

Is it true what they say – that it's not the divorce itself, but the way you divorce that takes the heaviest toll? Judith Fitzpatrick, head of the Family Law Department, certainly believes so. She has recently trained as a collaborative lawyer which enables Read Dunn Connell to offer a new way of dealing with a divorce relationship breakdown.

It is a sad fact of life that divorce is here to stay. The most recent statistics suggest that almost half of UK marriages will end in failure. The real cost of relationship breakdown is not merely financial, although any one who has been through the process will know how costly Court battles over splitting assets can be.

The real cost is the emotional turmoil that so often accompanies the end of relationships. A bad divorce or separation can leave lasting scars, not just on the two main protagonists, but on their children, their extended family and support network too.

Judith, who is a member of Resolution (formerly The Solicitors Family Law Association), is committed to adopting a non-confrontational approach to divorce and separation and similarly minded lawyers across the country have encouraged couples to seek shared solutions and to reach agreement. Now, over 90% of cases involving solicitors who are members of Resolution actually settle without Court battles.

Having said that, however, the process is still, to a degree adversarial. You instruct your solicitor who talks to your former spouse's or partner's solicitor and together they come up with a settlement of which the Courts would approve. The risk is that you can feel that you are not in control of the process and that you are removed from the decisions that are being taken on your behalf. After all, when your relationship breaks down, it is "the whole you" that needs to find a new life, not just the bit of you that needs to sort out the money and the child care arrangements. You have every right to expect that your voice should be heard and acknowledged.

Imagine a situation in which you sit down, together with your former partner, and your solicitor and their solicitor, and commit to sorting it out together. You share your hopes, your expectations and even your fears and the four of you work together to create an agreement with which you all concur. You emerge from the process ready to get on with the rest of your life without the bitterness and unresolved anger that so often accompanies the divorce or separation process.

The approach is called collaborative law and for many couples and their children it is proving the best way forward.

So how does it work? To start with everyone enters a written agreement not to go to Court. Lawyers who practice the collaborative approach have all the technical legal expertise you would expect. Additionally, they have taken extra training in how to work collaboratively. It does take a special kind of lawyer. They are skilled and compassionate professionals who are not afraid to call in additional help – from Mediators or Counsellors for example – where the situation demands it.

With your former partner you set the agenda. You work at the pace at which you feel comfortable. You commit to full disclosure and all talk openly about the issues that matter to you. You don't feel as if you are being dragged helplessly along a legal conveyor belt.

It sends out extremely positive signals to children who, research has consistently shown, benefit hugely from knowing that their parents are working out their differences together, constructively.

It is not an easy option. It may not be cheaper, financially, than a well managed traditional approach. But for couples for whom it is right, it provides a genuine resolution to marital and relationship breakdown and those who come out the other end report a genuine sense of well being. Many successfully remain friends with their former partners, in an atmosphere of respect and understanding which, they say, at the beginning of the process they could never have contemplated.

"I will be the first to acknowledge that collaborative law is not an approach to every situation" says Judith. "Having said that however Read Dunn Connell is committed to offering its clients an alternative approach to resolve family breakdown".

To find out more about collaborative family law then contact Judith Fitzpatrick at Read Dunn Connell, Manor Row Chambers, 35/37 Manor Row, Bradford BD1 4PS, telephone: 01274 723858 or [j.fitzpatrick@readdunnconnell.co.uk](mailto:j.fitzpatrick@readdunnconnell.co.uk).