



Collaborative divorce

What is collaborative law?

When a relationship breaks down, collaborative law is a process for the two parties to negotiate and come to an agreement. Each of you appoints your own lawyer, but instead of conducting negotiations by letter or over the telephone, the discussions take place over a series of “four way meetings”.

Four way meetings involve both of you and each of your collaborative lawyers. Your collaborative lawyer will be there with you throughout the process to give you support and advice as you go along.

How does collaborative law work?

A ‘participation agreement’ is signed by all four of you at the start of the process and this states that neither of you will issue proceedings.

If discussion breaks down, the collaborative process ends. If somebody goes to court, both lawyers have to stop acting. This gives everybody involved an incentive to reach an agreement through collaborative discussion.

What are the benefits?

Collaborative law reduces hostility and encourages communication. Other benefits include:

- it is easier and quicker than having to communicate through letters and phone calls
- it avoids the expense of preparing for court
- you reach an outcome that best suits the needs of everyone by working together
- as you are communicating directly the relationship tends to be improved, this is especially important when there are children involved
- you can be more creative in finding out what the best solutions are by sitting round a table
- the process is flexible as so you can meet as often as you need to
- with the help of your collaborative lawyer, you will be making the decisions yourselves – for both of you and for your family

How is collaborative law different?

Collaborative law requires both of you to be open and honest, and to search for a fair solution for everybody.

It is not a good option for you if you only want to get the very best deal for yourself, at the expense of your spouse. Collaborative law works when everyone is trying to reach the best agreement for the whole family.

Is collaborative law suitable for everybody?

There has to be trust between both parties and so if you think your partner will hide information or will not be open and honest then a different option will be best. Likewise, if you want a solicitor to negotiate hard on your behalf and get the best deal possible for you then collaborative law is not for you.

But if it is possible to sort things out in the collaborative law process, there are very considerable advantages.

Is collaborative law the cheapest method of sorting out problems?

Because it involves lawyers being involved at every stage then it is probably not as cost effective as mediation. The preparation and four way meetings require a lot of legal time and so fees will build up.

Collaborative law will probably be cheaper than going through the courts and it may be possible to agree fixed fees for the collaborative law process.