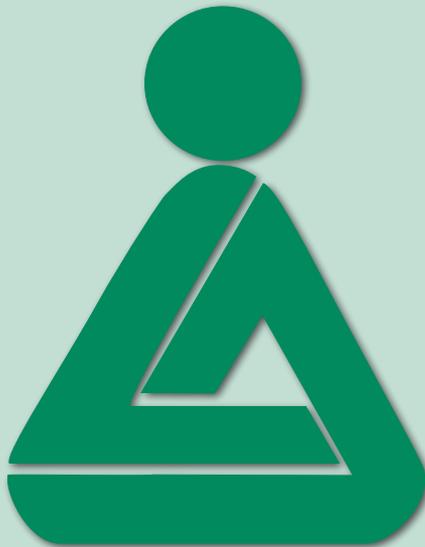


# COLLABORATIVE PRACTICE

Leaflet No. 15



## LEGAL AID BOARD

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This leaflet is not an interpretation of the law.

### **What is collaborative practice?**

Collaborative practice is a new way of resolving **family** law matters including:

- divorce,
- separation, and
- parenting disputes.

There are a number of core elements to it that make it different from other ways of resolving family disputes. They include:

- A commitment by the parties in dispute and their lawyers that they will not go to court or threaten to go to court unless it is to formally approve an agreement.
- A commitment by the parties in dispute to be honest and open with each other.
- Face to face negotiations between the parties in dispute and their lawyers.
- A commitment by the parties in dispute and their lawyers to try and reach an agreement that is fair to everyone.

### **How does it work?**

Both you and your partner work with specially trained collaborative lawyers.

You each receive legal advice and guidance, and together with each of your lawyers, discuss and resolve issues through face to face meetings. If the process breaks down, neither of the lawyers can act for you in any contested court proceedings. If you are in receipt of legal aid, the Legal Aid Board will arrange alternative legal representation for you in the unlikely event that the process does break down.

### **How is the threat of court action during negotiations avoided?**

- Everyone signs an agreement **which does not allow** your collaborative lawyers to represent you at court if the collaborative process breaks down.

### **What are the advantages of negotiating outside the court process?**

- Provided everyone enters the process in good faith, the process is faster and less acrimonious than court proceedings,
- you can set your own agenda according to what matters most to you and your family,
- you will have a greater degree of control over the process, including the pace at which you negotiate,
- you won't risk key decisions being made by a complete stranger, namely a judge;
- the process is likely to be far less stressful than court proceedings, which are widely regarded as being one of the most stressful events that a person can encounter. With collaborative law there should be no surprises and each party should know what to expect, and
- if the process is successful you will have an agreement with your partner which both of you will have had responsibility for, and which, hopefully, will be a more **effective basis** than a court imposed solution, for maintaining a relationship with your partner for the **benefit particularly of any children**.

### **Can the collaborative law approach be used in every divorce or separation?**

There are a small number of situations in which collaborative law is not suitable. Your lawyer will advise you as to whether your case is suitable.

### **Is every lawyer trained in collaborative law?**

- No. Not every lawyer is trained in collaborative law and it is likely to be more difficult to engage in the process if your partner's lawyer is not so trained.
- You can get details of those lawyers who have been trained in the process at your local law centre.
- As long as your case is suitable for the collaborative law approach, your lawyer will make every effort to assist you in resolving issues without the necessity of issuing court proceedings.

### **Is it likely to be successful?**

- The process depends on both parties making known all of their assets so that negotiations can be honest and open.
- Experience has shown that if there is honesty and openness there is a strong probability that the process will work.
- It is likely that the agreement that you come away with will be a far more effective and workable agreement, than any arrangements that might be put in place by a court.

