

# THE FAMILY LAWYER'S ROLE IN PREVENTIVE LEGAL AND CONFLICT WELLNESS

Forrest S. Mosten and Lara Traum

---

---

Parties often find themselves in court after the escalation of a relatively simple miscommunication. Where divorcing parties have children in common, they find themselves to be lifelong litigants, repeatedly returning to court to alter terms or vindicate a past loss in a recurring parental argument. Education and early intervention can help parties flag existing conflicts before they spiral out of control. Preventive lawyering can identify possible issues and avoid conflicts before they occur. In this article, we show how family lawyers can redirect their attention from acting as postconflict professionals to acting as preventive legal and conflict-wellness providers.

Key Points for the Family Court Community:

- Legal conflicts could be averted if lawyers focused on preventing problems at the earliest stage possible.
- Preventive lawyering can identify possible issues and help avoid conflicts before they occur.
- It is important for family lawyers to redirect their attention from acting as postconflict professionals to acting as preventive legal and conflict-wellness providers.

**Keywords:** *Alternative Dispute Resolution; Conflict Prevention; Family Dispute Prevention; Family Law; Legal Health; Legal Wellness; and Preventive Lawyering.*

---

---

## I. INTRODUCTION

Family law is generally viewed as a dispute, conflict, and lawsuit practice.<sup>1</sup> If parties consult with attorneys at all,<sup>2</sup> they only do so after a rift has occurred, striving to win an argument via adversarial posturing or, at best, to deescalate a problem that has already surfaced. Alternative dispute resolution processes such as negotiation, mediation, and collaborative practice, while certainly better for families than litigation, take place only after an actual dispute has erupted.

Therefore, postconflict lawyering is the norm.<sup>3</sup> The same is true for less adversarial interventions, even if less adversarial processes become Primary Dispute Resolution (PDR).<sup>4</sup> However, if the legal system were shaped around the needs of families, rather than the traditions of an adversarial system, the considerations would be quite different.<sup>5</sup> The role of lawyers would be that of preventive professionals, primarily concerned with averting family conflict and only faced with helping family members resolve conflicts when dire circumstances arise.<sup>6</sup>

We believe that families, and society at large, would be better served if lawyers focused on preventing problems at the earliest stage possible.<sup>7</sup> Where courts are currently struggling to accommodate overcrowding and are unable to handle their dockets, parties often find that it was the escalation of a relatively simple miscommunication that landed them in court in the first place.<sup>8</sup> Where divorcing parties have children in common, they find themselves lifelong litigants, repeatedly returning to court to alter custody or child support terms, punish an ex-spouse for remarriage, or simply out of a desire to vindicate a past loss in a long-term, recurring parental argument.<sup>9</sup>

Education and early intervention can help parties flag existing conflicts before they spiral out of control.<sup>10</sup> Preventive lawyering can identify possible issues and avoid conflicts before they occur.<sup>11</sup> When lawyers act preventively, they can maximize opportunities for families.

Correspondence: [laratraum1@gmail.com](mailto:laratraum1@gmail.com), [mosten@mostenmediation.com](mailto:mosten@mostenmediation.com)

In this article, we show how family lawyers can redirect their attention from acting as postconflict professionals to acting as preventive legal and conflict-wellness providers. In doing so, family lawyers can reshape the system of family law to better accommodate and help the families they serve.

## II. BACKGROUND

### A. FAMILY LAWYERS TODAY PRIORITIZE CONFLICT RESOLUTION OVER CONFLICT PREVENTION

Practitioners and scholars continue to debate whether the adversarial family law model appropriately addresses the needs of families.<sup>12</sup> Traditionally, family law has broadly regulated the status of family relationships by defining marriage, effectuating divorce, building expectations surrounding the treatment of children, and streamlining economic entitlements.<sup>13</sup> Since resolutions to legal conundrums have been customarily sought before judges, family law has turned into a litigation-heavy practice area.<sup>14</sup> Family members pursue legal representation and bring their issues to court for resolution by judges much too early.<sup>15</sup> In recent decades, this approach has been critiqued as a suboptimal method of resolving family disputes due to the destructive impact of adversarial posturing on long-term family relationships.<sup>16</sup>

Formal alternatives to resolving family conflict have since developed. Mediation and Collaborative Law give parties greater agency when considering what best suits their family model, while saving them money, keeping them free of courthouse delay, and permitting conversations in the shadow of the law.<sup>17</sup> However, even collaborative professionals<sup>18</sup> or mediators generally find themselves first engaged at the late stages of family conflict when families are already at a point of crisis and are either on the brink of separation or living in separate residences. Furthermore, while agreements developed in an alternative dispute resolution setting can set the stage for more preventive future planning, clients' relationships with their attorneys or mediators most often terminate once a settlement agreement is signed. In order to truly offer holistic and family-oriented services, family lawyers should consider building earlier and longer-term relationships with clients and families by engaging in preventive lawyering.<sup>19</sup>

### B. THE MEDICAL ANALOGY

Conflict prevention is most commonly featured in the field of medicine.<sup>20</sup> While dire illnesses do exist and hospital emergency rooms rarely experience a patient shortage,<sup>21</sup> most relatively healthy individuals in the United States develop their relationship with the medical field quite differently.<sup>22</sup> It is common practice for an individual to schedule an annual checkup with an internist as well as a checkup every six months with a dentist.<sup>23</sup> Routine health checkups are a part of the famed well-being of most Americans.

While mental health, as compared to physical health, does experience stigmatization, patient–therapist relationships follow a similar arch of consistency.<sup>24</sup> Individuals participating in therapeutic processes schedule weekly, biweekly, or monthly appointments with their therapists.<sup>25</sup> Often, these appointments are scheduled and conducted within an asymptomatic framework: the client sees the therapist as part of ongoing emotional and mental health treatment, not primarily due to a symptomatic crisis (otherwise known as “Break and Fix”). Couples and families that participate in marital or family counseling often accept that counseling regimes involve a consistent and potentially lifelong process of check-ins and checkups.

Alas, family lawyers, and lawyers in general, are viewed differently by their clients—and they view themselves differently as well. They are expected to undertake the role of internists and surgeons alike. Lawyers are expected to navigate family dynamics at a moment of conflict escalation: quickly becoming understanding guides and confidants to clients they have not previously treated. Lawyers are asked to astutely settle intricate conflicts through advocacy or collaborative approaches

but are not asked to become involved earlier upstream—to check on the well-being of their clients before a crisis situation has developed. In the same way, once the issue that was listed in the formal retainer has been resolved, a “case file is closed.”<sup>26</sup> Ongoing follow-up and contact rarely takes place until the next crisis occurs. Unlike medical or mental health professionals, lawyers are rarely consulted for the *prevention* of legal illness—either before legal angina is reduced or after a legal stint or dose of nitroglycerin has been prescribed.

