

MASSACHUSETTS Lawyers Weekly

Part of the BRIDGETOWER MEDIA network

MARCH 6, 2023

Local attorney, retired Colorado judge train on new approach to divorce cases

■ Kris Olson

About 20 years ago, Lincoln family law attorney Heidi Webb was watching the 11 p.m. news when the image of a young Marine killed in Iraq flashed on the screen.

Webb immediately recognized him as the son of a former client. In a eulogy at the Marine's funeral, a high school teacher mentioned that the young man had joined the military because he felt like he had never had a family.

The comment stopped Webb in her tracks. The divorce case involving the young man's parents had a good outcome by most traditional metrics.

"But clearly, this young man hadn't been left feeling whole," she says.

Before going to law school, Webb had studied education, so she knew a thing or two about human development. That, too, helped foster Webb's sense that there had to be a better way to manage divorce cases.

"I started asking this pretty audacious question: 'Is English contract law really the best way for people to get divorced in this world, or are there other things that we can do to enhance the experience and ultimately the outcomes in the restructuring of this family?'" she says.

That thought eventually became the Consilium Process, which Webb has been using for the better part of two decades.

But within the past year, that process has grown into a full-blown institute. To help make that happen, Webb tapped a longtime friend who, despite mostly living across the country, had wound up leading a parallel professional existence.



Heidi Webb



Julie Field

When they were both undergraduates, Webb spent a month rooming with Julie Field while both were doing internships in Washington, D.C., and they became fast friends.

Field worked in Boston at Nutter, McClennen & Fish for a while, but her career then took her to the University of Michigan, where along with teaching she started a family law clinic working with victims of domestic violence. Eventually, Field wound up on the Probate Court bench in Colorado.

Throughout the years, the friends were regularly talking about how well the Consilium Process was working. Their mutual desire to evangelize first took the form of a workbook for clients.

"But then what we realized is that what we really need is to get the lawyers on board, and the judges and the other allied professionals – financial advisors and therapists – that work with people who are going through this family break-up and figure out a way to help them restructure," Field says.

The first thing to know about the Consilium Process is that "it's not its own thing," Webb says.

By that, she means that the techniques are transferrable to all processes, whether litigation, mediation, conciliation or arbitration.

Part of the process adapts the concepts behind restructuring a business through bankruptcy to set up a “reorganized” family for success.

But Consilium also provides a structure that fosters a deeper understanding among attorneys and other professionals about the psychodynamics and the relationships among the parties to the divorce.

“I think it’s a real mistake for lawyers to say, ‘Well, that’s not my issue; you see your therapist about that,’” Webb says.

An initial misperception that many have about Consilium is that it is like collaborative law, says Field, who is now retired from the bench.

“It’s [not] like everybody’s getting together and singing ‘Kumbaya’ together, and everybody’s going to get along and be happy at the end of it,” she says.

Rather, the name “Consilium” is a reference to the council of wise advisors that judges would convene in ancient Greece. While the process has at its foundation teaching lawyers to delve more deeply into their clients’ relationships and circumstances, another element is the role for Consilium-trained therapists and financial advisors.

The process “puts it all together in a systematic, strategic, thoughtful, planned way that applies both that internal family systems analysis and that business restructuring analysis in a way that works,” she explains.

According to Field, the first group of 22 lawyers trained within the past year have reported that the program has been transformational in how they see their work and the satisfaction they derive from their practices.

One of those lawyers is Jeffrey A. Soilson of Fitch Law Partners in Boston, who has been involved in contested family law litigation for more than 20 years.

Soilson says the Consilium training has made him more conscious of the language he uses and the questions he asks, which in turn has improved the quality of the relationships he has formed in his practice — and not just with his clients, but also opposing counsel and judges.

Not all the concepts were new, Soilson says. Indeed, as he was undergoing the training, Soilson was gratified to recognize at least some tactics that his experience had already led him to. But bringing more structure to how he applies those techniques has helped, too.

“Frankly, sometimes improving the quality of the relationships makes it easier to pick up the file,” Soilson says, adding that it also lends itself to a clearer, more or-

ganized presentation of evidence to a judge.

In addition to the 22 people who have completed the core training of the Consilium Institute at this point, dozens more have attended Consilium’s continuing education courses, including the 65 Colorado family law judges who participated in a program last year titled “Change Your Language, Change Your Outcomes.”

That same program will be offered free online on March 8 from 5 to 6 p.m.

The Boston firm Warner, Federico & Ryan will then host the next full Consilium Institute training in Boston on March 24 to 25.

Once lawyers and other professionals are trained in the Consilium Process, they are not just sent on their way. The training is reinforced through a multidisciplinary network that Field and Webb are in the process of building called The Tapestry.

As part of The Tapestry, Consilium-trained lawyers, financial advisors and therapists come together for monthly community meetings and regular social events. Tapestry members can also take advantage of monthly continuing education programs on topics ranging from financial issues to ethics to domestic violence.

Tapestry members are also invited to use Webb and Field as a sounding board for issues that arise in their cases.