

COLLABORATIVE PRACTICE EAST BAY ATTORNEY PROTOCOLS

Collaborative Practice is a process of resolving family law conflicts through principled negotiations. Parties employ Collaborative Law attorneys, coaches, and financial specialists who support them in reaching a settlement outside of the adversarial process of Court-imposed resolutions.

The parties, not the team, are responsible for the ultimate outcome, and the team supports the parties to operate out of their best and highest interests, recognizing that a solution arrived at through active input and participation by both parties is greater than either party could generate on his/her own.

These are the Protocols for the members of Collaborative Practice East Bay (CPEB). It outlines the Collaborative Practice process each of us will follow. This is very important because each member needs to know that:

- Every Collaborative Practice client will receive the same information about the Collaborative Practice process; and
- All Collaborative Practice team members shall follow the Collaborative Practice process.

It is recognized that in some circumstances it may not be possible or preferable to follow these guidelines exactly. The purpose of the Protocols is to have an agreed-upon code of conduct that will apply to all practicing members, unless there is an agreement to vary from the guidelines. Each member can therefore assume that these Protocols will apply unless there is a specific agreement to change the guidelines.

I. INITIAL CLIENT(S) CONFERENCE:

The first meeting with a prospective client presents the opportunity to educate your client about alternative dispute resolution options, including the collaborative process. At the same time, you can assess the client and the case for appropriateness of the collaborative process for her/his situation.

1. Explain the Dispute Resolution Options:

Continuum: self-representation, mediation, collaborative, traditional negotiation, litigation.

Advantages/Disadvantages of each

Appropriateness: when each is appropriate and works well

For example, the Collaborative Law attorney may want to discuss with the Client and/or consider the following in assessing whether Collaborative Law is appropriate for a case:

- Client or other party has “hidden agenda” or ulterior motives;
- Client has concerns about the other party’s honesty
- Concern that Client or other party is seeking to use the Collaborative Law process to gain an unfair advantage
- Client or other party has mental health or chemical dependency issues which would hinder the process
- History of physical violence or emotional abuse

2. Evaluate Case for Collaborative Process:

Discuss client’s goals; emotional state; negotiating skills/abilities/experience

Discuss client’s report regarding spouse’s emotional state, personality and goals

Discuss any history of domestic violence

Assess accuracy of client’s report

Assess any legal issues that require immediate decision-making (e.g., restraining orders needed?)

Gather basic statistical data from client

Assess current status of case: attorney representing other party; papers filed by other party?

Ask Jennifer Jackson’s Three Questions:

1) How important is it to you what happens to your spouse/partner at the end of this process?

2) If it becomes clear that the best way to meet your partner’s goals and needs without seriously jeopardizing your own well being is for you to agree to less than you might receive under the law model, would you be willing to consider this?

3) If it becomes clear that the best way to meet your needs and goals without seriously jeopardizing your partner’s needs and goals is for your partner to agree to less than what s/he might receive under the law model, do you understand and can you acknowledge that your partner is not required to do this? And if that is what your partner wants, s/he has a right to request it?

3. Explain the Collaborative Practice process:

- a) Review the Guidelines and Principles Governing the Collaborative Practice process—See **APPENDIX A.**

- b) Explain interest based bargaining – focus is on meeting the interests/needs of each participant.
- c) Explain to client(s) the goals of the Collaborative Practice process:
- Control the process and outcome;
 - Create a safe environment;
 - Communicate effectively;
 - Provide full disclosure of information;
 - Explore wide range of possible choices;
 - Reach solutions acceptable to both participants;
 - Maintain control over costs;
 - Provide process for future decision-making between parties;
 - Achieve closure.
- d) Discuss the team members and how they interface with all other team members:
- **Financial Specialists** who gather the financial facts and provide information to assist the parties in arriving at their financial agreements.
 - **Divorce Coaches/Communication Specialists**—one for each participant to assist the participants in communicating effectively with each other to manage emotional reactivity during negotiations in order to achieve the most workable and satisfactory outcome for each of them in their divorce. As an alternative, participants work with a single coach. When participants have children, the divorce coaches assist the participants to complete a parenting plan.
 - **Child Specialists** who bring to the collaborative meetings the needs and voices of the children and explore ways the parents can assist their children through this period of reorganization of their family.
 - **Attorneys** are trained in conflict management and guided negotiations, including keeping the environment for negotiations safe and civilized. Attorneys also provide legal and practical content for the case.
 - **Clients** are experts in facts and needs, responsible for assisting with the generation of options and responsible for all ultimate decisions made in the process.
- e) Explain the policy to the Client(s) that each shall meet with a Divorce Coach/Communication Specialist no later than the second Collaborative Practice meeting with the attorneys, or earlier if so desired.
- f) Explain that attorneys and specialists may and will talk and share with each other the information each has learned in order to facilitate the collaborative process. Describe that often after a four-way with the attorneys and the first meeting with the coaches, the coaches and

attorneys will have a team meeting and thereafter a six-way meeting to help clients generate needs and interests.

