

Collaborative Law

Collaborative Law (sometimes called Collaborative Practice) is a special kind of process used to try and resolve disputes without having to go to Court.

Collaborative Process Defined

There are key features of a collaborative process:

- A series of face to face discussions with Lawyers present (and other professionals);
- Entry into a collaborative process agreement which states that the Lawyers *cannot* act for either party in a litigation process;
- Identification of needs rather than positions,
- Use of neutral experts.

What are the benefits?

There are a number of advantages to collaborative processes, but some risks you need to be aware of:

Advantages include:

- Confidentiality of Process;
- Avoidance of Litigation;
- Flexibility of outcomes;
- Control over process;
- Client driven not lawyer driven,
- Needs and interests identified.

Risks include:

- Disclosure of confidential information;
- Imbalance of power in negotiation;
- Starting again with a new lawyer if agreement is not reached.

Collaborative Practice is one of a number of dispute resolution options such as Family Dispute Resolution, co-operative negotiation and dispute resolution planning

The Goal of a Collaborative Process is your satisfaction with the outcome, but also to give you a chance to say everything you want to say.

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How much can I expect the overall costs to be?

Collaborative Processes involve at least 3 but as many as 10 or more meetings. There is a high likelihood that a neutral expert will be involved.

Budget for \$5,000.00-\$10,000.00

Costs depend on all sorts of factors including the complexity of your circumstances, the level of co-operation from your former spouse and the type of agreement that might be reached

How do I decide if a Collaborative Process is right for me?

Before proceeding with a Collaborative Process an *intake* is undertaken to assess suitability. You should think about a number of matters including:



A collaborative approach is not an easy option. The process is designed to get to the *real issues* that are preventing agreement being reached, not just the legal ones.

Collaborative Processes are different to other dispute resolution processes (such as mediation). There is no independent mediator. There are several meetings. The advice given by Lawyers (and the costs involved) is disclosed by the Lawyers. The Lawyers cannot act if the process fails. Talk to us to discuss your options.

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