

COLLABORATIVE LAW

As an alternative to mediation, as a means to resolving issues outside of a court based process, collaborative law offers direct lawyer involvement in discussions under the umbrella of a commitment not to go to court.

The process involves specially trained lawyers supporting their clients in a series of '4 way' meetings to discuss issues arising from the breakdown of a relationship. The clients and the lawyers sign an agreement not to take the dispute to court and commit to resolving matters through face to face meetings. The commitment to work together and avoid a court process reduces the threat and pressure in an often emotionally charged and stressful situation which can greatly assist both parties.

The lawyers assist their clients with support and advice and provide ideas for discussion at meetings, with the aim of enabling creative and practical solutions which may not otherwise be available to the parties through a more traditional route. The lawyers commit to work together as well as for their own clients, encouraging conversations 'in the round'. They work with professional consultants such as independent financial advisors and life coaches to support and assist the parties. In this way, negotiations can progress at a pace suitable for the parties, and are not restricted to the straightjacket of a court process.

The process compares positively to more traditional negotiations or court processes in a number of ways:-

- Timing of meetings and dates can be at the convenience of the parties;
- Issues to be discussed are determined by the parties and their lawyers jointly and collaboratively;
- The process is less acrimonious and confrontational;
- Communications are direct thereby speeding up the process; and
- It can be a faster and, on occasions, a cheaper process than going to court.

By taking control of the process, parties in a collaborative negotiation ensure that their own needs and priorities are considered. Whereas the court process has strict rules about what information and issues can be discussed.

Outcomes negotiated in this way can still be approved by the court as an order, providing an enforceable document at the conclusion. The terms however tend to be better respected and understood by the parties who have had a far greater involvement and say in the outcomes than through a more traditional process.

For many couples the process of collaborative negotiations builds on and improves parenting relationships giving a wider benefit for the whole family (especially important where there are children) and far beyond the end of the process itself.