Alas, many forget that it is impossible to live in the United States without interacting with the law.<sup>27</sup> Even if an individual never experiences a car accident, a landlord–tenant dispute, or a run-in with the criminal justice system, legal health is integral to navigating many aspects of human life. Marriage, divorce, childcare, and eldercare all involve aspects of human life that are in some way regulated by the law.<sup>28</sup> Legal practice need not be a mad dash to save the lives of those who are legally ill. Legal health, just like physical and mental health, can be safeguarded by preventive lawyering.

### III. DISCUSSION

#### A. PREVENTIVE LAWYERING AND CONFLICT WELLNESS

Preventive lawyering is an approach to legal practice that prioritizes long-term relationship building between lawyers and clients.<sup>29</sup> This practice unbundles legal services and offers a unique approach that extends beyond early intervention.<sup>30</sup> A preventive lawyer, like a doctor, helps clients: (1) identify symptoms that could undermine the client’s legal health, (2) address chronic issues that might periodically resurface, and (3) avert conflict at every possible opportunity.

The most natural way to engage in preventive family lawyering is to address symptomatic cases.<sup>31</sup> In such cases, lawyers manage conflicts that have already arisen and build agreements that are self-executing. The skills that a lawyer exhibits in the face of symptomatic cases are those of a diagnostician, seeking to identify all elements of a family dynamic that might stir controversy in the future. First, the lawyer focuses on discussing and resolving financial, emotional, psychological, and interpersonal relationships. Then, the lawyer goes a step further by ensuring that the clients can continue to resolve these issues on their own by drafting unique agreement provisions, making conversational suggestions, and offering strategic approaches to continued autonomous problem solving.

A lawyer, as a diagnostician of symptoms, can both provide legal services for issues as they arise and flag referral possibilities. When a lawyer sees that a client may be approaching a period of psychological strain (such as impending separation or other reorganization of the family), the lawyer can prepare and refer the client to therapy before the client’s fragility is exploited. When a lawyer sees that financial decisions might require more planning and proactive steps, the lawyer can explain the importance of taking action, such as obtaining life, medical, or property insurance. In addition, they can offer a list of insurance agencies or financial planners from which to choose.<sup>32</sup> When a lawyer sees that a client is experiencing financial hardship, they can help a client better understand loan, health insurance, and educational scholarship options. When a lawyer sees individuals struggling to co-parent, parenting and anger management classes can be recommended.<sup>33</sup> The lawyer, as a diagnostician, becomes just as responsible for spotting red flags and recommending preventive courses of action as a doctor who notices a patient’s rising cholesterol levels.<sup>34</sup>

There are, of course, instances in which no conflict is apparent—these are called asymptomatic legal problems.<sup>35</sup> And yet, healthy individuals still attend annual medical checkups. When no conflicts appear, it is the preventive lawyer’s job to detect and correct actions *before* symptoms arise.<sup>36</sup> For example, when couples with children complete a divorce process, preventive approaches can be instantly applied. Lawyers can arrange for a weekly, monthly, or yearly conference call between the parents to ensure that effective communication is ongoing and that previously worked out parenting

plans are working smoothly.<sup>37</sup> Similarly, preventive mediation could be used to address a myriad of pending changes. A change in one parent's marital or financial status could be addressed in a safe space, offering the couple an opportunity to discuss changing dynamics and process the impact of such changes on the mutual child. Life cycle events, such as when a child goes to school, has a confirmation, b'nei mitzvah, quinceañera, or any other coming of age ceremony, applies for college, or gets married, could be navigated ahead of time, sparing all involved individuals additional stress, negativity, and conflict. The possibilities are endless.<sup>38</sup>

These conversations need not concretely resolve any issues. These are preventive conversations that redefine relationships, form new relationships, and prevent conflicts from arising.<sup>39</sup>

For family lawyers engaged in the traditional practice of law, preventive lawyering need not be a career change.<sup>40</sup> Prevention can be an added perspective and needed service within an ongoing family law practice. Periodic legal checkups help lawyers assess and encourage legal and conflict wellness, analogous to routine questions presented by doctors during asymptomatic regular checkups, whether verbally or via intake forms.<sup>41</sup> Reminders to follow up with one's lawyer can resemble the cards or e-mails that are often sent by a dentist's office, reminding clients to return for an asymptomatic tooth cleaning every six months.<sup>42</sup> Preventive lawyering can become an integral part of any lawyer's practice model and resembles a societal approach to prevention that individuals will recognize from other facets of life.

## **B. CONCRETE PREVENTIVE INITIATIVES TO HELP FAMILIES**

In order to be effective preventive family lawyers, lawyers need to learn how to both provide and recommend preventive services. There are concrete models for restructuring legal services to emphasize conflict prevention. There are also many relevant community initiatives that can preventively help families. Successful preventive family lawyers currently utilize all these resources, which can be replicated in a variety of practice settings.

### **1. PREVENTIVE CONTRACT PROVISIONS AND LAWYERING TECHNIQUES**

Most family lawyers may be understandably reluctant to transition their entire crisis-based practices into preventive ones. However, the incorporation of preventive lawyering into existing practices can range from including preventive dispute resolution clauses in separation agreements,<sup>43</sup> drafting preventive relationship agreements,<sup>44</sup> which includes follow-up executor clauses in agreements suggesting that clients return for legal health checkups, and encouraging clients to use family legal hotlines sponsored by bar associations and courts.<sup>45</sup> Preventive lawyering can complement a crisis-based practice.

First, when drafting separation agreements, lawyers can demonstrate preventive techniques by including preventive dispute resolution clauses.<sup>46</sup> These clauses, mandating specific steps that couples must follow when new conflicts arise, can be adjusted to the parties' needs. They could suggest a multi-step process, geared at preventing conflict escalation. For example, a clause can illustrate that when couples are concerned about a new issue affecting the established dynamic, they should immediately engage in a direct telephone call and try to resolve the dispute over the phone. If that telephone call does not clarify the issue, the couple can proceed to an in-person meeting where they could try to resolve their issue face to face. If the in-person meeting proves unsuccessful, the clause could then mandate that the couple turn to a mediator and attend a minimum number of mediation sessions, giving a mediator a chance to facilitate resolution before either party resorts to filing a lawsuit in court. The clause could outline remedial steps that the couple must follow, and such steps will, more likely than not, halt the escalation of most conflicts. By including such a dispute resolution clause in an agreement, the lawyer is providing the couple with a conflict prevention measure.<sup>47</sup>

Lawyers can also commit a portion of their practice to drafting preventive relationship agreements. Prenuptial agreements, postnuptial agreements, cohabitation agreements, family business

agreements, and agreements that govern the parenting dynamics surrounding open adoptions are all examples of such preventive documents.<sup>48</sup> By collaboratively creating such preventive documents, parties can discuss the terms of their marriage, living arrangements, business dynamics, or blended family schemes, *before issues arise*. Decisions are more likely to be rational and reasoned.<sup>49</sup> Furthermore, such conversations can prepare parties to plan for issues that they may have otherwise never considered.

