

THE 5 STAGES OF A COLLABORATIVE MATTER



DIAGNOSE

At this initial stage we will:

1. Identify the legal issues
2. Determine the common and differing goals, interests and concerns of both parties.

The 'diagnoses' phase will be ongoing throughout the process but will begin very early on with your lawyer in determining the issues for resolution (ie parenting, property, living arrangements etc) and also the goals or interests that are important to each of you.

Your lawyer will then meet with you to prepare for the first collaborative meeting. The lawyers and other professionals in your matter will also meet to prepare for the first meeting which may be done by phone.

You and your former partner and the professionals in your case will then attend the first collaborative meeting which is often procedural in nature, discussing the issues to be resolved, the goals for you and your partner, the information that may be needed to find a resolution and any immediate agreements that are necessary.

At the end of each collaborative meeting, the team will take time to 'debrief'. Additionally each lawyer will also debrief with their clients.

Minutes of each meeting are then circulated by email within 24hours where possible.

The time between meetings can be varied to suit parties but each meeting should be limited to 2-2.5 hours.



GATHER INFORMATION

At this stage we will work with you to gather all necessary information you are required to provide at law, and more importantly, personal information that is relevant to you that will enable us to best understand what is important to you and your family and why.

You and your lawyer and other professionals will work together behind the scenes to gather information that will be needed for you to make decisions.

This might include financial documents such as bank statements and tax returns, valuations for real property or businesses.

In relation to your children, information may be needed from their schools, counsellors or others. If necessary, a child expert will be engaged to meet with your children and provide you and your former spouse with feedback about how they are travelling. This work will also be carried out behind the scenes. The information acquired will then be presented at the next meeting.

Depending on the issues to be resolved in your case, this process of gathering information can be done quickly or sometimes may take more time, requiring 1 to 2 collaborative meetings.



EDUCATE

Once we have gathered the necessary information we will provide you with an initial legal advice.

We will then help you to-

- a. Workshop solutions
- b. Evaluate the expected outcomes of each workshopped solution from emotional, financial and legal perspectives.

A collaborative meeting will then be held to discuss the information gathered and provide you and your partner with legal advice.

Options for resolution will then be discussed by-

- Firstly, by listing all of the possible solutions to the issues
- Secondly, evaluating those solutions taking into account your goals and interests, legal rights and entitlements.

Often you and your spouse will then need time to go away and consider those options and meet with your advisors to privately consider the best ones for you.



RESOLVE

We will then negotiate a collaborative agreement by selecting from the options which best fulfil your goals, interests and concerns, which the other party will also find acceptable.

To assist, follow these steps:

- a. Compare the expected outcomes to each party's stated options
- b. Eliminate options that have outcomes that do not sufficiently meet the goals of either party
- c. Narrow the options to those that do meet the most important goals of both of you
- d. Jointly determine the option that most closely meets the most important goals of both of you.

At a final collaborative meeting you and your partner will table your preferred solutions and negotiate an agreement.



DOCUMENT

Draft and sign a written legal agreement that accurately reflects your settlement terms to finalise your legal matters.

The agreement you reach will then be drafted into legal documents. This drafting will be done by your lawyers and will often take a few weeks.

You will each meet with your lawyers to obtain a final legal advice in relation to the documents.

Sometimes a final collaborative meeting is scheduled for the signing of the legal documents and to conclude your collaborative process.

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