

**RULES OF CONDUCT FOR ALL MEMBERS OF
COLLABORATIVE PROFESSIONALS OF
SOUTHWEST FLORIDA
AND PLEDGE OF COMMITMENT**

These rules of conduct are intended to be followed by all members of the Collaborative Professionals of SW Florida, including the attached Pledge of Commitment, both in collaborative cases and in all other aspects of legal practice.

IN GENERAL

1. Collaborative professionals shall be held to the highest standards of civility, whether in a collaborative or non-collaborative case. Collaborative lawyers should aspire to live and work in a personal and professional environment, conducting themselves in a calm, patient, and courteous manner.
2. Collaborative professionals should use their best efforts to assure that their clients are making full disclosure. If a client refuses to make full disclosure, the collaborative professional shall withdraw from further representation. There are no financial matters to be withheld from the other side, including any material facts which will or may impact on a client-centered settlement.
3. Collaborative professionals shall practice in a way that minimizes or mitigates imbalances of power. Collaborative professionals must be aware of the emotional environment and status of their client in order to be able to best advise and guide that client within the process in a manner which will immediately and ultimately facilitate and promote the process. Collaborative professionals must be sensitive and respectful. They shall also be firm, when appropriate.
4. Collaborative professionals shall use their best efforts to resolve all matters in the collaborative process. An attorney shall never threaten to withdraw from the collaborative process for tactical reasons. There are no threats nor demands ever to be communicated by any of the parties or attorneys in the collaborative process. In the event of such inappropriate action, the collaborative attorneys for both parties will take such appropriate measures to remedy and correct such action.
5. Collaborative professionals shall make every effort to resolve a family matter in an efficient and timely manner. Collaborative professionals shall be productive, not waste time nor resources, and be accessible to be available timely in setting periodic joint conferences. Collaborative professionals shall prioritize their schedule and calendars to accommodate the timely setting of meetings and conferences reasonably required in the collaborative process.

6. Collaborative professionals are responsible for an orderly and productive decision making process. Collaborative professionals shall encourage the parties to keep parenting, support, and property issues separate. Collaborative professionals must ensure all negotiations are in good faith and shall educate the client on how to negotiate and responsibly participate within the collaborative process.
7. Collaborative lawyers shall not deceive or intentionally mislead opposing counsel or either party. Collaborative lawyers shall bring any mistakes or errors to the attention of his or her counterpart collaborative colleague immediately.
8. The collaborative process is a child-centered process and promotes children's needs. Children shall not be brought into their parents' conflict.
9. Collaborative professionals shall not do anything to intentionally increase the emotional level of the dispute. Any unintentional action shall be remedied immediately by respectful communications between the collaborative professionals for each client. Collaborative professionals shall act in ways intended to decrease the emotional intensity of the parties should feelings become paramount.
10. Collaborative professionals shall model appropriate behavior for their clients at all times. Collaborative professionals educate the clients through their behavior, actions and communications.
11. Collaborative professionals shall use their expertise to achieve a workable long-term solution. It is not enough to have immediate gratification with an agreement or agreement provision which does not achieve a long-term beneficial result and final settlement.
12. All parties, as well as all professionals, to a collaborative case must sign a collaborative participation agreement at the beginning of the case. Collaborative professionals in a collaborative case may not participate in adversarial proceedings in court involving those parties in the engagement. The collaborative participation agreement defines process and sets parameters and reasonable expectations for the parties' and professionals' actions and participation in the process.
13. Minutes of meetings should be reduced to writing.
14. Immediate problems and concerns will be promptly addressed in a forthright, non-judgmental manner, in order to have both parties and attorneys fully understand the concerns being addressed.

GENERAL PUBLIC AND COMMUNITY

15. Collaborative lawyers shall promote and explore the appropriateness of the collaborative process with each new client, with the understanding that family matters can frequently be addressed between the parties and not in or by a judicial court process.

