



# THE COLLABORATIVE LAW PROCESS

Separating from your partner is difficult, no matter which way you look at it.

It's much like watching a jigsaw puzzle being pulled apart as you watch the life you built seemingly dismantle into a thousand pieces. The aim of litigation is to determine which pieces of the puzzle you and your partner will get. Essentially neither of you win and you both end up with half a puzzle.

The Collaborative Law process aims to put the pieces back together in a way that is mutually beneficial for both parties. You will work hard at getting the pieces to fit, but in the end, you both get to appreciate the completeness of a whole jigsaw puzzle.

Collaborative law promotes cooperation, not confrontation. It enables and empowers separating parties to solve problems together with the assistance of lawyers to come up with mutually beneficial solutions.

Your lawyers are at your side at every stage of the process, explaining issues and helping you to achieve goals by mutual participation and agreement.



**" Forget the blame game.  
Collaboration is about  
creating solutions "**

# WHAT IS COLLABORATIVE LAW?

Collaborative law aims to resolve family disputes without going to court, including disputes about:

- Property and asset division
- Care arrangements for the children
- Maintenance or child support

Unlike the court process, the collaborative law process is conducted using interest-based negotiation techniques rather than the traditional positioning bargaining approach.

While Collaborative Law isn't a 'cheap' option, you and your partner will usually spend much less money than other processes, particularly in avoiding going to Court.

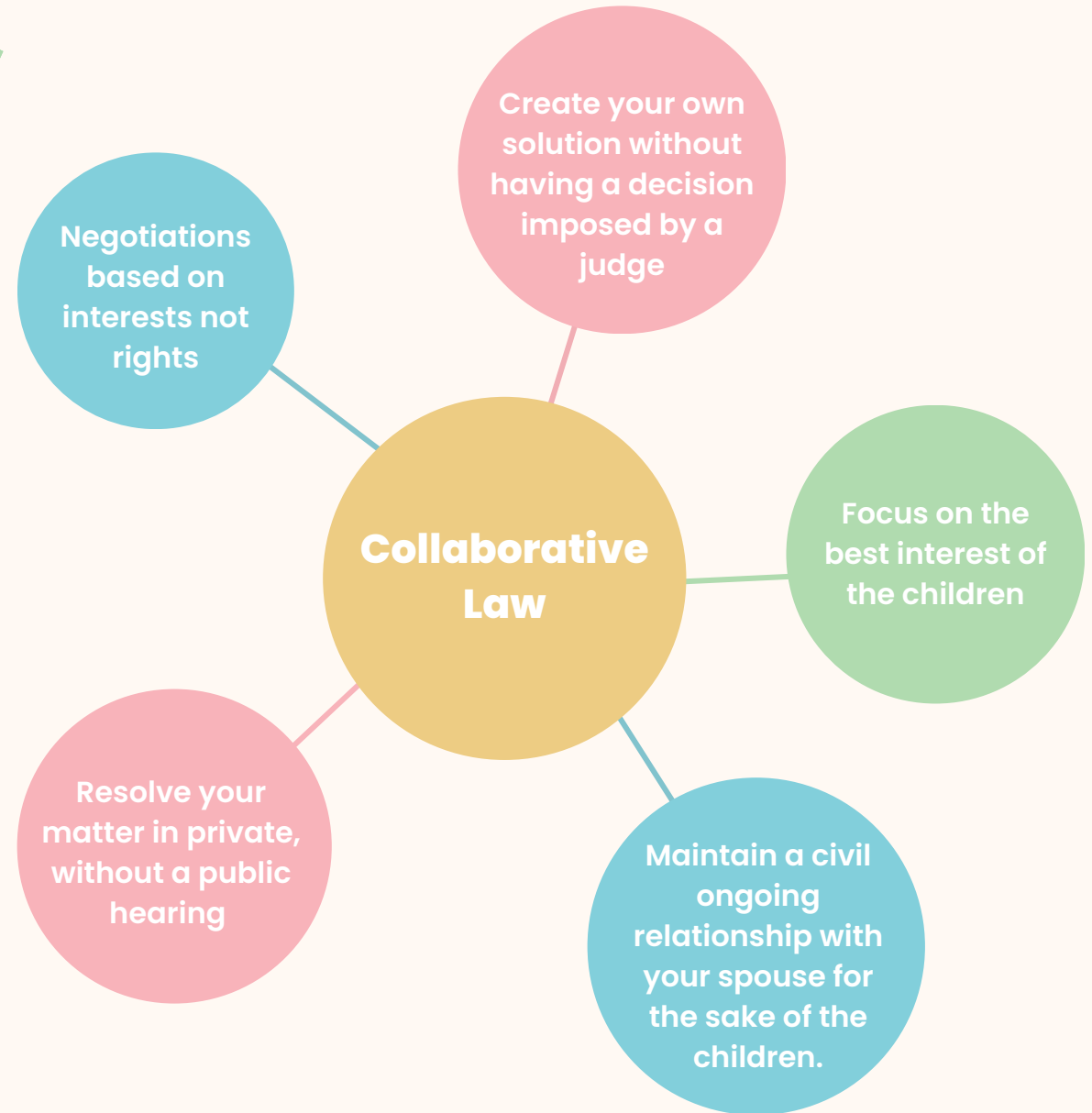
## COLLABORATION VS COURT

	COLLABORATION	COURT
<b>Role of Lawyers</b>	Each party engages a lawyer, and other trained professionals as required to assist with negotiations through four-way meetings.	Each party engages a lawyer to present evidence, examine and cross-examine witnesses, and argue with the other party.
<b>Measure of Success</b>	You and your spouse come to a mutually beneficial agreement.	You and your spouse try to win what you can.
<b>Final Decision Made By</b>	You and your spouse.	Judge.
<b>Estimated Time</b>	On average, the collaborative process can take 2-8 months to reach an agreement.	At least 2 years.



# BENEFITS OF COLLABORATION

- ✓ Reduces stress and conflict.
- ✓ Past differences and unproductive behaviours are left behind.
- ✓ Parenting decisions put the interest of the children first.
- ✓ The collaborative team focuses on the interests of the entire family.
- ✓ Compliance with the final settlement is usually greater.
- ✓ Less costly in time and conflict
  - Requiring full disclosure of assets as opposed to a lengthy investigation.
  - Engaging one neutral financial expert rather than two.
  - Allowing the parties and professionals to control the pace of the negotiations.



# THE **PROCESS** OF COLLABORATION

The entire process requires a team approach:

Both you and your partner will have skilled and specially trained legal advisers, who understand how to reach creative settlements and who are concerned about process as well as outcome.

Often other experts will join to assist and in fact this is encouraged. These experts can include:

- a neutral financial expert to assist parties in making informed financial decisions (such as financial planners, mortgage brokers and accountants);
- a mental health professional (such as a counsellor or psychologist) to assist with managing the emotional ups and downs throughout the process; and,
- occasionally, a child specialist or mediator.

1

**IDENTIFY** what is important to each client (interests) and what questions the client needs to answer

2

**GATHER** information and **CREATE** the maximum number of choices

3

**EVALUATE** options and modify and refine them

4

**NEGOTIATE** to an acceptable agreement

5

**CLOSURE**