4. Confirm client's wishes to use the Collaborative Practice process.

The parties' choice to use the Collaborative Law process is voluntary and occurs without coercion by other participants in the case such as a spouse, the court or an attorney.

5. Discuss how to approach the other party re Collaborative Practice process:

- i. Give client brochure with names of CPEB Members; Suggest that the other party contact a CPEB Member for a brief telephone conference to explain the Collaborative Practice process.

6. Deliver to Client the following as appropriate:

- a) "Collaborative Law Information" (**APPENDIX B**);
- b) "Ground Rules for the Client for the Collaborative Family Law Process"; (**APPENDIX C**) and,
- c) "Suggestions for Effective Collaborative Law Negotiations "The Help List" and "The Short Help List" (**APPENDIX D**)

7. Remind Client not to act unilaterally.

8. Inform Client of importance of preserving property during Collaborative Law process.

II. PREPARING THE CLIENT FOR THE FIRST FOUR-WAY MEETING:

1. Obtain signed retainer agreement from Client. See **APPENDIX E** for a sample retainer agreement.
2. Review the Collaborative Law process with the Client again.
3. Review the Principles and Guidelines with the Client.
4. Go over expectations of Clients and Collaborative Law attorneys thoroughly.
5. Explain how Collaborative Law attorneys can be expected to act and what is expected of Clients.
6. Review what is important to Client and Client's concerns and what Client thinks might be important and of concern to the other party.
7. Help Client identify their own and the other party's fears, needs, priorities, goals and motivations:

8. Talk about psychological needs;
9. Talk about procedural needs;
10. Talk about substantive needs.
11. Discuss agenda for first four-way meeting (see, III. 1 below). See **APPENDIX F** for sample agenda for first meeting.
12. Urge Client not to negotiate prematurely. Remind Client that any discussions outside the four-way meeting must be by mutual agreement of the parties.
13. Encourage Client to avoid forming positions and to delay developing specific solutions until all of the information has been shared and all options explored at four-way meetings.

**III. BEGINNING THE PROCESS: THE ROLE OF THE COLLABORATIVE LAW ATTORNEYS WITH ONE ANOTHER AS FACILITATORS OF THE PROCESS—THE FIRST ATTORNEY TO ATTORNEY MEETING
(Prior to the first four-way meeting)**

BEFORE MEETING BETWEEN ATTORNEYS: Agree on whether or not to bill client for initial meeting between attorneys

1. Agree on process anchors so that lawyers support one another
 - a. First meeting is only about “buy-in” – no negotiation
 - b. Attorneys control process/clients control outcome
 - i. Discuss warning signs, like client wants to skip reading the documents or wants to do “homework” before first meeting or already has a plan and believes there is already an agreement and wants to focus on that
 - c. Impasse management: Super-mediation?
 - d. “Bad news”. “criticism”, “behavior management” delivered by own attorney; “good news”, “concern”, “congratulations” delivered by other attorney
2. Discuss client “hot buttons” and priorities as you believe them to be
 - a. Identify issues or matters unique to each Client relevant to the dissolution process, such as:
 - Emotional/Physical issues
 - Anxiety/anger
 - Depression/mental illness
 - Chemical dependency
 - Physical, verbal, or emotional abuse
 - Infidelity and other marital betrayals (misconduct)
 - Learning styles/process needs
 - Need to move slowly/quickly
 - Need for more or less professional assistance to understand relevant facts and issues
 - Preference for auditory/visual communications

3. Discuss team components
 - a. As a group, we underscore the importance of the coaches' role in the collaborative process. The default is that each party will meet with a coach at least once in every case.
 - b. Who decides if there will be a child specialist? Coaches? Attorneys with clients? Coaches with clients? Coaches and attorneys?
 - c. Would a financial professional be helpful?
 - d. Should clients see any of the professionals before the first legal four-way?
 - e. Should team members have conference call or face to face before first legal four-way?