Preventive lawyering techniques can also enhance a family law practice by instilling a protocol for legal health checkups. These legal checkups can be routinely administered at the beginning and end of every case and can be conducted by private lawyers, lawyers in courthouses, online, via telephone hotlines, or at other social agencies in the community.<sup>50</sup> Agreements can even include executory clauses stating that lawyers shall e-mail clients with checkup reminders for a period of years after the conclusion or resolution of a particular legal issue or case. For example, if the settlement calls for the family residence to be sold in three years, the agreement could further provide that the parties meet after two years to confirm the decision to sell, prepare for the sale, or perhaps make further agreements. By adding this preventive lawyering tool, family lawyers can strengthen and lengthen their relationships with clients, and clients can learn to trust their lawyers as lifelong confidants rather than navigators of crisis alone.

## 2. EXTERNAL, NONLAWYERING INITIATIVES

Family lawyers often find that their clients are faced with psychological and interpersonal challenges. In such instances, clients are commonly offered direct referrals to therapeutic assistance. While these referrals are certainly important, an even broader array of options exists.

Lawyers seeking to prevent conflict can suggest that all couples and families become involved in community opportunities such as parenting classes, anger management classes, and postdivorce support groups. These community opportunities offer avenues for clients to express themselves in safe settings, receive communal support and reinforcement, and avoid holding on to grudges that inevitably escalate irritation into aggression.

Parenting classes should be considered any time a parent walks into a family lawyer's office. Whether symptoms of conflict present themselves or not, most parents with children could benefit from parenting classes.<sup>51</sup> Even divorced co-parents that have an amicable relationship can encounter logistical conundrums when juggling a myriad of child-related obligations, extracurricular activities, and homes. Parenting classes help these co-parents maintain their functional relationship by teaching them to address daily stresses with grace, collaboration, and constructive decision making. The classes can prevent what so often occurs—an escalation of tensions over simple matters such as pickup and dropoff schedule alterations, forgotten toothbrushes, or missing homework.

Parenting classes are that much more poignant when divorcing parents are in the midst of a custody dispute. During this tenuous period, trivial triggers can result in flippant, aggressive, and even litigious responses.<sup>52</sup> Parenting classes help parties in a custody dispute continue to parent despite the ongoing negotiations.

While formal parenting classes exist in most communities, informal parenting meetings can offer similar results.<sup>53</sup> Parents that are able to communicate amicably can commit to a schedule of parenting meetings. These meetings can take place with or without the assistance of lawyers, mediators, or mental health professionals. If parties hope to proceed without an intermediary, preventive lawyers<sup>54</sup> can help the parties develop guidelines for their informal parent meetings. They can meet weekly, monthly, or annually. Conversations may be navigated in person or via telephone. As long as predetermined ground rules are honored, these meetings can effectively avert the escalation of tension due to extended periods of miscommunication.<sup>55</sup>

Anger management classes are also an important preventive community resource.<sup>56</sup> For individuals who struggle with anger management challenges, divorce proceedings and postdivorce co-

parenting can present extra challenges. Anger management classes can help such individuals address these challenges, uncovering the root of an individual's aggressive response and preventing the projection of any deeper, lingering issues upon other parties such as co-parents, blended family members, or children.

### **C. PREVENTIVE LAWYERING IS GOOD FOR COURTS, PARTIES, AND LAWYERS**

Not only does preventive lawyering help shape the family law system into one that accommodates the sensitive needs of families, but this service also benefits family courts, judges, and lawyers themselves.<sup>57</sup> Conflict-based family law practice may seem like the sustenance that keeps the U.S. legal system afloat, however, the reality is quite to the contrary. Family courts find that their dockets are overwhelmed by claims that should never have escalated to the point of litigation. Family lawyers find that their scheduled weekends and vacations are absorbed by clients whose conflicts escalate unnecessarily.<sup>58</sup>

Preventive lawyering allows courts to manage their dockets and minimize delay by keeping matters from reaching the courthouse. Preventive lawyering also allows lawyers to redefine their job description and develop constructive relationships with their clients, which are based on positive wellness, rather than defensive and often harmful side effects.

#### **1. PREVENTIVE LAWYERING BENEFITS COURTS**

For the majority of parents undergoing a divorce process, the likelihood of returning to court to resolve subsequent disputes is quite high, even though most individuals' desire to do so is quite low. Parenting parties return to court most often due to the fact that, throughout the course of a child's life and development, circumstances change.<sup>59</sup> Modification of custody arrangements, child support allotments, or spousal support terms are often sought in court systems that are overcrowded, and the rate of returning parties does not help the issue of docket overflow.<sup>60</sup>

Courts are overwhelmed by a returning cast of characters.<sup>61</sup> Parties with urgent needs, such as those seeking orders of protection or those submitting a habeas corpus petition for a child, are left waiting by overcrowded petition rooms while judges, often unnecessarily, tend to hear cases involving repeat litigants.

When issues are flagged early, via preventive lawyering, individuals experiencing identical changes of circumstance are less likely to return to court.<sup>62</sup> They have already thought ahead and developed strategies for a wide range of potential issues. Where entirely unforeseen changes occur, they follow predetermined communication ground rules and are able to resolve disputes directly or with the assistance of a mediator. Courts need not be bothered.

Without preventive lawyering, clients find that their emotions are more likely to dictate their actions and, due to the escalation of tension, motion practice and adversarial posturing are a common default. Preventive lawyering helps family courts clear their dockets by freeing overburdened judges and giving them an opportunity to truly focus on urgent cases that cannot be resolved outside of the court system.

