

Collaborative Law

A client perspective

This document is the verbatim comments from Tim, a recent client (name changed). It is produced with sincere thanks for sharing his experience.



How did you come to choose collaborative practice?

I had done no serious research before divorce had been suggested by my wife. She had already done quite a bit of background work and had an initial meeting with her solicitor before suggesting it to me.

At the time I was still in quite a bit of turmoil about this and unsure quite what to do, but permanent separation seemed inevitable. Rather than look at alternatives I found a fairly local solicitor who practiced collaboratively and had an initial meeting to find out what my options were. I was lucky enough to have stumbled across Mary Shaw at David Gray first.

Why did you choose collaborative practice?

A combination of factors really - despite the breakdown of our marriage we knew each other well enough to believe that a cooperative approach was going to be less personally damaging to us emotionally than a more adversarial approach.

Throughout the key focus that we kept coming back to was making sure that the emotional damage to our son was minimal and we felt that an adversarial approach would inevitably impact on him through our stress. It is also important to us that we “show” our son how to behave cooperatively and that relationships can change without the involved parties resorting to conflict. A significant factor in my decision to choose collaborative practice was my initial meeting with Mary – my gut instinct was that we could work together. She was my solicitor and looking out for me, but not just that. I really felt she had an interest in seeing my life in the round, and protecting the elements of the relationship with my ex-wife that would sustain cooperation into the future for raising our son.

What did you expect when you chose collaborative practice?

My expectations about this process was (given that I had nothing to compare it to having never experienced divorce before) that it would be easier emotionally, I might have a little more control over how things might go, that it might be more controllable in terms of pace, that our son would come out of it less damaged. It is very hard to pin down precisely whether I saw this as a potentially less catastrophic end to a marriage, or just something I had to do so it might as well have been this way as any other (if you see what I mean) – maybe a bit of both.

I genuinely tried to keep an open mind, but that isn't always easy when things like your home, finances, pension and so on are in the mix. Mary managed my expectations quite early on, and she really got me to focus on what I wanted to achieve in terms of parenting and fairness. This was crystallised in an anchor statement which served to be both aspirational, but also a reminder of what was to be achieved when so many other factors started to crowd in. Undoubtedly there are times in any process of relationships ending when things can become overwhelming and it helped to have this clear focus to look back on.

What were you hoping to achieve / avoid by choosing collaborative?

I was hoping to achieve a separation that didn't take a financial or unnecessarily emotional toll and left us able to cooperate in raising a healthy and happy son. Divorce is hard enough without having your solicitors acting adversarially and setting up potential points of conflict or wounds that still fester once the process has finished - so this is what I wanted to avoid.

Was the process as you expected?

Yes and no...

I was very well prepped by Mary in the run up to our first 5-way meeting. Having a neutral chair person really helped, and he had spent some time getting to know us both before the first meeting. I don't think I had really anticipated how cathartic some of these sessions would be – an acknowledgment by all on the interdependent nature of each facet of our lives really helped therapeutically strangely enough. I don't think I had really understood how important it was to us to be able to speak freely in a relatively safe or neutral space about what we wanted and for that not to be weaponised and used as a stick to beat with or a lever for advantage.

Was it better than going to court? In what way?

Very hard to answer having never experienced it.

But I have alluded to the benefits of this not being an adversarial process. Our divorce is something we kind of grew into and which became assimilated into our lives rather than a bloody battle. The end result is that we were cooperative and parenting well before everything had been finalised. I think there were distinct cost and time advantages to this too. Being able to present a clear plan for finance, accommodation, assets and parenting which we both agreed felt fair, for a judgment to be made on seemed like a much more satisfactory and dignified approach and meant that no one needed to see the inside of a court room.

What would you recommend, to others about the process?

First and foremost that I think it gives you the best possible chance of coming out of a very significant life-event relatively unscathed. Of course there are traumatic moments and difficult decisions, compromises you didn't expect to make but also concessions you didn't expect to receive. It feels much more balanced, much more like you've come out of the process having made the key decisions yourself. It really does seem to offer the best possibly outcome for couples with children in particular who are inevitably going to have to spend at least a few more years communicating, collaborating and cooperating to be effective parents.

To further answer that question in maybe a more nuanced way, I'd say that I'd recommend really thinking hard about whether you feel the solicitor you have chosen is someone you can be open with and trust. It helps if you can "click" – it is a different kind of a process to one where you just want a bulldog to go to battle on your behalf, get you out of the marriage, grab as much loot as they possibly can, and to hell with the consequences. I'm not sure that this particularly requires the development of such a personal working relationship with the solicitor. I don't feel an ounce of the prep that Mary Shaw did with me was wasted in that respect – she was thorough and insightful, and it meant we had a "good" divorce for want of a better expression.