4. Agree on documents
 - a. Stipulation and Order for Collaborative Law. See **APPENDIX A**
 - b. Principles and Guidelines. See **APPENDIX A**. All members of the team should sign
 - c. Help list?
 - d. Disclosure forms: Judicial council forms only? Worksheets? Who prepares?

5. Agree on how to handle communications
 - a. How or when to have written communications on letterhead?
 - b. How or when to have written communications except for minutes and transmittals?
 - c. FYI communications between lawyers ok?
 - d. Minutes
 - i. How complete should the minutes be?
 1. Set out commitments and goals on every set of minutes?
 2. Agreements, Tasks and next meeting?
 3. Agreements, tasks, discussions and next meeting?
 - ii. Who gets first draft?
 1. Professionals in the room first, then clients?
 2. Sent to all?
 - iii. Sent to all professionals in case?

6. Process amenities
 - a. Food at every meeting? Hosted by person whose office the meeting is in or alternated?
 - b. Alternate offices for meetings or always meet wherever convenient for clients
 - c. Seating arrangements, length of meetings, facilities (i.e., whiteboard, etc.)
 - d. Alternate minutes?
 - e. Whether or not to bill for e mails setting up meetings?
 - f. Whether or not or how to bill for transportation time?

7. Structure First Meeting Agenda (See **Appendix F** for sample of agenda for first meeting)
 - a. Introductions, congratulations, expressing of support and respect for other attorney
 - b. Have clients state goals and priorities
 - c. Review documents with clients
 - i. Agree on how to do this: read line by line? Summarize?
 - ii. Attorneys alternate paragraphs
 - iii. Review both documents or just one of them, referring to the other when not redundant?

- d. Describe stages of process:
 - i. Buy in
 - ii. Information gathering
 - iii. Information review/deciding if need further information
 - iv. Appointing neutrals, gathering further information, getting reports, etc., as agreed upon
 - v. Developing options
 - vi. Negotiations
 - vii. Closing (ritual?)
 - e. Questions?
 - f. Ask clients what their interim financial arrangement is, and if they are comfortable with it while they are in collaboration. If they aren't, need to prioritize this item for next meeting. Identify any extremely pressing issues.
 - g. Agree on agenda for next meeting
 - h. Homework: disclosure forms? Worksheets? Refer to financial specialist?
 - i. Set two meetings
8. AT END OF MEETING: Agree on time spent at meeting so billings to clients reflect the same thing
9. Discuss how to best communicate with each other if one feels the other may be veering off the collaborative track, identifying with their client or appearing to be invested in the outcome, for example.
10. Talk about what it means to guide the process not the outcome.

IV. FIRST FOUR-WAY MEETING:

(See **Appendix F** for sample agenda)

1. Review and commit to Collaborative Practice process:
 - a) Personal Introductions;
 - b) Commend participants for agreeing to resolve conflict through Collaborative Practice process;
 - c) Review the Principles and Guidelines in detail (encouraging questions and/or concerns);
 - d) Review "Ground Rules for the Collaborative Process" with clients;
 - e) Discuss each participant's and all team members' roles in the process. Discuss the duties and responsibilities of each participant including good faith and candor;
 - f) Review the Stipulation and Order in detail;
 - g) Sign the Guidelines and Principles, and Stipulation and Order;
 - h) Identify, discuss and agree on any further expectations of both clients and lawyers regarding the Collaborative Practice process.
2. Describe the Dissolution process procedurally:
 - a) Describe the contents of the Petition and Summons including the Automatic Temporary Restraining Orders;
 - b) Discuss the Response;

- c) Describe the process of the disclosure requirements and explain the meaning of fiduciary duty including the duration of it up to the final agreement and dissolution;
 - d) Explain that agreements are put into a Judgment form and submitted to the court along with other required disclosure declarations and what they all mean;
 - e) Explain the time frame for the status of the Dissolution of Marriage to occur and the relationship that has (or lack of relationship that has) to the resolution of all the other issues.
3. Discuss timing and responsibilities for document organization for the Disclosure and who does the minutes of each 4-way meeting. See **APPENDIX G** for Samples of Minutes. Obtain an agreement that minutes are to be sent to attorneys and the parties directly. Discuss and agree how minutes are to be transmitted to each and share addresses.
 4. Identify participants' mutual priorities and concerns, which may include: children's welfare, safety, need to be heard and understood, protection from one-sided actions, fees, costs, time, privacy, etc.
 5. Identify what participants need to talk about, questions participants need to answer and any tentative agreements:
 - a) Assist your client to effectively communicate his or her concerns, goals and needs;
 - b) Reframe where necessary;
 - c) Listen actively to all parties, so both participants know they are heard and understood;
 - d) Describe and note disagreements or issues clients want to talk about, or questions clients need to answer so that these items are not overlooked in future meetings; and
 - e) Normalize existence of disagreement (it's okay to disagree).
 6. Discuss Potential Team Members
 7. Identify pressing issues as narrowly as possible and determine placement in a future agenda.
 8. Discuss payment of professional fees.
 9. Ask clients to organize information for next meeting.
 10. Closing:
 - a) Assign tasks necessary to move forward.
 - b) Discuss agenda for next four-way meeting leaving flexibility for changes;
 - c) Discuss having team meeting and then 6-way meeting with coaches to develop goals and interests;
 - d) Confirm next meeting date(s), time and place;
 - e) Confirm understandings and agreements while all four participants are present;

