

Collaborative Law

Collaborative Law starts with an agreement that the parties will not go to court. The process is used to resolve civil or family law matters and involves the parties and their attorneys. When appropriate, other professionals, such as financial or mental health advisors, may join the process. With the guidance of attorneys trained in collaborative law, the parties share information and work to reach a resolution satisfactory to all. The process is voluntary and the agreement reached is binding.

Collaborative law requires candor, cooperation and respect. The process is less expensive than litigation and since the parties are in control, they are more satisfied with the result.

The attorneys in the collaborative law process are present at all meetings to support their respective clients, suggest solutions and advise on legal issues. The parties may withdraw from the process and go to court, but the attorneys cannot continue to represent the parties. The attorneys are solely committed to achieving an out of court settlement.



Additional Resources

The Bucks County Bar Association has available information on the following:

**Document translation
Language interpretation
Lists of mediators, mediating facilities
and collaborative law groups**

**Contact the Bar Association at
215-348-9413
or visit www.bucksbar.org
click on “community services”.**



Promoting excellence in the legal profession



Alternative Dispute Resolution

**Bucks County
Bar Association**
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Brochure Disclaimer

This Brochure is solely intended for informational purposes and is not a substitute for the advice of an attorney. You should consult with an attorney regarding the information contained in this Brochure. The Bucks County Bar Association cannot be held responsible for the contents of this Brochure and disclaims any and all liability resulting from this Brochure.

Types of Alternative Dispute Resolution

Mediation

Any civil matter, including family law matters that do not involve allegations of abuse, can be mediated. Mediation is voluntary, confidential and binding if the parties reach an agreement. Mediators in civil law and family matters are typically lawyers who have been trained in the mediation process to be neutral while working with the parties and often times their attorneys, to resolve their legal issues instead of going to court. Mediators cannot serve as the attorneys for either party. Mediation is efficient and cost effective. The parties have complete control over the outcome of their case so the results of the mediation are more satisfying to the parties than what might happen before a judge or jury. Mediation can occur at any stage of the litigation, even before a lawsuit has been initiated.

The Court of Common Pleas of Bucks County and the Bucks County Bar Association maintain a list of attorneys and other professionals who are trained as mediators.

Orphans' Court Mediation

Orphan's Court mediation can assist the parties to resolve questions regarding the validity or execution of a Will; where questions arise as to whether the executor or administrator of an estate is performing her duties properly or questions about the accounting of the estate; in

guardianship matters such as who may be the best person to act on behalf of the incapacitated individual; challenges to the operation of a power of attorney or allegations of undue influence; and adoptions.

The Court of Common Pleas of Bucks County and the Bucks County Bar Association maintain a list of attorneys and other professionals who are trained as skilled mediators.

Mortgage Foreclosure Diversion Program (MFDP)

MFDP was established by the Court of Common Pleas in Bucks County in 2009 to assist Bucks County homeowners facing foreclosure. When a homeowner is served with a complaint in foreclosure, he has the option of entering the MFDP. After consulting with an approved housing counselor, the homeowner participates in a mediation conference together with the lender's attorney and the mediator in an effort to resolve the issues surrounding the foreclosure. Bucks County Bar Association attorneys trained in the foreclosure mediation process donate their time to serve as mediators at the conferences. This is a free service to residents of Bucks County.



Arbitration

There are two types of arbitration in Bucks County. The first occurs when a civil action is filed with the court where damages do not exceed \$50,000.00.

Court mandated arbitrations are scheduled by Court Administration and are held at the courthouse. Bucks County attorneys serve on a three-member arbitration panel that will hear and decide the case. The decision reached by the panel may be appealed to the court for a trial. The parties do not have any control over the selection of the attorneys who serve on the panels.

The second type of arbitration is what is referred to as contract arbitration. Parties to a contract, such as a business agreement or an insurance policy agree on an attorney arbitrator to hear the case in dispute. The agreed upon individual serves as the arbitrator and is skilled in serving as a neutral in the area of law at issue. Some contracts require a three-person arbitration panel. In that event, each side chooses an arbitrator and the two arbitrators choose the third who serves as the neutral arbitrator. Decisions reached by a single arbitrator or a panel of three pursuant to contract arbitration are generally not appealable.