

collaborative divorce

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Collaborative divorce

Collaborative divorce is a way of **getting divorced** that **doesn't involve the courts**. Instead, the couple – and their lawyers – agree to resolve matters between themselves.

A collaborative divorce gives you control over the divorce process and the outcomes you achieve. It can often be a **smoother, less confrontational process** for both parties, regardless of whether or not you have children.

Because collaborative divorce requires a different approach to a traditional divorce, with **more transparency, pragmatism** and **information sharing**, you will need to be **represented by a lawyer** who is **trained in the collaborative divorce process**.



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Collaborative divorce

It is also **beneficial** if the **lawyers themselves know each other**; they will need to collaborate much more closely than in traditional divorce proceedings. In fact, their ability to work together effectively is an important element in the collaborative approach.

To achieve a successful collaborative divorce, you and your partner need to be open and transparent with each other. You have to be **prepared to sit down, together with your lawyers**, and **come to an agreement** that works for both of you. It is up to you precisely what is included in the agreement, but it needs to be one that works for the long term.

The benefits of a collaborative divorce

The most significant benefit is that the courts are not involved in a collaborative divorce, other than for certain legal formalities and to approve the financial agreement you reach.

The process is not confrontational; it tends to be easier to avoid the hostility and resentment that is a common feature of the traditional court process. It gives you the freedom and assurance to be open and honest in your discussions and negotiations, without worrying that your partner may suddenly start court proceedings or use the information against you.



The benefits of a collaborative divorce?

Less stressful

Collaborative divorce takes place in a non-threatening and private environment, where the emphasis is on working together for mutual benefit. It can still be very emotional, but it is generally less stressful. The non-adversarial approach is much less damaging to other family and personal relationships.

More control

You have total control over the process. You can move as quickly or as slowly as you want. You set the agenda and you decide what your priorities are. Everything is above board and there are no behind the scenes deals or discussions.

Greater transparency

Both parties commit to being open and upfront throughout the process. You learn to trust each other – and your respective lawyers. It is an atmosphere of mature collaboration. You can ask as many questions as you like, whenever you like, so there is less chance of any confusion or misunderstanding.

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Faster

Collaborative divorce is much quicker than going to court. Agreement can often be reached in a matter of weeks, rather than the several months typical in court proceedings.

Cheaper

It is also significantly cheaper than going to court, not least because there is no need for lengthy correspondence between your lawyers. The average cost of a collaborative divorce is around £3,000 to £5,000 each. In contrast, the average fully contested divorce case costs each person around £10,000 to £15,000.



Is it right for you?

Collaborative divorce isn't for everyone.
Some people might prefer a more traditional approach.

To find out if it might work for you, **ask yourself some simple questions.**
If your answer to them all is 'yes', you're probably well suited to the collaborative approach. But if you find yourself answering 'no' to any of them, it might be advisable to talk to your lawyer about other approaches.

Would you be comfortable discussing personal matters around the table with your partner and their lawyer?



Are you happy to be pragmatic and flexible in order to achieve a sustainable agreement that works for both you and your partner?

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Do you trust your partner – and yourself – to be honest about your financial circumstances?



Could you commit to being fair and reasonable to your partner in the way you discuss and negotiate?

How does it work?

There are four main stages in the collaborative divorce process:

First, you and your partner each **appoint a collaboratively trained lawyer** to represent you. Because of the collaborative approach, it is better if the lawyers know each other and have worked together before. Michelmores and Stephens Scown's collaboratively trained lawyers have worked closely together on many occasions.

Secondly, you should **discuss** your **objectives and priorities with your lawyer** – including key issues like a financial settlement and access rights to children. This also includes a 'Participation Agreement', which sets out the framework for negotiations between you and your partner.

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How does it work?

Thirdly, there is a **meeting between you** and **your partner** and your **respective lawyers**. At the meeting you will sign the 'Participation Agreement' – by doing so you are each committing yourselves to resolving your divorce without going to court.

Fourthly, the **roundtable meetings continue**. Over the course of these – there can be as many or as few as you need but there are usually three or four - you will discuss all the issues in the divorce, negotiate the key points and come to a final agreement.

If you need them, you may also involve other experts in the process – like accountants, financial advisers, valuers, child consultants or family therapists - to jointly advise you on things like asset valuations, child care or your financial options.

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How long will it take?

One of the great benefits of the collaborative divorce process is that it is flexible enough to fit around the needs and schedules of the people involved, so how long it takes is largely down to you and your partner.

Typically, many people reach an agreement in around three months. After that, there is just the legal administration to take care of. How long that takes depends on the courts, but it is usually straightforward and doesn't involve any more negotiations between the parties or court appearances.

Typical timeline for the Collaborative Divorce process

Month 1

- Appoint collaboratively trained lawyer
- Meeting with lawyer to discuss issues and priorities

Month 2

- The first meeting with both parties and lawyers
- Participation Agreement to be signed
- Disclosure and exchange of information
- Process mapped out

Month 3

- Continuation of meetings

Month 4

- Final agreement and settlement

Consideration if other experts are needed (Accountants, Valuers, Childcare Consultants, etc.)



Some common questions

Is collaborative divorce a successful approach?

Yes. 85% of collaborative divorces are concluded successfully.

What will it cost?

No two divorces are the same, so the costs will vary. On average, each person will expect to pay around £3,000 to £5,000 for a collaborative divorce, compared to around £10,000 to £15,000 each for a fully contested divorce case in court.

What if I don't want to disclose certain information, such as my finances?

