

IACP Research Regarding Collaborative Practice (Basic Findings)

By Linda Wray, JD on behalf of the IACP Research Committee

Introduction

Some of the basic questions asked by most family law clients interested in the Collaborative process are: How long will my case take? How much will it cost? How many meetings will I need to attend? How likely is it that my case will settle in the Collaborative process? The IACP has gathered the largest sample of quantitative data to date, primarily from jurisdictions in the United States and Canada, revealing answers to these and other questions. A total of nine hundred and thirty-three cases were reported on an IACP Professional Practice Survey from October 16, 2006 through July 6, 2010. This article will explore the results from the Survey addressing these important questions, and also provide foundational information about the type of Collaborative process being used and the demographic characteristics of Collaborative clients.¹

Findings

Types of Cases

Ninety-seven percent (97%) of cases reported in the IACP Collaborative Practice Survey (“IACP Survey”) involved divorces.

Slightly more than one-half of all cases reported in the IACP Survey used one or more mental health professionals and/or a financial professional. One or more mental health professionals were used in 44% of reported cases and 48% used a financial professional. Forty-three percent (43%) of reported cases used only lawyers.

Collaborative Education Levels of Professionals

Most Collaborative professionals involved in cases reported in the IACP Survey received both basic and supplementary training. Ninety-seven percent (97%) of the lawyers received basic Collaborative training, and 86% received supplemental Collaborative training. Ninety-one percent (91%) of the financial professionals received basic Collaborative training and 78% received supplemental Collaborative training. Ninety-eight percent (98%) of mental health professionals received basic Collaborative training, and 82% received supplemental Collaborative

training. Many of these reported professionals served on more than one case; thus, the data is weighted in favor of those professionals who reported multiple cases.

Client Demographics

Among IACP Survey responders, 58% of all husbands and 59% of all wives were between 40 and 54 years of age. There were more wives than husbands 39 years of age or younger and more husbands than wives 55 years or older. Slightly more than three-quarters of all clients, whether male or female, had a 4-year college education or higher. Only seven percent (7%) of clients had a high school diploma or less. The earnings of clients varied greatly with gender. Fifty-three percent (53%) of husbands earned \$100,000 or more and only 16% of husbands earned less than \$50,000. In contrast, only 13% of wives earned \$100,000 or more and 62% of wives earned less than \$50,000. Collaborative clients had moderate to sizeable estates. The value of assets in 81% of cases was \$200,000 or more, with a significant majority of estates worth \$500,000 or more. Only five percent (5%) of all cases involved estates valued at less than \$50,000. Eighty-four percent (84%) of all reported Collaborative cases in the IACP Survey involved children, and of those cases, 62% reported having children subject to legal process².

Collaborative Cases

Length of Cases. The majority of Collaborative cases completed in eight months or less. Fifty-eight percent (58%) completed in 8 or less months; 21% completed in 9–12 months; and 18% finished in 1–2 years.

Figure 1: Length of Cases

Number of Months	Percentage of Cases Completing
Less than 3 months	13.6%
3–4 months	12.6%
5–6 months	18.1%
7–8 months	13.7%
9–12 months	20.9%
13–24 months	18.1%
More than two years	3%

Outcome of Cases. Eighty-six percent (86%) of all reported Collaborative cases settled with an agreement on all issues. An additional 2% of cases were resolved by the reconciliation of the clients. The Collaborative process terminated in 11% of cases prior to reaching an agreement on all issues.³ Of those that terminated, 14% had a partial Collaborative agreement.

Face-to-Face Meetings. Not surprisingly, ninety-six percent (96%) of all cases involved at least one face-to-face meeting with one or more professionals and both clients. Fifty-six percent (56%) of all cases reporting meeting data (491 of 876 cases) included face-to-face meetings with all core professionals⁴ present. The average number of such meetings was approximately two. Meetings on average lasted approximately 2.5 hours. Twenty-one percent (21%) of cases, however, reported having five or more meetings with all core Collaborative professionals.

