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Collaborative Practice: A Mindful Option for Divorce

The collaborative process offers couples who have chosen to divorce an option free from the emotional and financial expense and strain of the traditional, adversarial process. In a collaborative divorce both people are represented by collaboratively trained attorneys and everyone agrees at the beginning to resolve all issues without resorting to court. Instead, the parties and attorneys work together to find solutions that will allow the family to successfully transition to their new normal.

Beyond the actual process, collaborative law works on a different philosophy. We are fixers not fighters. We understand that while a divorce ends the marriage it does not end the relationship. Whether the kids are still children or adults, parents will have the same school events, the same graduations, the same weddings, the same grandchildren. By choosing a mindful, collaborative process during the divorce we prepare our clients to succeed rather than “win.” Winning, be definition, means that someone else is losing. This promotes scarcity thinking and make it more difficult for healing to occur after the papers are signed. It limits our thinking and the options we will consider.

Working towards success doesn't come with these limitations. Success focuses on possibility and a mindset of abundance. One of the first things we do in our joint meeting is discuss the goals and values for the family. We design the process to meet the needs of the couple at the table. We address the current issues and develop processes that help them work together better in the future. The collaborative process requires that clients and attorneys work together with integrity, transparency and respect both during our joint sessions and outside of the meetings.

Divorce is always an emotional process. That is why it is important to have an attorney that understands the collaborative process and how to guide and support their client during the tough conversations. Each party still has a client/attorney relationship that affords them confidentiality when needed. We all know that there are days when we really need to get things off our chest in a safe, private environment. This opportunity to be heard one-on-one helps us stay on the high road when we go into our joint sessions.

Collaborative divorce takes a team approach to ensure that the couple has whatever resources they need to make the best decisions for their family. Collaborative attorneys are trained mediators, as well. We know how to navigate difficult conversations with compassion and empathy. We understand the importance of addressing and honoring the emotions and feelings that arise out of the divorce. We work together to develop effective communication skills for parents that will allow them to work together productively going forward. We also have the option to add other team members if



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needed. We may add a mental health professional who can act as a divorce coach or a child specialist to help parents understand what their kids need from a developmental standpoint. We may bring on a financial professional to help us assess options for division of assets and debts. Divorce financials are more than just numbers on a page. We need to look at cash flow, budgeting and tax implications to ensure that the final plan is equitable for both parties as they prepare to turn one household into two.

When we approach divorce mindfully, with a focus on a successful transition for the family, we are more likely to act with civility and respect towards each other. When we act with civility and respect, we create the space for grace to work and healing to begin. ✨

This article is for informational purposes only and not for the purpose of providing legal advice.

Kristen Hall is an attorney and mediator in private practice in Des Moines, IA. Kristen is a fixer not a fighter. Her job is to meet clients where they are and help them craft a solution that will address the present and plan for the future. Kristen believes in proactive problem solving and strives to make the legal system less intimidating and overwhelming for her clients.

Kristen currently serves on the boards of the Central Iowa Academy of the Collaborative Professionals, the of the Iowa Chapter of the National Association of Women Business Owners. You can contact Kristen at 515-229-7395 or kristen@khmediation.com

