

78B-19-102 Definitions.

In this chapter:

- (1) "Collaborative law communication" means a statement, whether oral or in a record, or verbal or nonverbal, that:
 - (a) is made to conduct, participate in, continue, or reconvene a collaborative law process; and
 - (b) occurs after the parties sign a collaborative law participation agreement and before the collaborative law process is concluded.
- (2) "Collaborative law participation agreement" means an agreement by persons to participate in a collaborative law process.
- (3) "Collaborative law process" means a procedure intended to resolve a collaborative matter without intervention by a tribunal in which persons:
 - (a) sign a collaborative law participation agreement; and
 - (b) are represented by collaborative lawyers.
- (4) "Collaborative lawyer" means a lawyer who represents a party in a collaborative law process.
- (5) "Collaborative matter" means a dispute, transaction, claim, problem, or issue for resolution described in a collaborative law participation agreement.
- (6) "Law firm" means:
 - (a) lawyers who practice law together in a partnership, professional corporation, sole proprietorship, limited liability company, or association;
 - (b) lawyers employed in a legal services organization;
 - (c) the legal department of a corporation or other organization; or
 - (d) the legal department of a government or governmental subdivision, agency, or instrumentality.
- (7) "Nonparty participant" means a person, other than a party and the party's collaborative lawyer, that participates in a collaborative law process.
- (8) "Party" means a person that signs a collaborative law participation agreement and whose consent is necessary to resolve a collaborative matter.
- (9) "Person" means an individual, corporation, business trust, estate, trust, partnership, limited liability company, association, joint venture, public corporation, government or governmental subdivision, agency, or instrumentality, or any other legal or commercial entity.
- (10) "Proceeding" means:
 - (a) a judicial, administrative, arbitral, or other adjudicative process before a tribunal, including related pre-hearing and post-hearing motions, conferences, and discovery; or
 - (b) a legislative hearing or similar process.
- (11) "Prospective party" means a person that discusses with a prospective collaborative lawyer the possibility of signing a collaborative law participation agreement.
- (12) "Record" means information that is inscribed on a tangible medium or that is stored in an electronic or other medium and is retrievable in perceivable form.
- (13) "Related to a collaborative matter" means involving the same parties, transaction or occurrence, nucleus of operative fact, dispute, claim, or issue as the collaborative matter.
- (14) "Sign" means, with present intent to authenticate or adopt a record:
 - (a) to execute or adopt a tangible symbol; or
 - (b) to attach to or logically associate with the record an electronic symbol, sound, or process.
- (15) "Tribunal" means:
 - (a) a court, arbitrator, administrative agency, or other body acting in an adjudicative capacity which, after presentation of evidence or legal argument, has jurisdiction to render a decision affecting a party's interests in a matter; or
 - (b) a legislative body conducting a hearing or similar process.

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