

# FOR CIVIL COLLABORATIVE PRACTICE

## Avoiding Litigation: A Guide to Civil Collaborative Law

by Sherrie R. Abney

339 pages, including Appendices. Trafford Publishing ([www.trafford.com](http://www.trafford.com))

Reviewed by Gay G. Cox, Dallas

It is a testament to faith in Collaborative Practice that an entire book about how it can effectively be used in the general civil law context has already been published. Sherrie Abney is to be commended for presenting a systematic approach demonstrating how the process adapts perfectly for many types of civil disputes. The book is one of those easy reads where the reader never has to re-read a sentence because the writing style is so clear. It should come as no surprise that she was a teacher in her former life.

Sherrie is also an accomplished photographer and world traveler. Her photographic cover of the silhouette of a mounted warrior riding off into the sunset evokes the idea that the days of the knight in shining armor doing battle for their clients are numbered. She speaks eloquently to the public, especially business-minded people who can see the damage litigation is doing to their relationships and financial bottom-line.

Much of what is said in the beginning might be difficult to swallow for those entrenched in the litigation mindset - particularly trial lawyers. It is probably not the best vehicle to persuade them that they should begin to shift their thinking. It speaks more directly to the reader who has already developed a negative opinion of trial law and to the lawyer in the process of making a paradigm shift about the best way to help clients resolve conflict.

Once they are exposed to the process and they begin to see its benefits, civil lawyers will find this book a "must read," and it will likely be the lead text in that field for many years to come.

Once one gets beyond the point of defining why the process would be preferred by many seek-

ing an alternative to litigation, the chapters that describe the various aspects of the process (safe environment, confidentiality, etc.) are a primer describing how to take a case from start to finish. The book demonstrates how the tried and true principles of Collaborative Practice, such as the Collaborative Commitment for the lawyers to withdraw if settlement is not reached makes sense in civil cases, whether the case is a family matter or not. And yet, as the author contrasts Collaborative Law with Settlement Attorneys, she emphasizes it is the client who should determine what process works for them, if the case is suitable for the process, suitability being a subject to which she devotes a chapter.

My favorite part of the book is the description of "wanna-be" collaborative lawyers, such as the "Skippers," the "legal eagles," the "warm-fuzzies," the "bulldogs," and even the "Rambos" (pages 62 to 68). The employment dispute case study, making up about 80 pages of the book, contrasts how a matter was handled in the real world of the traditional adversarial approach and how differently it could have been handled if the parties had been offered Collaborative Law. The book includes 100 pages of very useful Appendices, including Protocols of Practice for Civil Lawyers and a Participation Agreement and Addendum adopted by the Texas Collaborative Law Council (TCLC). Sherrie was a Founding Director and serves as Vice-President of TCLC for Training and CLE. She served on the TCLC Drafting Committee that developed the Protocols and Agreement and as Chair of the IACP Civil Practice subcommittee that drafted the Protocols distributed to the membership for comment in October, 2006 (see <http://www.collaborativepractice.com/documents/CivilProtocolsRev.doc>).

I highly recommend this book to anyone interested in promoting the evolution of Collaborative Practice beyond the perimeters of family dispute resolution.