

COLLABORATIVE DIVORCE

The "No Court" Team Approach
To Resolving Divorce Issues



South Jersey Collaborative Divorce Professionals
Professional Directory

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Published by Dustin Cannon



I'll see you court!

Max shouted to his soon to be ex-wife, Shirley, as he stormed out of the conference room.

He was furious by the notion that he consider sharing some of his Social Security income to help keep Shirley financially afloat.

Max and Shirley had been discussing financial projections with their lawyers, a divorce coach and a financial specialist.

The numbers just simply were not adding up. The financial specialist explained that no matter how they worked the numbers, they would both end up broke in only a matter of years. Shirley would run out of money first unless Max would agree to share part of his Social Security income.

The divorce coach followed Max outside to help him work through his anger and give him a chance to vent and be heard. Meanwhile, the financial neutral remained in the conference room with Shirley and discussed financial scenarios and how they might impact her future.

After calming down and coming to terms with the situation, Max was able to return to the negotiation for more rational conversation.¹

At this point, the divorcing couple were able to reach an agreement in line with their mutual goals.

1. <http://ctcollaborativedivorce.com/how-to-build-an-effective-team/>



This is the collaborative team at its best, working together to find solutions that allow divorcing couple to move forward with their lives while minimizing the high financial cost and emotional toll of contentious divorce litigation.

COLLABORATIVE DIVORCE

The “No-Court Team Approach To Resolving Divorce Issues

Collaborative law is a new model of alternative dispute resolution in family law.

It is a voluntary process where the parties agree to settle their issues without going to court with the help of collaboratively trained attorneys and an interdisciplinary team of collaborative professionals.

One of the defining characteristics of the collaborative divorce process is the team approach at helping divorcing spouses find solutions.

The collaborative team can consist of Collaborative Divorce Attorneys, Financial Neutrals, Divorce Coaches, Child Specialists, and Advisors.

Collaborative Divorce Attorneys

The collaborative attorneys are family law attorneys who are trained in both mediation and collaborative law. Each party has his or her collaborative attorney who works as part of the team, while still protecting the interests of their individual client. These experienced practitioners use cooperative techniques to assist parties, without litigation, to negotiate a resolution that is based on achieving goals and protecting the interests of all family members. Parties come out of the process with a divorce settlement agreement that they create with the help of the team.

Financial Neutrals

The financial professional serves as a neutral objective party on a collaborative divorce team and therefore does not take the side of either party. This team member will offer a safe environment for spouses to speak openly about their financial fears, concerns and ultimate goals. The financial specialist will provide an unbiased assessment of the financial situation faced by the family and offer analysis about specific issues that may arise during the problem solving process, such as those relating to the division of assets and determination of available cash. The financial specialist will explain the benefits and pitfalls of any divorce settlement scenario to each spouse and provide financial and tax recommendations throughout the entire process to minimize tax impacts and avoid surprises.

Divorce Coaches and Child Specialist

The divorce coach / child specialist (Social Workers, Psychologists, Professional Counselors - all licensed and collaboratively trained) helps clients and their families transition through the complicated process of divorce. The divorce coach/child specialist's function is to primarily guide the parties across the rough terrain of divorce. They provide support to both parties helping all maintain focus on current and future goals as well as assisting with parenting and child related issues.

Forward Thinking, SOLUTION ORIENTED & Outcome-Based

In case study above, both Max and Shirley wanted to move on with their lives and put this behind them. Yet, there was fear about the future and bitterness and anger regarding the past. This is understandable considering the emotional and financial strain the spouses are experiencing. Under these conditions it is reasonable to foresee how things could quickly spiral out of control and take on an adversarial nature. Unfortunately, when that happens there are no winners.

In a typical litigated divorce, the outcome of this dispute may have been very different. In a traditional divorce, experts are often retained solely for making a case against the other party. When that happens, the other party must go on the defensive and hire their own expert to oppose the other. That can become very expensive.

People considering collaborative divorce sometimes have concerns that it will be too expensive if there are multiple professionals involved in the case, but as the example above illustrates, it is often actually the opposite.

In the case of Max and Shirley, they didn't have any extra money to waste litigating. Because they made the decision to use the collaborative process, they were able to hire one financial professional who was neutral and therefore able to look at the finances objectively and focus his or her expertise on solutions that would maximize what they had for the future.

