

## Principles and Guidelines for Collaborative Family Law

### X. Negotiation in Good Faith

- We understand that the Collaborative Law process, even with full and honest disclosure, will involve vigorous good faith negotiation.
- Each of us will be expected to take a reasoned position in all disputes. We are encouraged to speak freely and express our needs, desires, options, and opinions without criticism or judgment by another. Where our positions differ, each of us will be encouraged to use our best efforts to create proposals that meet the fundamental needs of both of us and if necessary to compromise to reach a settlement of all issues.
- Although each of us may discuss the likely outcome of a litigated result, none of us will use threats of litigation as a way of forcing settlement.
- We understand that by utilizing this alternative dispute resolution method of the Collaborative Law process we are waiving the right to formal discovery, which would otherwise be available to us through the litigation process.
- We acknowledge that by using informal discovery, we are giving up certain investigative procedures and methods that would be available to us in the litigation process. We give up these measures with a specific understanding and commitment that both of us must and shall make full, fair, and timely disclosure of all assets, income, debts and other information necessary for a principled and complete settlement.
- We understand that to make informed decisions and to reach agreement and settlement of the issues pertaining to the marital dissolution, we each need complete and accurate information.
- We understand that participation in the Collaborative Law process, and the settlement reached, is based upon the requirement that both parties and our attorneys act in good faith and provide timely, complete and accurate information to the best of our abilities.
- We agree to provide whatever releases or written authorizations may be necessary to obtain required information and we agree that the subpoena power may be necessary to obtain information neither has in his or her possession or control or which cannot be obtained by releases.
- We understand that on request, we will be required to sign a sworn statement/affidavit making fair and full disclosure of our income, assets, and debts and any other relevant information and that any responses to the disclosure of income, assets, and liabilities shall be under penalty of perjury or verified by the party responding.
- We understand that the failure of either of us to fully and honestly disclose all financial or other information and records relevant to the marital dissolution issues could result in legal consequences related to any judgment for dissolution that may be entered as a result of this Collaborative Law process.