

Collaborative Family Law

In 2007, a group of lawyers from the Illawarra and Shoalhaven formed Collaborative Family Lawyers Illawarra Shoalhaven.

The group comprises experienced family lawyers and accredited specialists from the leading firms in these regions who understand and are qualified in the collaborative process.

The group also includes members of related professions including counsellors, financial consultants and valuers.

They can help you and your partner reach the best possible solution for your family.

Find a Collaborative Family Lawyer

It is very important to understand that couples who use collaborative law to resolve issues arising between them following separation must each appoint a lawyer who has been specially trained in the process.

To find a suitably trained
Collaborative Family Lawyer
in the Illawarra or Shoalhaven,
visit our website:



www.collabfamilylaw.com.au

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**FAMILY LAW
WITHOUT THE FIGHT**

What is Collaborative Family Law?

Collaborative family law is a new way of resolving issues that arise out of relationship breakdown. In a collaborative process, parties and their lawyers agree to work together to create fair solutions to their financial or child-related issues without involving the court.

A collaborative approach allows for greater co-operation between the various professionals involved in helping families. People involved in a collaborative process will have access to child specialists, counsellors, accountants and financial advisers who bring their expertise to the process when necessary. This frees up the lawyers to concentrate on helping people negotiate and focus on creating a fair settlement.

Collaborative family law has been used in the USA and Canada since the early 1990s and more recently in the UK, Ireland and Europe. It is recognised as a successful means of Alternative Dispute Resolution.

What are the benefits?

Collaborative family law allows you to retain control of the decision-making process following separation. A lawyer or judge is not deciding your property settlement or parenting arrangements for you, and you can be sure that your interests are considered and addressed.

The collaborative law process also aims to reduce conflict between separating couples by negotiating an outcome that suits everyone. Many couples find that this leads to a more harmonious relationship after separation – which is very important when children are involved and on-going contact is necessary in parenting them properly.

Why should you consider collaborative family law?

Generally speaking, collaborative family law allows you to resolve the issues surrounding your separation in the way that best suits your family. It saves you, and your children, from becoming tied up in a court case, reduces the high stress on a family that separation creates, and makes sure that the best interests of all family members are considered. It also creates a solid foundation for your future life.

What does Collaborative Law involve?

- You and your former partner each retain a family lawyer to advise them throughout the process.
- The lawyers will discuss with each party in an introductory meeting or telephone call whether the case is suitable for the collaborative process.
- The parties and their lawyers will all sign a Participation Agreement setting out the rules for the collaborative process and providing that if either party commences court proceedings, both collaborative lawyers will be disqualified from representing either party.
- The foundation of the collaborative process is an understanding that the parties (and their respective lawyers) will act in good faith, be open and honest in dealings with one another and respect that different views will need to be expressed to achieve a fair settlement.
- The majority of the negotiations will take place at “4 way” face-to-face meetings between the parties and their lawyers. Correspondence between lawyers is kept to a minimum. By being present throughout the negotiations, the parties retain control, the scope for misunderstandings is reduced and they are assisted in communicating with each other in a non-confrontational way, which is particularly important if the parties have children together.
- The meetings are minuted and action points for future meetings agreed. Once a settlement is reached, the lawyers draw up a settlement agreement.