

GOUGH'S

SOLICITORS



In this month's "Ask Goughs" column we answer a question about Collaborative law and explain how the process works

Q: I am about to go through a divorce and have heard about Collaborative law. Can you tell me more about it and whether it's worth considering?

A: Collaborative law is a growing type of dispute resolution first introduced to the UK in 2003. The Collaborative process encourages divorcing or separating couples to work together with the support of the Collaborative lawyer, communicating effectively to achieve distinct goals.

Fundamentally it promotes respect between the parties, places the needs of children first and keeps control of the divorce process with the couple.

The backbone of the process is a series of four-way meetings co-ordinated by the lawyers, which encourage communication, and disclosure of facts and information involving both parties. An integral part of the process is that the clients sign an agreement at the outset, confirming they will not go to court to litigate either the divorce or the financial issues.

Each client has the support, protection and guidance of his or her own lawyer. Initially each party will spend time with their lawyer preparing and setting goals before entering into a face-to-face meeting. This encourages communication and full disclosure of facts identifying possible 'flash points'. During the Collaborative process, lawyers must guide couples to a settlement or withdraw from further participation.

There are a number of benefits of Collaborative law. It can strengthen and help maintain long term relationships, reduce the emotional strain on families, provide couples with support and enables them to build healthier relationships. Furthermore, this type of approach also protects children from disputes and avoids the uncertainty of litigation.

The Collaborative process itself relies on couples who can work together in an open and co-operative manner. It will succeed if you and your partner agree that you want:

- An amicable, respectful resolution of your issues
- The ability to make your own joint decisions about financial and child care arrangements
- To develop and protect an amicable relationship after divorce

- To establish a healthy and mutually beneficial co-parenting relationship
- To protect children from hostility, ill feeling and disruption.

The Collaborative process is flexible and will vary in order to meet your specific needs. In general most people require between two and six meetings to resolve their issues. Collaborative lawyers generally charge by the hour, as do conventional family lawyers. Rates vary from town-to-town and according to the experience of the lawyer.

If you do decide on this type of approach, the following individuals may be involved:

A Collaborative lawyer – To facilitate negotiations and guide the process. To support you, identify questions and issues that need to be resolved, provide legal advice, generate and evaluate options for resolution, manage conflict and assist in implementing agreements.

The family consultant – If needed, assists in managing emotional or psychological issues that might otherwise get in the way of the process.

The financial planner – If needed, helps you gather, understand, organise and value your financial information, identify and clarify the goals you have, and the short and long term financial implications of settlement options.

Other team members – In addition you may find the need to engage other experts or consultants, such as mortgage brokers, experts in the job market or child specialists to help consider the options that are presented.

What can be said with confidence is that no other kind of professional conflict resolution assistance is consistently as inventive, efficient or economical as Collaborative law for such a broad a range of clients.

For more information about Collaborative law or to book an appointment with a Collaborative lawyer please call Matthew Drew at Goughs on 01249 712193 or email mattdrew@goughs.co.uk

This article does not constitute legal advice and no action can be taken as a result of reading it. A qualified lawyer should always be consulted before taking any legal action.

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