- f) Remind both participants to review ground rules for the Collaborative Practice process before each four-way meeting.

V. PROTOCOLS WITH CLIENTS
(Communication with your own client)

1. At end of each four-way meeting briefly ask for immediate feedback on meeting. See **APPENDIX H** for Client Debriefing Checklist.
2. If client calls between four-way meetings, note any psychological process or substantive needs and concerns that the client raises.
3. Add client's concerns to agenda for a future four-way meeting.
4. Confirm client's permission to let the other lawyer know about this conversation.
5. Explain that most—if not all—discussions about “the law” will occur in four-way meetings. Explain that “the law” is not a static, black and white answer or result, but a fluid multi-faceted response to many factors. Explain that many experienced attorneys disagree regarding what a litigated result may bring. (See Section VII (3) for fuller discussion regarding discussing the law.)
6. Collaborative Law attorneys keep the Client informed, promptly return all telephone calls from Client, other party's attorney and neutral expert(s).
7. Collaborative Law attorneys continue to assist Client to understand their own and the other party's:
 - a) Needs, motivations, intentions and goals;
 - b) Process needs; and
 - c) Common interests.
8. Collaborative Law attorneys continue to assist Client with effective communication.
9. Collaborative Law attorneys continue to assist Client with resolution of issues using a problem solving approach:
 - a) Issue identification;
 - b) Fact gathering, as needed;
 - c) Generation of as many choices and options as possible regarding resolution of disputed issues; and
 - d) Evaluation of consequences (pros and cons) of various choices and options generated.
10. As needed, Collaborative Law attorneys discuss with Clients concepts/human conditions attended to in the Collaborative process such as:
 - a) Enlightened self-interest (as opposed to greed or altruism);
 - b) Shadow Client;
 - c) Relational estate (in addition to non-marital and marital estate);
 - d) Transparency; and/or
 - e) Flooding.

**VI. PROTOCOL WITH OTHER ATTORNEY
(Communications between attorneys)**

1. Before and after each four-way meeting.
 - a) Evaluate the previous session and identify sensitive issues. See **APPENDIX I** for Attorney Debriefing Checklist;
 - b) Plan how to improve the next meeting;
 - c) Give constructive feedback (e.g., Ellie Schindelman’s feed-forward);
 - d) Discuss any conversations you have had with your client before or after four-way meetings (assumes client permission);
 - e) Brainstorm possible techniques to break impasse and how to assist clients in the development of options.
2. “Outside Advice”
 - a) If client wishes to consult with non-collaborative attorney, discuss the following issues:
 - i. Disclosure first/ to whom;
 - ii. Effect on process
3. Problems Between Professionals
 - a) If problems between professionals occur that are not resolvable without help, seek help of committee.

VII. SUBSEQUENT FOUR WAY MEETINGS – IDENTIFICATION AND RESOLUTION OF ISSUES

1. Identification of Goals and Interests. The Collaborative Law attorney:
 - a) Assists Clients with effectively communicating their own concerns, needs, motivations, goals and intentions;
 - b) Assists Clients with understanding the other party’s concerns, needs, motivations, goals and intentions;
 - c) Assists Clients to identify common concerns, interests and goals; and
 - d) Assists the parties in differentiating between bargaining positions and fundamental interests.
2. Fact Gathering. Each party is entitled to and responsible for making ongoing full disclosure of his/her income, assets and debts.
 - a) Correction of Misunderstandings or Inadvertent Errors. Each team member takes the initiative to point out and correct any misunderstandings or inadvertent errors occurring during discussions, in summaries or in proposed financial paperwork which would affect the decisions the parties need to make.

3. Discussion of the law.

Goal: Shared transparent full presentation of legal considerations at 4-way meetings.

