

Statistics on Collaborative Divorce in Florida

By Randy J. Heller, Ph.D., LMFT, LMHC and Adam B. Cordover, J.D., M.A.

The Collaborative Process (“CP”) has been around since January 1, 1990, when a Minnesota lawyer named Stu Webb, after an especially nasty litigated divorce, declared himself a “settlement-only specialist.” He decided he would only work with divorcing couples outside of the court system, and became the first Collaborative Lawyer.¹ Yet, despite its global spread, there are relatively few empirical studies about CP.²

In 2016, the Florida Legislature passed the Uniform Collaborative Law Act, sections 61.55-61.58, Florida Statutes. Florida’s Act took effect in 2017 with the adoption of Florida’s Family Law Rule of Procedure 12.745 and Florida’s Rule Regulating the Florida Bar 4-1.19. In 2020, the Florida Supreme Court adopted Collaborative Divorce Forms, Florida Family Law Rules of Procedure Forms 12.985(a)-(g), which professionals can use to aid in their Collaborative Matters. The Act, procedural and ethical Rules, and Forms, along with Standards and Ethics promulgated by the International Academy of Collaborative Professionals³ and Florida Academy of Collaborative Professionals⁴ make up Florida’s Collaborative Process system.

Since 2014, the Research Committee of the Florida Academy of Collaborative Professionals (“FACP”) has been gathering data about Collaborative Divorce and Family Law in Florida. This data was collected using a survey (the “Survey”) for professionals to fill out after completion of a Collaborative Matter. The FACP adapted the Survey from a version created by the Research Committee of the International Academy of Collaborative Professionals (“IACP”). By attempting to gather data through the Survey, we in Florida hope to fill in that gap with the latest research.

This article explains why the FACP is gathering this data, summarizes findings about Collaborative Divorce

and Family Law in Florida, and instructs professionals on how they can access the Survey.

Why Conduct Collaborative Research? What Does it Mean?

The FACP is conducting this research so that lawmakers, judges, professionals, and clients can have a better understanding of how Collaborative Divorce and Family Law is being utilized in Florida. With this data, the FACP hopes to improve: (i) professional knowledge, ability, and skill development; (ii) client informed consent; and (iii) decision-maker appreciation of the efficacy of Collaborative Practice.⁵

Without data, information about the length, cost, efficacy, success rate, and uses of CP would be largely anecdotal. But in Florida we continue to receive and study data. This helps lawyers fulfill their obligations under the Rules Regulating the Florida Bar⁶ and guidelines pursuant to section 2.3 of the Bounds of Advocacy (2018)⁷ to examine and explain the option of CP to clients. The research also helps other professionals discuss CP with clients considering it, informs policy makers and judges on a less adversarial form of dispute resolution,⁸ and adds to our credibility as Collaborative Professionals.

Collaborative Survey Statistics and Implications

Collaborative Professionals submitted 299 responses from 2014 through mid-2024, when the authors began working on this article, typically at the conclusion of a Collaborative Matter and oftentimes as integrated into a Final Debrief amongst the professionals.⁹ Below are the most significant statistics and the implications:

1. Types of Matters

93% of Collaborative Matters reported were divorce. The remaining reported cases were paternity, prenuptial or postnuptial agreements, post judgement matters, disestablishment of paternity, Collaborative Marriage Planning,¹⁰ and Life Planning.

2. Success Rate

Below are responses regarding the success rate of Collaborative Matters.

- 85.1% concluded with a full Resolution of all issues¹¹
- 2.1% concluded with a partial Resolution on some but not all issues
- 11.4% terminated without a Resolution

Other responses reported that the clients reconciled or that a case concluded in mediation without a Collaborative Team (though without noting whether the Collaborative matter concluded by Resolution or Termination).

3. Time to Complete Collaborative Matters

Most reported matters (60%) concluded in six months or less, with 29.2% of all reported matters completed in 3 months or less. The vast majority of reported matters (90.7%) completed in 12 months or less.

For matters taking longer than twelve months, the data indicates these are primarily due to client-focused issues, such as lack of trust (65.6%), infidelity, domestic violence, mental health challenges (approximately 20%), and clients not completing their assignments in a timely way. Additionally, we are learning that in approximately 37% of the matters, the clients did not have realistic expectations about the outcome of the process. This implies that professionals must better prepare their clients for CP and what needs to be in place to efficiently resolve their matter. COVID-19 also reportedly contributed to delays.

