

2 Different Paths with 1 Common Goal – Shifting from Litigation to Collaborative Law

Camille Cooper Scroggins and Esther R. Donald

This one-hour webinar will feature a structured conversation between two experienced North Texas collaborative divorce lawyers. Camille and Esther will discuss their separate routes to and through their collaborative divorce practices, offering guidance, tips, and motivation for other lawyers hoping to forge a similar path. The speakers' paths have intersected through the years and have now converged in their work together in the Collaborative Divorce Collin County practice group.

Outline of presentation:

- I. **Introductions and a brief welcome to participants.** We are proceeding on the assumption that many of the participants are seeking to convert their practices more fully, or perhaps completely, to collaborative cases. We'll address the basic questions participants need to ask themselves, and provide our answers to each.
- II. **WHY do you want to make this shift?**
 - a. **Camille always wanted to approach her practice from a settlement perspective.** She was one of the early adopters of collaborative law in Texas nearly 20 years ago. But as a partner at a large full-service firm, she had no choice but to handle litigation matters as an essential part of her practice. Camille will share the reasons she "took the leap" to a solo practice and how she committed to handling only collaborative cases.
 - b. **Esther was a late-career family lawyer and shifted even later to collaborative divorce.** She became an "accidental family lawyer" by working for her brother-in-law in a small family/criminal litigation firm. She was recruited to a larger family law firm with the promise of being able to explore the collaborative process. Esther will talk about how she bought into the collaborative model from her very first basic training and has never looked back.
- III. **WHAT will you need to change?**
 - a. **For Esther, it was a change in mindset and a commitment to a larger organization.** She had identified what she didn't want to do: handling a high volume caseload, engaging in endless discovery battles, experiencing fear and loathing of the courtroom, and leaving families in worse shape than she

found them. By joining a big firm, she gained resources and opportunities to build herself a better practice. Esther will talk about what she needed to add to her toolkit to move toward a collaborative practice, and what old habits and routines she had to leave behind.

- b. **Camille went out on her own to pursue a practice that better fit her lifestyle and disposition.** As a single mom of a young athlete she needed flexibility in her schedule and less chaos in her work life. She wanted the autonomy that a collaborative practice would allow her, as well as the freedom to choose the clients she wanted to serve. Camille actually made a list of what she wanted and then systematically set out to achieve those goals.

IV. **HOW** will you go about it?

- a. **Camille laser focused on each potential client to evaluate whether he/she would be the right fit for the collaborative process.** She will share her tips for what to do (and what to avoid) in creating a practice that exclusively focuses on collaborative law. Camille will address the benefits of marketing her specialized practice and share how she did that on a solo practitioner's budget.
- b. **Esther initially focused on defining her new identity, identifying her target client, and marketing to that demographic.** She made her paralegal an essential part of her collaborative practice. She also spent considerable time and effort joining every collaborative group that would have her, and contributing sweat equity and leadership to those groups.

V. **WHEN** is the right time to make the shift?

- a. **Esther demonstrates that it is never too late to reinvent yourself.** She will describe her "fake it 'til you make it" approach, acknowledging that you have to hustle harder when you are starting from behind.
- b. **Camille created a roadmap from the start.** She will reveal how her disciplined planning and execution allowed her to build the exact type of practice she had envisioned for herself.

VI. **WHO** will you serve with your collaborative practice?

- a. **(ETHICS) Camille will talk about the ethics of referring out the "wrong" clients to find them a better fit.** It's not easy to turn away clients, but sometimes it is

the right thing to do. Camille will talk about her adherence to this principle and how it has kept her practice moving continuously in the right direction. She'll talk about how she developed trusted referrals for litigation cases and how she politely declines representation when she knows her practice style is not right for a potential client's situation.

- b. (ETHICS) Esther will share how and why she resists the urge to “sell” collaborative to every client.** She'll talk about the ethical requirement to discuss all process options with a potential client, and the necessity of steering clients toward a non-collaborative process (and a different attorney) when that will serve them best. She will talk about ways that she effectively utilizes the deep bench of a large family law firm in this effort.

VII. Q & A