

## **A CLIENT CENTRED APPROACH**

(*Simcoe Reformer*  
May 3, 2005)

Typically matrimonial lawyers resolve family disputes within an adversarial paradigm. The process is adjudicative. Generally there are “winners” and there are “losers”. The presumption is that Parties in conflict are incapable of resolving their disputes themselves. It assumes that they need lawyers in a Court arena. Lawyers rely on competitive strategies and tactics. They put forth high opening demands, hold back and limited/massage information, make threats, deliver ultimatums and concede little. They may engaged in a deliberate program of attrition. “Wear down” the opponent until they accept a compromise favourable to your client. Incendiary Affidavits are filed; nothing relative is omitted. Hostile positions are advanced. Accentuate your client’s good points and dam their weak ones. Ultimately a Judge makes a decision that may be partially or totally unacceptable to one side, or perhaps to both. Does this sound all too familiar?

There is a different way --- a better way. A concept that restores order and promotes closure when a relationship ends. The process can be timely, economical, effective; and yes, even empowering. For over 100 years legal scholars have criticized the contentious adjudicative process that is part and parcel of typical litigation and have reminded lawyers of their traditional obligation to serve as “*healers of conflict.*”

Why not design a process that focuses on the Parties *interests* and not their positions; a process who’s sole goal is reaching an efficient, comprehensive and tailor made resolution of all issues. A process where the Parties and their lawyers work as a team to obtain an economical, effective and fair resolution of all outstanding issues which meets the needs of the Parties. Is this achievable?

Collaborative Family Law (“CFL”) is: (i) a dispute resolution process; (ii) in which Parties and their lawyers commit themselves as a team to negotiate an outcome out of Court; (iii) that recognizes that the best possible outcome meets the needs and interests of the Parties; (iv) that recognizes that the law is not the only standard to measure the outcome by; and (v) is conducted in a respectful and effective negotiation process, which focuses on and is owned by the Parties.

Currently, there are almost three hundred family law lawyers in Ontario that are qualified to and do practise CFL. Over the course of the May 7<sup>th</sup> weekend, at least 4 Simcoe Family Law lawyers will be joining 12 Brantford lawyers completing a two day intensive training session to be qualified as CFL practitioners and they will have joined the Brant

Haldimand Norfolk Collaborative Family Law Group. They will be offering those services in this area. At that time their website should be up and running (<[www.collaborativefamilygroup.ca](http://www.collaborativefamilygroup.ca)>).