaborative community will be asked to join in the passionate effort to make the legislation and the rules a reality in Maryland.

The Collaborative Project of Maryland: How *Pro Bono* Projects Can Find a Place in the Collaborative Community

by Suzy Eckstein and Wayne Warren

Starting the Project

The mission of the Collaborative Project of Maryland (CPM) is to provide clients of modest means access to the *full* benefits of the collaborative dispute resolution process either through the use of *pro bono* volunteers or on a reduced fee or subsidized fee basis.

Formed in January of 2011, CPM began with a group of collaborative practitioners discussing the perception that collaborative practice is an expensive process. Many practitioners were meeting clients who would benefit from the Collaborative Process, but who could not afford to pay market rate for collaborative professionals (nor any other divorce professionals, for that matter). Professionals realized there were already resources for clients who chose litigation and could not afford to pay for attorneys, but no resources for those clients who wanted to use the Collaborative Process but couldn't afford it.

How it Works

Through a Pilot Project grant from the Family Division of the Administrative Office of the Courts of Maryland ("AOC"), CPM was able to secure office space and hire an Executive Director, who screens intakes from the public and matches individuals/families up with collaborative professionals. Professionals commit up to 30 hours each per case and are paid for their first ten hours at a rate of \$80 per hour through a combination of client payments

and a Professional Fee Fund created from grants and donations. The last 20 hours are sliding scale payments from the clients ranging from \$0 to \$80 per hour depending upon family income. Services are provided by the professionals at their own offices.

Benefit to Families: A Case Study

Benny and Terry were married for a little over 15 years. They have four children and Terry had never worked outside the home. Benny was working up until about 3 years ago for a publishing company earning about \$80,000 a year. They bought a house in 2000. They were not wealthy by any means but they were actually able to make ends meet and pay their mortgage and pay their bills on the \$80,000 a year salary. Then Benny lost his job in the recession. He was unemployed for two years. Eventually Benny got a new job with FedEx where he started out making \$25,000 a year. Over the course of a year, Benny received raises and was making almost \$50,000 a year when he came to CPM. But during his period of unemployment, Benny and Terry got behind the eight ball financially, including getting behind in the mortgage. The financial stress took its toll on the family. Benny got depressed and met someone else. Terry got fed up. Benny moved out but not before the bank began foreclosure proceedings. Terry was very resourceful and found out about CPM. Terry and Benny were clear that they shared a common goal of keeping the house for Terry and the four children. Accordingly, the collaborative professionals were able to help the parties manage their emotions and research programs that would help them refinance or modify the mortgage. Without the support of the collaborative team, Benny would have been too distressed and distrustful to co-sign loan modification papers while the parties were dissolving their marriage. But fortunately, feeling well-informed and having considered all the consequences and options, Benny was able to co-sign with confidence. The parties were able to save the house and move forward to resolve all of the other issues related to their divorce. Benny, Terry and the children are doing as well as could be hoped.

An Added Benefit

Through the AOC, CPM has had the opportunity to interact with and present to many different organizations with the Judiciary's support. By providing full Collaborative Process services to families of modest means, an added benefit has been the ability to educate not only the

families participating in the program and the organizations which serve them, but also others in the community who could both benefit from and afford the Collaborative Process.

The following experience best illustrates this benefit. CPM was invited to present at training for 40 court personnel from all over the state. Not one single attendee had heard of collaborative practice. The allotted time was used describing the Collaborative Process and discussing how court personnel might refer potential clients to CPM. It was pleasing to be asked, "This sounds like a really great process - is it available for people who can afford it?"

How CPM Operates

A critical component in developing the Collaborative Project of Maryland is the day-to-day operating philosophy. Over time, the Collaborative Project of Maryland has identified five "do's" of sustainability for *pro bono/low bono* collaborative projects:

1. **Do have Protocols and Forms in place:** Collaborative Project of Maryland's Board is composed of seven active collaborative professionals (five attorneys and two mental health professionals) who have been leaders of practice groups, long time members of IACP, and trainers of collaborative practice both locally and nationally. Board members drew upon their collaborative practice case experience, developing forms and protocols modeled on the forms and protocols already available in their individual practices, modifying some as needed. Having protocols and forms readily available was key to delivering a professional and productive operation from day one.

