**CASE STUDY FROM FIONA KIRKMAN OF KIRKMAN FAMILY LAW**

* Recently I was appointed in the role of Collaborative Coach in a Shire-based financial collaborative practice matter. We also had two Shire-based collaborative lawyers and minute takers.
* The Wife was personally referred to me for a financial mediation.
* At the Intake session with the Wife, I formed the view that the matter was better suited for collaborative practice and suggested collaborative lawyers, obtained the parties agreement to proceed as a collaborative matter & the process then begun.
* The Collaborative Coach role is similar to the role of mediator. I was a neutral third party that case managed and facilitated the collaborative process. In this matter I:

1. Conducted suitability assessments - individually & jointly
2. Organised post-separation support sessions with a psychologist to emotionally support the parties in the separation
3. Organised exchange of the financial disclosure documents
4. Organised & prepared everyone for the meetings
5. Drafted the Court documents

**HOW DID THE COLLABORATIVE PROCESS DIFFER FROM MEDIATION?**

* **Timing**
  + Mediations are often conducted too late where the parties (even the lawyers) are acrimonious & entrenched in their positions.
  + Collaborative practice is used instead of litigation and is designed to be a respectful process that focuses on the interests of both parties. In this matter everyone was surprised as to how amicable everyone was!
* **Assistance from lawyers**

I conduct mediations with or without the assistance of lawyers. In party only financial mediations I insist that parties obtain legal advice before the final mediation session and lawyers also have to prepare the Court documents. Unfortunately there can be problems or delays with lawyers providing advice and drafting the Court documents and agreements can sometimes fall apart. In collaborative practice, the lawyers are involved in the whole process.

* **Process v event**

Collaborative practice is an ongoing process (a series of meetings), while mediation is often a one day event. In this matter we were definitely very thorough as to the process & advice given, which ensured that both parties’ interests were met and both were committed to the outcome reached.

**FEEDBACK:**

Feedback from the Collaborative matter from the parties & the collaborative professionals was very positive and included comments such as:

* That the process was smooth & a good experience
* Each stage of the process saw growth & the matter moved in a timely manner
* The coach kept the process moving
* The collaborative process significantly reduced the time involved in the financial disclosure process (which can sometimes take months)
* The war of correspondence between lawyers was avoided
* The collaborative professionals worked together for a fair & just outcome
* The process was really beneficial to all parties
* Everyone said that they were “extremely satisfied” with both the “process” & “outcome” & that they would recommend the collaborative practice process to others.
* Clients thanked me for my help and direction in the matter.