

**STATE BAR OF TEXAS
COLLABORATIVE LAW SECTION NEWSLETTER
SPRING 2015**

Message from the Chair:

It's time to spread the word and strut your stuff!

The Collaborative Law Section is now offering a CLE presentation on Collaborative Law to bar associations around the state. Requests for speakers are beginning to roll in!

Contact me to join our Speakers' List and be notified of opportunities near you to make the presentation on behalf of our section. We will provide you with a "Roadshow PowerPoint" that you can use for your presentation if you wish. It covers the essential elements of the Collaborative Law process and its application to both civil and family disputes. This is a great chance to help alert all Texas lawyers to the benefits of Collaborative Law and to demonstrate your expertise in the field!

Please feel free to contact any section council member with your ideas on how we can best serve our members and promote awareness of the Collaborative Law option for dispute resolution.

Thank you for your support of Collaborative Law in Texas!

Best regards -

Anne Shuttee, Chair
Collaborative Law Section

Attend the Collaborative Law Section program during the 2015 Annual Meeting!

At the 2015 State Bar Annual Meeting in San Antonio, our Section will join with the LGBT Law Section on June 18 to present a very timely program entitled “**Coming Out – of the Litigation Closet: How Collaborative Law Can Minimize Damage in Same-Sex Breakups**”. The presentation will contrast Collaborative Law with litigation - including a panel discussion by LGBT clients who have experienced successful outcomes using Collaborative Law even though Texas does not recognize their relationships. Speakers include Jack Emmott, Karen Langsley, Julie Quaid, Shelly Skeen, Adam Seidel, and Micki Grimland.

This program will be followed by an informative presentation on the **status of the UCLA in Texas and elsewhere**, featuring speakers Larry Maxwell and Harry Munsinger.

Hotel space will be tight during the Annual Meeting due to other conferences scheduled at the same time, so make your reservations early!

For more details and to register, check the [SBOT Annual Meeting website](#).

Update on Pro Bono Collaborative Law Pilot Project

Though collaborative law has been in Texas for more than fourteen years, helping many couples settle divorces outside the courtroom, it has typically been too costly for low-income couples to use. The Section's Pro Bono Committee, led by Jack H. Emmott III, is working with longtime collaborative lawyer Norma Trusch and other Houston attorneys to change that, through a service that Houston Volunteer Lawyers (the non-profit arm of the Houston Bar Association) is now offering in a pilot project.

The Committee and HVL Executive Director Alissa Rubin Gomez have come up with strategies to streamline the collaborative process and make it more cost-effective, including a series of forms that clients fill out prior to the initial meeting, in order to focus the couples on arriving at a settlement within the designated time frame. The Collaborative Law Institute of Texas has generously licensed the use of its forms in this pilot project. Divorce has always been one of the most commonly-requested legal areas for low-income clients seeking HVL's legal services, but until now, it hasn't been able to offer those clients the collaborative option. Jack and Norma believe that in addition to enabling HVL clients to use the collaborative process, this program might have applications beyond pro bono services, helping make collaborative law ever more affordable, accessible, and expeditious for a larger segment of unserved consumers of legal services.

On Monday, November 10, 2014, Norma conducted the initial training of attorneys for HVL at an event hosted by Vinson & Elkins. Norma reviewed the history of collaborative law, the stages of the process, and the notebook forms and other resources available to the attorneys and allied professionals who participate in the pilot program. Norma and Jack, along with Faith Wilson, a mental healthcare professional, and Kevin Pinkley, a financial advisor, participated in role plays to demonstrate to the HVL attorneys how the process works.

Through this exciting pilot project, HVL is offering family law clients in matters such as divorce and parent-child proceedings the opportunity to schedule three two-hour meetings with collaboratively-trained lawyers in order to arrive at a settlement, with the option for additional meetings, if the participating lawyers are willing to extend their pro bono services. Jack and Norma have received commitments from experienced collaborative attorneys, mental healthcare professionals, and financial advisors to participate in the project.

The HVL's pilot project has now undertaken its first pro bono matter. Jack, Norma, and other pro bono committee members are excited about the larger prospect of the Houston Pro Bono Collaborative Law Program being taken statewide if the pilot project proves successful! Stay tuned!

Check out our webinar on Informed Consent!

The section's recently produced webinar on "Informed Consent and the Collaborative Law Process" is now available on the Texas Bar CLE website!

The webinar, co-sponsored by the Collaborative Law Institute of Texas, was presented on November 14, 2014. Attendees as far away as Brazil viewed the program. The panelists were Larry J. Doherty, a legal malpractice attorney, and collaborative law attorneys Jack H. Emmott III, Harry L. Tindall, and Luemara Wagner.

