

UNIFORM COLLABORATIVE LAW ACT (EXCERPT)
Act 159 of 2014

***** 691.1335.new THIS NEW SECTION IS EFFECTIVE DECEMBER 8, 2014 *****

691.1335.new Beginning and concluding collaborative law process.

Sec. 5. (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 1 of the following:

(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.

(c) Termination of the process.

(4) A collaborative law process terminates when any of the following occur:

(a) A party gives notice to other parties in a record that the process is ended.

(b) A party does any of the following:

(i) Begins a proceeding related to a collaborative matter without the agreement of all parties.

(ii) In a pending proceeding related to the matter, does any of the following:

(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 active calendar.

(C) Takes similar action requiring notice to be sent to the parties.

(c) Except as otherwise provided by subsection (7), 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 in a record of a discharge or withdrawal.

(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 (5) is sent to the parties, both of the following occur:

(a) The unrepresented party engages a successor collaborative lawyer.

(b) A record is signed that satisfies all of the following requirements:

(i) The parties consent in the record to continue the process by reaffirming the collaborative law participation agreement.

(ii) The agreement is amended in the record to identify the successor collaborative lawyer.

(iii) The successor collaborative lawyer confirms in the record 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 of the matter as evidenced by a signed record.

(9) A collaborative law participation agreement may provide additional methods of concluding a collaborative law process.

History: 2014, Act 159, Eff. Dec. 8, 2014.