



Collaborative Law

Overview

Collaborative Family Law is a non-confrontational approach to resolving issues arising out of family or relationship breakdown. The collaborative process is based on open, honest and dignified discussions during which each client is supported by his/her own trained collaborative lawyer.

The clients and their lawyers work together in a series of meetings without the threat of Court proceedings, to find a fair and mutually acceptable solution.

Why would I do this?

Collaborative Law is based on an alternative dispute resolution model. It tends to be faster and is less acrimonious than going to Court. It allows you to negotiate your own resolutions with the support of trained collaborative lawyers, rather than having a third party (namely a Judge) make the decision for you. It enables you to keep in control of sorting out your own finances, and/or the arrangements for your own children.

People who want to take advantage of this process sign a Participation Agreement that means that both parties are committed to resolving the issues surrounding the breakdown of their relationship without recourse to the Court, but with assistance from lawyers trained in Collaborative Law. This means that the parties usually meet together with lawyers in order to discuss constructively the issues that face them. Between them they set the rules and pace proceedings and can engage with other professionals in therapeutic context as well as experts in finances and accountancy, children and family counsellors and life coaching. The hope is that by working together, innovative solutions can be found and a better more stable agreement or resolution can be achieved.

There will be a series of four way meetings between you and your respective lawyers during which information will be exchanged and negotiations will be entered into. You will be encouraged to find creative and individual solutions tailored to your family's circumstances. Once agreement has been reached, your lawyers will draw up a settlement agreement, which will usually be submitted to the Court for approval and made into an Order.

Costs

Unfortunately, there is currently no public funding from the Legal Services Commission in respect of Collaborative Law. To that end all costs will be met by the parties, who can agree how the costs can be met. Although it is difficult to estimate how much the final costs will be, they will usually be in the region of £3,500 to £5,000 plus VAT and disbursements depending on how many meetings are required and how many assets and/or issues are involved. When you consider that if the matter proceeds to a Final Hearing the costs are in the region of £15,000 plus VAT and disbursements, Collaborative Law is often much less expensive.

Timescale

An agreement does tend to take as long as it takes, but usually they take between 3 – 4 months whereas a Contested Hearing can take anywhere between 9 months and 2 years.

The RJW Family Law Team has three trained Collaborative Lawyers; Kirsty Morbey, Sarah Thompson and Caroline Watson.



Contact us

Please feel free to discuss your own position and concerns. Contact your nearest Russell Jones & Walker office or call:

Call: 0800 916 9055
Email: enquiries@familylaw4police.co.uk
Web: www.familylaw4police.co.uk

Our offices:

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