



MACLELLAN & ASSOCIATES

Barristers & Attorneys, Notary Public

COLLABORATIVE LAW

What is Collaborative Law? It is a process that allows divorcing couples to reach a mutually agreeable resolution by facilitating communication and resolving conflict. This process encourages respectful communication and assists in maintaining an amiable relationship between the two parties. This is often a huge benefit when children are involved.

The individuals retain his or her own collaborative lawyer whose sole purpose is to assist their client with reaching a resolution without the involvement of the court. Should the two parties not be able to reach a resolution then the collaborative lawyers will stop acting for the parties and they will then have to hire litigation lawyers to take the matter to court.

All parties, together with their lawyers, agree to work respectfully and in good faith. The clients initially meet with their collaborative lawyer and then the process starts with a 4-way meeting between the lawyers and clients. At this meeting the Participation Agreement, which sets out the rules regarding the process, is read then questions about the Agreement are answered and the Agreement is signed confirming everybody's commitment to the Collaborative Process. The lawyers and the clients then discuss what issues need to be resolved. This sets the agenda for the process. The parties are in complete control of which issues are discussed and resolved first.

The parties work together to find a creative resolution that meets their specific circumstances through a series of meetings where full disclosure takes place and communication is open. Everyone can participate in brainstorming for possible options. Production of financial documentation and full and frank disclosure is still essential in the collaborative process, however, this process can be less costly and completed in a more timely fashion as the clients set the agenda for exchange of information rather than in accordance with a schedule imposed by the Court. Should the lawyers feel that the clients are not making full disclosure they will discontinue acting for them.

During the meetings, each party is encouraged to discuss their concerns and needs and all negotiations are based around these needs, while taking into account the law and the financial disclosure. The goal of this process is to find a solution that will best serve both parties needs and the needs of their children, as parents still need to co-parent when they divorce.



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Collaborative lawyers and their clients are focused on the settlement so the process moves the case to a resolution faster than if the court was involved. And the process is less expensive and less aggressive. This process works for clients who wish to maintain a degree of control over the outcome rather than hand the final decision to a judge. The ultimate goal of the collaborative lawyers is to try to help their clients come to a “win-win” solution.