

A Practice with Heart

By Susan V. Busby



Introduction

Clients are not usually happy to be in my office. They find themselves there because a relationship they once felt was so fine that they made a lifelong commitment to it is ending. Faced with this often deeply distressful life change, their unhappiness is compounded by the need to pay a lawyer to guide them through the legal process and to right wrongs they perceive have been done to them. In this emotionally charged and unhappy situation, I see an opportunity to create an environment where some relaxation can occur and, therefore, focus my efforts on facilitating a process by which a painful divorce can be a transformative experience rather than one of defeat and destruction.

When seeking a divorce, clients generally have four options: they can do it themselves, work with a mediator, engage in a collaborative process, or go through litigation. The do-it-yourself option is sufficient when the divorcing spouses are able to

work together to resolve all issues. If they are unable to do this, the method involving the least amount of professional intervention is mediation, a process in which parties hire one mediator who doesn't represent either spouse but facilitates discussion and resolution of contested issues. If trust is present in the relationship, but one or both spouses want an advocate present during negotiation sessions, then the collaborative process is more suitable. In this process, each party hires an attorney, but both spouses and their lawyers sign an agreement to work collaboratively and, more importantly, not to go to court. If none of these methods is appropriate, then a litigation case is filed. Even within a litigated divorce, the spouses and lawyers can still act cooperatively but have the option of going to court if necessary.

Until the advent of non-adversarial models to process a divorce, such as mediation and collaborative law, there was no place for

In this personal essay, Susan Busby, a matrimonial lawyer, explains how the practice of Buddhism informs her legal work and enhances her ability to be an effective guide to clients as they move through the challenging situation of ending a marriage.

the type of transformative and respectful approach described in these pages. Instead, there was a professional impulse by many lawyers to fan the flames of fear during the legal process rather than cool the fires of emotion. Mediated and collaborative divorces help couples maintain sanity, whereas litigation by its very structure is designed to draw battle lines. While it is true that some people just want to fight, my