

Nebraska Young Lawyers State • Bar • Association Section

Hello, Nebraska Young Lawyers! I'm Patrick McNamara, Editor of the Young Lawyers' Page. We've got a great issue this month. We had the opportunity to sit down with Jamie Hermanson and Scott Hahn to discuss collaborative divorce in Nebraska and their thoughts following completion of the training regimen. Sara Weber has provided a great piece encouraging young attorneys to get more involved with the NSBA. As always, we gladly welcome submissions from young attorneys across the state. If you're interested in writing, please contact me at pmcnamara@omahalawgroup.com.

Collaborative Divorce in Nebraska: First Impressions from Two Attorneys Who Recently Completed the Required Training Courses with Jamie Hermanson & Scott Hahn

Jamie, what were you expecting to learn about collaborative divorce before going into the training? And now that you've gone through the training, what types of families do you think would be a good fit for collaborative divorce?

Before the training I really wasn't sure who would be a good fit, but it seems that there are a wide variety of people and couples who could benefit from this process. Couples who have an extreme power imbalance or couples who have dealt with domestic violence may have a harder time being in this setting, but I don't think it's completely out of the question for them either. The unique thing about the collaborative process is that all of the professionals involved speak with one another on a regular basis and can help couples overcome these issues. There are a lot of resources and opportunities for these couples that a traditional divorce doesn't offer.



Scott, can you give us an idea of how the process works, and who is involved?

Not to get you too bogged down with details here, but in collaborative divorce, each client has an attorney and divorce coach. The collaborative divorce attorneys who trained us always work with a financial specialist and, when necessary, child specialist as part of the team. Once the clients determine they want to use the collaborative approach, there are team meetings with all the professionals, and other meetings with attorneys and clients and coaches and clients.



If all goes well and the process is seen through to the end, neither party ever sets foot in the courtroom, but instead they both approve the decree, property settlement, and parenting plan.

Throughout the entire process, it seems like it takes a village to get collaboratively divorced. I guess the question for a lot of attorneys, including myself, really is: Is that such a bad thing?

Jamie, did you get a sense that there were any benefits in particular to the collaborative divorce process and its effects down the road following the divorce?

Yes. We talked about the potential outcomes and how they can affect the couple. We also looked at a few different case studies and how those families are doing now. It seems that collaborative divorce leaves a communication channel open that the traditional divorce process does not. This process requires couples to sit down and really discuss what each party wants and how they can get there. Collaborative divorce seems more committed to preserving the family relationship and it keeps couples in control of the final decision instead of the court. In a typical divorce there seems to be a "one side wins and one side loses" mentality, whereas the collaborative process instead focuses on cooperation, respect, and relationships. Overall, it seems that this process leaves families in a better place with a stronger foundation to deal with co-parenting and life after their divorce.

Scott, as far as costs go, is collaborative divorce an economical solution compared to traditional divorce?

Assuming we have the right case and everyone is on board with the collaborative approach, collaborative divorce can definitely be an economical alternative to traditional divorce. Each attorney is paid his or her separate retainer by his or her client and then everyone else involved is paid out of those retainers as the divorce process continues. Any amount due and owing to anyone at the end of the case is satisfied from the marital estate. If the case is truly the right case for collaborative divorce, the number of total meetings and hours bills are limited, resulting in less fees for everyone. Compare this with the stories that we've all heard about clients having to cough up \$15,000 or more for a single day in trial, and collaborative divorce is most likely significantly less expensive for both clients than it would otherwise be going the traditional litigation route.

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Scott, any final takeaways?

Will I end up doing many collaborative divorces in my career? Who knows. But, after going to the training and witnessing all of the pitfalls and shortcomings all attorneys have encountered at some point in traditional litigation, I'm certainly willing to give collaborative divorce a try. And, in my opinion, so should you.

Jamie Hermanson graduated from the Creighton University School of Law in 2013 and is currently a solo practitioner. Jamie is also a certified mediator through the Office of Dispute Resolution. Her practice is focused on juvenile law and family law mediation.

Scott Hahn is an associate attorney at Hightower Reff Law in Omaha, Nebraska. Scott was previously a staff attorney at the Women's Center for Advancement. Among other organizations, Scott is an active member of the Omaha Suburban Rotary Club.

Take Your Career to the Next Level by Becoming More Involved in the NSBA

by Sara Weber



Have you ever thought about taking on a more meaningful role within the NSBA but held yourself back because you thought you didn't have enough to offer? Have you ever thought, "I'd love to do [fill in the blank] within the NSBA, but I'm sure there's a more experienced lawyer out there who will volunteer to do it, and the NSBA probably wouldn't want/doesn't need my help anyway"? If these thoughts have ever run through your mind, I want you to raise your hand. Now I want you to take that hand and use it to open up an email or make a phone call to one of us here at the NSBA and let us know what interests you or what NSBA program you'd like to be involved in. Because the reality is, in the immortal words of Uncle Sam, we want you!

Maybe you already know that you rock, but you're not yet convinced that getting more involved in the NSBA would be worth your while. Well, are you interested in connecting with and forming friendships with some of the most intelligent and influential lawyers in the state? Are you interested in communicating your expertise in a certain subject area to your fellow attorneys? Are you interested in giving back to the legal community? If so, I know one place where you can do all of that, and I'll bet you can guess where that is.

The following are some examples of ways to get involved with the NSBA as a young lawyer:

The Young Lawyers Section

You are automatically enrolled, for free, in the Young Lawyers Section (YLS) of the NSBA upon your admission to the practice of law in Nebraska. After your first year, you will be asked to pay nominal dues (\$10) to re-join the Section each year

when you pay your voluntary dues to the NSBA. Being a member of the Young Lawyers Section is a great way to become more involved in the NSBA. The YLS hosts CLEs throughout the year, has a regular page in *The Nebraska Lawyer*, hosts networking opportunities, and is working on tons of cool new stuff for young lawyers in 2016. If you're interested in becoming more involved with the YLS, contact Lorrie Benson at lbenson@nebar.com or 402-475-7091.