16. Collaborative professionals have an affirmative duty to educate the public regarding non-adversarial processes.

PARTIES AND COUNSEL

17. Collaborative lawyers have an affirmative duty to assure that their clients are appropriate for the collaborative process and will share with their collaborative colleagues in an appropriate manner information regarding actual or potential obstacles or challenges associated with their client's beliefs, emotional outlook and status, and on-going or potential behavior which will likely either challenge or impair the process.
18. Regarding significant matters, Collaborative lawyers shall promptly respond to their clients and collaborative professional representing the other spouse by direct communication and not through staff.
19. Collaborative lawyers must always be sensitive and aware of the possibility of reconciliation.
20. Collaborative lawyers shall refer clients to counseling and treatment when appropriate and consider time-outs in moving the process forward if beneficial to both parties and the emotional adjustment of the parties.
21. Collaborative lawyers shall always treat their clients and all others within the process with dignity, respect and courtesy.
22. Collaborative lawyers shall encourage unrepresented parties to hire collaborative counsel.
23. Collaborative lawyers shall not induce or rely on mistakes by parties or counsel to obtain a significant, substantial or unfair benefit. Any mistakes or errors shall be immediately identified and addressed.

NEUTRAL EXPERTS

24. Collaborative lawyers shall not say or do anything to impair the neutrality of experts involved in the matter.
25. Collaborative lawyers shall assure that the expert's fees are paid promptly.
26. Collaborative lawyers shall consider the appropriateness of hiring neutral psychotherapists or conflict resolution professionals as communication specialists or coaches and as child specialists.
27. Collaborative lawyers shall suggest the use of mediation and other alternate dispute resolution methods when it will facilitate a resolution of difficult issues.

PLEDGE OF COMMITMENT

I, _____, agree with and will uphold all of the Rules of Conduct as provided in the attachment hereto and further commit to:

- A. Collaborative Family Law Continuing Education and Training. I have taken or will take a basic collaborative family law attorney training course and provide proof of attendance within twelve (12) months of the date of this Pledge of Commitment and agreement to the Rules of Conduct. I will attend or participate in at least eight (8) hours of collaborative practice educational or training activities every two years from the date of signing this Pledge.
- B. Collaborative Interdisciplinary Team Training. I have taken or will take a collaborative family law interdisciplinary team training involving use of neutrals within twelve (12) months of the date of signing this Pledge and in agreement to the Rules of Conduct set forth on the attachment.
- C. International Academy of Collaborative Practitioners. I have joined or will be a member of IACP within thirty (30) days of the date of this Pledge.
- D. Client Centered Process. I will not engage in positional bargaining techniques and will always negotiate within a framework of an interest-based protocol, allowing the clients, rather than the lawyers, to determine the outcome.
- E. Facilitation of Process. I will always direct the collaborative process and facilitate the clients within the collaborative process in a constructive, diligent and forthright manner.
- F. Help Families. I will help not only my client, but the entire family as the family transcends through the restructuring of relationships in the dissolution of marriage process. If the subject does not involve divorce (Pre-Nuptial Agreement, Post-Judgment matters, etc.), I will maintain an objective, constructive and helping posture in order to promote a fair and balanced resolution.
- G. Pledge No Harm. I will never lie, distort, embellish or exaggerate, and will never cover up or participate in covering up a lie. I will never agree with or condone any conduct of the client or suggested by the client which is or can reasonably be anticipated to be harmful or prejudicial to anyone.
- H. Respectful Demeanor. I will always be polite, courteous and considerate of all persons at all times.
- I. Unconditionally Cooperative. I will always be unconditionally cooperative and constructive at all times and insistent the client is, also.

- J. Commitment to Problem Solving. I will always be resolute and perseveringly committed to solving problems and resolving conflict.
- K. Model of Communication. I understand and am comfortable with my role and will serve as a model in listening and conveying information and ideas. I understand the role and responsibility as educator of the parties in each engagement.
- L. Supervision and Oversight. I agree to be open to constructive observation and assessment for violation or breach of the attached Rules of Conduct and this Pledge of Commitment by those professionals charged with the responsibility of overseeing the collaborative law group. I understand supervision and oversight will be implemented as a means toward helping collaborative professionals become better and more skilled, and further for the purpose of excluding or terminating a collaborative professional's membership should he or she repeatedly violate the terms or spirit of this Pledge and Rules of Conduct.
- M. My Participation is a Privilege, Not a Right. I understand my membership and participation as a member of Collaborative Professionals of Southwest Florida is conditioned upon my adhering to all the Rules of Conduct and to this Commitment Pledge and further understand my membership is a privilege, not a right.

Dated this _____ day of _____, 20__.

(Name of Professional)

Contact Information: _____
State License Number: _____