

## **“Conscious Uncoupling” Useful Tools for ADR Family Law Clients**

**By Lisa B. Forberg**

As dedicated practitioners of the Collaborative process and/or mediation for family law disputes, we are often frustrated by the fact that some clients who come to us for initial consultations are drawn into litigation by their spouse despite their own best efforts to use ADR.

This happens usually because the other spouse is more intent on seeking revenge than closure. This may occur because they are under the influence of a close friend or relative, and/or they have already retained a litigation attorney who encourages aggressive tactics prior to attempting any settlement efforts.

Alternatively, it may be that the other spouse is highly resistant to getting divorced at all, which then inclines the motivated spouse, who wants to use ADR, to believe (wrongly) that litigation is unavoidable.

In these scenarios the opportunity to use ADR may be lost before the ADR participation agreement is reviewed and understood by the parties, even though the facts of the case could be perfectly suitable for ADR.

The 2015 bestseller, [Conscious Uncoupling: Five Steps to Living Happily \*Even After\*](#), by marriage and family therapist Katherine Woodward Thomas, offers both useful life perspectives and practical tools for divorcing couples. These perspectives and tools can augment the advice provided by family law ADR practitioners to their clients during the initial consultation and over the entire course of the ADR process.

The book’s jacket notes provide the context and a good summary of Ms. Thomas’s useful tools:

“Sometimes, for many reasons, relationships come undone; they don’t work out. Commonly, we view this as a personal failure rather than an opportunity. And instead of honoring what we once meant to each other, we hoard bitterness and anger, stewing in shame and resentment-sometimes even lashing out in destructive and hurtful ways, despite the fact that we’re good people at heart. That’s natural: we’re almost biologically primed to respond this way.

Yet there is another path to the end of a relationship — one filled with mutual respect, kindness, and deep caring. Katherine Woodward Thomas’s groundbreaking method, *Conscious Uncoupling*, provides the valuable skills and tools for you to travel this challenging terrain with these five thoughtful and thought-provoking steps:

- Step 1: Find Emotional Freedom
- Step 2: Reclaim Your Power and Your Life
- Step 3: Break the Pattern, Heal Your Heart
- Step 4: Become a Love Alchemist
- Step 5: Create Your Happily-*Even-After* Life

This paradigm-shifting guide will steer you away from a bitter end toward a new life that’s empowered and flourishing.”

When I first read that Gwyneth Paltrow and Chris Martin were using a process called “Conscious Uncoupling,” I reached out to Ms. Thomas. She was in the midst of writing the book, and I wondered if she knew anything about Collaborative Divorce. I wanted to make sure that the process was given the recognition it deserved. She asked for case studies as well as basic information about the process. One of my Collaborative cases was highlighted in the book. In Chapter Five, the author also applauded the “thousands of legal professionals in America who are working hard to improve things both emotionally and financially, as they seek to create less expensive alternatives to litigation.”

The book describes the Collaborative process as “an all-inclusive approach to divorce that takes into account each family's unique need” (pages 244 and 245). On pages 246 and 247, the author references the loss of parties' control and unfair edicts that occur with court-rendered orders. She also references the fact that litigation “fattens the retirement accounts of high-priced attorneys while depleting [the clients’] own.” She describes how mediation, Collaborative divorce or some other peace-building variation sets up everyone to win moving forward.

This powerfully transformative book is a must read for ADR family law professionals and their clients. It will help more clients chose alternatives to litigation and help them navigate all aspects of divorce with grace.

Of course, the reality of convincing *both* spouses to bypass litigation and commit to a settlement-only model remains a challenge. And many people will not find the time to read a full-length book such as Conscious Uncoupling. Perhaps creating your own digest of it, to share with clients, could prove useful. In addition, the author offers a series of Internet-based courses for people who wish to uncouple consciously, without fear, and without sustained rancor.

**Lisa B. Forberg** is a Nashville-area Collaborative Family Law Attorney and Mediator. She is owner of Forberg Law Office, PLLC, [www.forberg-law.com](http://www.forberg-law.com). Ms. Forberg has been published in bar journals and bar newspapers and in an award-winning New England practice and procedure book. Lisa is a member of the Middle Tennessee Collaborative Alliance and the International Academy of Collaborative Professionals. She has presented the benefits of the Collaborative Process to attorneys, judges, business people, clergy and therapists, as well as to law students. Her JD is from the Santa Clara University School of Law, her BA is from the University of Maryland, and she holds a Masters’ Degree from Stanford University.