#### **2. PREVENTIVE LAWYERING BENEFITS LAWYERS**

In addition to offering long-term benefits to clients and easing the burdens experienced by courts, preventing lawyering stabilizes the practice of family law.<sup>63</sup>

Family lawyers embark on tumultuous journeys with their clients. They are deeply involved in some of the most stressful moments in their clients' lives. When tense moments can be flagged and addressed before they escalate, family lawyers are able to minimize the extent to which they must remain on call for an otherwise heightened number of family emergencies. For example, weekends and holidays are when visitation exchanges most commonly take place, and it is during the transition

of a child, from one home to another, that issues often arise.<sup>64</sup> Thus, in a typical family law practice, many lawyers experience an increase in client calls on the weekends and during holiday seasons.

Similarly, in typical family law practices that do not practice preventive lawyering, client satisfaction may be significantly lower.<sup>65</sup> Where decisions are made in a setting that is tense and vengeful, due to trivial triggers that are not spotted by the attorney and result in conflict escalations, outcomes are rarely optimal. When emotions are high, conversations between clients and lawyers are less likely to be productive and client decisions and actions may be propelled by irrational and destructive emotions, rather than by clear-headed decisions that would be better for the client, the children, and even the other parent.<sup>66</sup> Once a client has cooled off, however, they may not be pleased with the rash settlement that was reached during a moment of heightened conflict. This can cause future referrals and lawyer reviews on Avvo to suffer.

Preventive lawyering helps family lawyers mitigate these hazards of legal practice. By flagging potential issues, offering communication ground rules, and referring clients to parenting classes, lawyers can minimize the need for urgent calls or hasty decision making. When tensions are diagnosed early, parents find themselves able to communicate more effectively and avoid dangerous triggers that give rise to tension. As indicated in several legal needs studies, clients value their lawyers. Lawyers are seen as trustworthy, competent, caring, and helpful. These levels of satisfaction plummet when a client becomes involved in litigation.

Lawyers who do practice preventive lawyering may find themselves living more balanced lives and leading flourishing practices. They may be able to develop longer-term relationships with clients and ensure that their practice generates stable revenue.

#### IV. CONCLUSION

While preventive lawyering was first suggested by Louis M. Brown over fifty years ago, preventive lawyering remains novel in the field of family law. Lawyers seeking to build their own family law practices have been hesitant to stray from traditional conflict-oriented dynamics. However, in recent years, the concept of preventive lawyering has garnered increased support and attention among family lawyers, family court judges, mental health professionals, and families seeking to avert future conflict.<sup>67</sup> Most recently, the value of this approach was discussed at the IAALS Family Bar Summit, where diverse members of the national family law bar recognized a role for preventive legal care in reshaping divorce and separation processes.<sup>68</sup>

Expanding the practice of preventive lawyering has the ability to redefine how people engage with their lawyers. The practice of preventive law both stabilizes income models for lawyers and shapes the legal system into one that minimizes the occurrence, or recurrence, of family disputes. By reshaping the family law system into one that benefits the families that it serves, preventive lawyering fosters healthy relationships between lawyers and clients by teaching the population that lawyers are here to diagnose, heal, *and* prevent legal illness.

#### NOTES

1. See generally *State Definitions of the Practice of Law*, A.B.A., [http://www.americanbar.org/content/dam/aba/migrated/cpr/modeldef/model\\_def\\_statutes.authcheckdam.pdf](http://www.americanbar.org/content/dam/aba/migrated/cpr/modeldef/model_def_statutes.authcheckdam.pdf) (last visited Jan. 28, 2016); JOHN DE WITT GREGORY ET AL., UNDERSTANDING FAMILY LAW (2d ed. 2001); SANFORD N. KATZ, FAMILY LAW IN AMERICA (2003).

2. *Pro Se/Unbundling Resource Center*, A.B.A., <http://apps.americanbar.org/legalservices/delivery/delunbund.html> (last visited Feb. 15, 2016) (the high number and impact of self-represented parties in divorce has been widely researched).

3. See, e.g., Jeff Atkinson, *The American Bar Association Guide to Family Law*, A.B.A., [http://www.americanbar.org/groups/public\\_education/resources/law\\_issues\\_for\\_consumers\\_/books\\_family\\_home.html](http://www.americanbar.org/groups/public_education/resources/law_issues_for_consumers_/books_family_home.html) (last visited Jan. 28, 2016); see also GRACE A. LUPPINO & JUSTINE FITZGERALD MILLER, FAMILY LAW AND PRACTICE (4th ed. 2015).

4. The Australian Family Court has decreed that PDR (client driven processes) are mediation, negotiation, collaborative law, and conciliation. Alternative Dispute Resolution (ADR) includes Litigation, Arbitration, and Evaluation. ADR is viewed

as more top-down processes in which someone other than family members make the decisions themselves or produce recommendations that heavily influence the ultimate decision maker other than the parties.

5. John Lande & Forrest S. Mosten, *Family Lawyering: Past, Present, and Future*, 51 FAM. CT. REV. 20 (2013).

6. Forrest S. Mosten, *Lawyer as Peacemaker: Building a Successful Law Practice Without Ever Going to Court*, 43 FAM. L.Q. 489 (2009).

7. See Forrest S. Mosten, *Unbundling of Legal Services and the Family Lawyer*, 28 FAM. L.Q. 421 (1994); see also Dennis P. Stolle & David B. Wexler, *Therapeutic Jurisprudence and Preventive Law: A Combined Concentration to Invigorate the Everyday Practice of Law*, 39 ARIZ. L. REV. 25 (1997).

8. See Philip M. Stahl, *Personality Traits of Parents And Developmental Needs of Children in High-Conflict Families*, PARENTING AFTER DIVORCE, <http://parentingafterdivorce.com/wp-content/uploads/2016/05/Personality-Traits-of-Parents-And-Developmental-Needs-of-Children.pdf> (last visited Jan. 28, 2016); see also Marsha Kline et al., *The Long Shadow of Marital Conflict: A Model of Children's Postdivorce Adjustment*, 53 J. MARRIAGE & FAM. 297 (1991).

9. See Stahl, *supra* note 8; see also Kline, *supra* note 8.

10. Lande & Mosten, *supra* note 5.

11. *Id.*

12. See, e.g., Barbara Babb & Mitchell Karpf, *A More Humane Vision of Family Law: Holistic Approach Needed to Shield Children from the Trauma of Breakups*, BALT. SUN (Jul. 13, 2010), [http://articles.baltimoresun.com/2010-07-13/news/bs-ed-family-law-20100713\\_1\\_family-law-family-breakup-family-justice-system](http://articles.baltimoresun.com/2010-07-13/news/bs-ed-family-law-20100713_1_family-law-family-breakup-family-justice-system); G.M. Filisko, *Model program brings holistic solutions to divorce*, A.B.A. J. (Feb. 1, 2015, 4:20 AM), [http://www.abajournal.com/magazine/article/model\\_program\\_brings\\_holistic\\_solutions\\_to\\_divorce](http://www.abajournal.com/magazine/article/model_program_brings_holistic_solutions_to_divorce); Rosemary Hunter, *Adversarial Mythologies: Policy Assumptions and Research Evidence in Family Law*, 30 J.L. & Soc'y. 156 (2003); Jane C. Murphy, *Revitalizing the Adversary System in Family Law*, 78 U. CIN. L. REV. 891 (2010).

