

**MILNE SELKIRK PRESENTS “YOU AND THE LAW”**  
**BENEFITS OF COLLABORATIVE DIVORCE & SEPARATION**

It begins with you and your soon-to-be-former spouse agreeing that you won't go to court. Instead, you sit down with your lawyers, and the four of you work together to reach mutually acceptable solutions covering spousal support, the division of property, parenting arrangements and the like. This is the collaborative law process.

Why would you use the collaborative law process? Many reasons.

For one thing, it's considerably less expensive than pursuing a divorce the traditional way in court. Legal fees for a collaborative divorce or separation are almost always significantly less than the typical cost of litigation and can be as little as 10% to 20% of the cost of going to trial.

A collaborative law process is also much quicker than litigation. Often you reach an agreement within three to six meetings. Litigation almost always takes longer – case conferences with a judge, interim applications, discovery and ultimately a trial can sometimes take two years or more.

The collaborative law process is private too. The issues are discussed among you, your spouse and your respective lawyers. You do not have your differences and personal matters discussed in open court.

Perhaps of greater significance is that you can craft a customized agreement, using problem-solving techniques, tailored to meet the needs of your family. No two families are the same. The issues raised in your separation deserve a more unique and tailored solution than a judge (having limited knowledge of your family history, needs and goals) can impose. Creating a creative parenting plan and a customized arrangement for your finances, division of your family property and the continued operation of a family

business are the types of matters that you keep control over in the collaborative law process.

You have an equal voice in the process and can be assured your concerns will be heard. Instead of a judge imposing a solution, the two of you make all the decisions and the resolution of your issues rests in your hands. The resolution crafted by you will have greater relevance to your family and, as a result, you're both more likely to stick to that agreement.

Separating is never easy. But because you're taking a cooperative rather than an adversarial approach, there's likely to be less bitterness involved and your separation will be less stressful on both you and your children. Through this spirit of cooperation and with the assistance of your lawyers, who are trained in the collaborative law process, you help to preserve a respectful relationship between the two of you.

Finally, a collaborative approach to ending your marriage is better for your children. The sad result of battling each other in the courtroom is that children often feel the conflict. Research shows that it's not the divorce itself that hurts children, rather it's the fighting and distress involved. In the collaborative law process, every effort is made to foster as good a relationship as possible between the parents to help prevent the children from experiencing negative fall-out. Collaborative law lawyers also work with experienced divorce coaches and psychologists who, if needed, can provide extra help for you and your children.

The collaborative law process addresses a bigger picture than just the legal issues. It helps protect emotional feelings as well. There is no doubt it is less stressful than litigation. For most couples, it is a healthier and smarter way to exit their relationship and forge new lives than going to court.

***This article was written by Janice Mucalov, LL.B. with contribution by Gordon Neate of MILNE SELKIRK. A version of this was previously published in the Langley Times. Copyright by Janice Mucalov. "You and the Law" is a registered trade-mark. Please call Gordon Neate (604-882-5015) if you have any questions or for legal advice.***