

EAST

October 13-October 26, 2009

Wayne's New World

EAST speaks with H. Wayne Huizenga at the opening of the new JA World Huizenga Center at Broward College.

*"When I came here tonight, I was blown away."
—Wayne Huizenga*

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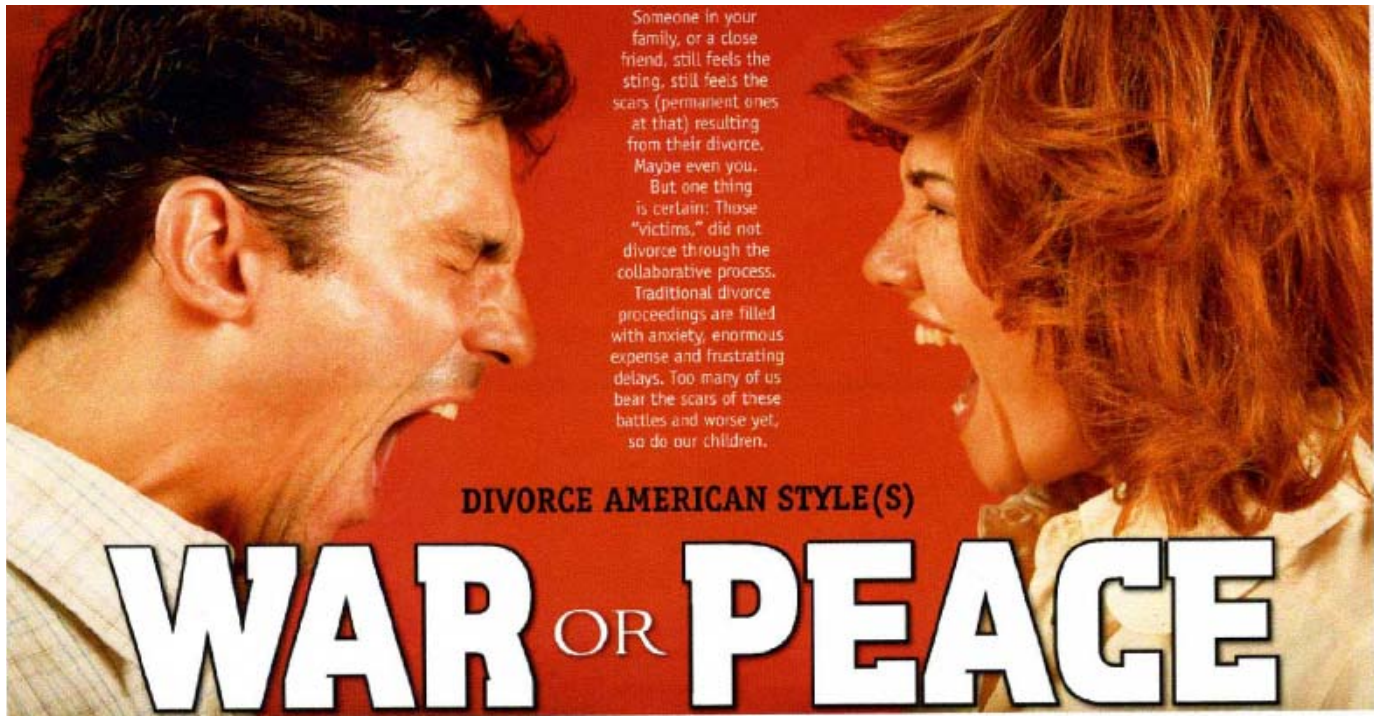
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It's not just a magazine, it's a direction.

Features

- HALLOWEEN HAPPENINGS**
Boo! EAST's guide on what to do for Halloween for the whole family.
- KING OF THE WORLD**
Businessman Wayne Huizenga gives us the low-down on JA's new educational theme park—JA World.
- DIVORCE ALTERNATIVES**
Two different ways to file for divorce—which one is for you?



Someone in your family, or a close friend, still feels the sting, still feels the scars (permanent ones at that) resulting from their divorce. Maybe even you. But one thing is certain: Those "victims," did not divorce through the collaborative process. Traditional divorce proceedings are filled with anxiety, enormous expense and frustrating delays. Too many of us bear the scars of these battles and worse yet, so do our children.

