

Also, only one space after a period to divide sentences.

by supplying them with the evidence and information they will need. However, most cases actually do not end up in trial. Most, at least 9 out of 10 cases reach some kind of agreement or settlement before trial, even if it is right before or on the day of trial.

### SETTLEMENT AGREEMENTS

Most likely, the next document drawn up in the case will be a Settlement Agreement, or Stipulation, a document which completely sets out an agreement resolving all the issues of a divorce. As mentioned above, probably <sup>9</sup> out of <sup>10</sup> divorces <sup>do</sup> actually reach some settlement without ever going to trial. The earlier in the process that parties can come to agreement, the lower the costs, both <sup>costs</sup> in terms of attorney's fees and <sup>the</sup> emotional <sup>costs</sup> involved with dissolving a marriage. However, people often have difficulty reaching agreement in a divorce, not always simply because the issues themselves are so life-changing, but because fear, anger, confusion, lack of information (such as financial), resentment and disappointment of the parties keeps them from being able to reach agreement earlier.

Bluebook legal style says not to capitalize unless referring to specific, concrete document in actual case.

Many persons move towards trial, putting off agreement out of a mistaken idea that they will receive justice once they get their day in court. Laypersons seem to believe that in court, when they finally have a chance to tell the judge the story of their marriage and what went wrong, they will be vindicated. The telling of the story is an important step in resolving the emotional trauma caused by divorce. Unfortunately, that process never or rarely happens in court. Rather, the judge is concerned about a simple division of property and who will be the best parent for custody of the minor children. Divorces seem to settle in the beginning, when both parties feel guilty, or in the end, when both are exhausted. There are, however, processes initiated by the legal system which attempt to make the settlement process <sup>(easier?)</sup> better for the parties. Some of these are discussed below:

Sounds like a helpful insight!

[Negotiation] <sup>(b.f)</sup> the parties can attempt to resolve issues on their own by discussion between themselves or in a more formal meeting with attorneys present, representing and advising them.

[Mediation] <sup>(mf)</sup> <sup>THIS IS</sup> a process which involves just the parties, or the parties, their attorneys and a third, unbiased individual who assists and guides the negotiation. This mediator can

be an attorney, a counselor, or a trained layperson. Some mediators are actually certified by the Utah State Bar Association as having gone through a program of training in mediation. Usually the mediator draws up <sup>an agreement</sup> ~~an agreement~~ which sets out the agreement made by the parties, and then the attorneys prepare the final legal documents which finalize the agreement.

[<sup>of</sup> Collaboration] This is a process similar to simple negotiation and mediation but with a significant difference. In collaboration, the parties and their attorneys agree to work towards a solution agreeable ~~to~~ and beneficial to both parties. Attorneys typically operate in an adversarial role--one side against the other, with each attorney representing only the best interests of their client. While this method works well with most legal situations, it is extremely destructive for a marital relationship. While the marriage may have been bad enough for both to want out, ~~divorce~~, especially once someone has been served and <sup>dragged</sup> ~~dragged~~ into court, the situation only goes from bad to worse. Collaborative mediation attempts to resolve this by using the attorneys to represent both parties.

<sup>In</sup> Collaborative law ~~is a way of practicing law where the attorneys for both parties to a family dispute agree to assist in resolving the conflict using~~ <sup>use</sup> cooperative techniques rather than adversarial strategies and litigation. Early non-adversarial participation by the attorneys allows them to use attributes of good lawyering not commonly utilized in adversarial proceedings, namely use of analysis and reasoning to solve problems, generation of options, and creation of a positive context for settlement.

In essence, two clients and two attorneys work together toward the sole goal of reaching an efficient, fair, and comprehensive settlement of all issues. Each party selects independent collaborative counsel. The parties and counsel enter into a four-way agreement, which is focused on the goal of <sup>with the goal of</sup> reaching an out-of-court settlement, and the core of which is the agreement that if the process fails and either party wishes to have the matter resolved in court, both attorneys withdraw and are disqualified from further representation except to assist in the orderly transfer of the case to adversarial counsel.

both as mediator or else fully  
distracting unbalanced

no document  
no compromise

in of  
to resolve conflict

with the goal of

Both attorneys work with the clients together in an attempt to reach joint solutions. They may point out to one party areas where they are not being reasonable or giving. In fact, an onlooker would not be able to easily distinguish which attorney represented which client. The <sup>purpose of the</sup> whole process is intended to avoid court hearings, which is a process so alien and upsetting to most <sup>people</sup> persons <sup>step</sup> that it causes a great deal of animosity between the parties. If children are involved, further animosity only worsens an already <sup>change word - more descriptive: "threatening," etc.</sup> bad situation. [In order to insure the commitment not to go the court, all parties agree that they will seek new counsel should they decide they do <sup>redundant - consider deleting</sup> want to proceed to trial] Collaborative mediation is an excellent process to use in resolving conflicts. However, it is not advisable in cases <sup>involving abuse</sup> where there has been an <sup>new paragraph</sup> abusive relationship between the parties. Collaborative lawyers are part of a network of attorneys specially trained in collaborative law. If you are interested in attempting this process, contact one of the collaborative lawyers at the site listed below:

<http://www.collaborativefamilylawofutah.com>.

### Issues Commonly Needing Resolution in a Divorce

Below is a list of issues, <sup>ing resolution</sup> which will often need to be resolved in a divorce. They may <sup>not all will apply</sup> or may not apply to your specific situation. If you and your spouse <sup>step</sup> come to agreement on <sup>one</sup> an issue, even if you cannot agree on all <sup>not on</sup> the <sup>step</sup> issues, you can reduce your legal costs. Your attorney can advise you as to what would be a fair agreement in your situation. <sup>also</sup> It is a good idea to keep in mind what a judge might do in the same situation, but the judge will approve almost any agreement as long as it <sup>is not illegal.</sup> does not include an illegal agreement. You can include many things in your agreement as long as the two of you concur. What a judge would typically order for <sup>a given</sup> that issue is a good estimation of whether the agreements <sup>you want</sup> you may propose on a particular issue are fair or not. <sup>clarify your antecedent</sup> This is a fairly good gauge of how you are doing in the negotiation—<sup>"your position" on "the strength of your position"</sup> are you giving too much away, coming out ahead, or somewhere in the middle—<sup>A judge's probable opinion</sup> you need to keep in mind, however, that there is not one answer to the question <sup>of</sup> what would a judge do if this matter went to trial and he decided the issue? <sup>That is because divorce</sup> That is because divorce

Whole section  
 Could be shortened  
 Shortened: "You can include any resolutions in your agreement as long as they are not illegal and the two of you concur."