Harry Tindall spoke about the history of the collaborative law process, the Uniform Collaborative Law Act, the legal requirement of informed consent as it applies to collaborative law, and screening potential clients for suitability for the process.

Larry Doherty discussed the professional liability of a collaborative lawyer who fails to fully and effectively obtain the client’s informed consent by not reviewing the various resolution methods available to the client.

Luemara Wagner and Jack Emmott then engaged in a role play between an attorney and a prospective collaborative law client. The role play demonstrated how the consultation could be conducted to comply with the requirement of informed consent.

You can view the webinar by signing in to the [TexasBarCLE website](#) selecting Online Classes tab, key search words “Informed Consent”, then follow the directions to register for the class. If you have any trouble accessing the webinar, please contact Website Tech Support at 800.204.2222, ext. 1749.

Update on the Texas version of the UCLA

In 2011, the Texas Legislature enacted the Collaborative Family Law Act, relating to matters arising under the Family code. In the 2015 Session of the Legislature, which is currently underway, the Uniform Collaborative Law Act is expected to be introduced as a new chapter 161 in the Texas Civil Practice and Remedies Code. The proposed bill has been approved by the Texas Legislative Council.

If approved, the Act will extend the benefits and protections of the UCLA to Texas residents who wish to use the collaborative process to resolve disputes in areas of the law other than family law matters (which will continue to be governed by the Collaborative Family Law Act.)

For more information, email [Lawrence R. Maxwell, Jr.](#), or call (214) 739-8900.

Report on the 2015 Collaborative Law Course

On February 12-13, 2015, the section and the Collaborative Law Institute of Texas co-sponsored the annual Collaborative Law Course in Austin. The theme of the course was "Leveraging Teamwork by Following the Collaborative Compass".

The course included a number of excellent presentations relevant to family and non-family practitioners alike. For example: How can the collaborative team best handle the parties' shadow interests? How can they deal with "false harmony" within the team itself? How do the requirements of HIPAA and its Texas counterpart affect collaborative practitioners?

Sharon Ellison made an extended presentation on non-defensive communication. Because many of our comments and questions are unintentionally couched in "war model" speech, she addressed ways to rephrase them to avoid defensive reactions and to encourage productive dialogue.

There were many highlights in this year's course, but perhaps the most memorable was the presentation by Minneapolis collaborative client Barbara McAfee, who recounted her experiences in song and stories. She got the entire audience on its feet and brought down the house!

If you missed the 2015 Collaborative Law Course, sign up to see the video replay through TexasBarCLE - and plan to attend the 2016 course when it is announced!

Upcoming Collaborative Law Trainings co-sponsored by the section

Looking for more CLE programs on Collaborative Law? Plan to attend either or both of these great upcoming trainings (co-sponsored by the section)!

- An **Advanced Interdisciplinary Training** on “**Attachment Styles and their Impact on Divorce**”, featuring trainers Yuval Berger, MSW, and Lisa Alexander, JD, followed by a half-day workshop on “**Practical Skills: Incorporating Attachment theory in our Texas Collaborative Practice**”, featuring trainers Winnie Huff, J.D., Honey Sheff, Ph.D., and Tracy Stewart, CPA, CDFA - March 26 and 27, 2015, in Houston. For more details and to register, check the [Collaborative Law Institute of Texas website](#).
- The **11th Annual Civil Collaborative Law Conference**, featuring two days of classroom instruction and interactive role-play involving a hypothetical civil dispute, preceded by an optional one-day training on the “Basics of Collaborative Law”, featuring speakers Sherrie Abney of Carrollton, Diann Seigel and Jessica Scott of the Integrated Accountability and Collaborative Transparency Program in North Carolina, and Nebraska College of Law Professor Kristen Blankley, among others – September 16-18, 2015, in Dallas. Registration has not yet opened but you may check the [Global Collaborative Law Council website](#) for more details and to register later: – “Upcoming Events”.

Support your local bar association's Collaborative Law Section!

If you live in Houston, Dallas, or Lubbock, check out your local bar association's Collaborative Law section! If your bar association doesn't yet have a Collaborative Law section, consider starting one!

Local bar Collaborative Law sections are a great way to get CLE in the field and to schedule programs to address issues of concern to you, as well as to network with other collaborative lawyers and become known in your area as a collaborative practitioner. You can also communicate with other local Collaborative Law sections around the state to share ideas on programs and speakers.

Our statewide Collaborative Law Section is working to expand the use of collaborative law throughout Texas, in all areas of practice. Let us know how we can help!

From the Officers and Council Members of the State Bar of Texas Collaborative Law Section