

COLLABORATIVE FAMILY LAW

A New Approach

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Collaborative Family Law is a relatively new approach initiated by family lawyers to try and enable their clients to manage the divorce process in a more positive and dignified manner.

To achieve this, the essential aims of a Collaborative approach to divorce are

- ❖ At the outset the lawyers and their clients agree in writing to reach settlement without Court involvement. Only if the Collaborative process fails can the parties resort to Court proceedings and must then each retain new lawyers
- ❖ The process takes place by way of “four way” meetings where the parties and their lawyers work together to resolve issues arising out of separation - most commonly issues involving children and finance
- ❖ Each client has their own lawyer but a team approach is adopted, working together to achieve settlement. This non-confrontational approach reduces animosity and promotes communication and amicable settlement to the benefit of the entire family
- ❖ Essentially the parties are in charge of the process - it is their settlement. The Collaborative lawyers are present at meetings to help articulate and guide their clients through the process
- ❖ Each party must be committed to open and honest discussion. There must be full disclosure of the parties financial positions
- ❖ Collaborative lawyers are specially trained in negotiation and mediation and they utilise these skills to help their clients shape a fair agreement.
- ❖ There is clarity for the clients as settlement discussions take place in their presence around the table. Correspondence between lawyers is discouraged, helping to keep costs and animosity to a minimum.

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- ❖ As the clients are in charge of the process they retain control of the speed at which matters progress.
- ❖ The Collaborative lawyers involved can and may advise the enlistment of other experts, such as child specialists, financial experts or property experts to help negotiate difficult issues.
- ❖ A more creative approach is possible - open discussion enables issues of particular importance to those clients to be identified, acknowledged and acted upon. The same issues may be overlooked in the traditional Court process.

Collaboration is not a process suited to all clients and situations.

A relationship breakdown will always involve financial and emotional costs: the Collaborative ethos seeks to minimise those costs for all concerned.

For more information please contact :-

Adney Payne or Emma McNeil-Wilson - Collaborative lawyers and accredited specialists with Resolution on 01328 863131.



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