

FLORIDA FAMILY LAW RULES OF PROCEDURE
FORM 12.985(a)
EXPLANATION OF COLLABORATIVE DISSOLUTION PROCESS
ATTORNEY-CLIENT (10/20)

We, *{Name of Attorney(s) and Prospective Client}* _____,
_____ had a consultation on *{Date}* _____ during
which we discussed your family matter. I/We informed you of the following:

- A. The choices that you have for handling your family matter, including reconciliation, representing yourself (pro se), going to mediation with or without an attorney representing you before anything has been filed in court, filing papers in court with or without an attorney representing you to ask a judge to resolve your family matter, going to mediation after papers have been filed in court with or without you being represented by an attorney, and using the Collaborative Law Process;
- B. The benefits and risks of each of the process choices to handle your family matter;
- C. The nature and scope of your matter to be handled if you choose to use the Collaborative Law Process and how that process generally works;
- D. That the Collaborative Law Process cannot be used by you unless your spouse chooses to use that process as well;
- E. The material benefits and risks of handling your matter using the Collaborative Process;
- F. If you choose to use the Collaborative Law Process, your participation is voluntary and either you or your spouse can choose to leave the process at any time;
- G. That if you and your spouse choose to use the Collaborative Law Process, the process will be terminated if you or your spouse initiate proceedings or seek court intervention except in limited circumstances; and
- H. That if you and your spouse choose to use the Collaborative Law Process, I/we and your spouse's Collaborative attorney will be disqualified from representing you and your spouse in any future litigation in court against each other over the subject matter of the Collaborative Law Process.

In the Collaborative Law Process, both you and your spouse must retain an attorney. Our fees and costs will be billed to you pursuant to the Retainer Agreement that you have entered into with us and there may be an Addendum to the Retainer Agreement once you and your spouse officially choose to use the

Collaborative Law Process by signing a Participation Agreement. The other attorney will bill your spouse according to their retainer agreement.

I/We usually use a neutral facilitator in the Collaborative Law Process, who most likely will have a mental health background. That person will have his or her own retainer agreement with you and your spouse and the facilitator will be paid by you and/or your spouse. You can expect the facilitator to require a retainer of between \$ _____ and \$ _____ and to bill in the range of \$ _____ - \$ _____ per hour for his or her services.

If there are financial issues in your matter, you and your spouse may retain the services of a neutral financial professional, such as a forensic accountant or a financial planner. You and your spouse will also enter into a retainer agreement with the neutral financial professional and be responsible for payment of that person's fees. You can expect to pay that professional a retainer in the range of \$ _____ - \$ _____. The financial professional will bill on an hourly basis for his or her services and those of his or her staff. The hourly rates will vary depending upon who works on your matter. The hourly rate typically varies between \$ _____ - \$ _____ per hour.

It is impossible to estimate the total cost of your matter because there are so many variables that will affect the time and cost needed to conclude the process. At this time, I/we do not know what the issues in dispute will be with your spouse. The simpler and fewer disputed issues that you have with your spouse, the lower the total cost of the process will be. A significant factor in the total cost for the Collaborative Law Process will be how much you and your spouse cooperate with each other and the professionals. Cooperation should reduce the cost for each of the professionals and a lack of cooperation will cause the professionals to spend more time, which will cost you and your spouse more money.

You will receive monthly invoices from our office and you should receive monthly invoices from the facilitator and the financial professional. Therefore, you should know each month how much this process is costing. The cost of a process to resolve family matters is an important factor to consider when you negotiate with your spouse. Our experience has been that the Collaborative Law Process should cost less money and take less time than traditional litigation, but there will be costs involved no matter what process you use to resolve your differences with your spouse. I/We will talk to you regularly about the financial and emotional costs of decisions that you are going to make, and I/we will consult with you about how the disputes with your spouse would possibly be resolved if you were using another dispute resolution method. Please feel free to discuss with us any questions that you have about the Collaborative Law Process and the costs involved.

I/We look forward to helping you to resolve your differences with your spouse. Our goal will be to minimize the financial, emotional, and time costs to your family. Please feel free to contact us if you ever have any questions about anything related to your matter and how we are representing you.

(Name of Client's Attorney(s))
(Name of Law Firm)

I understand that it is not possible for my Collaborative attorneys to determine in advance the exact amount of time that will be needed to complete my matter or how much it will cost me and my spouse. I understand that my Collaborative attorneys will use their best judgment to determine the amount of time, who is to perform the work, and the nature of the services to be performed on my behalf. I acknowledge that I will be kept fully informed by my Collaborative attorneys of the time devoted to my matter through monthly billings.

I acknowledge that I have read and that I understand this Explanation of Collaborative Law Process and by signing below, I acknowledge that I have chosen to use the Collaborative Law Process to resolve my differences with my spouse.

Dated this _____ day of _____, 20____.

(Name of Client(s))
(CLIENT(S))

