



COLLABORATIVE LAW

McLaughlins Lawyers boasts 3 collaborative lawyers; Sophie Pearson, Scott Pearson and Rebecca Durkin.

Sophie Pearson was one of the first trained collaborative professionals, completing her collaborative training in 2006, at the time Queensland Collaborative Law commenced.

Collaborative Law is a term reasonably new to the Australian “divorce” process, but is gaining momentum in Australia as one of the most respectful ways to separate.

Divorce and separation are facts of life for about half of all marriages and relationships. Unfortunately, the personal turmoil that accompanies the end of the relationships is equally widespread. Increasingly, we are asked why the separation and divorce process is so devastating. Diminished self esteem, persistent hostility, reduced productivity and strained relationships amongst spouses and their children often result.

Too often, separation and divorce become a declaration of war. When children are involved, they may feel the hurt deepest and longest.

A growing number of lawyers and counselors have made a commitment to offering separating couples an alternative to this picture.

Collaborative practice is a solutions-oriented approach that seeks to preserve the long term interests of families. It differs from conventional separation and divorce methods, in that couples pledge in writing to work towards an agreement without going to Court.

The collaborative practice offers spouses and their lawyers the option of an expanded team, including divorce coaches, communications experts, child specialists and financial consultants to help focus on what is truly important for the future.

Separation and divorce will always remain a significant life event, but the collaborative practice can help the individuals and families move beyond the pain to feel whole again.

What is Collaborative Law?

The values of Collaborative Law are integrity, human relationships and connections, and trust. Collaborative Law focuses on resolution and minimises conflict where spouses and former partners, their collaboratively trained lawyers, and other collaborative professionals working with the family such as, psychologists, financial advisers, and accountants, agree to resolve all issues of their case without the intervention of the Court.

The collaborative lawyers and the collaborative team work together with you to shape an agreement making considered decisions for the benefit of the family as a whole.

How does Collaborative Law Work?

Both parties have an initial meeting with their respective lawyers to obtain advice regarding the Collaborative Law process, and to identify the issues that are important to them.

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The parties and their lawyers then come together in a four way meeting which includes you, your spouse or partner, and each of your lawyers to reach a settlement. There are often a series of four way meetings to reach the resolution where all issues are discussed in an open and non-confrontational manner.

Trained collaborative lawyers support the negotiations by providing the parties with not only the structure to facilitate the agreement, but also the benefit of their skills, advice and support. With this assistance, in an atmosphere of openness and honesty, couples can communicate their respective needs and work towards securing their future.

Is my Case Suitable for Collaborative Law?

Not all matters are suitable for Collaborative Law. Collaborative Law is an option for you and your spouse or partner if you:

- Wish to spare your children from the emotional damage litigation can cause
- Accept personal responsibility in moving forward and reaching agreement
- Believe it is important to create healthy and more holistic solutions for your family
- Understand and embrace the necessity to make full and frank disclosure about financial issues.

Collaborative Law is not a suitable option where:

- Your primary aim is to seek revenge against your former spouse or partner
- You are looking forward an easy way out
- You think the procedure will enable you to pressure your spouse or partner to agree to your wishes
- You want to avoid giving certain financial information to your spouse or partner
- Where there has been a history of domestic violence or any form of abuse, the lawyers will first have to determine whether the collaborative process is suitable. It may be that other professionals will be required to be involved to assist and support you through the process, and to ensure that your interests are promoted and protected with no imbalance in negotiated power

What are the Advantages of Collaborative Law?

- You keep control of the process, whether negotiating property and/or parenting matters
- You avoid going to court
- Your children(s) needs are given priority
- The solution fits you and your family
- You are focused on settlement rather than being focused on going to war at court

We can help families make the separation and divorce process a more peaceful transition to a new life.

From more information, visit our website www.mclaughlins.com.au or scan the QR Code.

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