



**Caldwell  
Martin  
Cox**  
Solicitors

## FACT SHEET

### **Collaborative Law – Contracting Out of Going to Court**

Family Law Litigation is expensive, stressful and uncertain. It involves considerable delay, with Courts not allocating final hearing dates for 12 months after proceedings have been commenced and Judges often not delivering judgments for several months after a hearing takes place.

Collaborative Law is a new approach to resolving disputes. It involves all parties, including the solicitors, signing a legally binding contract agreeing not to take the matter to Court. The process requires all parties to focus on settlement in a co-operative manner. Each must openly disclose all relevant documents they hold and refusal of a party to do so will mean that their solicitor must cease to act for them.

If the dispute cannot be resolved using the Collaborative process and one party decides to litigate, then both of the current solicitors must withdraw and cannot act for either party in the litigation. This ensures that each solicitor has the maximum motivation to achieve a settlement by negotiation.

The process is mainly conducted by conferences to cut down on letter writing and minimise delays. The end result is usually a settlement all parties can live with, that they have had control over and they managed to achieve in a fraction of the time a court action would have taken. Collaborative Law is a much cheaper alternative to Court and it avoids having a stranger making decisions about you, your children and your hard earned property.

The Collaborative Law approach should be considered by you if you think both you and your spouse may be suitable participants for such a process.

#### **About Caldwell Martin Cox**

Caldwell Martin Cox is a law firm established for over 50 years in Narellan, Camden, Picton and Tahmoor. Our specialist lawyers advise clients on family law, the purchase and sale of property, criminal and traffic law, litigation and dispute resolution, business law, personal injury matters, commercial law, wills and estates.

We have a team of five family lawyers, including a Law Society Accredited Specialist in Family Law, who operate from all four offices and serve clients across a broad region.

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