13. A HANDBOOK OF FAMILY LAW TERMS (Bryan Garner ed., 2001).

14. Effie Belou, *History of Family Court*, PARENTS IN ACTION, [http://www.parentsinaction.net/english/Family\\_Court/History%20of%20Family%20Court.htm](http://www.parentsinaction.net/english/Family_Court/History%20of%20Family%20Court.htm) (last visited Jan. 27, 2016).

15. See Nancy Ver Steegh, *Family Court Reform and ADR: Shifting Values and Expectations Transform the Divorce Process*, 42 FAM. L.Q. 659 (2008).

16. *Id.*

17. See, e.g., ANDREW L. SCHEPARD, CHILDREN, COURTS AND CUSTODY: INTERDISCIPLINARY MODELS FOR DIVORCING FAMILIES (2004); Jessica Pearson & Nancy Thoennes, *Divorce Mediation: Reflections on a Decade of Research*, in MEDIATION RES. (Kenneth Kressel & Dean Pruitt eds., 1989); Connie J.A. Beck & Bruce D. Sales, *A Critical Reappraisal of Divorce Mediation Research and Policy*, 6 PSYCHOL. PUB. POL'Y & L. 989 (2000); Andrew Schepard, *An Introduction to the Model Standards of Practice for Family and Divorce Mediation*, 35 FAM. L.Q. 1, 3 (2001); Carrie-Anne Tondo et al., *Mediation Trends*, 39 FAM. CT. REV. 445 (2001).

18. This latter stage of intervention is even more disappointing (and less effective) given the interdisciplinary nature of Collaborative Practice, which includes mental health and financial professionals. Financial and tax planning are mainstays of preventive practice, but even these nonlawyer professionals spend most of their training and practice to handling ripened disputes.

19. See generally FORREST S. MOSTEN, UNBUNDLING LEGAL SERVICES: A GUIDE TO DELIVERING LEGAL SERVICES A LA CARTE (2000); Yvonne Pearson, *Early Neutral Evaluations: Applications to Custody and Parenting Time Cases: Program Development and Implementation in Hennepin County, Minnesota*, 44 FAM. CT. REV. 672 (2006); Andrew Schepard, *Tragedy and Hope*, 40 FAM. CT. REV. 5 (2002); see also FORREST S. MOSTEN & ELIZABETH POTTER SCULLY, THE COMPLETE GUIDE TO MEDIATION: HOW TO EFFECTIVELY REPRESENT YOUR CLIENTS AND EXPAND YOUR FAMILY LAW PRACTICE (2d ed. 2015).

20. Lisa M. Horvath, *The Legal Checkup for the Elderly: Diagnosing and Preventing Common Legal Illness*, 2 T.M. COOLEY J. PRAC. & CLINICAL L. 41 (1998).

21. For articles about emergency room overcrowding, akin to full family court dockets, see Nathan R. Hoot & Dominik Aronsky, *Systematic Review of Emergency Department Crowding: Causes, Effects, and Solutions*, 52 ANNALS OF EMERGENCY MED. 126 (2008).

22. See *The Pros and Cons of an Annual Physical*, THE DIANE REHM SHOW (Apr. 7, 2015, 10:00 AM), <http://thedianerehm-show.org/shows/2015-04-07/the-pros-and-cons-of-an-annual-physical>; Wes Venteicher, *Doctors Debate Need for Regular Checkups*, TRIBLIVE (Jan. 4, 2016, 6:09 PM) <http://triblive.com/news/adminpage/9720658-74/doctor-medicine-review>; but see Brian Palmer, *The Case Against the Annual Checkup*, SLATE (Aug. 20, 2013, 5:45 AM), [http://www.slate.com/articles/health\\_and\\_science/medical\\_examiner/2013/08/annual\\_checkups\\_going\\_to\\_the\\_doctor\\_when\\_you\\_re\\_not\\_sick\\_does\\_more\\_harm.html](http://www.slate.com/articles/health_and_science/medical_examiner/2013/08/annual_checkups_going_to_the_doctor_when_you_re_not_sick_does_more_harm.html).

23. *Id.*

24. *Understanding Psychotherapy and How it Works*, AM. PSYCHOL. ASS'N, <http://www.apa.org/helpcenter/understanding-psychotherapy.aspx> (last visited Jan. 27, 2016).

25. *Id.*

26. Louis M. Brown, the Father of Preventive Law, lived and taught a simple maxim: A preventive lawyer never closes a case file. See Wolfgang Saxon, *Louis M. Brown, 87, Lawyer Who Emphasized Prevention*, N.Y. TIMES, Dec. 7, 1996, <http://www.nytimes.com/1996/12/07/us/louis-m-brown-87-lawyer-who-emphasized-prevention.html>.



27. See Georgia L. Stevens, *G90-960 Laws That Impact Our Lives*, HISTORICAL MATERIALS FROM UNIVERSITY OF NEBRASKA-LINCOLN EXTENSION, <http://digitalcommons.unl.edu/extensionhist/368> (last visited Sept. 29, 2016).

28. Again, the teachings of Louis M. Brown are instructive in that he urged contact with lawyers during “life cycle events” such as marriage, divorce, birth of a child, retirement, or death. See Saxon, *supra* note 26.

29. See THOMAS BARTON, *PREVENTIVE LAW AND PROBLEM SOLVING: LAWYERING FOR THE FUTURE* (2009); LOUIS M. BROWN, *LAWYERING THROUGH LIFE: THE ORIGIN OF PREVENTIVE LAW* (1986); LOUIS M. BROWN & EDWARD A. DAUER, *PLANNING BY LAWYERS: MATERIAL ON A NONADVERSARIAL LEGAL PROCESS* (1978).

30. See Louis M. Brown, *The Law Office—A Preventive Law Laboratory*, 104 U. PA. L. REV. 940 (1956); Lande & Mosten, *supra* note 5; Mosten, *supra* note 6; Forrest S. Mosten, *Developing a Peacemaking Law Practice*, LAW PRACTICE TODAY (Jan. 14, 2015), <http://www.lawpracticetoday.org/article/peacemaking-law/>.

