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# Collaborative Law

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## What is Collaborative Law?

Collaborative law refers to a new method of solving legal disputes that avoids traditional court proceedings. Rather than filing a lawsuit, each side voluntarily agrees to a series of sit-down negotiations between the parties, their attorneys, and any number of experts and therapists trained in the subject matter of the dispute. These meetings allow the parties to openly exchange information and discuss the matter with an understanding that nothing communicated will later be used against them in court. The collaborative law process is founded on good faith. By taking a cooperative approach, rather than an adversarial one, parties can resolve difficult issues that would otherwise lead to expensive and time-consuming litigation.

People tend to use collaborative law to settle highly emotional cases such as business partnership dissolutions, wrongful discharge claims, and family law cases. It is not surprising, then, to learn that the vast majority of collaborative law cases deal with divorce. Divorce litigants tend to ignore the practical ramifications of using the legal system to fight about relatively minor issues. These cases can spiral out of control, with the potential for each side to spend far more money on legal fees than either stands to gain, even in the unlikely event of a complete victory. Considering that the care and wellbeing of young children may be at stake as well, using collaborative law to handle a divorce proves to be the right choice for many couples.

## Reasons to Avoid Traditional Litigation

Litigation is well suited for those who are “looking for a fight,” and who do not mind spending a lot of money to battle the other party in court. It is also appropriate in cases where compromise is not desirable, such as cases brought by victims of domestic violence against their abusers. However, for many individuals, the negative aspects of litigation outweigh any potential benefit. Litigation is expensive. Due to backlogged court dockets, it is a slow process as well. Private, sensitive, or embarrassing information can be made public, either in open court, or in court filings. Moreover, litigation makes it difficult for parties to maintain a cordial relationship once the case ends. This is a particularly important concern for divorcing spouses who will share custody of their children in the future.

## Collaborative Law Benefits

In contrast to traditional litigation, collaborative law is not necessarily quicker and less expensive, but at least the parties directly control how the proceedings unfold. Those who feel the issues are being disposed of without a proper amount of consideration and debate can insist that more time be spent crafting a resolution, or that additional experts or therapists be brought in to provide insight. On the other hand, those who want to expedite the case are free to compromise on contested issues and reduce the time it takes to bring the matter to a close. The parties work through the issues at their own pace, not according to the court’s schedule.

Collaborative law also offers the benefit of confidentiality. The parties are not required to put their allegations into written pleadings, motions, and other court filings that can be viewed by the general public. Another benefit often cited in support of a collaborative approach is the built-in financial incentive for the parties to do what it takes to make the process work. If it fails, and the case must be moved into the court system, then the attorneys for both sides must withdraw. Any consultants hired during the collaborative stage must also resign. When it appears the parties may be at an impasse in their negotiations, this underlying threat of both sides having to hire a new team of professionals is often enough to get the process moving forward once again.

### How the Process Works

The first group session in a collaborative law case involves both parties and their attorneys meeting together to review the terms that will govern the process. They may begin with a standard form contract, and modify the agreement prior to signing, in order to address specific concerns, such as the kinds of experts who will be hired, and how costs will be allocated. The group will then meet on a regularly scheduled basis to negotiate solutions to the issues in the case. In a collaborative divorce, these issues might include alimony, property division, child support, visitation, and so forth. Once the parties are in agreement on all of the issues, the attorneys will work together to draft a stipulated court pleading that will officially resolve the case.

### Finding a Collaborative Law Attorney

If you are facing potential litigation and you would like to deal with the matter outside of the courthouse, collaborative law may be the answer. These cases are not handled by general practitioners, however. Contact a collaborative law specialist in your area to learn more.

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## Know Your Rights!

The Pros and Cons of an Uncontested Divorce

## Articles About Collaborative Law

The First Divorce Conversation to Have
The first and most vital decision that divorcing couples need to make is what process they're going to use to accomplish their divorce. That's right - it's not about who will keep the house, what will happen with the retirement accounts or even how you're going to share time with your children.

Basics of Collaborative Law
Collaboration means to work together to achieve a common goal. The collaborative process involves the spouses, their attorneys and any other involved professionals engaging in non-confrontational sessions to discuss the issues and goals of the involved individuals. The issues may include divorce, support of a spouse and/or children, how to divide the marital assets, co-parenting plans and anything else that spouses need to decide.

New Technology, New Definition of "Family" May Change Florida's Child Custody Law
Many Florida families look at the new technologies by which children can be conceived and wonder how best to interpret the meaning of the word "family."

Florida Couples Should Keep Debts in Mind During Divorce Mediation
So many issues come up during divorce mediation that couples often become overwhelmed with all of them. Child custody, alimony, and child support are only a small part of the items that should be covered.

For a Friendly Divorce, Florida Couples Find Help in Divorce Mediation
If couples can put their differences aside to create an atmosphere of teamwork, they can work with a divorce mediator to help them achieve a friendly divorce.

