

Ellisons

SOLICITORS

Essential Information Leaflet: Collaborative Law

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What is Collaborative Law?

The traditional way in which couples deal with divorce or the dissolution of a civil partnership is to try to reach an agreement and if that fails, to apply to the Court for a judge to decide matters. This is an efficient process, but it can often be confrontational and combative.

Many couples would prefer to avoid this, especially if they need to maintain some kind of relationship with each other in future, for example, where they have children. Collaborative Law provides an alternative way to resolve disputes at the end of a relationship. Both sides do this by instructing a specially trained collaborative solicitor to act for them in a constructive and conciliatory way throughout their case.

How does the collaborative process work?

The parties and their solicitors enter into a Participation Agreement which sets out the way in which we will all work together to find a solution that works for both of you, and if you have children, for them as well. We have a number of meetings where clients and their lawyers discuss things in an informal and friendly setting. If we need the help of experts, such as accountants or independent financial advisors, we can agree to invite them along to these meetings. Your solicitor's role is to support and advise you, and also to work with the other side to bring about a resolution. If we can reach an agreement, the solicitors then sort out the necessary paperwork.

What if we cannot agree?

Most people who use the collaborative process are able to reach an agreement. However, some people cannot for all sorts of reasons. If this happens, then both of you have to find new solicitors to act for you in relation to the end of your marriage or partnership as the Agreement stipulates that your collaborative solicitors cannot act any further. (However, Ellisons would still be able to undertake other legal services for you, such as a new Will or buying or selling property etc.)

Is it suitable for me?

Collaborative Law is not suitable for everybody. Some people have personal circumstances where the collaborative process would be unsuitable due to difficulties in their relationships or because they do not trust their spouse or partner. However, for those couples who are able to use the collaborative process, it is a far less painful and more positive way to sort out arrangements for the future.

How do I find out more?

Contact one of the collaboratively trained solicitors below. We offer a free 15 minute information session where you can meet one of our Collaborative solicitors and find out more about how the collaborative process works. Please note that although we can give you information about the collaborative process at this initial free meeting, we are unable to give you any legal advice at that stage. Please talk to your solicitor about how you can obtain legal advice.

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