

Principles and Guidelines for Collaborative Family Law

III. Limitations of the Collaborative Law Process

- We understand there is no guarantee that the Collaborative Law process will be successful in resolving our case. While we are intent on striving to reach a cooperative and open solution, success will ultimately depend on our own commitment to making the Collaborative Law process work.
- We understand that the Collaborative Law process cannot eliminate concerns about the disharmony, distrust, and irreconcilable differences, which have led to our current conflict; and we understand that we are responsible for the decisions we make in resolving our differences.
- We understand that we are still expected to assert our own interests and that our respective attorneys will help each of us to do so. Cooperation does not mean that a party must put the interests of the other party ahead of his or her own interests.
- We understand that we should not lapse into a false sense of security that the Collaborative Law process will protect each of us.
- We understand that while our attorneys share a commitment to the Collaborative Law process described in this document, each of them has a professional duty to represent diligently and advocate solely for his or her own client, and is not the attorney for the other party, and that no attorney-client relationship exists between one party's attorney and the other party by virtue of the Collaborative Law process.
- We understand that once the four-way Participation Agreement is executed by all four participants, in the event of the commencement of contested, unilateral pleadings, it will be necessary for both attorneys to withdraw and new counsel be retained.