

COLLABORATIVE PRACTICE IN PROBATE DISPUTES



The incapacity or death of a loved one too often becomes a declaration of war among family members and others. Unfortunately, when probate disputes rise to a level of adversarial and positional litigation, they often result in staggering losses of family resources and relationships. Assets and resources are depleted and families become embroiled in a lengthy and expensive legal process. Parties in a probate dispute have options that may be better suited to meeting their interests and needs than traditional litigation. Collaborative Practice is one of these options.

Collaborative Practice offers a mutually respectful, solutions-oriented option, one that the parties control rather than the courts. Collaborative Practice offers a process that is designed to be less expensive, faster, less taxing on resources and more mindful of preserving relationships than litigation. Collaborative Practice, by design, focuses immediately on resolution through negotiation; on meeting the real interests and needs of the parties. This is different from litigation, an adversarial, positional process which is designed to prepare for resolution by trial. Using a team approach, the parties and their lawyers, and when appropriate and beneficial, independent financial experts and communication coaches, work together to resolve issues and find solutions that are best suited to the needs of each party involved in the matter.

The litigation process has often been shown to be ineffective at serving the needs of a family struggling through probate matters. It is a process that can often be expensive, in which delays are inherent and which takes its toll on family relationships.

Now you have a choice. The choice is one that focuses on settlement by design, a process in which all efforts are geared from the outset on coming up with the best solutions for the parties, rather than an adversarial positional battle. That choice is Collaborative Practice.

Collaborative Practice can be effectively utilized in probate matters including will and estate contests, guardianship and conservatorship disputes and other forms of probate conflicts.

www.collaborativepractice.com

International Academy of Collaborative Professionals