

Collaborative Law and Practice Contract and Negotiation Rules

1. Goals

The conflicting parties agree to negotiate their concerns in the Collaborative Law and Practice procedure, (hereafter referred to as **clp**) and to involve these specialized and certified lawyers as their representatives, and where appropriate, with additional **clp** experts. All parties involved, (including **clp** experts) agree to this procedure in accordance with the following principles:

The core of this approach is the will to work together constructively, transparently, and fairly. All parties involved jointly develop solutions for all issues to be clarified. They wish to prevent negative social and emotional consequences of lengthy and expensive trials and to resolve conflicts exclusively through negotiation.

2. Structure and content of the clp negotiation model

Clp is a structured negotiation model. The organization and structuring is the responsibility of all **clp** experts involved. In principle, the parties are responsible for the introduction of content, (topics, concerns, wishes, ideas, proposals, etc.) supported by the professionals on their team.

3. Negotiation as the only way to solution

The parties are obliged to deal with the issues to be settled exclusively in the agreed upon **clp** procedure. For the duration of these **clp** proceedings, all parties agree not to appeal to any courts or other decision-making bodies, nor to threaten such action.

4. Negotiation principles

All parties involved seek sustainable solutions, taking into account the basic needs of all parties and any other persons affected by the conflict.

The parties are aware that the joint search for solutions requires flexibility, openness and willingness to compromise. The negotiations are based on good faith, fairness, and mutual respect. The parties involved will respect each other's personality and privacy.

All parties involved shall disclose all information that may be relevant to the issues addressed in a comprehensive and voluntary manner. Mistakes made by the other side are not to be exploited by the parties involved, but are pointed out so that they may be corrected.

For the duration of the negotiations neither party unilaterally changes the current circumstances (e.g. with regard to children, assets, companies) since it risks impairment of the **clp** process, or even thwart cooperative solutions. Desired changes must be discussed in advance between the parties within the **clp** procedure.

5. Communication in the clp approach

The principle of immediacy and oral communication applies (in person, by telephone or video transmission). In general, only concrete arrangements, agreements, appointments, homework/to do's, documents to be prepared, meeting agenda/list of agenda items, calculations, draft contracts are recorded or communicated in writing.

The **clp** experts conduct discussions with the parties and within the team before and after the meetings to ensure the best possible preparation and optimization of the negotiations.

There is open dialogue and exchange of information between the **clp** specialists with regard to all relevant information and documents which may affect the negotiations or their outcome.

6. Particular concerns for children

In all matters concerning children, especially in regard to questions of care and responsibility, parties will do their utmost to find solutions that best serve the needs and interests of their children.

As needed, parents provide their children with an age appropriate opportunity to bring their concerns into the **clp** process directly or indirectly via a **clp** specialist for children, particularly in view of the fact that sometimes the strain of the separation and conflicts at home make it harder for the children to tell their parents directly what they think, feel and wish for.

The parties involved declare themselves willing to prioritize resolving differences concerning children in order to enable the children to have a good relationship with both parents now and in the future.

The parties agree to protect the children from the parents' disputes including avoiding pressuring them into taking sides.

7. External experts and consultants

External experts and consultants are usually commissioned jointly by the parties involved.

Anyone who unilaterally engages additional professionals is committed to announcing this to the other parties involved in advance, discloses the results immediately without being asked, and bears the costs for this alone.

8. Financing the procedure

Both parties should contribute equally to carry out the **clp** procedure. They will agree to make financial resources available to one another.

Each **clp** specialist settles their expenses directly with the party/parties for whom they work.

9. Termination of the clp procedures

The **clp** procedure is finished

- when the goal is reached
- if one party terminates the agreement, which is possible at any time
- if a lawyer leaves the case, whereby the remaining parties are free to conclude a new **clp** agreement, and
- if one party declares its withdrawal due to violation of this agreement by the other party. If one of the parties decides to terminate the **clp** procedure before reaching an agreement, it will inform all parties involved in writing.

The parties are aware that despite the discontinuation of the **clp** proceedings, all agreements reached in these negotiations remain valid until the period of validity has expired, or until they are replaced by mutual consent, or by an official or court decision. Work results prepared by **clp** specialists (e.g company valuations, budget statements, property law statements, drafts) may only be used further if both parties give their written consent in each particular case.

In the case of a termination of the **clp** process, the parties agree not to name the **clp** specialists as witnesses or as information providers or experts, nor to demand such statements from them.

10. Limits and risks of clp

Clp is based on trust and mutual respect.

The parties enter into this agreement in full awareness,

- that the **clp** procedure does not guarantee a solution to their conflict;
- that a misuse of the openness assumed in the procedure cannot be completely ruled out;
- that the **clp** procedure cannot eliminate disharmony, mistrust, and incompatible differences that have led to the present conflict, and
- that in all cooperation efforts they must safeguard their interests taking their own responsibility, with the support of **clp** specialists.

11. Agreement

At the outset of the **clp** process, the two parties and the professionals they have chosen all sign the **clp** agreement, confirming that the provisions of these **clp** negotiating and conduct rules have been explained to them in detail, and in the form of a binding declaration commit to working voluntarily within the safeguards of these provisions.