

Collaborative Law

There is a common misconception that the traditional Court route or negotiations conducted through Solicitors' correspondence are the only options available when resolving financial children issues on divorce or separation. This can often be adversarial. This approach does not suit everyone.

What is Collaborative Law?

Collaborative Law is a process which aims to resolve financial, children and other issues arising from the separation and divorce through a series of meetings that involve the parties and their specially trained Lawyers. The aim is to work together toward the best solution for all concerned. This approach is often quicker, less stressful and less expensive than the traditional Court route.

How is it different to traditional practice?

1. Solicitors agree at the outset not to take the matter to Court. That means that they are absolutely committed to helping people find the best solution by agreement, rather than through conflict. If matters cannot be resolved then the clients will be required to go to another Solicitor. The collaborative Lawyer cannot represent the client in a Court case.
2. Matters are resolved through face to face meetings – so everyone is aware of the issues. It creates a working together atmosphere to resolve problems. Misunderstandings are quickly resolved.
3. Third parties can be invited into the meetings. Other professionals – Accountants, Financial Advisors, Counsellors, Family Therapists, Property Valuers, for instance can be invited into the meetings if it is considered helpful.
4. The client sets the pace and the agenda. The key decisions are made by the clients and not the Court.

How is it different to Mediation?

1. Each client has the support, protection and guidance of his or her own Lawyer in the meeting.
2. The Solicitors can deal with all paperwork, i.e. divorce papers/Consent Orders etc. In mediation, a Mediator helps the party reach an agreement and then they pass the matter back to the Solicitor to implement.
3. Mediators cannot advise. In the collaborative process the Solicitor will still advise their client.

Disadvantages

1. If the matter does not settle and it goes to Court the client will need a new Solicitor.

2. Public Funding is not yet available.
3. If the Solicitor acting for the other partner has not taken on the “collaborative approach” the meetings can be very difficult. Potentially you could end up having meetings with someone who is very aggressive and abusive.
4. Meetings can be draining.