

78B-19-114 Authority of tribunal in case of noncompliance.

- (1) If an agreement fails to meet the requirements of Section 78B-19-104, or a lawyer fails to comply with Section 78B-19-111 or 78B-19-112, a tribunal may nonetheless find that the parties intended to enter into a collaborative law participation agreement if they:
 - (a) signed a record indicating an intention to enter into a collaborative law participation agreement; and
 - (b) reasonably believed they were participating in a collaborative law process.
- (2) If a court makes the findings specified in Subsection (1), and the interests of justice require, the court may:
 - (a) enforce an agreement evidenced by a record resulting from the process in which the parties participated;
 - (b) apply the disqualification provisions of Sections 78B-19-105 and 78B-19-106; and
 - (c) apply the privileges in the Utah Rules of Evidence.

Enacted by Chapter 382, 2010 General Session