



Community Legal Information Association of Prince Edward Island, Inc.

Collaborative Law in Separation and Divorce

What is collaborative law?

Collaborative law is a new process for resolving your family law case. You and your spouse each work with your own lawyer who is trained in the collaborative law process. In a series of meetings, attended by the four of you, you will work to resolve all of the issues in a way that encourages your input and gives you the most control over the resolution of your own case.

Collaborative law is about co-operation, not confrontation. In the collaborative law process you and your spouse are equally responsible for collecting information and finding solutions to your problems. Your lawyers work along with you to advise you and to guide the process.

The cornerstone of collaborative law is that you and your spouse both commit to settling all issues without going to court. The objective of collaborative law is to resolve your separation in the spirit of honesty, cooperation and integrity by creating solutions which meet the fundamental needs of *your* family.

How can we tell if the collaborative law process will work for us?

The collaborative law process will work well if both of you:

- behave in a respectful manner towards each other in working out the terms of your settlement
- value a negotiated solution that meets your needs now and in the future
- commit your energy toward creative problem solving rather than blaming and revenge

What will our collaborative lawyers do to help?

Your collaborative lawyers together will help you to:

- Find and focus on your common interests
- Understand each other's concerns
- Exchange information
- Explore a wide range of options

They will

- Guide the meetings
- Be honest and respectful
- Cooperate in sharing all factual information

- Use clear and understandable language when speaking and writing
- Manage emotional situations
- Point out unreasonable expectations
- Work hard to help you and your spouse reach an agreement
- Help you to obtain any necessary court approval

Your individual collaborative lawyer will

- Advise you about the law
- Discuss fees
- Represent your interests but also listen to your spouse's interests.

(Your spouse's collaborative lawyer will represent your spouse's interests and will also listen to you.)

You and your spouse will have skilled legal advisors at every stage of the process. Your collaborative lawyer is always at your side explaining issues and helping you achieve your goals together in a manner that respects the needs of all members of the family.

How does my collaborative lawyer “stay out of court”?

You, your spouse and both lawyers will sign a legally binding contract saying that you will not to take the case to court while you are in the collaborative law process. Neither you nor your spouse will be permitted to play games or threaten court action. If the collaborative law process breaks down, *neither* of the collaborative lawyers can take the case to court. If that happens, each of you has to find new lawyers to represent you in court. This provides an incentive to work things out in the collaborative law process.

The collaborative law contract states clearly that what happens in the collaborative law meetings cannot be used as evidence in court. You are therefore secure in speaking openly about the problems you are facing and considering creative alternatives in a cooperative setting.

How do we get started?

If you think collaborative law may work for you these are the steps to take:

- Talk with your spouse about the collaborative law process and share this pamphlet.
- Meet with a lawyer who is a member of the **Association of Collaborative Lawyers of PEI**. These lawyers can help you decide if the collaborative law process suits you. You may meet with more than one lawyer before making this decision.
- If you decide the collaborative law process is for you, meet again with your own collaborative lawyer before attending the first 4-way collaborative law meeting.

How do I find a collaborative lawyer?

Call Community Legal Information Association (CLIA) and the Lawyer Referral Service for the names of collaborative lawyers in PEI Toll-free 1-800-240-9798 and 902-892-0853. The Association of Collaborative Lawyers of PEI consists of trained, respected collaborative law lawyers who practice independently of one another. Each

collaborative lawyer has special training in mediation, negotiation and the collaborative law process of dispute resolution.

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For more information, you can telephone CLIA at 902-892-0853 or 1-800-240-9798, visit our website at www.cliapei.ca or email us at clia@cliapei.ca . You can also find us at: www.facebook.com/CLIAPEI, www.twitter.com/CLIAPEI and www.youtube.com/CLIAPEI.

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