



COLLABORATIVE LAW FREQUENTLY ASKED QUESTIONS

WHAT IS COLLABORATIVE FAMILY LAW?

- Both you and your partner retain separate specially trained lawyers to assist you in resolving issues without going to court.
- You, your partner and your lawyers agree to work together in a respectful, honest and dignified way to try and reach settlement without threatening to go to court. All sign an agreement disqualifying the lawyers representing you both from going to court if the collaborative process breaks down.
- Issues are discussed and hopefully resolved in 'four way' face to face meetings between you, your partner, and your lawyers. You are present when settlement discussions take place which helps ensure that you and your partner remain in charge of the process.
- Correspondence between lawyers is discouraged, thereby keeping costs and acrimony to a minimum.
- You and the lawyers can work with other professionals, such as counsellors, child and financial specialists.

IS COLLABORATIVE FAMILY LAW THE BEST CHOICE FOR ME?

Collaborative Family Law is not for every client or indeed every lawyer but it is worth considering if some of the following are important for you:

- You want a dignified respectful resolution of the issues.
- You wish to avoid the substantial legal costs often generated by Court litigation.
- You and your partner have children and wish to reach an agreement which focuses on their needs and interests.
- You would like to maximise the likelihood of friendship and/or a good relationship with your partner in the future.
- You and your partner both wish to keep in contact with extended family and mutual friends.
- You value retaining control over decisions about restructuring your financial arrangements or arrangements in relation to the children but with advice from experts.
- You do not wish to 'hand over' such decision making to either your lawyer or to a complete stranger (a Judge).
- You are not out to seek revenge.
- You need the assistance of a lawyer to help you negotiate in face to face meetings.

WHAT IS THE DIFFERENCE BETWEEN COLLABORATIVE LAW AND MEDIATION?

- In mediation the mediator is not allowed to give either of you legal advice and cannot assist you in advocating your position.
- If you reach agreement at mediation you still need a lawyer to prepare the paperwork for the Court Order or Deed of Separation.
- Your collaborative lawyer can act for you both in negotiating an agreement and also making it legally binding.
- Lawyers are rarely present during the mediation sessions and their advice may be given too late to assist in the process.
- In collaborative family law, you each have your own lawyer throughout the process advising you and advocating on your behalf. If you or your partner lack negotiation skills or financial understanding or feel vulnerable when in the sole presence of the other party, collaborative family law could be preferable to mediation.

WHAT KIND OF INFORMATION AND DOCUMENTS DO I HAVE TO PROVIDE IN COLLABORATIVE FAMILY LAW NEGOTIATIONS?

- You and your partner must sign a binding agreement to provide full and frank disclosure of all relevant documents and information.
- The same duty of disclosure exists whichever model you choose to resolve your difficulties. If the collaborative process doesn't work you can use the same paperwork if you go to Court.

WHAT HAPPENS IF MY PARTNER DOES NOT GIVE FULL AND FRANK FINANCIAL DISCLOSURE OR UNDERTAKE THE COLLABORATIVE FAMILY LAW PROCESS IN GOOD FAITH?

- This can happen in collaborative law just as in either mediation or the conventional court process.
- If you consider that your partner is likely to lie about their financial affairs, the collaborative family law process is unlikely to be a good choice for you.
- If a Client tries to mislead others in the collaborative process, his or her lawyer cannot continue to act for them.

WHY CAN'T YOU KEEP THE SAME LAWYERS TO GO TO COURT IF THE COLLABORATIVE PROCESS DOESN'T WORK?

One of the reasons that collaborative family law has been successful is the fact that the lawyers cannot go on acting for the Clients should collaboration fail. This means there is less posturing with people threatening to go to Court when things become difficult. Everybody puts a lot more effort into finding solutions and thinking creatively. They get to know each other as a team and don't want to give up on each other.

HOW DO I ENLIST MY PARTNER IN THE PROCESS?

Talk with your partner and see whether there is a shared commitment to the Collaborative Law process. Show your partner some literature about the process (available from your solicitor) and encourage them to choose a solicitor with experience of Collaborative Law and who can work effectively with your own solicitor.

HOW DO I AND MY PARTNER FIND A COLLABORATIVE LAW SOLICITOR?

You can contact Lisa Broddle, Family and Matrimonial Partner, at Stone Rowe Brewer, to discuss your matter further and help you decide if Collaborative Law is for you. Please telephone 0208 891 6141 or email l.broddle@srb.co.uk to make an appointment.

Lisa is a member of Thameside Collaborative Lawyers and you may visit the website at www.thamesidecollablaw.co.uk.

HOW LONG WILL THE COLLABORATIVE LAW PROCESS TAKE?

The process is flexible and can be tailored to suit the needs of the clients but most people require from three to seven of the 'four-way meetings' to resolve all issues. The meetings can be as close together or as far apart as the clients would like. By agreement, or once the issues have been resolved, the solicitors can complete the paperwork.

HOW EXPENSIVE IS COLLABORATIVE LAW?

Collaborative Lawyers generally charge by the hour (as do conventional Family Lawyers). Please contact us for more information on rates and fees.

No one can accurately predict exactly what you will pay for this kind of representation because each case is different. Your issues may be simple or complex; you and your partner may have already reached agreement on most, or none, of your issues. You will be provided with the Best Costs Estimate and this will be reviewed periodically.

HOW CAN I FIND OUT MORE?

Lisa Broddle, Family and Matrimonial Partner at Stone Rowe Brewer will be happy to discuss your matter further and help you decide if Collaborative Law is for you. Please telephone 0208 891 6141 or email l.broddle@srb.co.uk to make an initial appointment, for which we would charge our standard rate.

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