Pauline Tesler is an inspiring evangelist bringing a message of renewed hope and exciting new possibilities for divorce lawyers and their clients. I am a divorce lawyer and my story illustrates the pressing need for Pauline’s excellent manual. During my 32-year legal career, I have handled hundreds of family law matters. Like most of my colleagues, I chose this specialty because I wanted to make a positive difference in the lives of clients going through stressful life transitions. I was the consummate warrior. I fought passionately for my clients and “won” many battles. However, I was often disappointed when my “victories” did little to reduce the pain of my clients and their children. Sometimes I had the disturbing thought that, despite our most noble intentions, divorce lawyers did more harm than good in many situations.

It became clear to me that the courthouse was not the optimal forum to resolve family disputes and restructure family relationships. The adversarial legal model works for automobile accidents and criminal matters but is ill suited to address the complex dynamics of family relationships. Nevertheless, well-meaning divorce lawyers have continued to drop families into the litigation meat grinder because there was no known alternative.

Although we had hoped to reduce the divorce court body count when mediation came into vogue, it has not been the panacea that was envisioned. In some mediation models, the parties do not have lawyers during the process and unjust results occur. Other types of mediation are little more than a subpart of the litigation process: after the parties have spent a considerable amount of financial and emotional capital preparing for trial, they then mediate. The case may be settled, but avoidable damage to the spouses and their children occurs as a result of the temporary hearings, written discovery,
depositions, and acrimonious meetings and correspondence that precede mediation.

Several years ago, after concluding one of the most bitter and expensive divorce cases of my career, my dissatisfaction with the family law litigation model was at an all-time high. I set out on a worldwide quest to find a more humane alternative to the way family law was taught and practiced. During my travels, I discovered the therapeutic jurisprudence movement, which seeks to optimize client well-being and humanize the legal profession.

In the summer of 1999, my quest took me to the International Conference on Law and Psychology in Dublin, Ireland, where I heard Pauline Tesler lecture on collaborative family law. I was immediately hooked! Pauline was one of the most eloquent, powerful, and passionate speakers I had ever heard. She presented a logical explanation of the reasons why divorce clients are unhappy with their lawyers and divorce lawyers are unhappy with themselves.

Pauline pointed out that our training as gladiators does little to prepare us for assisting clients through a major life passage. In most cases we are the only professional helpers available to them. She explained that most divorce lawyers, by temperament and training, are poorly suited to deal with the strong emotions that are the primary currency of family law. She also developed a fascinating new concept—the “relational estate.” Divorce lawyers are accustomed to dealing with the marital property estates and the separate property estates of the spouses. However, little or no attention is paid to the nonquantifiable relationship concerns that will impact the parties and their children as well as friends and extended family for years after the divorce has been concluded.

During her most informative lecture, Pauline did much more than define the problem—she offered a solution. She outlined her use of the collaborative family law model, wherein the spouses and their attorneys contractually agree the case will be resolved outside the adversarial litigation system. In other words, the parties agree that under no circumstances will they go to court in the collaborative process and that if the matter is not settled through collaboration, the lawyers for both spouses will be required to withdraw from the case and the spouses will be forced to hire new lawyers. If experts are needed, joint neutral experts will be selected by both spouses, eliminating the costly and divisive “battle of the experts” that is one of the most vexatious aspects of the adversarial system.

As Pauline concluded her remarks to thunderous applause, the light bulbs were exploding in my head. I could only exclaim “Wow!” as I pondered the limitless possibilities of her approach. I was energized by new
hope for my profession and I resolved then and there to bring Pauline to Texas as a mentor for my colleagues.

Pauline graciously accepted my invitation and has spoken to enthusiastic audiences of Texas lawyers on three occasions. She has now taught collaborative family law to hundreds of Texas divorce lawyers. She continues to receive rave reviews from the Texas Family Law Bar. Her masterful presentations have dramatically changed my life and law practice and have favorably impacted the lives and law practices of countless other lawyers.

My practice is significantly enriched by Pauline’s oral presentations. I eagerly await the publication of her *Collaborative Law Manual*. It is my profound privilege and honor to introduce this manual and recommend it to family law practitioners everywhere. It is a most readable and user-friendly treatise. The concepts and practices of an outstanding collaborative lawyer are explained concisely, with forms and examples gleaned from Pauline’s many successful collaborative law cases. The material has been refined and enriched by the many trainings she has presented for lawyers in the United States and Canada. I believe this manual is the best investment a family lawyer can make, and it will be a must for the libraries of all family lawyers.

If the singular contribution of Pauline’s manual illustrates a more humane model of family law and revolutionizes the practice, it will be an extraordinary contribution. Incredibly, there is more. In Pauline’s sections on how lawyers can retool their practices and their professional relationships, she makes another significant contribution—she is teaching the lawyer how to be a better human being.

The lawyer who becomes a successful collaborative practitioner will inevitably become a more caring, compassionate, and creative person. To do this work well is to develop human competencies, skills, and understandings that enhance and enrich all aspects of life. Bravo and well done, Pauline Tesler!

John V. McShane
Dallas, Texas

In 1993, I had been practicing collaborative law for a little over two years when I received an inquiry about collaborative law from Pauline Tesler, a San Francisco–area lawyer. I sent her some materials and soon learned she and others had formed a collaborative family law group. Her organized group was probably the first to demonstrate that collaborative law could
be—and would be—“transplanted” geographically. They helped prove that collaborative law was, indeed, “an idea whose time has come.”

A year later, I had occasion to converse directly with Pauline by telephone. At that time I was still finding it difficult to communicate with lawyers about the collaborative concept. The idea that the collaborative lawyer had to withdraw from representation if adversarial proceedings loomed was a foreign concept to the bar and one that met with a fair amount of resistance. In talking with Pauline I quickly discovered that she understood the process and all the implications that flow from that requirement. Pauline deals with these issues very cogently in her manual.

Since that time, Pauline and I have presented collaborative trainings and assisted in collaborative divorce trainings together. We have trained in many cities, including San Francisco, Dallas, Houston, Scottsdale, Vancouver, Minneapolis, Philadelphia, and Honolulu.

Let me tell you what it’s like to participate with Pauline in a collaborative law training. She’s like the manual—thorough, detailed, and intelligent. We have different styles and approaches to training, but these differences are enfolded in a context of profound respect for each other. You will find that working with Pauline’s manual is a collaborative training in itself.

If you become a successful practitioner of collaborative law, you must and will experience the paradigm shift Pauline addresses so lovingly. It will happen—and it will change your practice and your life. Pauline is an example of this truth.

I invite you to enjoy this collaborative law manual and to find a way to practice its principles.

Stu Webb
Minneapolis, Minnesota