

COLLABORATIVE LAW: A KINDER, GENTLER WAY TO DIVORCE

Separation and Divorce can be devastating to families. If court is involved, the process can be expensive while further eroding the family relationships already under significant stress. Litigation can be especially difficult on children. Some attorneys in Charlottesville believe there is a different and better way – a process known as Collaborative Family Law. Collaborative Law can help couples resolve disputes, keep families on speaking terms, and give control of the process to the individuals involved.

David J. Toscano, an Attorney with Buck, Toscano & Tereskerz, Ltd and Susan Davis White, Attorney at Law, are two specialists in the emerging field of Collaborative Family Law.

Toscano, a current member of the Virginia House of Delegates, added Collaborative Law to his legal practice about 7 years ago.

White, who has been named among the “Best Lawyers in America” for 12 years, now concentrates her practice entirely on Collaborative Law. Both Toscano and White have had extensive specialized training in the process.

“Collaborative Law,” said Toscano, “is a process to bring resolution and closure to family conflicts and disputes without going to court. The key to the process is the commitment of the clients at the beginning of the process that they will avoid litigation unless absolutely necessary.”

While litigation is costly and can take years, the Collaborative Law process can settle disputes in a shorter period of time at lower costs. Collaborative Law is similar to mediation, in that it works to have both parties find a

resolution to the conflict. “As attorneys, we represent each of our clients throughout the process, but unlike some mediation, we are actively engaged in giving them legal advice” White added. “And unlike a negotiation, we provide the advice to both parties at the same time in an open and transparent fashion.”

Frequently, Toscano and White work together at the same table, though each represents a different client in the dispute.

Couples come to Collaborative Law because they want to maintain friendly relations after the divorce, often for the sake of the children. “With Collaborative Law, our clients maintain respect for the other parties involved,” White noted, “which is almost impossible during litigation.”

“This is a totally transparent process,” Toscano said. “Everything is openly discussed and on the table. There is no attempt to hide anything. Every effort is made to bring the parties together to reach a fair agreement.”

Toscano and White agree that a primary benefit of this process is to give control of the situation to the parties involved. When couples end up in court, the parties often lose control of the outcome. Decisions are made by a judge whose understanding of the unique problems of the family is limited. Frequently, neither party is happy with the outcome. In the Collaborative Process, the parties, with the help of their attorneys, control the outcome, whether it involves custody and visitation of children or the distribution of property. “When clients are working together, they often can fashion agreements that a court could not, with the result that both benefit,” said Toscano.

“Our job as attorneys is to help our clients explore all their options, and find the best way to move forward,” White concluded.

In addition to his service in the General Assembly, Toscano is an active practicing attorney who does wills, real estate and estate planning in addition to family law.

For advice on whether you or someone you know may be a good candidate for using Collaborative Law to resolve disputes, contact David J. Toscano at 434-977-7977 or e-mail at toscano@cstone.net. Susan White may be reached at 434-977-0563 or at susandwhite@ntelos.net. More information about Collaborative Law is also available by going to www.charlottesvillecollaborativelaw.com



David Toscano and Susan White (seated by chart) explain option to their clients.