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What is Collaborative Practice?

Collaborative Practice, including Collaborative Law and interdisciplinary Collaborative Divorce, is a new way for you to resolve disputes respectfully -- without going to court -- while working with trained professionals who are important to all areas of your life. The term incorporates all of the models developed since IACP's Minnesota lawyer Stu Webb created Collaborative Law ideas in the 1980s.

The heart of Collaborative Practice or Collaborative Divorce (also called "no-court divorce," "divorce with dignity," "peaceful divorce") is to offer you and your spouse or partner the support, protection, and guidance of your own lawyers without going to court. Additionally, Collaborative Divorce allows you the benefit of child and financial specialists, divorce coaches and other professionals all working together on your team.

In Collaborative Practice, core elements form your contractual commitments, which are to:

- Negotiate a mutually acceptable settlement without having courts decide issues.
- Maintain open communication and information sharing.
- Create shared solutions acknowledging the highest priorities of all.

"Creating shared solutions that acknowledge the highest priorities of everyone involved."



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Resolving Disputes Respectfully

Will it work for me?

Divorce is a sensitive personal matter. No single approach is right for everyone. Many couples do find the no-court process known as Collaborative Practice (Collaborative Law/Collaborative Divorce) a welcome alternative to the often destructive, uncomfortable aspects of conventional divorce.

If these values are important to you, Collaborative Practice is likely to be a workable option for you:

- I want to maintain the tone of respect, even when we disagree.
- I want to prioritize the needs of our children.
- My needs and those of my spouse require equal consideration, and I will listen objectively.
- I believe that working creatively and cooperatively solves issues.
- It is important to reach beyond today's frustration and pain to plan for the future.
- I can behave ethically toward my spouse.
- I choose to maintain control of the divorce process with my spouse, and not relegate it to the courts.

Does this path sound and feel comfortable for you? We suggest that you talk to a Collaborative lawyer, divorce coach, child specialist, or financial professional about your situation to help you make the decision.

[Locate a professional in your area >](#)

Dignity
Teamwork
Solutions
Respect
Resolution



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Resolving Disputes Respectfully

Questions and facts (FAQs)

- ▶ [What are these new terms: Collaborative Law, Collaborative Practice, the Collaborative process, and Collaborative Divorce?](#)
- ▶ [What's the difference between Collaborative Practice and Mediation?](#)
- ▶ [What is a Collaborative Team?](#)
- ▶ [What's the difference between Collaborative Practice and conventional divorce?](#)
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- ▶ [How does Collaborative Practice actually work step by step?](#)
- ▶ [Is Collaborative Practice a faster way to get a divorce?](#)
- ▶ [How does Collaborative Practice focus on the future?](#)

What's the difference between Collaborative Practice and Mediation?

In mediation, an impartial third party (the mediator) assists the negotiations of both parties and tries to help settle your case. However, the mediator cannot give either of you legal advice or be an advocate for either side. If there are lawyers for each of you, they may or may not be present at the mediation sessions, but if they are not present, then you can consult them between mediation sessions. When there's an agreement, the mediator prepares a draft of the settlement terms for review and editing by both you and your lawyers.

Collaborative Practice allows you both to have lawyers present during the negotiation process to keep settlement as the top priority. The lawyers, who have training similar to mediators, work with their clients and one another to assure a balanced process that's positive and productive. When there is agreement, a document is drafted by the lawyers, and reviewed and edited by you both until everyone is satisfied.

Both Collaborative Practice and mediation rely on voluntary, free exchange of information and commitment to resolutions respecting everyone's shared goals. If mediation doesn't result in a settlement, you may choose to use your counsel in litigation, if this is what you and your lawyer have agreed. In Collaborative Practice, the lawyers and parties sign an agreement aligning everyone's interests in resolution. It specifically states that the Collaborative attorneys and other professional team members are disqualified from participating in litigation if the Collaborative process ends without reaching an agreement. Your choice of mediation or Collaborative Practice should be made with professional advice.





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