

Principles and Guidelines of Collaborative Law

Negotiation through cooperative rather than adversarial strategies.

Practice of law through problem-solving negotiations in which the parties are proactive, seek to understand and to be understood.

Parties are responsible for the action and the outcome.

Parties develop common ground rather than focus on differences.

Parties seek to understand the other party's interests and concerns, allowing creative solutions to emerge.

Parties seek an enduring solution. Each strives for resolution each can accept and support.

The parties and attorneys work as a team. Attorneys model an attitude of cooperation and respect.

Role of the attorneys:

Advise clients of the law that applies to their circumstances.

Model for their clients a commitment to honesty, dignified behavior and mutual respect.

Attorneys guide their clients through a process of "cooperative conflict," where disagreement between the parties is used for the productive purpose of finding creative solutions.

Attorneys model the ability to hear and understand (active listening) what is important to the opposing party so that the interests of both parties are promoted. Represent client's interests while validating the other party's interests.

Attorneys bring stability and reason to emotionally charged situations and are agents of reality for unreasonable clients. Attorneys use clear, neutral language in speaking and writing.

Attorneys cooperate to provide all necessary disclosure and discovery.

Attorneys remain committed to settlement despite impasse and refrain from using adversarial techniques or tactics. Court involvement is not an option for resolution.

Attorneys are committed to finding effective ways to assist parties in reaching agreement and overcoming impasses (e.g., mediation, neutral experts, neutral attorneys to provide a third opinion).

Neither attorney prepares or files any document with the Court without the mutual agreement of all parties.

Role of the Clients:

Take responsibility for the outcome of the issues that are unresolved.

Adhere to the principles and guidelines of the collaborative approach.

Follow the process suggestions developed by your attorneys.

Treat the process needs of your spouse with respect.

Explore differences in perspective, interests and desired outcomes rather than react to them.

Look for bargaining value in the interests desired by the other.

Let go of past frustrations in order to have a clear view of future possibilities.