

FAMILY LAW SASKATCHEWAN

MCKERCHER LLP BARRISTERS & SOLICITORS

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“Why can’t we just sit down and work this out like reasonable adults?”

“Why is this taking so long?”

“Do I get to have any say in what happens after all of this?”

“We keep sending letters, my bill keeps getting larger, and yet we haven’t made any progress…”

“How can someone who’s never met my children really decide what’s best for them?”

These comments are common by family law clients. To them, they are just frustrated with the outcome of a Court appearance, or the time spent negotiating back and forth with another lawyer through correspondence. To me, they are suggesting that perhaps an alternative to the litigation process would better meet their needs.

McKercher LLP offers family law clients a variety of options for resolving the issues that arise as a result of the breakdown of spousal relationships (division of property, spousal support, child custody and access, child support, divorce). Perhaps the most familiar way of dealing with family law issues is by going to court; however, this may not always be the best option. Earlier this year, I attended and completed the Collaborative Law training course for Saskatchewan and, if you are seeking family law advice, I’d like to take a moment now to encourage you to consider Collaborative Law for your family law needs:

What is Collaborative Law?

Collaborative law is a dispute resolution process, facilitated by collaboratively trained lawyers who assist participants in resolving conflicts using cooperative strategies as opposed to adversarial methods. Through a series of group meetings, collaborative lawyers and participants are encouraged to identify needs and underlying interests and then to generate solutions that meet those needs and interests. At the outset of any collaborative law process, all parties involved agree to negotiate an agreement without going to court.

Why Should I Consider Collaborative Law?

One of the pitfalls associated with allowing a Court to determine family law outcomes is that participants must relinquish all control over the outcome to a judge. It is the judge who decides who “wins” or loses” and, more often than you might expect, neither party is happy with the result. The litigation process itself tends to only permit one “winner” and one “loser” and, accordingly, it can actually propagate conflict as



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opposed to resolving it. Collaborative Law is often the better option for the following reasons:

- It facilitates exchange and understanding of information between parties;
- It is based on open communication;
- It explores a range of possibilities and provides flexibility in reaching a solution;
- Participants have control over the outcome and the pace with which it is reached;
- It can provide satisfaction to both parties, in relation to both process and outcome;
- It can take less time than going to court;
- It can cost less than going to court;
- It takes your non-legal needs and what matters to you most into consideration (as opposed to considering only legal issues);
- It allows for greater privacy because proceedings do not form part of the public record;
- A collaborative solution often results in a better long-term result; and
- A skilled lawyer advises you and guides you through every step of the process.

The results of a recent survey completed by the International Academy of Collaborative Professionals revealed that 75% of participants in the Collaborative Process were satisfied with the process. Of the 90% whose cases settled, 79% were satisfied with the result. When compared to the Court process, in which there is often only one “winner” and, occasionally, neither party is satisfied with the outcome, these results speak volumes about the ability of the Collaborative Process to elicit positive and workable outcomes for *both* parties (<https://www.collaborativepractice.com/resources>).

McKercher LLP is proud to provide Collaborative Law services in both our Regina and Saskatoon offices. If you are interested in learning more about the Collaborative process, or would like to discuss whether the Collaborative process is right for you, please do not hesitate to contact us.

If you are interested in pursuing the Collaborative Process, please visit www.collabsask.com for a list of other collaboratively trained lawyers who could represent your spouse.

[this blog entry was written in conjunction with [Lindsay Hill, of McDougall Gauley LLP](#), a lawyer practicing in general civil litigation with a focus on insurance law, wills and estates, and family law]

About Family Law Saskatchewan:

Samantha, Kate and Zina are active members of the larger McKercher LLP Family Law Group. This group is dedicated to the delivery of honest, focused and experienced legal solutions for families in Saskatchewan who are transitioning to a next chapter in their lives together, or apart.

About McKercher LLP:

McKercher LLP is one of Saskatchewan’s largest, most established law firms, with offices in Saskatoon and Regina. Our deep roots and client-first philosophy have helped our firm to rank in the top 5 in Saskatchewan by Canadian Lawyer magazine (2019/20). Integrity, experience, and capacity provide innovative solutions for our clients’ diverse legal issues and complex business transactions.



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