DIVORCE AMERICAN STYLE(S)

WAR OR PEACE

Huge and unmanageable case-loads plague our family courts resulting in inordinate delays. "Why do we have to wait so long for a hearing?" is a common refrain heard. And the lawyers have no answers. Final hearings/trials are now being scheduled for February 2010.

THERE IS AN ALTERNATIVE
It's called collaborative law. With collaborative law, all of the elements

**This is not an adversarial process.
Having said that, no one is hugging
each other after the conferences, either.**

above are significantly reduced and many are eliminated because the participants agree not to litigate. Collaborative law

enables those involved in family law disputes to resolve their differences in a non-adversarial manner with the assistance of family law attorneys specially trained in the collaborative process and who are committed to helping participants reach a settlement without the need for court intervention. This is a process built on communication, not confrontation.

If the participants and their counsel believe experts (accountants, therapists, etc.) are necessary, the participants and counsel select someone also trained in the collaborative process to render an unbiased opinion. When necessary, those experts will attend the settlement conferences and assist the parties and the attorneys in resolution.

The process is based on honesty, cooperation, good faith and professional ethics. Which is why it is not for everyone or every lawyer. There is full disclosure of all important information. Certain documents

'TRADITIONAL' DIVORCE: WHEN COLLABORATION ISN'T THE SOLUTION

BY BARRY I. FINKEL, ESQ.

As a long-time South Florida family law attorney, I have been involved in countless divorce cases. I've seen couples enter the process with the best intentions for an amicable outcome—and have it turn out as planned.

I've also seen those intentions quickly dissolve into heated debate and the process turn acrimonious.

On numerous occasions, clients have come to me with hopes for a "collaborative" divorce. For those couples who are both W-2 em-

ployees earning roughly the same income and with no outside business interests or separate income, with general agreement over time-sharing of the children, and with modest possessions related to the home, bank accounts and retirement plans, a collaborative divorce can be an ideal solution. Such a couple should never see the inside of a courtroom.

But rarely are such situations so cut and dry. Frequently, one spouse is the primary bread-winner—often

in a business with substantial revenues, property and assets that must be accounted for by a business valuation expert. In the collaborative process, an independent forensic accountant, and a business evaluator appraise the holdings. In short, you're assuming the other party will be honest and cooperate in good faith.

Conversely, the discovery process in a traditional divorce helps ensure the other is protected. And when one party believes emergency



JUMP BACK

are required to be shared, such as tax returns, proof of income, retirement statements, and credit card statements, while other documents are required to be completed. This is necessary in order to find solutions to the issues.

This is not an adversarial process. Having said that, no one is hugging each other after the conferences, either. To be sure, there is vigorous negotiating, but it certainly beats going to the courthouse. The participants—including the divorcing couple, the attorneys and other professionals who may be brought in, are totally committed to resolution without litigation. If it is determined mediation is necessary, then we select a mediator trained in the collaborative process.

The benefits of the collaborative process are many:

- 1) Maintain control of the divorce process and not give it to the court
- 2) Minimize the impact on your children
- 3) Reduce the stress and anxiety
- 4) Save significant time and money
- 5) Maintain your privacy and confidentiality

The collaborative "way" is here. If you are considering a divorce, consider this process. If someone you know is in this position, tell him or her. It will be the best favor you ever did for them.

Mr. Berzner is a founding member of, and currently a member of the

Board of Directors of Collaborative Family Lawyers of South Florida, where he also holds the office of Treasurer. This organization was formed to educate lawyer and affiliate professional members, as well as the general public, about a new alternate dispute resolution method that does not involve litigation.

Continued **'TRADITIONAL' DIVORCE: WHEN COLLABORATION ISN'T THE SOLUTION**

injunctive relief is needed, traditional divorce allows for such remedy.

Moreover, when it fails to go as planned, the collaborative divorce process reverts to traditional divorce and necessitates significant duplication of effort and expense. Both parties' attorneys and experts in the collaborative effort must withdraw. New counsel will need to be introduced to the case, and perform discovery and research at great expense. This effectively doubles the cost to each party.

Family law attorneys should seek to engage in the principles of collaborative divorce. A cooperative setting,

where financial and other pertinent documents are freely exchanged is the ideal. The courtroom should be the last resort.

But as situations do often go askew; it's vital to keep both parties protected and on course to achieve an outcome that positions them free to move on with their lives.

Barry I. Finkel is a veteran attorney whose practice is limited to family law. He has more than 25 years experience in the South Florida market. Learn more at bfinkelpa.com.