- a) **Between counsel:**
Refer to articles by Pauline Tesler in the Winter 2004 Collaborative Review and Gary Friedman's Memo. Discuss how and when to talk about role of law with client privately and in 4-way.
- b) **Between attorney and client:** Encourage transparent conversation at the table; don't foster polarization; discourage positional bargaining. Agree not to run DissoMasters alone with a client if at all possible.

c) **In 4-ways:**

Initial 4 way: Explain role of law:

Understanding it is important information for both parties to have, but in collaboration, it's just one kind of information and a can be a default if parties unable to come up with better solutions of their own.

Family Code designed largely to yield predictable, consistent one size fits all outcomes in litigation, constrain abuse of judicial discretion and outcome extremes.

d) **Attorney-Attorney meeting to plan for subsequent 4-way:**

Agree how and when attorneys will provide information re law on a specific topic:

How conversation will be structured and guided.

Consider a strategy of each attorney discussing the best case for the other's client.

Discuss how best to deliver bad news.

Goal: for clients to leave the 4-way with realistic and non-polarizing understanding of the law that might apply to their situation and a likely range of outcomes if judge were deciding case.

If attorneys have divergent views on likely outcomes, discuss further, without attempting to persuade the other.

Ask each other: what do you think is best and worst outcome for each client = establishing size of football field within which judicial decision would exist.

e) **4-ways:**

Lawyers help clients express their goals for resolving the specific topic.

Together, the attorneys describe the football fields of legal concepts and range of outcomes previously discussed above.

Each attorney offers picture to client of what both attorneys projected together of likely best and worst outcomes.

Recommended practice: deliver bad news to your own client.

Very dispassionate description.

If true, can state that the attorneys have divergent opinions (and if we as skilled attorneys do not agree, can show how unpredictable cases are).

In areas where little judicial discretion (i.e., cs guidelines):

- clients need to understand variables within formula that litigators use to get higher/lower results.
- Can add to basic information, further information regarding how and why law came to be what it is, to demystify some of the assumptions. E.g., each state uses different guidelines devised via a political process, and those guidelines produce dramatically different outcomes. In addition, those results may not come close to approximating % of a family's income that clients may be devoting to the kids.

Important for clients to understand that one size fits all certainty doesn't equal abstract justice.

4. Development and Evaluation of Settlement Options.

a) Upon completion of the exchange and organization of all relevant information, Collaborative Law attorneys assist parties to develop and state all possible options for settlement of issues, without regard to the probability that a particular option will or will not lead to resolution.

1. Collaborative Law attorneys assist the parties with understanding that development of all possible options will ensure that the parties choose the best possible solution.
2. Collaborative Law attorneys are encouraged to use easel pads or other visual displays to list options.

b) Once all possible options have been generated, Collaborative Law attorneys assist the parties with:

- Analyzing how options meet Client goals;
- Assessing whether each option is realistically achievable; and
- Evaluating whether each option would be acceptable to the court.

5. Negotiation of the Settlement. Collaborative Law attorneys assist Clients with:

- a) Determining which options best meet both parties' interests and common goals, and produces the best possible outcome for both parties and any children of the marriage; and,
- b) Understanding that the goal of the Collaborative Law process is a workable solution for both sides and that no one can guarantee this result. The Collaborative Law process is managed so that the parties understand that they may not resolve all of the issues in their case.

VIII. PROTECTING THE INTEGRITY OF THE COLLABORATIVE PROCESS

1. Integrity of the Process:

Collaborative law's objective is achieving an ethical and enduring settlement for clients. The collaborative lawyer should assist the client to develop alternatives for settlement that meet the objectives of both clients. The collaborative lawyer acknowledges that the clients are responsible for the ultimate outcome of the collaborative effort.

2. Honesty and Full Disclosure:

The collaborative lawyer recognizes that honesty and full disclosure of relevant information is critical to the successful outcome of a collaborative matter. The collaborative lawyer should assist the client in complying with the requirement of making a timely full and candid exchange of all relevant or requested documents and information to the appropriate participants.

"Relevant Information:" *What does it mean?* The appropriate minimum standard of disclosure should be: "Putting the shoe on the other foot, would my client need, expect, or desire such information in attempting to make an informed decision?" The definitions of "relevant" should guide the lawyer and client in disclosing the information:

- "having significant and demonstrable bearing on the matter at hand"
- "affording evidence tending to prove or disprove the matter at issue or under discussion"
- "implying a traceable, significant, logical connection"
- Is the information appropriate for the occasion?
- Is the information so close to the matter at hand, that it

cannot be ignored without a serious impact on the decision-making process?