Openness and honesty are at the very core of the collaborative approach. If you are not comfortable with that, then it may not be the right approach for you.

There are some exceptions, however. For example, you may have some personal matters that you tell your lawyer about which will not make any material difference to the outcome of negotiations. If that's the case, you won't need to share this information with anyone else. The best thing to do is discuss everything with your lawyer first, so they can advise you on what needs to be disclosed, and the best way of doing so.

Also bear in mind that you would still need to disclose your financial circumstances in the traditional court-based divorce process.

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Can the collaborative approach be applied to other family situations?

Yes, the collaborative process can work for a separating couple who are not married. It can also work for pre-nuptial and post-nuptial agreements, as well as issues concerning children.





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Some common questions

Where do children fit in to the collaborative approach?

If you and your partner have children, their wellbeing will understandably be a priority, and they will be at the very heart of the collaborative approach. You will need to work together with your partner as co-parents for years to come. That in itself is often a significant factor to keep you on track throughout the whole collaborative divorce process and will define the way you agree practical issues like childcare, schooling and contact arrangements.

Will my children need to come to the meetings?

It's very unusual for children to be involved in the actual meetings. The important thing to remember is that collaborative divorce is entirely personal. There is no one-size-fits-all approach. One size fits one. Your collaborative lawyers will work alongside both of you to decide the best way forward for your family.

What happens if we can't agree?

On average, only 15% of people opting for the collaborative divorce approach don't manage to reach agreement.

If negotiations do stall, a cooling off period might be suggested for both parties to reflect on the process or consider other options.

If things still aren't working, then the process will be halted and both you and your partner will need to appoint new lawyers to follow an alternative route, such as the more conventional court-led divorce.

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Next steps

If you'd like more information about collaborative divorce and whether it might be right for you, contact the Family Law Team at Michelmores or Stephens Scown to talk through the process and the benefits in more detail.



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Why are we working together?

It is an unusual step for two law firms to work together. Michelmores and Stephens Scown's aim is to make the divorce process easier for you.

We are the two top family law firms in the South West and have a mutual respect for the skill and expertise of one another. We trust each other and know that by working together collaboratively, we will together achieve the best possible solutions for you and your family.

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Michelmores  + Stephens
Scown 
0800 923 0400

About Michelmores

Michelmores is a thriving modern law firm offering a first class legal service at competitive prices.

We are well respected in the South West for the advice and approach that our Family Law Team offers. We are friendly and approachable, and always strive to achieve the best possible outcomes for our clients.

To find out more about us, please go to:
www.michelmores.com

About Stephens Scown

Stephens Scown is the top rated law firm in Devon and Cornwall for family law – including collaborative divorce.

We are independently ranked by two national legal guides and is the only firm in Devon and Cornwall to achieve a number one rating – the highest level available.

Our friendly and down-to-earth family lawyers are trained to offer sympathetic, balanced advice to suit your specific circumstances. Throughout the entire process, we'll stay focused on what's best for you and we'll work passionately, but fairly, to achieve the outcome you need.

To find out more about us, please go to:
www.stephens-scown.co.uk

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Our collaboratively trained lawyers

Liz Allen

Partner, Stephens Scown

Liz heads-up our Family Law Team in Devon. She has over 20 years' experience, specialising in financial and business divorce settlements.

She's identified as a leader in her field in Chambers and the Legal 500 as well as featuring in Citywealth Leaders List - an international guide to the most highly regarded figures in private wealth management.



Simon Thomas

Partner, Michelmores

Simon is Head of the Family Law Team at Michelmores. Simon has over 20 years' experience in advising on all family related matters, with a particular emphasis on pension sharing, family business issues and financial provision for children.

Zoe Porter

Partner, Michelmores

Zoe joined Michelmores in 2007 and when made partner in 2009, was the youngest partner at the firm. Zoe specialises in divorce and financial matters, with a particular focus on complex financial issues.



Our collaboratively trained lawyers

Sue Downen

Solicitor, Michelmores

Sue is a highly experienced family solicitor, with over 20 years' experience of dealing with financial settlements, separation, cohabitation and children. Sue has a first rate reputation amongst clients and colleagues.



Mark Smith

Partner, Stephens Scown

Mark is a highly experienced partner based in Exeter who focuses on financial disputes. His particular specialism is family breakdown involving children and he's a member of the Law Society's Children's Panel.

The Chambers legal guide rates Mark as a leader in family law, stating that he is, "highly regarded for public and private children matters."



Jo Stone

Partner, Stephens Scown

Jo is a partner in charge of the family law team in Truro and specialises in financial disputes between married and unmarried couples and related issues concerning children.

He's renowned for his friendly and approachable manner as well as his clear and practical advice. He has a growing portfolio of high net worth clients looking to resolve divorces quickly and efficiently.



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Our Accreditations

Both Michelmores and Stephens Scown have specialist Family Law Teams, including collaboratively trained lawyers.

Both teams have received independent recognition for their expertise in the area of family law, confirming their positions as the leading family law firms in the South West.

Family finance and childcare are core areas of expertise at Michelmores, which shows: **“Incredible focus on the individual client’s particular needs.”**
Legal 500, 2012

“Stephens Scown’s esteemed family team focuses on separation and divorce, children’s issues and unmarried couples’ guidance. The group also offers collaborative options as an alternative to court, where appropriate.”
National Independent Legal Guide, Chambers and Partners.



For more information, please contact us:

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Or complete our online form at:

www.collaborativelawexperts.co.uk

