

COLLABORATIVE LAW

The collaborative process is an out of court process available to attempt to resolve people's separation issues in a manner that can be less expensive, less adversarial and less time consuming. Collaborative lawyers are trained in interest-based mediation and collaborative principles. The lawyers and the parties try to resolve the issues in face to face meetings with the clients and lawyers all present, rather than through court. The parties and the lawyers sign a Participation Contract, indicating that if the matters cannot be resolved, the parties must get different lawyers from different law firms if they are going to court. This allows the parties to engage in open and frank discussions without the fear of having information used against them later in a court process. Other matters are addressed in the Participation Contract such as hiring experts, paying for experts and legal fees, and interim arrangements. The goal is to finally resolve some or all of the issues with a signed formal Separation Agreement. If the parties agree, the lawyers can finalize the divorce using the court process. The collaborative process has been in Saskatchewan for over 10 years. The process is evolving to include other professionals, such as mental health professionals, accountants, and financial advisors.

[Back to
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