



COLLABORATIVE UNCOUPLING

The phrase “conscious uncoupling” hit the spotlight in the aftermath of the breakup of Gwyneth Paltrow and Chris Martin. It was used to describe a breakup or divorce that sought to avoid an acrimonious and contentious separation.

Many family lawyers now see going to court to be completely unsuitable and outdated. Apart from incurring significant financial cost, acrimonious protracted litigation can often cause long-term irreparable emotional damage to the couple and their children.

There are now an increasing number of lawyers in the UK that see the way forward as resolving issues through the collaborative law process (also known as collaborative practice).

This is a legal process which enables couples who have decided to divorce or separate to work with collaboratively trained lawyers and other professionals to achieve a settlement that best meets the needs of the couple and their family.

At the outset, the couple make a “no court commitment” and agree to resolve issues by sitting round a table with their collaborative lawyer by their side. This means there can be no threat of “see you in court” and the collaborative “team” comprising the couple, their lawyers and possibly other professionals, (such as family consultants, independent financial advisers, pension experts and tax specialists), have to work together and be creative, to reach a tailor made solution for that particular family.

With the collaborative process, the couple keep control. Ideally where there are children, it also means they retain a civil relationship going forward.

The Lawyers

In the North East there are over 30 collaborative

lawyers. One requirement is that the lawyers have to be part of a group of collaborative professionals that meet regularly to discuss practice issues and build relationships. The North East Collaborative Lawyers group is one of the most active in the country.

All the lawyers in the group have many years of experience and have seen the damage caused by more traditional processes. Although from different firms, they share the common goal of trying to resolve issues that arise when a relationship breaks down, in a constructive, fair and dignified way.

The Family Consultant

Just as athletes have to invest time training to ensure they perform to the best of their ability, a couple embarking on the collaborative path need to ensure they are fully equipped to deal with the process. Family Consultants are professionals who come from a variety of backgrounds. They understand couple dynamics and can help ensure that any non-legal issues that might impair the process, are fully communicated to the collaborative team.

A Family Consultant will meet the couple separately before the first meeting and can provide support through the process, if necessary. Without assistance managing any emotional or psychological issues, the couple will not be able to engage in the process properly. At best it may take longer to finalise matters, meaning more stress and more legal costs are incurred. At worst, it may

mean that the process comes to an end without resolution and the couple then have to go to court.

The Neutral Financial Advisor

Financial security for the family as a whole is often one of the key areas of concern when a relationship breaks down. There are likely to be concerns about how long money will last; will assets need to be sold? Will each party be able to manage financially on their own? Will the needs of the children’s education and future be met?

Bringing a financial planner to the collaborative table means there can be open discussions about these issues and expectations in a supportive environment. Specialist advice can be given by looking at the overall asset pot, with the lawyers on hand to advise on the legal implications. This results in an outcome which maximises the resources available for the benefit of the family as a whole.

In true collaborative style, none of the professionals and firms that are part of the collaborative community in the North East, are singled out in this article.



collaborative family law
north east

Full details can be found on the North East Collaborative Lawyers website, www.cflnortheast.co.uk