

## WHAT IS COLLABORATIVE PRACTICE?

Collaborative practice is a recognised method of resolving your family law issues without having to resort to court litigation. It is a voluntary dispute resolution process, in which you and your partner work with collaborative lawyers, coaches (mediators) and other experts to creatively problem-solve issues using face-to-face communication.

It allows you and your partner to negotiate a resolution that targets priorities (whether they are financial or child-related) and that works for your family. It focuses on an end result, which satisfies both you and your partner, with little conflict.



## HOW DOES IT WORK?

In the collaborative practice process you and your partner each have your own collaborative lawyer. The process is facilitated by a coach (like a mediator) who directs and guides you and your partner and your respective collaborative lawyers through the process, while ensuring everyone adheres to the objectives. Financial professionals, child consultants and/or other experts may also be appointed to work impartially as part of the collaborative professional team to help you and your partner make informed decisions. All participants sign a Participation Agreement prior to committing to the collaborative practice process. This is a contract that includes an agreement to settle the family law issues without involving the Court. The collaborative practice process involves a series of meetings where you sit down both privately and together with your collaborative lawyers, coach and/or other experts to discuss options to best satisfy both your and your partner's goals and interests. Legal advice is provided by the collaborative lawyers in the presence of both you and your partner and all negotiations are conducted during the meetings. Correspondence is kept to a minimum. After reaching an agreement, it may be submitted to the Court for legally binding orders to be made.



## WHO CAN BE INVOLVED?

- **YOU AND YOUR PARTNER:**  
By committing to the collaborative practice process you and your partner agree to focus on the future, openly share information for the wellbeing of both of you and any children, work to reach agreement and find solutions that are acceptable to both of you
- **COLLABORATIVE LAWYERS:**  
Your collaborative lawyers will help you gather relevant information, create options to help you both meet your goals and help you negotiate an agreement. They may also draft the agreement into orders for the Court.
- **COLLABORATIVE COACH (MEDIATOR):**  
Your Collaborative Coach is a neutral third party that case manages and facilitates the collaborative practice process.
- **FINANCIAL PROFESSIONAL (OPTIONAL):**  
The appointment of your financial professional may be useful where you need to create dialogues around money and help to understand your finances.
- **CHILD CONSULTANT (OPTIONAL):**  
The appointment of your Child Consultant may be useful where it would be helpful to have someone skilled in assessment and engagement with children and working with parents.



## What are the benefits?

**1. Avoid litigation:**

By avoiding litigation, you avoid the costly and lengthy processes involved in taking a matter through the court system.

**2. Maintain a respectful relationship:**

Collaborative practice aims to maintain and improve respectful communication and, if you have minor or adult children together, affirm your relationship as parents.

**3. Reduce conflict and stress on your family:**

Collaborative practice works to lessen conflict between you and your partner by communication of interests, concerns and desires. It also helps shield your children from the stress of being exposed to conflict.

**4. Decide the solution:**

By using collaborative practice, you and your partner maintain control of the outcome reached and avoid delegating this to the court or others.

**5. Avoid excessive costs:**

While you will pay legal fees, some lawyer time is reduced and therefore costs are saved.

**6. Timely process:**

Collaborative practice meetings can be scheduled without delay, at times convenient to you, your partner and the collaborative professionals.

**7. Focus on the future:**

Collaborative practice focuses on developing effective solutions as opposed to getting stuck on grievances and other relationship issues.

## FREQUENTLY ASKED QUESTIONS:

### Is it confidential?

Yes. Professionals must abide by their respective professional conduct rules concerning confidentiality. However, those professionals with a duty to report may override confidentiality (e.g. if a child is considered at risk of harm).

### What if no final agreement is reached?

If in the unlikely event that the process fails to achieve a final agreement, then both lawyers must withdraw from acting for you. The matter can then proceed to Court.

### Is it for everyone?

Collaborative practice is not an option in every family law case. However, if you believe you can communicate respectfully with your partner, want a continuing relationship with your partner, prioritise issues, consider others and want to avoid litigation, then it is likely that collaborative practice is right for you.

## WHAT ARE MY NEXT STEPS?

If you would like to discuss the possibility of having your matter dealt with using the collaborative approach contact Solari & Stock Lawyers on:

PH: (02) 8525 2700

Email: [law@solariandstock.com.au](mailto:law@solariandstock.com.au)

Web: [www.solariandstock.com.au](http://www.solariandstock.com.au)

For further information about collaborative practice and a list of the collaboratively trained lawyers in our area, please visit the website for our Southern Sydney Collaborative Professionals Inc at :  
[www.collaborativeprofessionals.com.au](http://www.collaborativeprofessionals.com.au)  
or email at:  
[info@collaborativeprofessionals.com.au](mailto:info@collaborativeprofessionals.com.au)