4. Difficulty of Collaborative Matters¹²

- 26.3% of the matters were reported to be very difficult
- 22.8% of the matters were reported to be difficult
- 30.2% of the matters were reported to be moderately difficult
- Over 17% were reportedly easy or very easy

The implication is that CP is not typically easy. The most significant issues that tend to cause difficulties include lack of trust between the clients, infidelity, power imbalances, and one person acting unilaterally. Alimony and the division of assets were the most challenging substantive issues in the difficult matters. The professionals also noted that some clients did not have "realistic expectations of the process or the outcome."

To avoid these difficulties, Collaborative Professionals must ensure that clients are better prepared for CP, reasonably understand it, and have realistic expectations about potential outcomes. Additionally, as the statistics show, a Termination without Resolution is unlikely to be an outcome. However, professionals must explain to clients that Termination triggers the disqualification of the professionals, who cannot continue to assist the clients unless they re-engage in CP. Education of clients prior to entering into CP is required by Florida Rule Regulating the Florida Bar 4-1.19. Further, once a matter begins, team prebriefs and debriefs should include discussions on whether the clients have realistic expectations and, if not, what can be done to aid in education.

5. Average Cost of Collaborative Matters

Of 217 Survey responses where neither lawyer was representing a client pro bono and where all professional fees were reported, we can glean the following:

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- 11% (24 matters) cost a total of \$20,000 or less for all professionals.
- 13% (29 matters) cost a total of between \$20,001 to \$30,000 for all professionals.
- 18% (38 matters) cost a total of between \$30,001 to \$40,000 for all professionals.
- 13% (29 matters) cost a total of between \$40,001 to \$50,000 for all professionals.
- 19% (42 matters) cost a total of between \$50,001-\$75,000 for all professionals.
- 10% (22 matters) cost a total of between \$75,001 to \$100,000 for all professionals
- 15% (33 matters) cost a total of more than \$100,000 for all professionals.

The average cost of a Facilitator¹³ on a Collaborative team was nearly half as much as the average cost of each attorney on a team. The implication is that, although the clients may pay more up front for the Facilitator as an additional professional, there is an opportunity for significant value and even savings. The inclusion of a licensed mental health professional who is specifically educated and trained in working with family systems, communication skills, problem solving, and other family matters, may work with a divorcing couple to manage their emotions, enabling them to think more clearly, speak more effectively, express their feelings, needs, and interests more appropriately, which can speed up the divorce process. Further, the Facilitator usually does the bulk of the work in drafting a more sustainable parenting plan (if children are involved) geared towards the specific needs of the individual and collective family members, typically at a lower hourly rate than the clients' attorneys.

6. Team Composition

Most professionals use the full team version of the Neutral Facilitator Model of Collaborative Practice (each client is represented by a separate lawyer, and the team includes a Neutral Facilitator and Neutral Financial Professional). Half of the matters reported using an unpaid scribe/notetaker, "other non-paid observers" (42%), and students of Mental Health and Law. The statistics imply that the trend is to include

professionals from the financial and mental health arena as neutrals on most of the matters.

Of the 299 responses, 92% of the matters included a financial professional and 84% included a Facilitator. In most of these matters (nearly 80%), the neutral professionals were recommended by the attorneys. Attorneys are urged to build relationships with Facilitators and Financial Professionals in their communities and inform clients about the value they add. In nearly 50% of the matters, the fees for the Facilitator were less than \$7,500, and fees for Financial Professionals were less than \$10,000 in 40% of the matters reported. And because these professionals are working with both clients, there is less duplication of efforts (for example, a Financial Neutral does not need to request joint tax returns and other disclosure from one client if he or she already received it from the other client), creating more efficiency.

7. Demographic Information

Age of Clients

- 23% of clients were 40 years old or younger.
- 39% of clients were between 41 years old and 50 years old.
- 26% of clients were between 51 years old and 60 years old.
- 11% of clients were 61 years old or older.

8. Client Genders

In 98.6% of Collaborative Matters reported, one client was male, and one client was female.

9. Racial/Ethnic Identity

- 79.6% Caucasian
- 11.3% Hispanic
- 4.2% African American

The International Academy of Collaborative Professionals and Florida Academy of Collaborative Professionals have both focused on increasing inclusion, diversity, equity, and access to CP amongst professionals and potential client bases. Collaborative Professionals are encouraged to serve, reach out, and welcome diverse populations.

10. Children

Approximately 80% of the Collaborative Matters included minor or dependent children. This is interesting because there is oftentimes a perception amongst attorneys that CP is not used when there are no children, and yet a significant portion of reported Collaborative Matters, approximately 20%, involved no children. It will also be interesting in our next round of Survey analysis to see how many clients' adult children are impacted by or somehow involved with their parents' divorce.