Face-to-face meetings involving both clients and at least one but not all core professionals occur in most cases. Such meetings include:

- *both lawyers and both clients—63% of cases with an average of 4 meetings;*
- *lawyers, clients and a mental health professional(s)—11% of the cases with an average of 3 meetings;*
- *lawyers, both clients and a financial professional—18% of cases with an average of 2 meetings;*
- *mental health professional(s) and both clients—24% with an average of 4 meetings; and*
- *a financial professional and both clients—26% of cases with an average of 2 meetings.*

Cost. As shown in Figure 2, the IACP Survey results show that the average total cost for all core Collaborative professionals of a Collaborative case was \$24,185.⁵ Broken down by profession, the cost to clients for both lawyers averaged \$20,884, the cost for financial professionals averaged \$4,421, and the cost for mental health professionals averaged \$3,858.⁶

Figure 2: Average fees paid in Collaborative cases

Professional Fees Paid	
Average total fees paid for all professionals in all cases	\$24,185
Average fees paid to both lawyers	\$20,884
Average fees paid to all mental health professionals	\$3,858
Average total fees paid to financial professional	\$4,421

Not unexpectedly, easy cases cost clients less than difficult cases: all Collaborative professionals on average cost \$12,127 in easy cases, \$21,633 in moderate cases, and \$32,588 in difficult cases.

Figure 3: Impact of Difficulty Level on Fees

Impact of Difficulty Level on Fees	
Average total fees paid in easy cases	\$12,127
Average total fees paid in moderate cases	\$21,633
Average total fees paid in difficult cases	\$32,588

Cases with children on average cost more than cases without children. Fees for all Collaborative professionals in cases with no children averaged \$17,826 as compared to \$25,576 in cases with children subject to the legal process.

The approach used also affects the cost of cases. Lawyer only cases cost clients less on average than referral model cases, which cost less on average than team model cases: fees for all Collaborative professionals in lawyer only cases averaged \$15,667 as compared to \$22,030 in referral model cases, and \$34,071 in team model cases.

Figure 4: Fees Paid in Each Model

Fees Paid in Each Model	
Average total fees paid in lawyer only cases	\$15,667
Average total fees paid in referral model cases	\$22,030
Average total fees paid in team cases	\$34,071

Finally, the cost of cases varied by region. For example, in Minnesota, the average total cost of a Collaborative case was \$14,054, and in New York the average total cost was \$21,642. In Texas, the average total cost of a Collaborative case was \$37,397, and in California the average total cost of a Collaborative case was \$41,485. Cost, of course, is directly related to hourly fees charged. Fifty-six percent (56%) of all lawyers charged \$299 per hour or less; 18% charged \$300–\$349 per hour; 17% charged \$350–\$399 per hour; and 9% charged \$400 per hour or more. Forty-four (44%) of all mental health professionals charged \$150–\$199 per hour; 27% charged \$200–\$249 per hour and 18% charged \$100–\$149 per hour. Forty-seven percent (47%) of all financial professionals charged \$150–\$199 per hour; 29% charged \$200–\$249 per hour; 15% charged \$250 per hour or more and 9% charged \$149 per hour or less. Hourly rates varied significantly by region. For example, in Minnesota 99% of all lawyers charged less than \$300 per hour. In California, 83% of all lawyers charged \$300 per hour or more.

Conclusion

The IACP Professional Practice Survey provides the most significant quantitative data regarding Collaborative Practice collected to date. The data suggests that middle and upper middle class educated divorcing spouses with children are making the most use of the Collaborative process. Almost one-half of all Collaborative cases use some type of interdisciplinary process. Eighty-six percent (86%) of cases settle within the Collaborative process and an additional small percentage (2%) reconcile. The majority of cases resolve within eight months or less. Although fees incurred in cases conducted through the Collaborative process may be significant, the results of the Client Experience Survey (see, “*What Clients Say About Their Experience in the Collaborative Process*”) indicate that clients believe the fees they pay are reasonable. Unfortunately, there is no known compilation of data regarding fees paid in litigation cases for comparison.

Notes

¹ It is important to bear in mind that variations in data exist between jurisdictions. These variations are explored in a separate article available on the IACP website, titled: *Geographical Differences among Five U.S. States and One Canadian Province*.

² Seventeen percent (17%) of reported cases with children did not indicate one way or another whether the children were subject to the legal process.

³ One percent of cases reported no outcome.

⁴ A core professional was defined in the Survey as: “a lawyer, mental health professional, financial professional or mediator engaged to assist one or both clients in the Collaborative Process whether the Core Professional is retained at the outset of a case or during the process and whether or not collaboratively trained, provided that the professional agrees to Collaborative Practice principles while involved in the case. Core Collaborative Professionals are distinguished from other professionals clients may retain during a case by the breadth of their roles in the Collaborative Process. In this regard, professionals retained solely to value assets or provide expertise with respect to a specialized issue are not core professionals.”

⁵ Fees for neutral experts, such as pension experts, are not included in the data.

⁶ Because not every case involved every professional, the average cost for each professional does not add up to the total average cost of a case.

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