

# TAKE FIVE

Collaborative law  
Taking the stress  
out of divorce



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## Collaborative law - taking the stress out of divorce

### 1. What is Collaborative law?

This is an increasingly popular alternative to mediation, and another approach in which a separating couple can resolve issues without going to court. The foundation of the process is that the couple and their lawyers all sign an agreement at the outset confirming they will resolve matters outside court process.

It's based on a series of round table meetings involving you, your former partner/spouse and your respective lawyers in where you work together to reach a resolution.

### 2. What's the process?

Once you and your collaborative lawyers have agreed the process is right for you, then a Participation Agreement is signed binding everyone into process. If one person decides they do want to use court proceedings to resolve financial or children's matters, then they need to find a new solicitor. It's this commitment by everyone, including the solicitors, that is the glue that makes the collaborative process so effective in reaching a settlement for the couple. This helps ensure issues will be addressed in the best way possible.

The whole process focuses on respect and kindness and not animosity and aggression. A commitment is made to be open and honest to treat each other with patience.

Any children involved are made the priority especially in terms of their interests and future care.

The Collaborative approach is about working constructively towards a mutually beneficial conclusion and not about scoring points or being obstructive.

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### 3. How do we decide what the outcomes should be?

Each party produces a personalised set of aspirations for the process and for the outcomes you hope to achieve from your amicable separation.

All discussions are held jointly and face-to-face, often speeding up the process by cutting out delays caused by lawyers' letters which while well-intentioned can set the wrong tone or can leave clients feeling out of control. The meetings can focus on any issues that you and your partner consider to be important with your lawyers helping to navigate you through your options to resolve those issues. The meetings are driven at your pace and can be scheduled according to your agendas.

### 4. Will this be right for me?

The process will not be right for everyone but, it enables a person to have the support and legal advice of their solicitor throughout but with ability to engage with their partner and their solicitors in a transparent and constructive way through the four-way meetings. It means that issues can be raised in a non-confrontational way and all collaborative lawyers are specially trained to work hard to achieve a settlement that avoids acrimony but meets the needs of their client. It is always better to try and reach a settlement outside court process.

### 5. What are the benefits?

The collaborative approach is special because it removes the threat of court proceedings at an early stage. By doing so, it anchors you both (as well as legal adviser) into positive discussions from the outset.

If approached constructively and in good faith, it is a really good way to achieve an amicable separation. The long-term benefits of dealing with disputes in this practical and sensible way are unquantifiable, especially in those cases where children are involved. All too often, children are, albeit unintentionally, left emotionally scarred by their warring parents. This process aims to avoid that entirely by putting your children at the centre of discussions and prioritising the needs of the whole family.

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Couples who have reached agreement through the collaborative process find that they were able to reach an agreement in a usually far quicker and constructive manner than more traditional approaches such as solicitor negotiation or ultimately court proceedings. It avoids unnecessary legal correspondence by focusing on face-to-face meetings to achieve a resolution. Collaborative family lawyers are highly trained in helping couples prioritise ways to handle the impact and legalities of the broken relationship in a civilised and respectful way and reach a successful outcome.



### Would you like to know more?

This is an increasingly popular alternative to mediation, and another approach in which a separating couple can resolve issues without going to court. For more information, visit our Collaborative Agreements page [here](#).