

78B-19-105 Beginning and concluding a collaborative law process.

- (1) A collaborative law process begins when the parties sign a collaborative law participation agreement.
- (2) A tribunal may not order a party to participate in a collaborative law process over that party's objection.
- (3) A collaborative law process is concluded by a:
 - (a) resolution of a collaborative matter as evidenced by a signed record;
 - (b) resolution of a part of the collaborative matter, evidenced by a signed record, in which the parties agree that the remaining parts of the matter will not be resolved in the process; or
 - (c) termination of the process.
- (4) A collaborative law process terminates:
 - (a) when a party gives notice to other parties in a record that the process is ended; or
 - (b) when a party:
 - (i) begins a proceeding related to a collaborative matter without the agreement of all parties; or
 - (ii) in a pending proceeding related to the matter:
 - (A) initiates a pleading, motion, order to show cause, or request for a conference with the tribunal;
 - (B) requests that the proceeding be put on the tribunal's calendar; or
 - (C) takes similar action requiring notice to be sent to the parties; or
 - (c) except as otherwise provided by Subsection (5), when a party discharges a collaborative lawyer or a collaborative lawyer withdraws from further representation of a party.
- (5) A party's collaborative lawyer shall give prompt notice to all other parties of a discharge or withdrawal, in accordance with the Rules of Civil Procedure.
- (6) A party may terminate a collaborative law process with or without cause.
- (7) Notwithstanding the discharge or withdrawal of a collaborative lawyer, a collaborative law process continues, if not later than 30 days after the date that the notice of the discharge or withdrawal of a collaborative lawyer required by Subsection (4)(c) is sent to the parties:
 - (a) the unrepresented party engages a successor collaborative lawyer; and
 - (b) in a signed record:
 - (i) the parties consent to continue the process by reaffirming the collaborative law participation agreement;
 - (ii) the agreement is amended to identify the successor collaborative lawyer; and
 - (iii) the successor collaborative lawyer confirms the lawyer's representation of a party in the collaborative process.
- (8) A collaborative law process does not conclude if, with the consent of the parties, a party requests a tribunal to approve a resolution of the collaborative matter or any part thereof as evidenced by a signed record.
- (9) A collaborative law participation agreement may provide additional methods of concluding a collaborative law process.

Enacted by Chapter 382, 2010 General Session