11. Client Income/ Marital Estate

From gross annual income reported for 366 clients:

- 39% had an annual income of less than \$50,000.
- 13% had an annual income of \$50,000 to \$99,999.
- 19% had an annual income of between \$100,000 to \$199,999.
- 20% had an annual income of between \$200,000 to \$499,999.
- 9% had an annual income of \$500,000 or more.

From 175 responses that reported the family's estimated net estate (assets minus liabilities):

- 17% (30 matters) had a net estate of less than \$200,000.
- 31% (54 matters) had a net estate of between \$200,001 to \$1,000,000.
- 52% (91 matters) had a net estate of more than \$1,000,000.

Conclusion

The data collected on Collaborative Divorce in Florida reinforces what many professionals have long observed: the process is generally effective, with a high success rate and timeframe that allows families to move forward efficiently. While challenges such as trust issues, unrealistic expectations, and emotional complexities can complicate matters, the inclusion

of a well-rounded professional team—particularly a Neutral Facilitator and Financial Professional—helps mitigate these difficulties and adds significant value. As Collaborative Divorce continues to evolve, these findings offer crucial guidance for professionals seeking to refine their approach, better educate clients, and enhance the overall effectiveness of this alternative dispute resolution method.

The more cases we report, the more we will know, and the more you can share with your prospective clients. At the end of each case, we encourage your team to report its data (no personally identifiable data of the clients is requested).

Where is the Survey?

1. Go to the FACP's website (<https://CollaborativePracticeFlorida.com>)
2. Click on "FACP Member Home"
3. Scroll down and select "Practice Survey."
4. You're in!

Information you'll need:

- Start date (date the Collaborative Participation Agreement was signed).
- The number of full team meetings held.
- The hours each professional worked on the matter.
- The time from signing the Collaborative Participation Agreement to end of the matter (whether completed, partially completed, or terminated).
- The amount each professional billed.
- Each Client's income (range).
- For divorces, the total value of the marital estate (range).
- Client's demographic information.

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RANDY J. HELLER

Randy J. Heller, Ph.D., LMFT, LMHC chairs the Florida Academy of Collaborative Professionals (FACP) Research Committee. Dr. Heller promotes respectful communication, goal setting, problem-solving, and co-parenting; utilizing each member of the Collaborative Team's

knowledge, expertise, experience and input creatively.

Dr. Heller has researched and published her doctoral dissertation on Competency and the Role of the Mental Health Counselor in the Collaborative Family Law. She has presented on this topic both statewide and nationally and has also published several book chapters and articles on this topic.

Dr. Heller is a clinical fellow and approved supervisor of the American Association of Marriage and Family Therapists (AAMFT), a long-standing member of the International Academy of Collaborative Professionals (IACP), Association of Family and Conciliation Courts (AFCC), and Research, Access to Collaboration and Higher Education Task Force Committees for the IACP. Dr. Heller has also served as a Board member of the FACP, past President and Vice-President of The Collaborative Family Law Professionals of South Florida, and a member of the Collaborative Family Law Institute.



ADAM B. CORDOVER

Adam B. Cordover is a Collaborative Lawyer, Florida Accredited Collaborative Professional, and Florida Supreme Court Certified Family Law Mediator. He is a former member of the Board of the International Academy of Collaborative Professionals (IACP) and former Chair of

the IACP Research Committee as well as former Chair of the IACP Ethics and Standards Committee. Adam is recipient of the Inaugural Florida Academy of Collaborative Professionals (FACP) Visionary Award for founding and co-instructing the FACP Leadership

Institute, and he also co-founded the FACP Research Committee with Dr. Randy Heller.

Further, Adam is co-author with Forrest "Woody" Mosten of *Building A Successful Collaborative Family Law Practice*, published by the American Bar Association in 2018. Adam is a former president of Next Generation Divorce (Tampa Bay and Greater Sarasota), growing it to become the largest local collaborative practice group in North America. In 2015, Adam stopped taking litigation cases and now practices exclusively out-of-court dispute resolution with a focus on Collaborative Divorce and Family Law. Adam represents clients via his virtual practice throughout the State of Florida, and has offices in Tampa, St. Petersburg, and Sarasota. You can learn more at <https://FamilyDiplomacy.com>.

Endnotes

¹ Webb, Stuart G. & Ousky, Ronald D, *The Collaborative Way to Divorce* (Plume Publishing 2007). See, also, *Stuart Webb's Letter to Justice Keith* (February 14, 1990) (accessible at <https://sampsoncollaborativelaw.com/wp-content/uploads/2021/11/1990.02.14-Stuart-Webb-Letter-to-AM-Sandy-Keith-MN-re-collaborative-process.pdf>).

