

**MCLC MEMBERSHIP STANDARDS FOR COLLABORATIVE
PRACTITIONERS
Adopted March 18, 2020**

PREFACE

MCLC Vision

Transforming the culture of conflict resolution.

MCLC Mission

Advancing Collaborative Law Practice through education, advocacy and professional development.

MCLC is a community of interdisciplinary professionals, dedicated to resolving legal disputes out of court. MCLC consists of attorneys, mental health professionals, coach/facilitators, financial specialists, mediators, and other professionals who use a team-based approach to conflict resolution. The focus is on problem solving, with a client-centered focus that addresses needs, interests, and goals through the use of advocacy without being adversarial.

The membership standards are intended to promote the essential elements of Collaborative Law Practice by defining a common set of expectations for professionals while balancing the following goals:

- Ensure a high level of integrity for the benefit of clients;
- Promote access to Collaborative Law Practice across all demographics;
- Prioritize inclusion of professionals committed to non-adversarial conflict resolution.

The membership standards are designed to establish minimum expectations for professionals, and to support the goal of ensuring that Collaborative Law Practice retains quality, consistency, and integrity.

MCLC is not a regulatory body. These membership standards do not form a basis for determining whether a practitioner is subject to legal liability or disciplinary action. Collaborative Practitioners engaged in the practice of collaborative law remain subject to the rules and regulations of their respective professions of origin.

1. GENERAL REQUIREMENTS:

1.1 The Collaborative practitioner is a member in good standing of Massachusetts Collaborative Law Council, Inc.

1.2 If the Collaborative practitioner has a license or other certification in their profession(s) of origin (for example: for attorneys this would refer to their license to practice law), they must be in good standing in each jurisdiction in which he or she is licensed or certified.

1.3 Basic Training - The Collaborative practitioner has completed at least twelve hours of basic interdisciplinary Collaborative training that, except for the number of hours required, meets IACP Minimum Standards for Introductory Collaborative Practice Trainings and Introductory Interdisciplinary Collaborative Practice Trainings.

1.4 Additional Training - In order to grow and maintain Collaborative skills, the Collaborative practitioner has a responsibility to maintain and upgrade their skills and knowledge on an ongoing basis. It is strongly recommended that the collaborative practitioner receive more in-depth/advanced training in conflict resolution such as:

- a basic 30-hour course in facilitative conflict resolution, such as mediation training
- Advanced mediation training
- Advanced Collaborative training as well as continuing education as required by their particular licensing board
- Communication skills training

It is also recommended that in every two (2) year period subsequent to the first year of membership, members complete at least three (3) hours of additional training in mediation, collaborative practice, non-adversarial negotiation, or related topics and attend at least six (6) MCLC sponsored Practice Group meetings or other MCLC sponsored trainings or events.

1.5 The Collaborative practitioner diligently strives, when engaged in Collaborative Law Practice, to practice in a manner consistent with the following:

- a. Massachusetts Collaborative Law Council Guidelines for Best Collaborative Family Law or the Massachusetts Collaborative Law Council Principles for Collaborative Business Law Dispute Resolution (as may be appropriate for their relevant practice area and profession); and
- b. IACP Standards and Ethics for Collaborative Practitioners.

Sections 2-6 below are the Professional Standards for Collaborative practitioners to qualify for various designations. Members who designate themselves as having a particular specialty are expected to meet the Professional Standards for Collaborative Practitioners. When forming Collaborative teams, it is recommended that Collaborative professionals and clients ascertain whether or not the professionals they are contemplating working with meet these Professional Standards. Deviations from these Standards should only be made with due consideration for the particular circumstances.

2. PROFESSIONAL STANDARDS FOR COLLABORATIVE FINANCIAL NEUTRAL (“CFN”)

The following represent Professional Standards for a CFN within the Massachusetts Collaborative Law Council, in order to designate themselves to practice as a CFN in the Collaborative process:

A. PROFESSIONAL QUALIFICATIONS

In order to be able to assist clients with the wide range of financial implications of a legal dispute, the CFN must have a good understanding of the financial planning process, as well as the implications associated with various financial decisions involved in the relevant legal process. There are various licenses and designations that may represent sufficient financial education, training, and knowledge for various types of disputes. Therefore, while MCLC chooses not to designate specific license requirements, the CFN must hold a license, certification, or designation that requires a broad-based financial background and continuing education, and that is regulated by a governing body under a code of ethics. The following designations, if currently licensed or certified in good standing, would qualify for this standard:

- Certified Public Accountant (CPA)
- Certified Financial Planner (CFP)
- Chartered Financial Consultant (ChFC)
- The Chartered Global Management Accountant (**CGMA**)
- Certified Management Accountant (CMA)
- Certified General Accountant (CGA)
- Chartered Accountant (CA)
- Certified Divorce Financial Analyst (CDFA)
- Certified Financial Divorce Practitioner (CFDP)

B. PRACTICE IN FAMILY LAW

For practice as a family law CFN, the practitioner must also demonstrate competence in addressing financial issues specific to couples in divorce through the acquisition of education and training such as that which can be obtained through the Certified Divorce Financial Analyst (CDFA) program or through the Certified Financial Divorce Practitioner (CFDP) program.

