

COLLABORATIVE FAMILY LAW - A New Way to Resolve Disputes

The end of a marriage or relationship is frequently a tragic event. Unfortunately, all too often that tragic event is immediately worsened by the processes used to resolve the issues surrounding it. Two people, previously committed to a life-long relationship, become adversaries as they enter the battleground of separation and divorce.

The combatants suffer losses not only to their financial well-being, but also to their self-esteem and dignity. The prospect of seeing a reasonable end to the dispute, much less maintaining a working relationship concerning the children, seems bleak indeed. And it is the children who often suffer the most.

It doesn't have to be this way! Across North America family law lawyers are enthusiastically embracing a new way for their clients to deal with marriage breakdown and divorce, known as **Collaborative Family Law**.

At the heart of Collaborative Family Law is a contract signed by both spouses and their lawyers. All four commit themselves to work co-operatively to resolve all issues. In fact, both lawyers must withdraw from the case if either side insists on going to court, and each spouse would be obliged to hire a new lawyer, from a different law office.

The onus on the lawyers is to provide good problem solving, in a private setting, by conducting a number of four-way meetings. Ground rules are set at the first meeting, when the lawyers help to stabilize the situation. Four to eight meetings are usually required, depending on the number of issues and their complexity.

Your own lawyer still provides independent legal advice to you, but he or she is also committed to finding a solution that works for both parties.

Collaborative Family Law has its roots in what is called "interest-based" or "principled" negotiations, a process developed at Harvard University. It has been widely adopted in many areas of business, government and international affairs. It was first used in family law when a lawyer in the United States became sick of the conflict and stress associated with traditional methods, and vowed that he was never going to court again.

We think that this process would be helpful to some of our CAW members. It is not, however, the answer for every separation. Both parties must be prepared to compromise to arrive at a fair solution, and it will not necessarily be less costly.

Wendela Napier, Managing Lawyer
CAW Legal Services Plan
Brampton and Metro Offices
905-790-6400 or 416-491-121173

Note: Ms. Napier is a member of the Collaborative Family Law Association of Peel Halton and the Toronto Collaborative Association. See collaborativepracticetoronto.com for more information, a list of lawyers, a sample contract and "ground rules".