² The International Academy of Collaborative Professionals has at various times conducted surveys of clients and professionals on Collaborative Practice since 2006 which have inspired and informed Florida's studies. Summaries and articles for these and other studies are accessible in the Members' Resource Library at <https://collaborativepractice.com>. Further, Dr. Julie Macfarlane out of Canada has long studied Collaborative Family Law (see, e.g., *The Emerging Phenomenon of Collaborative Family Law* (CFL): *A Qualitative Study of CFL Cases*, Department of Justice Canada (2005) (accessible at https://www.justice.gc.ca/eng/rp-pr/fl-lf/famil/2005_1/index.html)).

³ Accessible at <https://collaborativepractice.com>.

⁴ Accessible at <https://collaborativepracticeflorida.com>.

⁵ Collaborative Practice, Collaborative Process, Collaborative Method, Collaborative Matter, and Collaborative Model are for the purpose of this article all synonyms. Collaborative Family Law refers to the use of the Collaborative Process for a family law matter, and Collaborative Divorce refers specifically to the use of the Collaborative Process within a divorce context.

⁶ See Fla. Bar Reg. R. 4-1.1 ("A lawyer must provide competent representation to a client. Competent representation requires the legal knowledge, skill, thoroughness, and preparation reasonably necessary for the representation."). The co-authors of this article are of the strong belief that competency in Florida family law requires a working knowledge of Collaborative Practice, given that the Collaborative Law Process Act is now contained in Part III of Chapter 61, which consists of statutes related to dissolution of marriage. Ideally, this working knowledge includes participating in a 14-hour Introductory Interdisciplinary Collaborative Practice Training that meets the Standards promulgated by the International Academy of Collaborative Professionals.

⁷ Accessible at <https://familylawfla.org/resources/board-certification/> ("A lawyer should advise clients of various methods of alternative dispute resolution including collaborative law, mediation, arbitration, private judging, and parent coordination, among others").

⁸ The Florida Supreme Court has recognized that family law cases need "a system that provide[s] non adversarial alternatives and flexibility of alternatives; a system that preserve[s] rather than destroy[s] family relationships; and a system that facilitate[s] the process chosen by the parties." *In re Report of the Family Law Steering Committee*, 794 So. 2d 518, 523 (Fla. 2001).

⁹ The FACP Research Committee urges Collaborative Professionals to complete surveys at the conclusion of each matter so that we can provide more complete and compelling statistics. Instructions on how to do so appear later in this article.

¹⁰ Collaborative Marriage Planning focuses not on how things should be resolved in the event a marriage ends but rather on how spouses want to live their lives during the marriage. A binding agreement that resolves divorce-related issues may be a part of the Collaborative Marriage Planning process. See, e.g., Adam B. Cordover, *Prenuptial Agreements: Divorce Planning or Collaborative Marriage Planning?*, *FAMILY DIPLOMACY BLOG* (October 27, 2014), <https://familydiplomacy.com/prenuptial-agreements-divorce-planning-or-collaborative-marriage-planning/>.

¹¹ An argument can be made that those professionals in a Collaborative Matter that concluded with a full Resolution are more likely to report results than professionals in a Collaborative Matter that concluded in Termination without an agreement.

However, Adam B. Cordover can report that of the 89 Collaborative Matters in which he has been involved, about 90% concluded with a full Resolution of all issues. This high success rate is also in line with a study completed by the International Academy of Collaborative Professionals, which found that eighty-six percent of all Collaborative Matters reported concluded in a full Resolution of all issues (see *FAQ Based on Cases Reported to the Practice Survey as of July 6, 2010 International Academy of Collaborative Professionals Research Project*, accessible in Members' Resource Library at <https://collaborativepractice.com>).

¹² There were additional responses where members of the Collaborative team did not agree on how to categorize the difficulty of the Collaborative Matter.

¹³ A "Facilitator" is a licensed mental health professional who works in a neutral capacity in a Collaborative Matter. The International Academy of Collaborative Professionals refers to this role as "Coach," and some locations refer to this role as "Neutral Mental Health Professional" or by other labels. The term

"Facilitator" was originally coined by Tampa psychologist Jeremy S. Gaies. See Jeremy S. Gaies, *Proposal for Using the Title, "Collaborative Facilitator"* (December 2012), TAMPA BAY COLLABORATIVE TRAINERS INTRODUCTORY INTERDISCIPLINARY COLLABORATIVE FAMILY LAW TRAINING MANUAL (2024). It is now the most commonly used term for this role in Florida, and other communities around the world have also adopted this term.