

Principles and Guidelines for Collaborative Family Law

XII. Disqualification by Court Intervention

- We understand that our attorney's representation is limited to resolving our dissolution of marriage issues with cooperative strategies and shared problem-solving techniques. Thus, while each attorney is the advisor solely of his or her client and serves as the client's representative, counselor, advocate, and negotiator, we agree that we will not authorize our attorneys to represent us or appear as counsel for us with respect to this matter in any Court or on any Court filing other than a mutually filed Petition for Dissolution or other mutually agreed to matter.
- We understand that unless we otherwise agree, prior to reaching final agreement on all issues, no Petition will be filed or served, nor will any other motion or document be prepared or filed, which would initiate Court intervention. Neither party, nor the party's attorney, will use Court during the Collaborative Law process unless it is mutually agreed.
- After the four-way Participation Agreement is signed by all four participants, in the event either party or attorney deems it necessary or unavoidable that contested, unilateral pleadings be filed with the Court, the Collaborative Law case shall terminate and both attorneys will be disqualified from continuing to provide representation to such attorney's client or receiving compensation for work performed on behalf of such client after the termination date of the Collaborative Law case. Once attorney is disqualified, that attorney shall not represent a party in any matter related to the underlying proceedings, until the time a final order is entered within this proceeding (as defined by Illinois statutory and case law) except if there is a bona fide emergency, accompanied by an affidavit signed by the attorney setting forth the reason for the emergency, an attorney setting forth the reason for the emergency, an attorney for a party may represent a party only at the first hearing with respect to the purported emergency.
- We understand that once the four-way Participation Agreement is executed, in the event of the commencement of contested, unilateral pleadings, it will be necessary for both parties to select new attorneys and additional fees will likely be required in retaining new counsel and there may be a delay while new attorneys become familiar with the case.
- In the event the Collaborative Law process terminates, all experts retained or involved in the Collaborative Law process terminates, all experts retained or involved in the Collaborative Law case will be disqualified as witnesses and their work product will be inadmissible as evidence, unless the parties agree otherwise in writing.