COLLABORATIVE FAMILY LAW

FIRST SETTLEMENT MEETING CHECKLIST

STAGE 1 (30 minutes)

COACH 1. Welcome clients and lawyers:

* Hello
* Introductions
* Basics – water/toilets etc
* Time available today
* If anyone needs a break at any time, just let us know
* Ensure mobile phones are turned off

LAWYER 1 2. Opening remarks:

Lawyer 2 and I would firstly like to congratulate you both for choosing to work together to achieve mutually satisfactory outcomes for you both and your family. As a team we will remain committed to achieving that outcome – an outcome that you both control.

We have \*\* here as Notetaker. He/she will prepare the Minutes at the end of this meeting and those minutes will be sent to everyone so that everyone has a clear record of what has happened here today. In terms of distributing the minutes – does anyone have a preference as to how that can happen? Are we all part of one email group, or will the lawyers and coach communicate together, with Client 1 and Client 2 being copied in by their respective lawyers?

COACH 3. Go through the Ground Rules and note we each agree to be guided by those rules in our negotiations.

LAWYER 2

LAWYER 1

(share) 4. Overview of how the process works:

As we’re working as a team to reach a satisfactory conclusion for both of you we should briefly recap how the process works.

* You are each represented by your own lawyer who will provide advice, guidance and input both during our meetings and in private. Lawyer 2 and I are not advocates for you in this process and we are not adversarial. Our role is to form part of the team which is designed to help both of you reach an outcome which is satisfactory to you both.
* [Coach] is here is the facilitator of the process and will deal with the emotional needs of all of the team and to help keep us on track.
* The strict application of legal principles – the traditional legal model - provides only one possible approach to find a resolution for you, whereas this process allows a broader, more lateral, approach that tries to address your respective needs rather than your “rights”. Generally I think you’d agree that in order to meet your individual needs you need to be able to meet the needs of the other party. But both of us lawyers are able to provide legal advice and information whenever needed.
* One of the unique aspects of this process is that all legal advice is given in open meetings – so I will be giving legal advice to Client 1, which Client 2 will hear, and Lawyer 2 will be giving legal advice to Client 2, which Client 1 will hear. Legal advice is background, however, not forefront as the discussions centre around your needs rather than your legal entitlements.
* Another unique aspect of this process is that we all form a team together, but you two are the ultimate decision-makers so you have control in this process. Everyone in the team needs to work hard, be authentic, pay attention, do our homework. If someone commits to doing something within a time-frame, that commitment needs to be kept. If for some reason the time-frame can't be met, then the team needs to know so we can plan accordingly.
* Sometimes the process may feel as if it’s moving slowly, especially at first but the work in reaching a conclusion will be done in much shorter and more efficient time than if you had chosen the litigious path. The process will move at the speed that meets your respective needs.
* There may also be technical areas where we need some expertise such as explanation or valuation of financial structures, financial planning etc. We can call on those experts to advise us collaboratively during the course of our meetings.
* An integral part of this process is good faith. Without it the process will not work. This means complete and full disclosure and honesty. If at any time it becomes apparent that anyone has breached this principle then the process will be at an end.
* If the process ends without resolution (for any reason such as a breach of good faith/one party withdrawing etc) then neither of the lawyers will act for you in any litigated proceedings. However, we will assist you in transferring to non-collaborative legal representation.

LAWYER 2 5. Summarise and sign Participation Agreement:

* Read through
* Any questions
* Sign.

COACH 6. Now to start off, perhaps you each might like to make a brief introductory statement about your respective goals in the process.

* Client 1
* Client 2

*[It may be appropriate to have a break at this point)*

STAGE 2 (1 hour 15 minutes)

Agenda items

STAGE 3 (15 minutes)

Arrangements for next meeting