

COLLABORATIVE LAW – SUMMARY

WHAT IS COLLABORATIVE LAW?

The Collaborative Law Process is about cooperation, not confrontation. It is problem solving with lawyers where you and your spouse try to understand each other. You and your spouse are responsible for information gathering and solutions.

- Each client is represented by his or her own lawyer throughout the process
- Both lawyers help you and your spouse work as a team to:
 - find and focus on your common interests;
 - understand each other's concerns;
 - exchange information;
 - explore a wide range of possible choices; and
 - reach solutions acceptable to both of you.

HOW IS COLLABORATIVE LAW DIFFERENT?

- Both lawyers and clients sign a contract at the start of the process which provides that all four parties to the contract will not go to Court or use threats of Court to solve the dispute
- If the collaborative process fails, both lawyers and their law firms must withdraw from acting for the respective clients
- The collaborative law process is conducted on a different basis to the traditional positional bargaining approach that lawyers adopt – it is based on both clients and lawyers adopting interest based negotiation techniques
- Negotiations are carried out almost entirely in four-way meetings attended by both lawyers and both clients
- In the Collaborative Law Process both clients will:
 - treat each other with respect;
 - listen to each others' perspectives, interests and concerns;
 - explore all possible choices;
 - let go of the past in order to focus on the future;

IS THE COLLABORATIVE LAW PROCESS THE RIGHT CHOICE?

Collaborative Law is an alternative dispute resolution process that has many advantages.

- Both clients have skilled legal advisers at every stage of the process. Both lawyers understand how to reach creative settlements. You are never on your own; your lawyer is at your side, explaining issues and helping you to achieve goals by mutual participation and agreement.
- Both clients will usually spend less money and time using the Collaborative Law Process than in other processes, particularly going to Court.
- Both clients and their lawyers agree in advance to work only toward a settlement acceptable to both clients. Litigation can never be threatened. Neither you nor your spouse will be permitted to play games or take advantage of each other.
- The lawyers share with their clients a financial incentive to make the Collaborative Law Process work. The lawyers have not succeeded unless they help you create a win-win solution. They are “out of a job” if the process breaks down.
- The lawyers are concerned about process as well as outcome.
- Clients and lawyers work together as members of the settlement team, rather than working against each other as “opposing parties”.

WHAT IS THE PROCESS?

All four-way meeting in the Collaborative Law Process always follows the same steps:

1. Identify what is important to each client (interests);
2. Identify what questions the clients need to answer;
3. Gather information;
4. Create the maximum number of choices;
5. Evaluate options and modify and refine them;
6. Negotiate to an acceptable agreement; and
7. Closure.