

# FAQ

## Frequently Asked Questions

1. What are these new terms: Collaborative Law, Collaborative Practice, the Collaborative process, and Collaborative Divorce?

Collaborative Practice has three key elements:

1. The voluntary and free exchange of information.
2. The pledge not to litigate (go to court) and withdrawal of both attorneys and other team professionals if either party litigates.
3. A commitment to respect for both parties' shared goals.

Collaborative Law describes the legal component of Collaborative Practice, made up of you and your attorneys. Collaborative Divorce usually includes other professionals, in addition to your attorneys, such as coaches, child specialists and financial specialists. Collaborative Practice can also apply to disputes involving employment law, probate law, construction law, real property law, and other civil law where continuing relationships exist after the conflict has been resolved.

2. What's the difference between Collaborative Practice and Mediation?

In mediation, an impartial third party (the mediator) assists the negotiations of both parties and tries to help settle your case. However, the mediator cannot give either of you legal advice or be an advocate for either side. If there are lawyers for each of you, they may or may not be present at the mediation sessions, but if they are not present, then you can consult them between mediation sessions. When there's an agreement, the mediator prepares a draft of the settlement terms for review and editing by both you and your lawyers.

Collaborative Practice allows you both to have lawyers present during the negotiation process to keep settlement as the top priority. The lawyers, who have training similar to mediators, work with their clients and one another to assure a balanced process that's positive and productive. When there is agreement, a document is drafted by the lawyers, and reviewed and edited by you both until everyone is satisfied.

Both Collaborative Practice and mediation rely on voluntary, free exchange of information and commitment to resolutions respecting everyone's shared goals. If mediation doesn't result in a settlement, you may choose to use your counsel in litigation, if this is what you and your lawyer have agreed. In Collaborative Practice, the lawyers and parties sign an agreement aligning everyone's interests in resolution. It specifically states that the Collaborative attorneys and other professional team members are disqualified from participating in litigation if the Collaborative process ends without reaching an agreement. Your choice of mediation or Collaborative Practice should be made with professional advice.

3. What is a Collaborative Team?

A Collaborative team is the combination of professionals that you choose to work with to resolve your dispute. It can be simply you and your Collaborative lawyers. In addition to your Collaborative lawyers, you can choose to include a neutral financial professional, divorce coaches, a child specialist or other specialists you and your spouse believe would be helpful. Your "Collaborative team" will guide and support you as problem-solvers, not as adversaries.

4. What's the difference between Collaborative Practice and conventional divorce?

In a conventional divorce, parties rely upon the court system and judges to resolve their disputes. Unfortunately, in a conventional divorce you often come to view each other as adversaries, and your divorce may be a battleground. The resulting conflicts take an immense toll on emotions--especially the children's. Collaborative Practice is by definition a non-adversarial approach. Your lawyers pledge in writing not to go to court. They negotiate in good faith, and work together with you to achieve mutual settlement outside the courts. Collaborative Practice eases the emotional strains of a breakup, and protects the well-being of children.

5. How does Collaborative Practice minimize the hostility of many divorces?

The guiding principle of Collaborative Practice is respect. This respectful tone encourages you to show compassion, understanding, and cooperation. Collaborative professionals are trained in non-confrontational negotiation, helping keep discussions productive. The goal of Collaborative Practice is to build a settlement on areas of agreement, not to

perpetuate disagreement.

6. How does Collaborative Practice actually work step by step?

When you decide on a Collaborative Practice divorce, each of you hires a Collaborative Practice lawyer. Everyone agrees in writing not to go to court. Next, you meet privately and in face-to-face talks with your lawyers. Additional experts, such as divorce coaches and child and financial specialists, may join the process or are perhaps the first professional that you see. All meetings are intended to produce an honest exchange of information and clear understanding about needs and expectations, especially concerning the well-being of children. Mutual problem-solving by all parties leads to the final divorce agreement.

7. Is Collaborative Practice a faster way to get a divorce?

Your situation determines how quickly your divorce process proceeds. However, Collaborative Practice can be more direct and efficient. By focusing on problem-solving--instead of blame and grievances--there's an opportunity to strive for respectful results. Full disclosure and open communications assure that you cover all the issues in a timely manner. And since you settle out of court, there's no wait for the multiple court dates necessary with conventional divorce.

8. How does Collaborative Practice focus on the future?

Divorce is both an ending and a beginning. Collaborative Practice helps you anticipate and include your need to move forward, and makes the future of your children a top priority. As a more respectful, dignified process, Collaborative Practice supports your family's goals for a smoother transition to the next stage of your lives.