

## New law recognizes benefits of collaboration

■ BY BILL CRESENZO

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A new North Carolina law has formally codified the framework for the practice of collaborative law in the state, giving attorneys and their clients state-sanctioned guidance to resolve legal issues without lawsuits or depositions.

Gov. Roy Cooper signed HB 32, the Uniform Collaborative Law Act, into law July 1. Under the new law, parties who wish to settle their disputes under the collaborative model can agree to keep their disputes out of court while they work with their respective attorneys and each other to settle them. Once they notify the courts of their intentions, a stay is placed on statute of limitations. All negotiations are confidential, and the parties agree to be transparent with each other. If talks fail, the attorneys who represented them during the collaborative process can't represent them in court.

"It's been a wild ride," said John Sarratt, an attorney with Harris, Sarratt and Hodges in Raleigh and the president of the North Carolina Collaborative Law Association, which since 2018 has pushed the General Assembly to pass such a bill. The House did so by a wide margin in February 2019, but the bill languished in the Senate for more than a year before clearing the upper chamber nearly unanimously on June 22.

The collaborative process can take a few weeks or a few months, while setting a dispute in court can take years, Sarratt said.

"It is a huge advantage and a very useful tool for a certain group of folks who are in a dispute with one another they can't work out on their own, but they're not really anxious to go to court," Sarratt said.

For example, two long-time friends who've gone into business together might have a falling out but don't want to end their business or their friendship, or contractors

and developers who are working together on a project might argue over issues during a certain project and want to resolve them without going through the courts, which might threaten potential future common projects. The process is also useful in probate and estate issues among family members, Sarratt said.

Collaborative law advocates such as Colleen Byers of Bell, Davis & Pitt in Winston-Salem also applauded the bill's passage, particularly as court operations have slowed dramatically due to COVID-19.

"A collaborative approach offers ample benefits for clients, including that the collaborative process is faster, more cost-effective and completely confidential," Byers said.

Byers said collaborative law bypasses a lengthy discovery process, as the parties jointly retain relevant experts, which saves on expert fees, avoids "a battle of the experts," and eliminates the need to get on a court calendar or wait for a ruling from a judge after a hearing.

"When a party has a matter before the court, the outcome is, in essence, outside of the parties' hands," Byers said. "Collaborative law enables parties to maintain autonomy over the outcome of their matter."

Byers' firm has handled divorce matters collaboratively and is now working on raising its profile for resolving business disputes under the model.

"We envision that the collaborative law will be considered more frequently as a viable option for resolving disputes quicker and more cost-effectively than traditional litigation," Byers said. "Collaborative law enables clients the freedom, flexibility, and creativity to craft practical solutions to their legal disputes that actually work in their life."

Attorneys can go to [www.nccivilcollaborativelaw.org](http://www.nccivilcollaborativelaw.org) to find out more about the collaborative process.

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