

Separation without Disintegration

This issue we launch a new column, sponsored by the North East Collaborative Law Group, which focuses on a new, positive approach to helping couples through separation and divorce.

To most people the word 'divorce' is associated with conflict, loss and painful disputes about children.

But there can be such a thing as a 'good' divorce.

A group of experienced local family lawyers has successfully pioneered a new approach known as Collaborative Law. The North East Collaborative Law Group is committed to helping couples work through their separation in a positive and respectful way, bringing them together in an atmosphere of transparency and trust, to help resolve the range of diverse issues that can arise during separation and divorce.



This makes it easier for couples to part in a reasonable and non-contentious way, which helps them and their families, and also saves costs.

It's very much a team approach. The lawyer's job is to help the couple understand the options available to them and the legal implications of various options, while the individuals themselves are encouraged to play an active role in presenting their own viewpoints and listening to those of their estranged husband or wife, with the aim of finding a fair solution. Collaborative Law also allows other professionals, such as family mediators, to be brought in, if required.

Experience shows that there is usually a creative way around any particular problem. The key is to find a solution that fits the realities of each couple's lives. Most people who have experienced the collaborative process emerge feeling relieved and that they have been listened to and fairly treated throughout the process – something that is not characteristic of conventional court proceedings, based on the adversarial process of resolving divorce.

Couples have commented:

"We liked the team approach of our lawyers and how much they worked together with us to get things agreed."

"We felt that we had agreed our divorce settlement in a most grown-up way."

"The final settlement was how we wanted it to be and not the lawyers or a court telling us what we could and couldn't do."

The NE Collaborative Law Group is working successfully with couples across the region, building on existing good relations between local family lawyers. One Group member explains:

"The practice of family law in Aberdeen and the North-east among those who specialise in it has for many years focused on finding solutions for couples with the minimum of adversarial attitudes. It's therefore no surprise that our group is so forward-looking and proactive, with the energy and expertise to promote and operate this new system.

"Our hope is that Collaborative Law becomes the normal approach to separation. It is very rewarding as a lawyer to be able to offer an approach that works well for both clients and helps them preserve goodwill for the future."

The Collaborative Law Process:

Each client requires a trained Collaborative Lawyer to represent them.

At an initial meeting with the Collaborative Lawyer, a new client is given all the different options available, including Collaborative Law, mediation and what, for now, are the traditional routes of negotiation or court resolution.

If Collaborative Law is chosen, clients have to be prepared to be open and honest, and to be genuinely willing to reach agreement. The two lawyers arrange an initial four-way meeting.

At the first meeting, the clients sign a formal agreement setting out the ground rules of the process, which reinforce the need to be open and frank and to work together to create solutions to resolve their issues. The various issues to be discussed are identified and initial discussions take place.

There is no prescribed number of meetings – there can be as few or as many as the couple agree they need. At the final four-way meeting, the wording of any divorce or separation agreement/contract is discussed fully and signed by the couple with the two lawyers present.

If you would like to find out more about Collaborative Law, please visit the Scottish Collaborative Lawyers Group website:

www.scottishcollaborativelawyers.com, or look under 'Solicitors, Collaborative Lawyers' in Yellow Pages.