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## FULL-TIME LAW CENTRES

<b>CAVAN</b>	Newcourt Shopping Centre, Church Street, Cavan.	Tel: (049) 433 1110 Fax: (049) 433 1304
<b>CLARE</b>	Unit 6A, Merchant's Square, Ennis, Co. Clare.	Tel: (065) 682 1929 Fax: (065) 682 1939
<b>CORK</b>	Law Centre, 1A South Mall, Cork. Law Centre ( <b>incorporating Refugee Legal Service</b> ), North Quay House, Popes Quay, Cork.	Tel: (021) 427 5998 Fax: (021) 427 6927 <b>Freephone: 1800 202420</b> Tel: (021) 455 1686 Fax: (021) 455 1690
<b>DONEGAL</b>	Letterkenny Town Centre, Justice Walsh Road, Letterkenny, Co. Donegal.	Tel: (074) 912 6177 Fax: (074) 912 6086
<b>DUBLIN</b>	45 Lower Gardiner Street, Dublin 1. 48/49 Nth. Brunswick St./Georges Lane, Dublin 7. 44/49 Main Street, Finglas, Dublin 11. Tower Centre, Clondalkin Village, Dublin 22. Village Green, Tallaght, Dublin 24. Unit 6-8, Business Centre, Clonsilla Road, Blanchardstown, Dublin 15. <b>Medical Negligence Unit,</b> 7-11 Montague Court, Montague Street, Dublin 2. <b>Refugee Legal Service,</b> 48/49 Nth. Brunswick St., Georges Lane, Dublin 7. <b>Dolphin House Service,</b> Dolphin House, East Essex St, Dublin 2.	Tel: (01) 874 5440 Fax: (01) 874 6896 Tel: (01) 646 9600 Fax: (01) 646 9799 Tel: (01) 864 0314 Fax: (01) 864 0362 Tel: (01) 457 6011 Fax: (01) 457 6007 Tel: (01) 451 1519 Fax: (01) 451 7989 Tel: (01) 820 0455 Fax: (01) 820 0450  Tel: (01) 477 6200 Fax: (01) 477 6241 <b>Freephone: 1800 238343</b> Tel: (01) 646 9600. Fax: (01) 671 0200  Tel: (01) 888 6998. Fax: (01) 888 6007
<b>GALWAY</b>	Law Centre, 9 Francis Street, Galway. Law Centre ( <b>incorporating Refugee Legal Service</b> ), Seville House, New Dock Road, Galway.	Tel: (091) 561 650 Fax: (091) 563 825 <b>Freephone: 1800 502400</b> Tel: (091) 562 480 Fax: (091) 562 599
<b>KERRY</b>	1 Day Place, Tralee, Co. Kerry.	Tel: (066) 712 6900 Fax: (066) 712 3631
<b>KILDARE</b>	Canning Place, Newbridge, Co Kildare.	Tel: (045) 435 777 Fax: (045) 435 766
<b>KILKENNY</b>	87 Maudlin Street, Kilkenny.	Tel: (056) 776 1611 Fax: (056) 776 1562
<b>LAOIS</b>	Unit 6A, Bridge Street, Portlaoise, Co. Laois.	Tel: (057) 8661366 Fax: (057) 8661362
<b>LIMERICK</b>	Unit F, Lock Quay, Limerick.	Tel: (061) 314 599 Fax: (061) 318 330
<b>LONGFORD</b>	Credit Union Courtyard, 50A Main Street, Longford.	Tel: (043) 334 7590 Fax: (043) 334 7594
<b>LOUTH</b>	Condil House, Roden Place, Dundalk, Co. Louth.	Tel: (042) 933 0448 Fax: (042) 933 0991
<b>MAYO</b>	Humbert Mall, Main Street, Castlebar, Co. Mayo.	Tel: (094) 902 4334 Fax: (094) 902 3721
<b>MEATH</b>	Kennedy Road, Navan, Co. Meath.	Tel: (046) 907 2515 Fax: (046) 907 2519
<b>MONAGHAN</b>	Alma House, The Diamond, Monaghan.	Tel: (047) 84888 Fax: (047) 84879
<b>OFFALY</b>	Harbour Street, Tullamore, Co. Offaly.	Tel: (057) 935 1177 Fax: (057) 935 1544
<b>SLIGO</b>	Bridgewater House, Rockwood Parade, Thomas Street, Sligo.	Tel: (071) 916 1670 Fax: (071) 916 1681
<b>TIPPERARY</b>	Friarscourt, Abbey Street, Nenagh, Co. Tipperary.	Tel: (067) 34181 Fax: (067) 34083
<b>WATERFORD</b>	Canada House, Canada Street, Waterford.	Tel: (051) 855 814 Fax: (051) 871 237
<b>WESTMEATH</b>	Paynes Lane, Irishtown, Athlone, Co. Westmeath.	Tel: (090) 647 4694 Fax: (090) 647 2160
<b>WEXFORD</b>	Unit 8, Redmond Square, Wexford.	Tel: (053) 912 2622 Fax: (053) 912 4927
<b>WICKLOW</b>	Bridge Street, Wicklow.	Tel: (0404) 66166 Fax: (0404) 66197

Issued by the

**LEGAL AID BOARD**



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### HOURS OF OPENING

**10.00 a.m. - 12.30 p.m. & 2.00 p.m. - 4.00 p.m.**

QUAY STREET, CAHIRCIVEEN, CO. KERRY.

LOCALL No. 1890 615200

TEL: (066) 947 1000. FAX: (066) 947 1035.

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