

PRINCIPLES AND GUIDELINES
FOR THE PRACTICE OF COLLABORATIVE LAW

GOALS

We acknowledge that the essence of “Collaborative Law” is the shared belief by participants that it is in the best interests of the parties and their families in typical family law matters to commit themselves to avoiding litigation.

We therefore adopt the conflict resolution process, which does not rely on a court-imposed resolution, but relies on an atmosphere of honesty, cooperation, integrity and professionalism geared toward the future well being of the family.

Our goal is to minimize, if not eliminate, the negative economic, social and emotional consequences of protracted litigation to the participants and their families.

We commit ourselves to the Collaborative Law process and agree to seek a better way to resolve our differences justly and equitably.

NO CONTESTED COURT PROCEEDINGS OR FORMAL DISCOVERY

We commit ourselves to settling our case without contested court proceedings.

We agree to give full, honest and open disclosure of all information, whether requested or not. There will be no formal discovery.

We agree to engage in informal discussions and conferences to settle all issues. We agree to direct all attorneys, accountants, mental health professionals, appraisers and other consultants retained to work in a cooperative effort to resolve all issues without resort to litigation or any other external decision-making process except as mutually agreed.

CAUTIONS

We understand there is no guarantee that the process will be successful in resolving our case.

We understand that the process cannot eliminate concerns about the disharmony, distrust and irreconcilable differences which have led to the current conflict.

We understand that we are still expected to assert our respective interests and that our respective attorneys will help each of us do so.

We understand that we should not lapse into a false sense of security that the process will protect each of us.

PARTICIPATION WITH INTEGRITY

We will work to maintain the privacy, respect and dignity of all involved.

We shall maintain a high standard of integrity and specifically shall not take advantage of each other or of the miscalculations or inadvertent mistakes of others, but shall identify such mistakes when discovered.

EXPERTS

If experts are needed, we will retain them jointly unless all parties and their attorneys otherwise agree in writing.

In the event that the Collaborative law process terminates, all experts will be disqualified as witnesses and their work product will be inadmissible as evidence unless the parties agree otherwise in writing.

CHILDREN'S ISSUES

In resolving issues about the enjoyment of and responsibility for our children, the parties and attorneys shall make every effort to reach amicable solutions that promote the best interests of the children.

We agree to act quickly to mediate and resolve differences related to the children to promote a caring and involved relationship between the children and both parents.

NEGOTIATION IN GOOD FAITH

We acknowledge that each of our attorneys is independent from other attorneys in the Collaborative Law Council, and represents only one party in our collaborative marital dissolution process.

We understand that the process, even with full and honest disclosure, will involve vigorous good faith negotiation.

Each of us will be expected to take a reasonable position in all disputes. Where such positions differ, each of us will be encouraged to use our best efforts to create proposals that meet the fundamental needs of both parties and if necessary to compromise to reach a settlement of all issues.

Although each of us may discuss the likely outcome of a litigated result, none of us will use threats of litigation as a way of forcing settlement

ABUSE OF THE COLLABORATIVE PROCESS

The parties understand that both Collaborative Law attorneys shall withdraw from a case as soon as possible upon learning that either client has intentionally withheld or misrepresented information or otherwise acted so as to undermine or take unfair advantage of the Collaborative Law process. Examples of such violations of the process are: the secret disposition of assets, liabilities or income, failing to disclose the existence or true nature of assets and/or obligations, failure to participate in the spirit of the collaborative process, abusing the minor children of the parties, or planning to flee the jurisdiction of the court with the children.

DISQUALIFICATION BY COURT INTERVENTION

We understand that our attorneys' representation is limited to the Collaborative Law process and that neither of our attorneys can ever represent us in court in a contested proceeding against the other spouse.

In the event the case returns to court in a contested proceeding, both attorneys will be disqualified from representing either client except in a Collaborative process.

PLEDGE

BOTH PARTIES AND ATTORNEYS HEREBY PLEDGE TO COMPLY WITH AND TO PROMOTE THE SPIRIT AND WRITTEN WORD OF THIS DOCUMENT.

Dated: _____

Dated: _____

Client

Client

Dated: _____

Dated: _____

Attorney

Attorney