How Long Does a Divorce Take?
As with most questions in the legal realm, the answer to this seemingly simple question is "It depends." A simple, no-fault divorce with both parties consenting and promptly filing all the necessary paperwork can be done in about 120 days from filing the divorce complaint to the date of the divorce decree. On the other end of the spectrum, some divorce cases can drag out for 4, 5 or even 10 years. The timeframe for most divorces falls between those two extremes.

The Divorce Process: Decide or Have the Decision Made for You
Decide or have the decision made for you. This phrase applies to pretty much everything in the area of family law. You can't make any decisions for anyone else, but you can decide how you're going to approach these challenges. If you don't decide how you're going to approach these difficulties, the decision will be made for you.

Important Differences Between Enforcement of Spousal Support Orders and Enforcement of Civil Judgments in California
Spousal support refers to an ongoing series of payments payable to one spouse over a specified duration of time after a divorce. For spousal support to be enforceable under California law, a judgment must first be entered by the court.

We Got Married in One Country, Live in Another Now and Want a Divorce.
Where do I find a divorce lawyer (where we live now or where we got married)? Many countries, including the United States, allow you to get a divorce there, even if your marriage occurred in another country. Laws can vary drastically between countries, so be sure that you consult with your attorney regarding the steps necessary to get a divorce and whether the divorce will be valid in the country where you are currently residing.

The Difference Between Separation and Divorce
If a married couple decides to call it quits and, thus, end the marriage, a divorce is almost always the initial inclination. However, some professionals advise against jumping into a divorce for a number of reasons, one of which is the immense financial liability.

All Family Law Articles
Articles written by attorneys and experts worldwide discussing legal aspects related to Family Law including: adoption, alimony, child support and custody, child visitation,

collaborative law, divorce, domestic violence, elder law, juvenile crime, juvenile law, juvenile probation, paternity, pre-nuptial agreement, separation.

## Collaborative Law - US

ABA - Collaborative Law Committee

The Collaborative Law Committee explores the use of Collaborative Law in both family and non-family settings and monitors and advises the Section Council about developments in the field - such as the efforts by Uniform Law Commission, formerly the NCCUSL, to draft a Uniform Law, the emerging set of state ethical opinions on CL, and legislation around the country.

Collaborative Law - Wikipedia

Collaborative Law (also called Collaborative Practice, Collaborative Divorce, and Collaborative Family Law) was originally a family law procedure in which the two parties agreed that they would not go to court, or threaten to do so. This approach to conflict resolution was created in 1990 by a Minnesota family lawyer named Stu Webb, who saw that traditional litigation was not always helpful to parties and their families, and often was damaging.

The Basics of Collaborative Family Law - A Divorce Paradigm Shift

Collaborative Family Law (CFL) is a revolutionary approach to divorce that has quickly spread throughout the United States and Canada. Often misunderstood and occasionally maligned, it has the potential to dramatically change the field of family law. In Medicine Hat, Canada, it has virtually eliminated family law litigation. CFL is a continuation of the trend to empower participants in the divorce process that began with, and shares many of the principles of, mediation. This article will provide an overview of the basic principles and choreography of CFL.

Uniform Collaborative Law Act - ADR

Collaborative Law is a voluntary dispute resolution process for parties represented by counsel. Like mediation, Collaborative Law helps parties resolve their dispute themselves rather than having a ruling imposed upon them by a court or arbitrator. A key feature of Collaborative Law is the Collaborative Law Participation Agreement with disqualification provision. If a party seeks judicial intervention, the Agreement requires that counsel for all parties withdraw from further representation in legal proceedings.

## Organizations for Collaborative Law

Collaborative Practice Center

Many people who face divorce prefer a more constructive way of divorcing. Collaborative Divorce and Collaborative Practice may be right for you. Collaborative Professionals promote respect, place the needs of children first and keep control of the process.

Global Collaborative Law Council, Inc.

The Global Collaborative Law Council, Inc. (GCLC) was originally established in October 2004, as the Texas Collaborative Law Council, Inc. by attorneys committed to assisting clients in managing conflict and resolving disputes without litigation. In January 2009, the organization expanded to serve attorneys and other professionals worldwide, involved in the practice of civil collaborative law.

International Academy of Collaborative Professionals

IACP is the International Academy of Collaborative Professionals, an international community of legal, mental health and financial professionals working in concert to create client-centered processes for resolving conflict.

## Publications For Collaborative Law

Collaborative Divorce Newsblog

Pauline Tesler posts to this blog news items, updates on collaborative divorce worldwide, useful tips for clients and professionals, and whatever seems interesting from time to time.

Collaborative Practice Articles

Mediate.com accepts high quality articles on mediation and dispute resolution. Our primary focus is to educate and encourage the public and other consumer groups to use mediation.



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