The heart of the Project is the Intake Process. CPM thoroughly interviews potential customers to determine viability for the Collaborative Process. CPM does not accept customers who have pending hearings, are entrenched in traditional thinking and motivation, or who are unable, even with the support of professionals, to have difficult conversations with their partners. In addition, CPM has found that certain types of matters, especially when one partner has little to gain by engaging in a negotiation (i.e. custody modification cases), can be difficult to place. Moreover, CPM is mindful of the balance between customers' needs and volunteer professionals' needs. Professionals who volunteer for the Project do not mind difficult

and challenging cases, but impossible cases and impossible customers will frustrate the volunteers and over time will dilute the volunteer pool.

CPM follows the standards set by the Maryland Legal Service Corporation for income eligibility, which is 200% of the poverty level for *pro se* representation. In addition, CPM includes a sliding scale for reduced fee representation. CPM feels strongly about wanting to serve customers who may be above the *pro bono* income levels, but still could not afford professional representation without the Project's assistance.

2. **Do tend to customers/clients:** CPM understands that many potential customers for the Project will have capacity limitations and logistical challenges, among them transportation, child care and internet access. CPM also understands that clients might have difficulty leaving work, so CPM's professional volunteers are very conscientious about how meetings are scheduled. After identifying customers for the Project, CP keeps the lines of communication open to ensure that the customer understands the process and is comfortable moving forward. CPM consistently reiterates to customers the importance of attending and participating in the meetings.
3. **Do tend to volunteers:** CPM tends to volunteers in a variety of ways: by creating teams with varied experience levels, providing mentoring and professional coaching for newer professionals, and facilitating interaction with practice groups. CPM creates collaborative teams by pairing a more experienced collaborative professional with a less experienced collaborative professional. Experienced professionals take on leadership roles and less experienced professionals obtain experience and become part of the Collaborative community. CPM also engages with the local practice groups to inform them about the Project, again, expanding the dialogue and communication about collaborative practice and inculcating the Project into the practice group's objectives. Practice groups have been instrumental in volunteering their members, ideas, and support. CPM has helped practice groups by providing cases, ideas, and camaraderie.
4. **Do have a robust database:** CPM receives state funding so it is very important that data is recorded. CPM tracks the number of intakes, number of cases,

number of hours professionals participate, and demographic data about customers. CPM has also found that it is important to document information about referral sources and intakes which do not result in a collaborative case. Maintaining a database by employing staff or a volunteer with expertise in database management is essential given the requirements of grant reporting.

5. *Do have a strategy for developing cases:* CPM continues to hone its strategies for developing referral sources. CPM has found that referral sources that are close to the customer are the most likely to generate successful collaborative cases and engage both parties relatively efficiently, ensuring that both are well-informed about the benefits and the expectations of the Collaborative Process. Having more direct links to and relationships with the customer also allows CPM to quickly match the customers with professionals, which increases the likelihood of a successful collaborative case.

Garnering Community Support

Community support from varied sources was one of the most instrumental components in the successful creation and establishment of CPM. One important and obvious form of support has been the Judiciary. The grant funds provided by AOC were crucial. CPM is fortunate to have Connie Kratovil-Lavelle, the Executive Director of the Family Division of the AOC, serve as a link to the Judiciary. This link has created incredible opportunities and venues to spread the word to the legal community and the public.

Judiciary Partnership

Just a few of the benefits of the Judiciary's involvement in Maryland:

1. Four fully sponsored 3 day interdisciplinary collaborative trainings since March 2011 at little or no cost to participants. Participants are asked to volunteer for at least two collaborative *pro bono* cases through CPM or other legal service provider organizations.
2. Numerous mini-trainings offering court personnel, Masters, Judges, and the professional community basic information about the Collaborative Process.

3. AOC funded and worked with the Institute for Governmental Service and Research, University of Maryland, College Park to study and present in a report "The Current and Prospective Use of Collaborative Law in Maryland."
4. Training will be provided by AOC for the Maryland Legal Aide Organizations' family law attorneys in Spring 2014.
5. AOC worked with Maryland's Legal Services Corporation to expand their Judicare funding to legal services providers for use in collaborative cases. The Judicare Family Law Project uses private lawyers who are paid reduced rates to serve low income clients and in the past, the Judicare funding was only available for contested custody cases.
6. A binder is given to Judges, Masters, Legal Service Providers and others in the legal community providing information on case law, trends in the country, information on passage of the UCLA, and ethics.

