



Helping our clients achieve

FACT SHEET from Phillips Solicitors

Collaborative Law

A model developed in the United States for the resolution of financial and child-related disputes arising out of relationship breakdowns is proving highly successful in this country.

Whilst not ideal for everyone, collaborative law is a process of working together with specially trained lawyers in a series of face to face meetings with a view to identifying the issues in dispute and working towards an agreement. Discussions focus on the needs and interests of you, your partner and your children and all discussions take place in your presence – you are in control of the process. The meetings are arranged at the beginning of your case so the negotiations can begin immediately. This is highly beneficial – no waiting for court dates.

When dealing with financial issues in collaborative law, you each have a duty of full disclosure of your financial circumstances but if it becomes necessary to involve financial experts (for example an actuary to value a pension or an accountant to value a business), there will be a joint instruction on terms agreed during one of the meetings. If necessary, you and your lawyers can work together with other professionals such as counsellors, mediators, child or financial specialists to assist you.

When agreement is reached, the court will deal with the endorsement of the agreement in the form of an order which is binding and enforceable in the same way as if it had been arrived at within formal court proceedings.

The main difference to the conventional contentious approach is that at the outset you and your lawyers sign an agreement which disqualifies your lawyers from representing you in court if the process breaks down. This acts as the best incentive to reach agreement for you and for your lawyer. Correspondence is discouraged which has the benefit of minimising the acrimony, not to mention the cost!

If the collaborative process does break down, you would both be in the unenviable position of instructing new lawyers and starting all over again.

The agreement is based on working together with honesty and respect without the threat of taking the other to Court. This is ideal for those who wish to resolve the issues in a dignified and non-aggressive way and provides the possibility of retaining an agreeable relationship in the future – so important where you have children.

The family law team at Phillips Solicitors welcome informal telephone enquiries. Call us on 01256 460830.

www.phillips-law.co.uk