31. Mosten, *supra* note 6.

32. This unbundling of roles between diagnostician and service provider is at the root of preventive lawyering. For example, few family lawyers also sell insurance products. However, a practicing preventive family lawyer can help the client understand the need for insurance and other providers can complete the preventive work.

33. See, e.g., Susan L. Pollet & Melissa Lombreglia, *A Nationwide Survey of Mandatory Parent Education*, 46 FAM. CT. REV. 375 (2008); Peter Salem, *Education for Divorcing Parents: A New Direction for Family Courts*, 23 HOFSTRA L. REV. 837 (1995); Andrew L. Shepard & Stephen W. Schlissel, *Planning for P.E.A.C.E.: The Development of Court-Connected Education Programs for Divorcing and Separating Families*, 23 HOFSTRA L. REV. 845 (1995). See also *infra* Part III.B.2.

34. To complete the medical analogy, just as patients do not start working out or eliminating desserts just because their physician suggests that a few pounds be shed, family members will not always follow a preventive family lawyer’s advice. Preventive lawyering requires tolerance and persistence to provide advice, referrals, and other resources with the foresight that the client will probably continue to live with legal disease and not take a “legal aspirin” per day to avoid legal stroke.

35. Preventive scholars rely on medical analogies for legal prevention. See Forrest S. Mosten, *The Lawyer as Collaborative and Preventive Peacemaker*, in *REINVENTING THE PRACTICE OF LAW 23-42* (Luz Herrera ed., 2014); Louis M. Brown, *Legal Autopsy*, 39 J. AM. JUDICATURE SOC’Y 47 (1955); Louis M. Brown, *Family Lawyer and Preventive Law*, 35 J. ST. B. CAL. 43 (1960); Louis M. Brown, *Preventive Medicine and Preventive Law: An Essay that Belongs to My Heart*, 11 L. MED. & HEALTH CARE 220 (1983).

36. Mosten, *supra* note 6.

37. Such a call could involve a mediator or simply be a planned, private conversation between the parents to express concerns, air grievances, and collaborate effectively on a regularly scheduled basis.

38. Beyond co-parenting between divorced couples, similar preventive techniques can be used to discuss elder care, open adoption multiparenting, and many more family dynamics. Communication deescalates tension, and it is a preventive lawyer’s job to create protocols for effective, conflict-preventive communication. See, e.g., *Prevention of Elder Abuse, and Neglect, and Exploitation (Title VII-A3)*, ADMIN. ON AGING, [http://www.aoa.acl.gov/AoA\\_Programs/Elder\\_Rights/EA\\_Prevention/index.aspx](http://www.aoa.acl.gov/AoA_Programs/Elder_Rights/EA_Prevention/index.aspx) (last visited Jan. 27, 2016); Mandi MacDonald & Dominic McSherry, *Open Adoption: Adoptive Parents’ Experiences of Birth Family Contact and Talking to Their Child about Adoption*, 35 ADOPTION & FOSTERING 4 (2011); Forrest S. Mosten & Lara Traum, *Children, Parents, and the Elderly: It Takes a Village: Using Seniors to Help Divorcing Families*, 17 CARDOZO J. CONFLICT RESOL. 767 (2016).

39. The most widespread mediation program in history was the Post Office Dispute Resolution program. This program, which utilized a transformative mediation process focused on facilitated conversations between disaffected postal employees and their supervisors. The main goal of these mediations was not to settle claims: rather to reduce tensions and promote better understanding in the work place to avoid violence and other outbreaks of tensions. See Tina Nabatchi & Lisa B. Bingham, *Transformative Mediation in the USPS Redress Program: Observations of ADR Specialists*, 18 HOFSTRA LAB. & EMP. L. & EMPLOY. L.J. 399 (2001); Similarly, the Public Conversations programs to discuss race relations have similar broader goals rather than settling a current dispute or lawsuit. See, e.g., *Community Dialogue Guide: Conducting a Discussion on Race*, U.S. DEPT. OF JUSTICE (Sept. 2003), <http://www.justice.gov/archive/crs/pubs/dialogueguide.pdf>.

40. Mosten, *supra* note 2. [AU: There is no Mosten reference in FN 2, please confirm which note this “*supra*” refers to.]

41. Intake forms and annual consultations mimic already familiar medical practices, asking clients to share whether they are experiencing certain kinds of issues with their spouses, children, parents, communities, real estate agents, and more.

42. The success of the dental profession in providing and marketing preventive services should be a model for family lawyers. Just as the rise of self-represented litigants has caused a crisis and opportunity for the family courts and legal profession, the use of fluoride in drinking water to prevent tooth decay played the same role for dentists. By converting from primarily tooth drillers to preventive dental wellness providers, the dental profession has thrived as might family lawyers who follow this lead.

43. See MOSTEN & SCULLY, *supra* note 19; Michael A. Zeytoonian, *The Case for Dispute Resolution Clauses on Contracts*, MEDIATE.COM (Nov. 2014), <http://www.mediate.com/articles/ZeytoonianMbl20141111.cfm>.

44. See Lande & Mosten, *supra* note 5.

45. See Jane C. Murphy, *Access to Legal Remedies: The Crisis in Family Law*, 8 B.Y.U. J. PUB. L. 123 (1993).

46. See Renee Inomata, *10 Most Overlooked Executive Separation Agreement Clauses—Part 1*, LEXOLOGY (Sept. 4, 2014), <http://www.in-houseadvisor.com/2014/09/04/10-most-overlooked-executive-separation-agreement-clauses-part-1/#more-1979>; see also Renee Inomata, *10 Most Overlooked Executive Separation Agreement Clauses—Part 2*, LEXOLOGY (Sept. 9, 2014), <http://www.lexology.com/library/detail.aspx?g=c7bc3c1f-5a8d-44ee-a98a-e809d9622f75>.