IX. TRANSPARENCY OF THE PROCESS

1. The Clients with both attorneys present, discuss their goals, needs, desires, concerns and uncertainties about legal and/or practical issues.
2. Attorneys and Clients are honest and candid about what each is doing and why they are doing it. No participant (attorney or Client):
 - a. Has a hidden agenda;
 - b. Engages in secret tactical maneuvering; or
 - c. Takes advantage of misunderstandings or errors.
3. All complaints are aired promptly and, if appropriate, apologies are offered publicly and without delay.
4. If any participant has a concern about any aspect of the Collaborative Law process, the participant raises the concern openly and directly during a conference to prepare for a four-way meeting or during a four-way meeting.
5. All participants respond to emotional issues kindly and directly and work to maintain the privacy, respect and dignity of all involved.
6. Parties acknowledge that the Collaborative Law process is not intended to be counseling or therapy, and agree to seek the services of an allied professional when counseling or therapy is needed or desired.

X. ATTORNEYS' ONGOING RESPONSIBILITIES DURING THE COLLABORATIVE LAW PROCESS

1. Prior to each 4-way meeting, Collaborative Law attorneys agree to and circulate an agenda so as to:
 - a) Avoid surprise; and
 - b) Facilitate preparation regarding the issues and matters to be addressed at the meeting.
2. After each 4-way meeting Collaborative Law attorneys circulate minutes of the meeting, which:
 - a) Summarize the parties' goals and interests;
 - b) Summarize agreements reached;
 - c) Identify homework to be completed by each Client; and
 - d) Identify issues to be addressed at next meeting.
3. Collaborative Law attorneys are thoroughly prepared prior to each 4-way meeting:
 - a) Collaborative Law attorney is prepared to address each topic set forth on the agenda.
4. A Collaborative Law attorney meets or talks with his or her

- Client prior to each 4-way regarding:
- a) Issues and matters to be addressed; and
 - b) Effective communication techniques.

XI. CONCLUDING THE COLLABORATIVE LAW PROCESS

At the Last Four Way Meeting, Collaborative Law attorneys co-lead the last four way meeting to:

1. Acknowledge acts of generosity, grace and growth that occurred during the process.
2. Express appreciation to the other party, other attorney and other professionals for a job well done.
3. Remind Clients of the problem-solving skills learned during the process.
4. Review with the Clients the important points of settlement and acknowledge the accomplishments it represents.

Documentation

1. Collaborative Law attorneys agree on who will prepare the remaining legal documents that must be filed with the Court and a timeline for completion of the drafting process.
2. Collaborative Law attorneys close the case with a view to the Client's needs and interests:
 - a) Signing documents independently; or
 - b) Signing documents in a room with all participants together;
or
 - c) Having a closing ceremony for signing of documentation and closing comments from attorneys.
 - d) Debrief with clients—written questionnaire

3. Debriefing

Collaborative Practice Team evaluates case:

- a) What went well;
 - b) What did not go well; and
 - c) Suggestions for improvements.
4. Collaborative Law attorneys complete the IACP Questionnaire (available on website collaborativepractice.com)

XII. EARLY TERMINATION OF THE COLLABORATIVE PROCESS AND FUTURE ADVERSARIAL MATTERS

1. The Collaborative Law attorney should inform the Client that the Collaborative Law process is voluntary and that the Client and the Collaborate Law attorney may be terminate the process at any time and for any reason.
2. The Collaborative Law attorney should inform the Client that the Collaborative Law attorney will withdraw from representation of the Client, without providing a reason to the other Collaborative Law attorney and Client, if the attorney learns the Client has or intends to violate the Collaborative Participation Agreement such that the integrity of the Collaborative Law process would be compromised.
3. If the Collaborative Law process is terminated for any reason, both Collaborative Law attorneys may not participate in litigation. This requirement is not applicable to a situation where one Client simply replaces his/her original Collaborative Law attorney with another Collaborative Law attorney who signs on to the Participation Agreement.
4. If the Collaborative Law process is terminated for any reason prior to settlement, the Collaborative Law attorney will assist the Client to make an economical and orderly transfer to new counsel.
5. Following the conclusion of a Collaborative Law case, whether by settlement or termination, a Collaborative Law attorney shall not represent his/her Client in a subsequent adversarial matter against the other party.

APPENDIX INDEX

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Appendix F	Sample First Meeting Agenda
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