



Collaborative **Advocacy** NZ

Explaining Collaborative Practice to a Family Law Client

1. A focus on Co-operation, not confrontation

- Problem-solving with lawyers where you and your spouse try to understand each other.
- You and your spouse are responsible for gathering information and making decisions.
- Both lawyers help you both to
 - a. Find and focus on what is important to you and what concerns you;
 - b. Understand each other's concerns;
 - c. Gather and exchange information;
 - d. Explore a wide range of possible choices; and
 - e. Reach solutions acceptable to both of you.
- You, your spouse and both collaborative lawyers work as a team.
- It may take much less time and money to settle matters using the Collaborative Law process.

2. How will this happen?

- You, your spouse and both lawyers will sign a contract agreeing not to go to court. What happens in meetings cannot be later used as evidence in Court.
- During these meetings you and your spouse, with your lawyers' help, will:
 - a. Identify what is important to you both and what concerns you each have;
 - b. Identify what you both need to talk about (issues);
 - c. Gather and exchange information;
 - d. Explore a wide range of possible choices; and
 - e. Reach decisions acceptable to both of you.

3. What will you and your spouse do?

- First, you will each meet alone with your own lawyer to identify your concerns and learn about the Collaborative Process.
- Then, you and your Collaborative lawyer and your spouse and their Collaborative lawyer will meet together so all four can discuss what is important to you, what concerns you have and what you need to talk about.
- At all meetings, where you, your spouse and both lawyers are present, you will follow the Collaborative Process.
- Meetings vary in length, but most are kept to no more than 2 hours.
- Both clients and their lawyers will
 - treat each other respectfully;
 - listen to each other's perspectives, interests and concerns;
 - gather all of the information needed;

- explore all possible options.
- You and your spouse focus on a future perspective to find solutions acceptable to both of you.

4. What will your Collaborative lawyers do?

They will both

- give you legal advice;
 - be honest and respectful;
 - guide the Collaborative Law meetings;
 - point out unreasonable expectations.
 - use clear language when speaking and writing.
 - work hard to help you and your spouse reach an agreement.
- Your lawyers will represent you, but will also listen to your spouse. Your spouse's lawyer will represent your spouse, but will also listen to you.
 - Both lawyers are trained in the Collaborative Process to manage emotional or difficult situations.
 - Your lawyers will co-operate in gathering all information required or requested to let the clients reach a solution acceptable to them.
 - Neither lawyer will go to trial with your matter.
 - Once you and your spouse reach an agreement, both lawyers will help you finalize a formal agreement and obtain any necessary court approval.

5. Benefits of the Collaborative Family Law Process:

- Production of an agreement better suited to your own unique needs now, and in the future.
- You may find the Collaborative Process engaging, informative and a less stressful way of resolving your separation issues.
- Control over your own decisions.
- You may improve communication between you and your spouse.
- Focus on creative problem solving, not blaming and revenge.
- You may spend less time and less money than you would if using court or mediation to solve your problems.
- You will have skilled legal advisers at every stage of the process. Both Collaborative lawyers understand how to reach creative settlements. You are never on your own. Your Collaborative lawyer is at your side, explaining issues and helping you to achieve goals by mutual participation and agreement.
- Your spouse and both Collaborative lawyers will agree in advance to work only toward a settlement acceptable to both clients. Going to court for trial (litigation) can never be threatened. Neither you nor your spouse will be permitted to play games or take advantage of each other.
- The Collaborative lawyers share with their clients a financial incentive to make the Collaborative Process work. The Collaborative lawyers are out of a job if the process breaks down.
- Clients and Collaborative lawyers work together as members of the settlement team, rather than working against each other as opposing parties.

6. How do I find a collaborative lawyer?

- Contact Collaborative Advocacy NZ to choose a trained Collaborative lawyer.
- Ask your counsellor, accountant or financial adviser to suggest a Collaborative lawyer