47. A sample dispute resolution clause is:

#### **FUTURE DISPUTE RESOLUTION PROTOCOL**

In the future, should there be a dispute, you agreed to the following multi-step process to place as many barriers as possible between the parties and the courthouse and to give every opportunity for amicable and controlled resolution:

1. **Direct Discussion**—If there is a problem or concern, you both will make time to discuss this concern or problem in person or over the telephone.
2. **Written Notice**—If the matter remains unresolved, the party with the concerns shall give written notice to the other party with a copy to each Collaborative Professional of the details of the problem or concern and a proposed solution.
3. **Personal Neutral Meet and Confer**—If the matter remains unresolved, the parties shall meet in a neutral venue for a maximum of one hour to attempt to resolve the problem or concern as set out in the written notice.
4. **Meet with a neutral child specialist or both divorce coaches**—If the matter remains unresolved, the parties will meet with a neutral child specialist or both divorce coaches to attempt to resolve the problem or concern.
5. **Collaborative Joint Session**—If the matter remains unresolved, the two of you will meet with the Collaborative Divorce Lawyers (and Coaches) for a reasonable amount of time (minimum 3 three sessions unless resolved earlier).
6. **Confidential Mini-Evaluation**—If the matter remains unresolved, you shall select a neutral qualified child custody evaluator to perform a Confidential Mini-Evaluation that shall not be admissible in court.
7. **Formal Custody Evaluation**—If the matter remains unresolved, you will mutually select a second qualified child custody evaluator to perform a Full Evaluation that shall be admissible in court.
8. **Collaborative Joint Session**—Following the submission of an Evaluation Report, prior to submitting the report to Court, the parties shall return to Collaborative Joint Sessions for a reasonable amount of time (minimum 3 three sessions unless resolved earlier)
9. **Mediation**—If following the Collaborative Joint Sessions the matter remains unresolved, prior to submitting the Evaluation report to Court, the parties shall return to mediation for a reasonable amount of time (minimum 3 sessions unless resolved earlier).
10. **Court Determination**—If the matter remains unresolved, either party may initiate litigation or determination of the concern or problem by a judicial officer. The Collaborative Attorneys and all members of the Collaborative Divorce Team are disqualified from participating in the court litigation
11. **Mediation**—Following judicial determination, the parties shall return to Collaborative Joint Sessions for a reasonable amount of time (minimum 3 sessions unless resolved earlier) to clarify any judicial ruling and to repair the family.

#### **COLLABORATIVE NEGOTIATION AND MEDIATION CLAUSES**

Collaborative Negotiation: Prior to filing any court action (absent emergency) with respect to any dispute that may arise in connection with this Settlement Agreement/Judgment, the parties shall participate in meaningful collaborative discussions with counsel of their choice who are trained and committed to the Collaborative Principles and Guidelines incorporated in the Stipulation for Collaborative Law Case filed in this action. For the purposes of this Judgment “meaningful” shall mean a minimum of nine (9) hours of face to face collaborative attorney discussions (in the aggregate, unless agreement is reached earlier) with both parties having the right to be present. This Collaborative Negotiation clause is binding on the parties and their respective heirs, administrators, assigns and other successors-in-interest.

Mediation Clause: After participating in Collaborative Negotiations, prior to filing any court action (absent emergency) with respect to any dispute that may arise in connection with this Judgment, the parties shall participate in meaningful mediation with a mediator mutually selected or appointed by the Court. For the purposes of this Judgment “meaningful” shall mean a minimum of nine (9) hours of mediation (in the aggregate, unless agreement is reached earlier) with both parties having the right to be present. This mediation clause is binding on the parties and their respective heirs, administrators, assigns and other successors-in-interest. MOSTEN & SCULLY, *supra* note 19.

48. See, e.g., James H. Bray & Ernest N. Jouriles, *Treatment of Marital Conflict and Prevention of Divorce*, 21 J. MARITAL & FAM. THERAPY 461 (1995); Lara Traum, *Involved, Empowered and Inspired: How Mediating Halakhic Prenuptial Agreements Honors Jewish and American Law and Builds Happy Families*, 17 CARDOZO J. CONFLICT RESOL. 179 (2015).

49. Concerns or fears on behalf of one or both family members are often the motivators for initiating discussions about such agreements. These fears or concerns might have resulted in arguments or conflictual behavior that may be exhibited in the negotiation and drafting of drafting provisions. However, in addition to putting an end to (or at least reducing) these conflicts, the major difference from settlements is that the parties anticipate an ongoing relationship and attempt to ameliorate problems in the future.

50. See Legal Health Checklist, CAL. ST. BAR (2006), [http://calbar.ca.gov/Portals/0/documents/publications/LegalHealth-Checklist\\_2006.pdf](http://calbar.ca.gov/Portals/0/documents/publications/LegalHealth-Checklist_2006.pdf).

51. See Dorree Armstrong, *5 Effective Parenting Programs to Reduce Problem Behaviors in Children*, UW TODAY (Dec. 16, 2013), <http://www.washington.edu/news/2013/12/16/5-effective-parenting-programs-to-reduce-problem-behaviors-in-children>; Beth Greenwood, *The Effectiveness of Parenting Classes*, OUR EVERYDAY LIFE, <http://oureverydaylife.com/effectiveness-parenting-classes-5089.html>. (last visited Jan. 27, 2016); Salem, *supra* note 33; Schepard & Schlissel, *supra* note 33; Amanda

Sigal et al., *Do Parent Education Programs Promote Healthy Post-Divorce Parenting? Critical Distinctions and a Review of the Evidence*, 49 FAM. CT. REV. 120 (2011).

52. Beverly Bird, *Vexatious Litigation Used in Divorce*, LEGALZOOM, <http://info.legalzoom.com/vexatious-litigation-used-divorce-27110.html>. (last visited Jan. 27, 2016).

53. See Edward Kruk, *What Makes for Successful Co-Parenting After Divorce?*, PSYCHOL. TODAY (Nov. 10, 2014), <https://www.psychologytoday.com/blog/co-parenting-after-divorce/201411/what-makes-successful-co-parenting-after-divorce>; Jennifer Wolf, *5 Tips for Conducting Successful Coparenting Meetings*, ABOUT PARENTING (Apr. 6, 2015), [http://singleparents.about.com/od/familyrelationships/tp/weekly\\_meetings.htm](http://singleparents.about.com/od/familyrelationships/tp/weekly_meetings.htm).

54. This preventive lawyering help can take place within the traditional full service model or within an unbundling context. Either way, the lawyer can play a peacemaking preventive role. See Forrest S. Mosten, *Unbundled Legal Services to Enhance Peacemaking in Divorcing Families*, 53 FAM. CT. REV. 439 (2015).

55. See, e.g., Donald T. Saposnek, *Ten Tips for Developing and Drafting Effective Parenting Plans in Mediation*, MEDIATE.COM (Oct. 2013), <http://www.mediate.com/articles/saposnekparentingplans.cfm>; Darcia C. Tudor, *The Parenting Plan—A Map for Allies or a Means to Continue the War?*, DIVORCE SOURCE, <http://www.divorcesource.com/ds/newyork/the-parenting-plan-a-map-for-allies-or-a-means-to-continue-the-war-4571.shtml> (last visited Jan. 27, 2016).

