

Collaborative Law Given Major Boost

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New Process Formalised to Expedite Approval of Collaborative Law Settlements

The burgeoning alternative dispute resolution method, collaborative law, which aims to resolve divorce proceedings without involving the courts, has been given a major boost. Mr Justice Coleridge, a leading family Judge, has established a shortcut procedure which will allow courts to approve collaborative law settlements rapidly. This will mean that courts can now approve such agreements within a day or two, rather than the usual six-week wait.

According to Withers LLP and Hunters who acted on the case which established this precedent, (S v P, Judgment attached), this will hopefully provide a further significant incentive to divorcing couples to use the collaborative law process. Mr Justice Coleridge also spoke out strongly in favour of collaborative law in his Judgment with the approval of the President of the Family Division, suggesting that the judiciary will promote collaborative law solutions wherever possible and appropriate. The procedure was further endorsed by Mr Justice Coleridge at the 'Collaborative Celebration' on 14 October 2008.

Suzanne Todd and Martyn Daldorph, respectively partners in the Family Teams at Withers LLP and Hunters comment:

"This development is to be welcomed and will further increase the appeal of collaborative law. Separating couples who successfully use the collaborative law process can now avoid the cost and trauma of a full court hearing, secure in the knowledge that the agreements reached will be ratified by the courts rapidly, allowing them to move on with their lives as soon as possible."

How the process will work – practical details

- When collaborative law agreements are reached, parties need to have them ratified by the courts in order for them to become legally binding.
- Typically, these consent orders need to be filed through the Principal Registry – there can be a long wait for them to be approved and sent back
- Now, these applications can be dealt with via the urgent 'without notice' applications list. This means that given a day's notice and agreement of both parties, the agreements can be ratified by a Judge the next day.
- This shortcut process has been approved by the President of the Family Division. It is only appropriate where every aspect of the documentation is agreed, the hearing is not expected to last more than 10 minutes and the documentation is lodged with the Judge the night before the hearing.

About Collaborative Law

- Collaborative Law was introduced into the UK in 2003 and has gone from strength to strength since then.
- There are now over 1,250 trained collaborative family lawyers in England alone. Over 20 collaborative practice groups (or PODs) have sprung up in London.

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