

Collaborative Law

Clients now have a new option to resolving disputes when a relationship breaks down. Until very recently there were only two choices:-

- Conventional representation.

Here, each of the couple has their own lawyer. The two lawyers will negotiate and quite often Court proceedings are started. Whilst the vast majority, probably over 90%, of cases do result in an agreement being reached, there is a risk that conflict is increased rather than minimised.

- Mediation

A neutral person(s), who may or may not be family lawyers, act as a mediator(s) for the couple. The mediators role is to help that couple reach agreement but they cannot give individual legal advice. Each of the couple normally have their own lawyers who can give independent legal advice during the mediation process; rarely do those lawyers accompany either of the couple during mediation sessions.

Collaborative Law offers each of the couple the opportunity to have their own independent legal advice **and** also to actively take part themselves in negotiating an agreement about all the issues, for example, finance, children and the divorce itself.

All negotiations take place in "four way" settlement meetings which both clients and their lawyers attend.

As part of the Collaborative Law Agreement, neither the clients nor the lawyers can ever resort to Court proceedings or threaten to go to Court. Settlement is the only option. If either client does decide to start Court proceedings, both collaborative lawyers are automatically disqualified from any further involvement on behalf of their clients.

As a result, all four people involved in the process have an inbuilt commitment to doing their utmost to ensure that agreement is reached and that agreement is reached as quickly as possible, as cost effectively as possible and in such a way as to minimise conflict, not only between them but also with other members of the family, including their children.




Legal advice remains an integral part of the process but all decisions are reached by the clients themselves after taking independent legal advice.

Collaborative Law will not be suitable for every case, but for those cases where it is appropriate, the advantages are:-

- Minimising conflict.
- Promoting agreement.
- Minimising costs.
- Minimising delay.

More family lawyers in England and Wales are becoming qualified as Collaborative Lawyers. The family department at Mundays maintains an up to date list of those that have been trained; further details can be obtained from "Resolution", an organisation representing over 5000 specialist family lawyers in England and Wales and they can be contacted either by telephone on **08457 585671** or through their website www.resolution.org.uk

For more information or advice please contact Mundays LLP:

 **01932 590500**
 **graham.coy@mundays.co.uk**
sarah.duckworth@mundays.co.uk
 www.mundays.co.uk

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