

# COLLABORATIVE PRACTICE

**Leaflet No. 15.**



**LEGAL AID BOARD**

**This leaflet is not an interpretation of the law.**

## **LEAFLET No. 15**

### **What is collaborative practice?**

Collaborative practice is a new way of resolving family law matters including divorce, separation and parenting disputes. There are a number of core elements to it that make it different from other ways of resolving family disputes. They include:

- A commitment by the parties in dispute and their lawyers that they will not go to court or threaten to go to court unless it is to rubber stamp an agreement.
- A commitment by the parties in dispute to be honest and open with each other.
- Face to face negotiations between the parties in dispute and their lawyers.
- A commitment by the parties in dispute and their lawyers to try and reach an agreement that is fair to everyone.

### **How does it work?**

Both you and your partner work with specially trained collaborative lawyers. You each receive legal advice and guidance, and together with your lawyers, discuss and resolve issues through face to face meetings.

### **How is the threat of court action during negotiations avoided?**

Everyone signs an agreement disqualifying your collaborative lawyers from representing you at court if the collaborative process breaks down. Neither of the lawyers can act for you in any contested court proceedings. If you are in receipt of legal aid, the Legal Aid Board will arrange alternative legal representation for you in the unlikely event that the process does break down.

### **What are the advantages of negotiating outside the court process?**

- Provided everyone enters the process in good faith, the process is faster and less acrimonious than court proceedings.
- You can set your own agenda according to what matters most to you and your family.

- You will have a greater degree of control over the process, including the pace at which you negotiate, and you won't risk key decisions being made by a complete stranger, namely a judge.
- The process is likely to be far less stressful than court proceedings, which are widely regarded as being one of the most stressful events that a person can encounter. With collaborative law there should be no surprises and each party should know what to expect.
- If the process is successful you will have an agreement with your partner which both of you will have had responsibility for, and which, hopefully, will be a more effective basis than a court imposed solution, for maintaining a relationship with your partner for the benefit particularly of any children.

### **Is every lawyer trained in collaborative law?**

No. Not every lawyer is trained in collaborative law and it is likely to be more difficult to engage in the process if your partner's lawyer is not so trained. You can get details of those lawyers who have been trained in the process at your local law centre. In any event, other than in certain circumstances, your lawyer will make every effort to assist you in resolving issues without the necessity of issuing court proceedings.

### **Is it likely to be successful?**

The process is dependent on both parties making full and frank disclosure of all of their assets so that negotiations can be honest and open. Experience has shown that if there is that honesty and openness there is a strong probability that the process will work and that the agreement that you come away with, will be a far more effective and workable agreement than any arrangements that might be imposed by a court.

#### *Legal Aid Board Information leaflets*

Leaflet No. 1.	Civil legal aid	Leaflet No. 9.	Wills and inheritance
Leaflet No. 2.	Family law - general	Leaflet No. 10.	Customer care and complaints procedure
Leaflet No. 3.	Separation	Leaflet No. 11.	Applying for legal services
Leaflet No. 4.	Divorce	Leaflet No. 12.	Withdrawal of legal services
Leaflet No. 5.	Nullity	Leaflet No. 13.	Financial eligibility
Leaflet No. 6.	Maintenance	Leaflet No. 14.	Civil legal aid for complainants in rape and certain sexual assault cases
Leaflet No. 7.	Domestic violence	Leaflet No. 15.	Collaborative Practice
Leaflet No. 8.	Children and family law		

# FULL-TIME LAW CENTRES

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<b>CORK</b>	North Quay House, Popes Quay, Cork. 1A South Mall, Cork. <b>Refugee Legal Service,</b> North Quay House, Popes Quay, Cork.	Tel: (021) 4551686 Fax: (021) 4551690 Tel: (021) 4275998 Fax: (021) 4276927 <b>Freephone: 1800 202420</b> Tel: (021) 455 4634 Fax: (021) 455 7622
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<b>WICKLOW</b>	Bridge Street, Wicklow.	Tel: (0404) 66166 Fax: (0404) 66197

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**LEGAL AID BOARD**



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## ***HOURS OF OPENING***

***10.00 a.m. - 12.30 p.m. & 2.00 p.m. - 4.00 p.m.***

QUAY STREET, CAHIRCIVEEN, CO. KERRY.

LOCALL No. 1890 615200

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