

# Better TOGETHER

Collaborative Family Law is a way of resolving issues around separation without going to court. It is a refreshing contrast to the stereotypical and, nowadays, rather outdated image of family lawyers – the ‘tough negotiator’ sparring in court with a hostile opponent.

The process involves the separating couple sitting down around the table with their specially trained Collaborative Family Lawyers to work out the best solution for their family. It is a team approach that focuses on reaching an agreement that everyone involved has created and is believed to be the best solution for that family.

At the outset, there is a clear commitment not to go to court. Instead the couple agree to resolve issues within meetings. They both attend together with their lawyers and these are known as four-way meetings – two clients plus two lawyers.

As well as lawyers, experts in other disciplines can be helpful to the collaborative process. For example, Independent Financial Advisors can become involved in the four-way meetings to provide financial advice on an impartial basis to both clients – they are often known as ‘financial neutrals’ in the process. They can also help to implement aspects of the financial agreement, thereby providing a seamless service to clients.

Other professionals who can assist within the collaborative process include pension experts, accountants and family consultants. Often a pension will be one of the main assets built up during a marriage. Involving a pensions expert can ensure that any pensions are valued at an early stage and from an impartial perspective. The future retirement needs of both clients can be evaluated and creative solutions suggested as to how the pensions can be shared if appropriate.

A divorce coach or family consultant can become involved to assist either client or their children with any emotional difficulty they may experience during the process.

## So what are the advantages of the Collaborative approach?

You and your partner retain control of the outcome. If you go to court you are asking a judge to make decisions about the future of your family. Judges have a wide discretion when dealing with family cases as each case is different. This means the outcome can be difficult to predict with complete accuracy, leaving you to face the uncertainty of a court-imposed outcome.

You and your partner will be encouraged to reach an agreement that you can both live with, and which meets the needs of the whole family, rather than just one of you ‘getting a good deal’. This means any agreement is more likely to last, rather than creating ongoing resentment when one of you feels you have ‘lost’ the case.



Your Collaborative Family Lawyers will help you communicate in a conciliatory and respectful way, taking into account each other's views. This helps to lay the foundations for a better relationship in the future – particularly important if you have children. An acrimonious court battle, by contrast, can leave lasting scars for the whole family.

Collaborative Family Law is a creative approach which looks ‘outside the box’ for solutions to your family's issues. This can be especially useful where there are family businesses or other complex assets to deal with. The involvement of a ‘financial neutral’ to help you find creative solutions is something which is not available if you go to court.

**‘One of the key advantages of the Collaborative process is the opportunity to plan together in order to make the best use of the family's resources.’**

Nigel Bourke of Mercury Wealth Management is a Resolution Accredited Independent Financial Advisor who has experience of working with clients and their lawyers in the Collaborative process. He points out that one of the key advantages of the Collaborative process is the opportunity to plan together in order to make the best use of the family's resources. For example, investments can be restructured in a tax-efficient manner, so that a separating couple can maximise Capital Gains Tax exemptions before finally divorcing. This sort of careful planning together is rarely available in the court process, where a couple may be ordered to cash in their investments regardless of the tax implications.

In the North East we have a group of Collaborative Family Lawyers, known as the North East Collaborative lawyers POD. The POD covers a wide geographical area stretching from Northumberland right down to Teesside. You can find your nearest Collaborative Family Lawyer on the POD website [www.collabfamilylawnortheast.co.uk](http://www.collabfamilylawnortheast.co.uk).

There is also a voucher to download on the site which entitles you to a free 30-minute meeting with a collaborative lawyer to discuss the process in more detail.