COULD COLLABORATIVE LAW WORK FOR YOU?

Collaborative law won't be right for everyone, but in many cases, it is a better way.

The first step is to ask yourself a few questions. If you can answer "Yes" to some or all the following questions, then collaborative law is worth considering.

1. Do you want a civilized, rational resolution of the issues?
2. Do you would like to keep open the possibility of a viable working relationship with your partner down the road?
3. Do you and your partner will be raising children together and you want the best working relationship possible?
4. Do you want to protect your children from the harm associated with litigation between parents?
5. Do you have ethical or spiritual beliefs that place high value on taking personal responsibility for handling conflicts with integrity?
6. Do you value control and autonomous decision making and do not want to hand over decisions about restructuring your financial and parenting arrangements to a stranger (a judge)?
7. Do you recognize the restricted and often unpredictable range of outcomes and "rough justice" generally available in the public court system and want a more creative and individualized range of choices available to you and your spouse or partner for resolving the issues?

The NEXT STEP

Are you facing divorce?

Do you have questions about collaborative law and whether it might be an option for you?

My name is Tricia Elliott. I am a Divorce Coach and a Licensed Professional Counselor.

Please contact me at 856-202-3023 to schedule a free 30 minute consultation to learn more about the collaborative divorce process.

I will help you explore your options, make an informed decision about whether collaborative law could work for you, and explain the next steps.

Tricia Elliott

Tricia Elliott, M.S.,L.P.C.
Licensed Professional Counselor



PROFESSIONAL DIRECTORY



COLLABORATIVE ATTORNEYS

MARYBETH F. BARON, ESQ.
Rabkin Law Offices, P.C.
1415 Marlton Pike East, Suite 202
Cherry Hill, NJ 08034
Tel: 856-216-1500
Email: marybethb@rabkinlawoffices.com
Website: www.rabkinlawoffices.com

DONALD N. ELSAS, ESQ.
Attorney at Law
800 North Church Street, Suite 102
Moorestown, NJ 08057
Tel: 856-439-6741
Email: donald@elsaslaw.com

DEENA L. BETZE, ESQ.
Borger Matez, P.A.
1415 Marlton Pike East, Suite 305
Cherry Hill, NJ 08034
Tel: 856-424-3444
Email: dbetze@njfamilylaw.net
Website: www.njfamilylaw.net

MELISSA FECAK, ESQ.
Fecak & Williams, P.C.
16 N. Centre St., 2nd Floor,
Merchantville, NJ 08109
Tel: 856-733-0229
Email: melissafecak@fecakwilliamspc.com
Website: www.fecakwilliamspc.com

GARY L. BORGER, ESQ.
Borger Matez, P.A.
1415 Marlton Pike East, Suite 305
Cherry Hill, NJ 08034
Tel: 856-424-3444
Email: gborger@njfamilylaw.net
Website: www.njfamilylaw.net

BRUCE P. MATEZ, ESQ.
Borger Matez, P.A.
1415 Marlton Pike East, Suite 305
Cherry Hill, NJ 08034
Tel: 856-424-3444
Email: bmatez@njfamilylaw.net
Website: www.njfamilylaw.net

MEGHAN E. BRADLEY, ESQ.
DeLorenzo & Bradley, LLC
72 E. Second Street
Moorestown, NJ 08057
Tel: 856-234-2022
Email: mbradley@dbsjlaw.com
Website: www.dbsjlaw.com

COLLEEN A. MCGUIGAN, ESQ.
McNeely McGuigan & Esmi, L.L.C.
505 South Lenola Road, Suite 103
Moorestown, NJ 08057
Tel: 856-439-0057
Email: mcguigan@mcneelylaw.net
Website: www.mcneelylaw.net

CORRINE E. COOKE, ESQ.
Stark & Stark
993 Lenox Drive
Lawrenceville, NJ 08648
Tel: 609-895-7241
Email: ccooke@stark-stark.com
Website: www.stark-stark.com

MARYANN J. RABKIN, ESQ.
Rabkin Law Offices, P.C.
1415 Marlton Pike E, Suite 202
Cherry Hill, NJ 08034
Tel: 856-216-1500
Email: rabkinlawoffices@aol.com
Website: Rabkinlawoffices.com