56. See Rosalind Sedacca & Amy Sherman, *Managing Anger Triggered by Divorce or Relationship Issues*, HUFFINGTON POST (Aug. 17, 2012, 2:42 AM) [http://www.huffingtonpost.com/rosalind-sedacca/managing-anger-triggered-\\_b\\_1753855.html](http://www.huffingtonpost.com/rosalind-sedacca/managing-anger-triggered-_b_1753855.html); see also Ari Novick, *Anger Management Courses Teach Successful Co-Parenting Techniques*, SELF GROWTH, <http://www.selfgrowth.com/articles/anger-management-courses-teach-successful-co-parenting-techniques> (last visited Jan. 27, 2016); Rosalind Sedacca, *Anger Management Techniques for Divorced Parents—And Others!*, ANGER MANAGEMENT GROUPS (2008), <http://www.angermanagementgroups.com/anger-management-for-divorced-parents>.

57. See Forrest S. Mosten, *Unbundling Legal Services in 2014: Recommendations for the Courts*, 53 JUDGE'S J. 10 (2014), [https://www.nycourts.gov/ip/nyaj2j/LawALaCarte/materials/ForrestMosten\\_UnbundlingRecommendations.pdf](https://www.nycourts.gov/ip/nyaj2j/LawALaCarte/materials/ForrestMosten_UnbundlingRecommendations.pdf).

58. See *Why Don't Clients Respect Office Hours?*, A.B.A., [http://www.americanbar.org/groups/gpsolo/resources/solosez/popular\\_threads\\_2011/062211Thread5.html](http://www.americanbar.org/groups/gpsolo/resources/solosez/popular_threads_2011/062211Thread5.html) (last visited Jan. 27, 2016).

59. Children who experience bullying in the public school system may need to suddenly consider transferring to private school, affecting the financial agreements between co-parents. Remarriage among parents might result in new siblings, expansion of families, relocation, and new interpersonal and financial considerations. For more on family court relitigation, see Wilma J. Henry et al., *Parenting Coordination and Court Relitigation: A Case Study*, 47 FAM. CT. REV. 682 (2009).

60. Mosten & Traum, *supra* note 38 (citing Memorandum from Hon. Barry Goode to Hon. Laurie Earl (Mar. 11, 2013), available at <http://www.courts.ca.gov/partners/documents/20130312-PJ-Instant-Survey-Impacts.pdf>); see also Sharon McCloskey, *State Courts Head into the 2015 Budget Session Stripped to the Bone*, N.C. POL'Y WATCH (Jan. 14, 2015), <http://www.ncpolicywatch.com/2015/01/14/state-courts-head-into-the-2015-budget-session-stripped-to-the-bone>.

61. There is the parent who wants more child support given a child's new asthma diagnosis. There is the parent who wants more, or less, parenting time due to appearance of a new significant other. See, e.g., Nicole Myers, *How do I introduce my children to a new partner after divorce?*, DR. STRESS & ASSOCIATES, LLC (Dec. 21, 2015), [http://www.drstressassociates.com/blog/article.phtml/4BC279F6/how\\_do\\_i\\_introduce\\_my\\_children\\_to\\_a\\_new\\_partner\\_after\\_divorce](http://www.drstressassociates.com/blog/article.phtml/4BC279F6/how_do_i_introduce_my_children_to_a_new_partner_after_divorce).

62. More research is needed to study the role of preventive interventions on the high-conflict families and how such interventions succeed in comparison to low and moderate conflictual families. For a longitudinal look at families with various levels of conflict, see CONSTANCE AHRONS, *WE ARE STILL FAMILY: WHAT GROWN CHILDREN HAVE TO SAY ABOUT THEIR PARENTS' DIVORCE* (2004).

63. See Susan Daicoff, *Therapeutic Jurisprudence/Preventive Law and the Lawyering Process: Making Law Therapeutic for Lawyers: Therapeutic Jurisprudence, Preventive Law, and the Psychology of Lawyers*, 5 PSYCHOL. PUB. POL'Y & L. 811, 815 (1999).

64. Parents may arrive late or early. Interactions may be cordial or tense. Client anxiety tends to run high, and many instantly call their lawyers. For more descriptions about lawyer practices in family law, see LYNN MATHER ET AL., *DIVORCE LAWYERS AT WORK: VARIETIES OF PROFESSIONALISM IN PRACTICE* (2001); See also Austin Sarat & William L.F. Felstiner, *Law and Strategy in the Divorce Lawyer's Office*, 20 LAW & SOC'Y. REV. 93 (1986).

65. *Legal Needs and Civil Justice, A Survey of Americans*, A.B.A. (1994), [http://www.americanbar.org/content/dam/aba/administrative/legal\\_aid\\_indigent\\_defendants/downloads/legalneedstudy.authcheckdam.pdf](http://www.americanbar.org/content/dam/aba/administrative/legal_aid_indigent_defendants/downloads/legalneedstudy.authcheckdam.pdf).

66. See Murray Bowen, *Murray Bowen's Insights into Family Dynamics*, in FAMILY THERAPY: AN OVERVIEW (1991).

67. See Bruce J. Winick, *The Expanding Scope of Preventive Law*, 3 FLA. COASTAL L.J. 189 (2002).

68. Natalie Anne Knowlton, *The Family Law Bar: Stewards of the System, Leaders of Change*, 55 FAM. CT. REV. 1 (2017).

*Forrest S. Mosten is a collaborative lawyer and mediator who has been in private peacemaking practice in Los Angeles since 1979. He has a full-time family practice without accepting litigation engagements. He balances his professional time by serving as an adjunct professor of law at the University of California, Los Angeles and keynotes conferences and presents trainings worldwide. He is the author of four books and numerous articles in the areas of collaborative practice, mediation, unbundling legal services, building profitable professional practices, expanding legal access, and peacemaking.*

*Lara Traum is an associate, mediator, and director of the Moderate Family Mediation project at the Law Firm and Mediation Practice of Alla Roytberg. She is a cum laude graduate of the Benjamin N. Cardozo School of Law (2016), with a concentration in family and matrimonial law as well as a Jacob Burns Medal for Scholastic Achievement. She is the former editor in chief of the Cardozo Journal of Conflict Resolution and a winner of numerous mediation competitions. She has written academically on matters ranging from halakhic prenuptial agreement mediation to elder care and empowerment and continues to speak at various symposia and conferences. She is a member of the New York City Bar Association's Committees on Alternative Dispute Resolution and Children and the Law as well as a director on the board of the Council of Jewish Émigré Community Organizations.*