3. PROFESSIONAL STANDARDS FOR COLLABORATIVE COACH/FACILITATOR (“CCF”)

The following represent Professional Standards for a CCF within the Massachusetts Collaborative Law Council in order to designate themselves to practice as a CCF in the Collaborative process:

A. PROFESSIONAL QUALIFICATIONS

In order to be able to assist clients with the wide range of communication and emotional implications of a legal dispute, the CCF must have a good understanding of communication dynamics and how they might affect the ability of clients to reach decisions in the relevant legal process. There are various licenses and designations that may represent sufficient education, training, and knowledge to facilitate various types of disputes. Therefore, while MCLC chooses not to designate specific license requirements, the CCF must hold a license, certification, or designation in their state or country that requires continuing education, and that is regulated by a governing body under a code of ethics. The following designations, if currently licensed or certified in good standing, would qualify for this standard:

- Licensed Independent Clinical Social Work (LICSW)
- Licensed Marriage and Family Therapist (LMFT)
- Licensed and Board Certified Psychiatrist
- Licensed Clinical Psychologists (Ed.D., Ph.D., Psy. D.)
- Licensed Masters level Psychiatric Nurses
- Licensed Mental Health Counselors
- Certified graduate of an International Coach Federation Accredited Coach Training Program (ACTP) or comparable coaching program

B. PRACTICE IN FAMILY LAW

For practice as a family law CCF, the CCF should also have clinical training and experience in individual, couples and family therapy with supervision, along with group theory and practice, or training and experience with family systems dynamics. Additionally, the CCF should be trained in child development, family systems, parenting issues, the

psychological effects of divorce, domestic violence, substance abuse, and confidentiality and related ethical issues.

C. TRAINING

The CCF should have or seek ongoing trainings and skills in related areas, such as Non-Violent Communication, Emotional Intelligence, systems training, facilitation training and negotiation training.

4. PROFESSIONAL STANDARDS FOR COLLABORATIVE ATTORNEY (“CA”)

The following represent Professional Standards for a CA within the Massachusetts Collaborative Law Council, in order to designate themselves to practice as an attorney in the Collaborative process:

A. PROFESSIONAL QUALIFICATIONS

The CA must be currently licensed as a lawyer in good standing in each jurisdiction in which he or she is licensed to practice law as an attorney.

B. PRACTICE IN FAMILY LAW

For practice as a family law CA, the CA should also have training and experience in relevant family law statutes, case law and procedures, as well as training in parenting issues, the psychological effects of divorce, domestic violence, and confidentiality and related ethical issues.

5. PROFESSIONAL STANDARDS FOR COLLABORATIVE FAMILY LAW CHILD SPECIALIST (“CS”)

The following represent Professional Standards for a CS within the Massachusetts Collaborative Law Council, in order to designate themselves to practice as a CS in the Collaborative process:

A. PROFESSIONAL QUALIFICATIONS

In order to be able to assist clients with the skills and knowledge required as a CS, the CS should be a licensed mental health professional in good standing with one of the following licenses:

- Licensed Independent Clinical Social Work (LICSW)
- Licensed Marriage and Family Therapist (LMFT)
- Licensed and Board Certified Psychiatrist

- Licensed Clinical Psychologists (Ed.D., Ph.D., Psy. D.)
- Licensed Masters level Psychiatric Nurses
- Licensed Mental Health Counselors

B. TRAINING

The CS should also have clinical training and experience in individual, couples and family therapy with supervision, along with group theory and practice. Additionally, the CS should be trained in diagnostic assessment, child development, family systems, parenting issues, the psychological effects of divorce on children, domestic violence, substance abuse, confidentiality and related ethical issues, as well as emergency psychiatric care.

6. PROFESSIONAL STANDARDS FOR OTHER COLLABORATIVE PRACTITIONERS

Not all Collaborative practitioners involved in a case will fit into the categories described in sections 2-5 above. For example, an expert such as a real estate appraiser, may wish to designate themselves as a Collaborative practitioner and assist with appraisals consistent with the principles of hiring experts in the Guidelines for Best Collaborative Family Law. The following represent Professional Standards for a Collaborative practitioner within the Massachusetts Collaborative Law Council, that may not fit into one of the other designations:

A. PROFESSIONAL QUALIFICATIONS

In order to be able to assist clients with the wide range of issues that may arise in a collaborative dispute, Collaborative practitioners may come from a wide range of professions. If a Collaborative practitioner's area of expertise has an accepted standard of practice for which a certification or license is offered, then that practitioner must remain in good standing with that license or certification in order to designate themselves out as a Collaborative practitioner with that expertise.

B. PRACTICE IN FAMILY LAW

For practice as a family law expert, the Collaborative practitioner must also demonstrate competence in addressing issues specific to couples in divorce through the acquisition of education and training in the psychological effects of divorce and training specific to divorcing couples as relates to their expertise. For example, a business valuation expert, should be familiar with the ways in which the legal requirements for a business valuation in divorce may vary from those required in an audit.