

Why I Became A Collaborative Attorney

By Concetta Spirio, Esq.

From a young age, I enjoyed debating and defending my positions on subjects that were important to me. I enjoyed helping others and advocating for them. So, becoming a lawyer was very natural to me.

I chose to focus on matrimonial and family law, and especially the collaborative and mediation processes (resolving disputes outside of court), after seeing what my sister experienced during her divorce. My sister is 11 years older than I am and she went through a very toxic, litigious and costly divorce when her children were young. Her divorce started while I was studying for the Bar Exam. Needless to say, it was a very stressful time both personally and professionally. After I was admitted to the Bar and in practice, I was called to give testimony as a witness at my sister's divorce trial and tasked with the uncomfortable position of having to discuss intimate family relationships and events that occurred during her marriage.

Although I was a young attorney and had some experience in a courtroom, being a witness at a trial for my own sister was very different. Being so intimately and emotionally connected to one of the litigants was a harrowing experience even for an attorney that had actually argued cases in court. If I as an attorney had such difficulty and felt it was so traumatic to be a witness on the stand in open court; I could only imagine how difficult it would be for any litigant to be there fighting for their own support, the custody of their children, and their financial future. Clearly, the stakes could not be higher. I can tell you that my sister's highly

litigated case financially devastated her for years to come but because she devoted herself to her children and had family support, they all survived.

When I first learned about mediation and Collaborative law decades ago, I was drawn to the fact that people could resolve this highly contentious and emotionally devastating conflict in a more holistic way outside of a courtroom setting. The couple would have a team of professionals to help them sort out finances, child custody and emotional issues that might not otherwise be available to them in litigation. In Collaborative practice, the couple has a Family Specialist, a Financial Neutral and their own attorney to guide them through this process. I knew I never wanted to see another person have to go through what my sister went through or experience what I experienced testifying on the stand in open court.

It was a nightmare having to see my sister and my young nephews constantly struggling with the emotional ups and downs after the divorce when dealing with support, visitation and custody issues. I know from experience that people that utilize the Collaborative and mediation processes many times come out on the other side of their divorce having a healthier relationship with their ex-spouse and their children than they had during the turmoil that led up to and including the divorce. They learn to communicate and eventually come to a resolution that works best for their family, not one that is dictated by a Court.