RICHARD ROY, ESQ.
Comegno Law Group, P.C.
521 Pleasant Valley Road
Moorestown, NJ 08057
Tel: 856-505-6642
Email: rroy@comegnolaw.com
Website: www.comegnolaw.com

STEVEN B. SACHAROW, ESQ.
Flaster Greenberg
1810 Chapel Ave West
Cherry Hill, NJ 08002
Tel: 856-661-2272
Email: steve.sacharow@flastergreen-
berg.com
Website: www.flastergreenberg.com

KAREN P. SAMPSON, ESQ.
Karen P. Sampson, Esquire, L.L.C.
505 South Lenola Road, Suite 126
Moorestown, NJ 08057
Tel: 856-439-0068
Email: karen@karenpsampson.com
Website: www.karenpsampson.com

MEGAN E. SMITH, ESQ.
Offit Kurman
One Greentree Centre
10000 Lincoln Drive East, Suite 201
Marlton, NJ 08053
Tel: 267-338-1378
Email: msmith@offitkurman.com
Website: www.offitkurman.com



DIVORCE COACHES & CHILD SPECIALIST

TRICIA ELLIOTT, MS, LPC*
1500 Kings Hwy., Suite 202
Cherry Hill, NJ 08034
Tel: 609-970-6098
Email: telliottms@yahoo.com

JUDITH A. FELDMAN, MSW, LCSW
19 East Main Street
Marlton, NJ 08053
Tel: 856-265-3575
Email: jaf214@comcast.net
Website: www.feldmantherapy.com

* Divorce Coach Only



FINANCIAL NEUTRALS

MICHAEL SACCOMANNO, CPA/ABV/
CFF, CVA, CDEA
Friedman L.L.P.
301 Lippincott Drive, 4th floor
Marlton, NJ 08053
Tel: 856-830-1600
Email: msaccomanno@friedmanllp.com
Website: www.friedmanllp.com

STACEY UDELL, CPA/ABV/CFF, CVA
Gold Gerstein Group, L.L.C.
505 Pleasant Valley Avenue
Moorestown, NJ 08057
Tel: 856-727-0100
Email: sudell@g3cpa.com
Website: www.g3cpa.com

The logo features the word "ADVISORS" in a blue, serif font. To the left of the text is a circular emblem consisting of two overlapping, curved lines that form a partial circle, with the top line being a darker blue and the bottom line being a lighter blue.

ADVISORS

CHRISTINE DASH, ABR, SRS, SRES,
BPOR
Keller Williams Realty
123 East Main Street
Moorestown, NJ 08057
Tel: 609-332-6266
Email: Christine@DashForHomes.com
Website: www.dashforhomes.com

LANCE LEIMBERG, CFP®, CHFC®,
CRPC®
Lincoln Financial Advisors/
Integrated Financial Partners
1300 Route 73, Suite 314
Mount Laurel, NJ 08054
Tel: 856-437-5350
Email: lance.leimberg@lfg.com
Website: www.thekoenigandleimberggroup.com

WILLIAM M. GREENFIELD,
CLU®, ChFC®
Wealth Bridge Advisory Services, LLC
1111 Marlkness Rd, Suite 203
Cherry Hill, NJ 08003
Tel: 856-888-1090
Email: bill@WealthBridgeAdvisory.com
Website: www.wealthbridgeadvisory.com

ERIC MORSE, NMLS ID 147331
AnnieMac Home Mortgage
700 East Gate Drive, Suite 300
Mount Laurel, NJ 08054
Tel: 267-210-7077
Email: ericmorse70@gmail.com
Website: ericmorse.annie-mac.com

KYLE KRANZLEY, CFP®, CHFC®,
CRPC®, RFC®
LPL Financial
1300 Rte 73, Ste 201
Mt Laurel, NJ 08054
Tel: 856-282-2329
Email: Kyle.kranzley@lpl.com
Website: www.kylekranzley.com

BARBARA ROWENS CDFA®,
Financial Advisor
The Investment Center
900 Pebble Lane
Southampton, PA 18966
Tel: 215-355-0989
Email: browens@investmentctr.com
Website: barbararowensfinancial.com

SUSAN LANGE
Redwood Mortgage Company
225 Kings Highway East
Haddonfield, NJ 08033
Email: info@redwood-mtg.com
Website: www.redwood-mtg.com