

WHY IS THE UCLA NEEDED?

The UCLA will promote a more uniform approach to the development of Collaborative Law and it provides for:

- Uniformity of standards and practice throughout the country
- Informed consent by the clients
- Exchange of relevant information by the clients
- Emergency orders by a court if they are needed
- Screening for instances of domestic violence or other coercive behavior
- Appropriate exceptions for governmental entities and low-income clients
- Evidentiary privilege (like the Uniform Mediation Act, approved by the ABA House of Delegates and enacted in 10 states and D.C.) for negotiations in the Collaborative process
- Withdrawal at any time by any party to the Collaborative Law process.

The UCLA explicitly states that standards of professional responsibility of lawyers are **not** changed by their participation in the Collaborative Law process.

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UNIFORM COLLABORATIVE LAW ACT



SUBMITTED BY
THE UNIFORM LAW COMMISSION
RESOLUTION 111C

What is Collaborative Law?

Collaborative Law is a **voluntary** process in which the lawyers and clients in a negotiation agree that the lawyers will represent the clients solely for purposes of negotiation, and that the clients will hire new counsel if litigation is needed. The lawyers and the clients agree to engage in good faith negotiation, the sharing of relevant information, the use of joint experts, client participation in the negotiations, respectful communications, and the confidentiality of the negotiation process.

Since its initial use in Minnesota over 20 years ago, the practice has spread to all 50 states, as well as Canada, England, Ireland and Australia. Roughly 22,000 lawyers have been trained for collaborative practice, a number that continues to grow as more clients seek out alternatives to the traditional adversarial approach.

BASIC FACTS ABOUT COLLABORATIVE LAW

- Three states already have Collaborative Law statutes – California, North Carolina, and Texas.
- The use of Collaborative Law was approved by the ABA Standing Committee on Ethics and Professional Responsibility (Formal Opinion #07-447 - “Ethical Considerations in Collaborative Law Practice”).
- The ABA published the first text on Collaborative Law (Pauline Tesler, COLLABORATIVE LAW: ACHIEVING EFFECTIVE RESOLUTION IN DIVORCE WITHOUT LITIGATION) in 2001, with a second edition published by the ABA in 2009.
- Courts in California, Florida, Louisiana, Minnesota, and Utah have promulgated rules providing for the use of Collaborative Law. Hon. Judith S. Kaye (ret.) of New York established the first court-based Collaborative Family Law Center in the U.S.
- Collaborative Law is practiced throughout the United States, every Canadian province, England, France, Germany, and 12 other countries.
- Legal ethics opinions in nine states have addressed Collaborative Law (Colorado, Kentucky, Maryland, Minnesota, Missouri, New Jersey, North Carolina, Pennsylvania, and Washington) and all of them except Colorado approved the use of Collaborative Law. Even in Colorado, the process was approved if the parties, instead of the lawyers, sign the collaborative agreement.

BENEFITS OF COLLABORATIVE LAW

The Collaborative Law process provides lawyers and clients with an option for amicable, non-adversarial dispute resolution. Like mediation, it promotes problem-solving and permits solutions that cannot be obtained in court. As with the division of labor between solicitors and barristers, lawyers in a Collaborative case can focus solely on settlement.

ENDORSED BY

ABA Section of Family Law

ABA Section of Dispute Resolution

**ABA Section of Individual Rights
and Responsibilities**

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