Other Partners

Community Foundation. There are Community Foundations all over the United States that provide incubating nonprofits an avenue from which to receive grant funds while waiting to receive their own 501(c)(3) status. The opportunity to receive the Pilot Project grant funds (only available to 501(c)(3) nonprofits) came before CPM was able to obtain its own 501(c)(3) status, so the Community Foundation filled the gap. CPM is happy to report that it now has its own 501(c)(3) status and is administrating its own budget.

Maryland Collaborative Practice Council ("MCPC") and Area Practice Groups. MCPC is the umbrella organization for practice groups in the State of Maryland. MCPC initially gave CPM support in the form of seed money to create its non-profit organization and apply for 501(c)(3) status. MCPC also made it part of its mission to support CPM in any way possible, including a centralized link to the practice groups who provide the majority of its volunteers. Individual practice groups also support CPM in many ways, including offering to provide a line on their membership renewal form for donations to CPM and pledging 100% participation from their members to volunteer for CPM.

Collaborative Practice Centers. The Collaborative Practice Centers formed in the area are another source of support and CPM is fortunate enough to have two; one in Washington, D.C. and one in Montgomery County, Maryland. Both of these practice centers provide meeting space for board meetings. The Collaborative Center in D.C. houses some of the board members and also allowed one of their law clerks to help CPM with research pertaining to employment issues. The Collaborative Center in Montgomery County provides reduced rent for CPM's main office and unlimited administrative assistance.

Established Legal Service Providers. Established legal service providers are also an essential support system. Maryland has a *Pro Bono* Resource Center that provides support to all legal service providers in Maryland. CPM has learned that it is important to nurture these relationships in order to assist one another and not encroach on clients or volunteers which allow such organizations to receive their funding. Some of the ways CPM has discussed working together are: providing an additional attorney when another organization's panel attorney is utilized, providing mental health and financial professional volunteers, and providing mentoring for volunteers in each of the professions. In addition, CPM volunteers have attended Legal Aide's *Pro Bono* Days for the public and self-help clinics in the courthouses to assist potential clients in determining if the Collaborative Process is right for them.

University of Maryland and University of Baltimore Law Schools: Both law schools in Maryland have been instrumental in providing legitimacy and connections for projects such as CPM and collaborative practice in general. University of Baltimore Law School offered assistance through a Collaborative Process clinic available to students. University of Maryland Law School currently offers a semester long course, Collaborative Law and Practice, and has suggested CPM volunteers attend their "Just Advice" Clinic for the public to determine if potential clients are interested in using the Collaborative Process.

The above illustrates just some of the ways CPM has worked together with other members of the community, including having met with community organizations, divorce support groups, and community ministries (a coalition of homeless shelters, churches, and other community organizations).

Conclusion

The prospect of developing a program to bring the full benefits of collaborative practice to families of modest means is both exciting and daunting. CPM has learned a lot, is working really hard, and still has a lot to learn. It's looking forward to working together with the global collaborative community to continue learning from each other. The rewards to professionals and families has been well worth the continuing journey.

(the role of an appraiser continued from page 3)

home, then patiently explained why the item may or may not be significant in the valuation. When it came time to go through the home, she asked each spouse to take a role in showing her around a part of the home, so both felt they had participated in the process.

Once the appraisal was completed, the appraiser was invited to the next meeting, to explain the appraisal and answer any questions. Prior to the meeting the appraiser also debriefed the team, to let them know what she had observed.

Residential appraisals are performed on a flat-fee basis, and many collaboratively trained appraisers include the meetings with counsel and the explanation to the team as part of the flat fee. The use of a collaboratively trained appraiser can make a difference to the participants, by providing important background information about the divorcing couple and by ensuring that the couple feel comfortable with the final value placed on their home.

About the Author

Jenifer Stick and her husband Angelo Santamaria are the principals of The Appraisal Company. Jenifer has been appraiser for 38 years and has both residential and commercial real estate experience. Their son, Gordon Stick, is a GIA Gemologist and appraises fine jewelry and gems. Jenifer is a graduate of Northwestern University and studied Real Estate Appraisal at Johns Hopkins University. She attended training in collaborative practice through the State of Maryland. She has personal experience with divorce and understands how the Collaborative Process is useful in maintaining assets for divorcing couples. Jenifer can be contacted at jeniferstick@gmail.com.