

# Q: Common Myths About Collaborative Divorce Law

Collaborative Divorce Law is becoming more popular worldwide, and rightfully so. Collaborative Law is a method of handling cases and resolving disputes by removing the disputed matter from the litigious courtroom setting. It is a very well-constructed method to develop options and problem solve rather than to fight and battle it out in court.

There are many myths surrounding Collaborative Law that act to dissuade attorneys from familiarizing themselves with it and from using it in their own practices. The most common myths are:

- Only the rich can do it: Not entirely true. While collaborative cases involve several players, including collaborative attorneys, a mental health professional and a financial professional, unlike traditional litigated cases which can drag on for years, most collaborative cases happen in a condensed period of time. Given that nearly 95% of all divorces end with a negotiated settlement, many spouses end up paying for a large amount of preparation for a trial that never even occurs. Collaborative lawyers report that the total cost of a collaborative divorce is often much lower than that of a divorce processed through the adversarial, litigated process.
- Collaborative Law is a fad: False. What began with one attorney in Minneapolis over 27 years ago has grown into an internationally recognized process that now includes thousands of practitioners from 25 countries around the world. The Florida Supreme Court has approved the process and implemented Rules for Collaborative Law. Most other states have followed suit.
- The parties must trust each other and get along in order for the process to work: No. For divorce cases, if the parties got along perfectly and trusted each other completely, they probably would not be getting a divorce in the first place. It is true that many of the same emotions and issues that play out in traditional divorces—pain, fear, resentment, distrust—are also present in collaborative divorces. However, the difference lies in a willingness by the participants to work with their collaborative team to overcome these issues to reach a settlement that incorporates the interests of both parties.
- It is not meant for high asset cases: Again, not true. Even though there is no formal “discovery” process that takes place, the parties in the collaborative process fully disclose to each other all records and financial information. While there is not formal, written discovery or depositions, there is a more focused overview for the attorneys and the experts to evaluate.

KY KOCH is a seasoned professional counselor with 30 years' experience who has recently joined the Older, Lundy, Alvarez and now Koch firm. His preeminent reputation has been gained by representing clients in high-stakes divorces. He has counseled professional athletes, doctors, lawyers, CPAs, business owners and their spouses. During his distinguished career, he has been a state prosecutor, board-certified criminal defense lawyer, and a board-certified marital and family lawyer.

After facing almost every form of litigation, his concentration is now on the settlement of cases through Collaborative Divorce Law. He is now committed to an organized, efficient and wise approach dedicated to out-of-court private and win-win resolutions. As an authority and an advocate for Collaborative Law, Koch is a founder of the Tampa Bay Academy of Collaborative Professionals. The newly merged firm of Older Lundy Alvarez and Koch starts another chapter in a highly successful career.

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