

## Collaborative Law

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### What is Collaborative Law?

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Collaborative Law is an alternative to the traditional litigation approach to deal with any potential disputes involved in the breakdown of a relationship. This can include dealing with the finances and the children. Collaborative law is based on confidential, face to face negotiations with your partner with the full support of your lawyers alongside you. The aim is to deliver an amicable, out of court settlement that achieves the best possible outcome for the family and avoids the uncertainty and ill feeling of the court making a decision which normally neither party are happy with if the matter proceeds to court.

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### How does it work?

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You, your partner and your respective lawyers sit around a table, discuss the issues and agree the terms of your separation or divorce. You set the agenda and the timetable with help from the lawyers and are in complete control of the whole process. All parties sign an agreement to achieve a resolution without recourse to the Court. Once an agreement is reached, a formal document is prepared for your signatures, which is legally binding, and if appropriate a Court Order can be obtained as a result of this. It is sensible, civilised and tailor made to your family's needs.

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### What are the advantages?

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Collaborative law is more dignified and can be a less costly alternative to the traditional adversarial litigation system. Both parties are put in control of the whole process and this relates to the timing and the outcome of the process. All discussions leading up to any agreement are totally confidential and all the parties that we have helped have stated that the parental relationship is maintained. This is not always possible if and when court proceedings occur.

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### Is Collaborative Law right for me?

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Collaborative law depends on trust. There must be open and honest communication with a willingness to negotiate and it is important that all parties buy in to try and reach the best resolution for the whole family. There may be occasions therefore that collaborative law may not be suitable but this is something that can be discussed at an initial meeting.

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### Why Nockolds LLP Collaborative?

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Nockolds have embraced the concept of collaborative law and have led the development of this area in the county. A large proportion of their team are trained and experienced in the collaborative process.

Nockolds collaborative lawyers bring years of experience of handling matters in the traditional way and are able to utilise this experience, combined with the approach adopted in collaborative law, to help the parties reach their solutions.

If you would like to discuss any issues raised in this update or any other family related matter please do not hesitate to contact our Family Team on 01279 755777 or email [family@nockolds.co.uk](mailto:family@nockolds.co.uk)

Disclaimer: This article has been prepared for general interest and it is important to obtain legal advice on specific issues. We believe the information contained in it to be correct at the time of print. While all possible care is taken in the preparation of the article, no responsibility for its accuracy or for loss or damage occasioned by any person acting or refraining from acting as a result of the material contained herein can be accepted by the firm.

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**What if we cannot reach an agreement?**

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Collaborative law has a great success rate. All parties can take time out and try again. We can also involve other professionals, including family consultants and financial neutrals to assist in the process. If for any reason the collaborative route fails then we as lawyers, have made it a condition that we cannot act any further and both parties must seek alternative separate representation. This puts the pressure on us as lawyers to try and save parties money and time to try and effect a settlement within the collaborative process.

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**Involving other professionals**

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Collaborative law often sees the issues surrounding relationship breakdown resolved far more quickly than traditional court based settlements. One of the reasons for that is that the collaborative process is flexible enough to engage the help of other professionals where needs or circumstances require. Professionals most commonly brought into the collaborative process are family consultants, financial neutrals (e.g. independent financial advisors) and barristers.

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**What happens next?**

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Visit [www.hertsfamilylaw.co.uk](http://www.hertsfamilylaw.co.uk) or pick up the telephone to speak to one of our specially trained collaborative lawyers to discuss this further.