

## The Collaborative Process: A Guide for Separating Couples

### Role of a Collaborative Lawyer

**In a collaborative divorce, the lawyer is not neutral. The collaborative lawyer acts as a resource, an educator, an advocate for his or her client and protector of the collaborative divorce process.**

Collaborative lawyers: -

1. Advise their respective clients of the law which applies to their circumstances;
2. Promote and exhibit honesty, mutual respect and dignified behaviour;
3. Guide clients through a process of cooperative conflict by employing disagreement as a way to achieve creative solutions to problems;
4. Get to know their clients and establish a rapport with a parties involved in the process;
5. Foster respectful communication and listening skills for all parties in order to promote the interest of both sides;
6. Identify the issues and concerns of all parties;
7. Foster stability, reason and reality in emotionally charged situations;
8. Cooperate with one another and provide all necessary disclosure and discovery;
9. Assist the client in organising disclosure documentation and in understanding the disclosure documentation from the other side;
10. Assist in analysing the consequences of competing values and possible choices;
11. Respect the choices made by the client even if they are different from what the law may offer;
12. Employ clear and neutral language in both written and verbal communication;
13. Understand that court is not an option and refrain from employing adversarial tactics and techniques; and
14. Remain committed to finding effective ways to assist the parties in reaching agreement and overcoming impasses by using mediation and neutral experts to provide a third opinion.