

Henmans Guides - collaborative practice

Are you afraid of the impact of separation and divorce on the children? The financial cost of separation and divorce? Giving the control of your decisions to the court? Or your separation and divorce taking forever to solve? There is a better way - collaborative practice.

Collaborative practice is a new way for divorcing or separating couples to work together as a team, with trained lawyers to resolve disputes respectfully, without going to court.

Each client has the support, protection and guidance of his or her own lawyer. The lawyers and clients together form the collaborative component of collaborative practice. The lawyers agree that they are there to help the clients through the collaborative process, they are not there to take the case to court and are prevented from doing so.

The main elements of collaborative practice are set out in a contract called a Participation Agreement, which both the lawyers and the clients sign.

How does it work?

- » You and your partner each instruct a specialist collaborative family lawyer.
- » You both agree with your lawyers to work together as a team to resolve issues without going to court.
- » There is a prompt, honest and open disclosure of all information.
- » Other experts can be enlisted to help as part of the team.
- » Settlement is reached in four way "face to face" meetings (2 of you and 2 lawyers).
- » You and your partner remain in control of the process.
- » Your lawyers are present to provide support, legal advice and guidance.
- » If no settlement can be reached, a new firm of solicitors will have to be instructed for court proceedings.

The collaborative process offers many distinct advantages:

- » You keep control of the process yourself, without having to go to court.

- » Children's needs are given priority.
- » You and your partner commit to reaching an agreement through a problem solving approach.
- » An atmosphere of respect preserves your self-esteem.
- » Open communication allows both of you to express your needs for moving forward and gives you new tools for effective problem solving in the future.
- » There is full disclosure of the facts and information.
- » Face-to-face meetings in the presence of lawyers make negotiations direct and efficient and allow for mutually created resolutions.
- » The collaborative process helps both of you plan for your own future and that of your children, and to begin new lives.

Collaborative practice is fast becoming recognised by lawyers who are family specialists as a much better way to help couples work in partnership towards a no court separation or divorce.

If we can help you with any of these issues, please call to speak with Rachael Smethurst, the head of our family team on 01865 781181 or rachael.smethurst@henmansllp.co.uk.

As head of our family law team Rachael is highly regarded in her field and advises on all issues relating to cohabitation, premarital agreements, financial settlements, pensions, civil partnerships, children and divorce. Rachael is renowned for her empathic approach and has achieved specialist accreditation with Resolution. She is also a qualified collaborative lawyer. Rachael's team adopts an innovative approach in developing solutions to difficult problems, carefully tailored to suit individual needs