Other Sections

Along with joining the YLS, you also have the opportunity to join other Sections within the NSBA. Sections can be joined at any point during the year. Most are practice-area-related (like Family Law, Business Law, and Real Estate, Probate and Trust Law). Some are intended to support certain demographics (like Women in the Law and Hispanic Attorneys). NSBA Sections are always looking for people to take on leadership opportunities, whether large or small. Each Section needs help designing CLEs, publishing practice manuals, reviewing legislation, proofreading legal forms to be used in the NSBA's NebDocs program, and much more. Lorrie Benson would be happy to help you get involved with any of these Section-related tasks. I assure you that each Section's leadership will be very grateful for the helping hand.

CLEs

The NSBA CLE department is always looking for talented Nebraska lawyers who are interested in helping to improve the quality and quantity of the NSBA's CLE offerings. Contact me at sweber@nebar.com or 402-475-7091 about serving as a planning chair for a CLE, speaking at a CLE, or serving on the NSBA's Education Committee. If you feel you aren't quite ready to tackle a CLE on your own just yet, we'd also be happy to match you up with a more seasoned attorney so you two could work on it together.

The Nebraska Lawyer

The NSBA continuously accepts submissions for upcoming issues of *The Nebraska Lawyer*. While submitting an article does not guarantee that it will be printed, all submissions are taken into consideration. If you have an idea for an article you'd like to submit but you have not yet started writing, please contact me with your idea and I can work with you to figure out the best way to focus the article so it will fit perfectly in one of our issues. One of the best ways to ease your way into the world of NSBA publications is to submit something for the YLS page of *The Nebraska Lawyer*. Patrick McNamara (contact information above) is always welcoming submissions.

The Volunteer Lawyers Project

The Nebraska Rules of Professional Conduct encourages all

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attorneys to provide pro bono assistance to people who need a lawyer but cannot afford one. To that end, there are many ways in which VLP can use your help. The NSBA Volunteer Lawyers Project Help Desks, located in various counties across the state, are in desperate need of volunteer attorneys to lend a hand. You could just help a couple hours throughout the year, or be a VLP rockstar and make a standing commitment to being at your local help desk a few hours every week, providing limited assistance to self-represented litigants. Or, if really digging in on one case for one client is more your thing, you can represent one of the hundreds of applicants still waiting for a volunteer attorney to accept their case. Typical cases include family law, guardianship, bankruptcy, wills and other civil matters. Or, if you enjoy writing or making presentations, VLP needs help creating brochures and handouts on legal topics; making CLE presentations on pro bono assistance; giving presentations on legal topics at schools, to the elderly, and at community events; and writing articles on VLP and pro bono activities. Attorneys of all experience levels are welcome! VLP provides support,

training, mentoring, and professional liability insurance for all work you perform for VLP activities. Carol Cleaver, the Director of the NSBA's Volunteer Lawyers Project, would love to help you help others. She can be reached at ccleaver@nebar.com or 402-475-7091.

As you can see, there is a multitude of ways for you to enhance your career and make the NSBA even better by becoming more involved, and any of us here would be happy to help you do just that. Don't let your perceived lack of experience hold you back; some of the best ideas we've ever heard have come from our young lawyers. If you have something else in mind that you don't see listed above, contact any one of us and we can get you in touch with the right person. The NSBA is what it is because of our volunteers—become one today!

Sara Weber is the NSBA's Director of Continuing Legal Education and Editor of The Nebraska Lawyer. She received her J.D. from the University of South Dakota School of Law and her B.A. in English and Journalism at Augustana College in Sioux Falls, SD.

The NSBA's Top Advice at Your Fingertips: Introducing the NSBA Library

What if you could easily turn to some of Nebraska's best lawyers for their insider tips on the best ways to get something done for a client, or to reduce a tax bill, or save you time and headaches managing the technology in your office? Better yet, what if you could access all the information with a few computer keystrokes? Well, now you can!

The newly-organized online NSBA Library offers NSBA dues-paying members access to the NSBA's vast collection of information on topics ranging from agricultural law to workers' compensation. During the summer, the NSBA staff reviewed and organized thousands of pages of written materials and hours of video to make it easier for practitioners to find useful information. The NSBA Library includes seminar materials and videos, articles from *The Nebraska Lawyer*, forms, practice manuals, inheritance tax worksheets, and more.

The NSBA Library organizes materials by topic, such as Family Law or Real Estate. In addition, lawyers can search the entire NSBA Library using the search function on the NSBA website. For example, using the search terms "adop-

tion" or "deed of trust" or "social media" returns a wide array of information for any of the topics, including articles, seminar materials and videos.

Check out the new NSBA Library on the NSBA's website (www.nebar.com). Under the drop-down menu for "Practice Tools" is a link to the NSBA Library. Select the topic or practice area of interest and see the list of downloadable materials and videos. For some of the most current practice manuals and similar materials, the viewer will be directed to the NSBA Store, where the product can be purchased.

The value of the NSBA Library will continue to grow as new materials are added. The NSBA is interested in hearing from practitioners if there are materials that should be added to or deleted from the Library, are in the wrong practice area, or should be cross-listed in multiple areas.

The newly-organized Library helps the NSBA meet one of its strategic plan goals—"to provide members with valuable, relevant services and resources." Please contact us with any suggestions or comments as to how to improve the NSBA Library or other ways to meet our goal.

