

## **ALTERNATIVES TO LITIGATION**

Looking for a way to resolve your disputes outside of the courtroom? Below are a few options:

**The Collaborative Process:** The Collaborative Process is a step-by-step method used to help spouses find practical ways to focus on their most important interests when ending their marriage, for example: financial security, fairness, or co-parenting relationships.

*Please scroll down for more information on the Collaborative Process.*

**Early Neutral Evaluation (“ENE”):** ENE provides a neutral setting for parties and their attorneys to discuss the issues in their case and receive a balanced and unbiased impression of the case. This evaluation can help parties in assessing their case and exploring settlement opportunities.

**Mediation:** A resolution process regarding parenting matters where a neutral mediator facilitates a discussion between the parties to promote the voluntary resolution of disputes before a hearing on the matter.

Parties may choose to attend court connected mediation or private mediation.

**Parent Coordination:** Parenting Coordination is a process where an impartial third person helps parties implement their parental rights and responsibilities or companionship order by helping resolve disputes between parents and/or legal guardians.

# The Collaborative Process

## Understanding “Collaborative Law” and “The Collaborative Process”

- A. The Collaborative Process is a technical term used to describe a commonsense approach to avoiding antagonistic and costly Divorce litigation. In Ohio, Divorce and Dissolution are two very different ways for couples to officially end their marriage (in addition to as Annulment). Before filing a Petition for Dissolution, the spouses must reach acceptable agreements for dividing their assets and liabilities (property division), for raising their children (parenting plans) and for allocating income and expenses (child and spousal support). The **Collaborative Process is a step-by-step method** used to help spouses find **practical solutions** which address their most important interests when ending their marriage, for example: **financial security, fairness, or co-parenting relationships**.
- B. The Collaborative Process **begins when a couple decides** they want to try this voluntary Process. Each spouse should be committed to using the Collaborative Process. Each spouse must also hire **their own attorney**, hopefully a lawyer who has taken continuing legal education about the requirements for competent representation in a Collaborative Process. The Ohio state legislature formalized the requirements for a Collaborative Process in 2013 (ORC 3105.41, et. seq.) and the Ohio Supreme Court supervises attorney conduct.
- C. Once lawyers are hired, the parties sign a **Collaborative Participation Agreement** (provided by their attorneys) describing the nature and scope of the domestic relations matter. By signing the Participation Agreement, the parties agree to voluntarily disclose all information which is relevant and material (in a Divorce case the court mandates such disclosure); agree to use good faith efforts in their negotiations to reach a mutually acceptable settlement; and agree, that if either one of them abandons the Collaborative Process and undertakes a contested court proceeding, that both lawyers’ representation will terminate. Because of the **voluntary** nature of Collaborative Law, the parties may still default to litigation with new lawyers so that a judge can determine the outcome as opposed to the parties themselves.
- D. The Collaborative Process typically takes between three (3) and (6) meetings (usually about two (2) weeks apart) and they are attended by both spouses, their two (2) attorneys and very often a neutral mental health and/or a financial professional. Each meeting lasts about two (2) hours. In addition, explanations of the law, the finances, and co-parenting plans are all provided in **a team approach**. Marital funds are typically used to cover all costs. The use of a team and coordinated meetings saves time (and money) in the long-run.
- E. The most powerful and compelling reason to try the Collaborative Process is that either spouse can say, “No, the solution you are suggesting does not work for me and we need to be creative to come up with other possible options.” There is great power in both “Yes” and “No.” The Collaborative professionals’ job is the provide safe environment and sufficient time for each client to decide what is best for each and for their family.

For more information, please visit [www.collaborativelaw.com](http://www.collaborativelaw.com) and [www.collaborativepractice.com](http://www.collaborativepractice.com)