

HB 1281 -- UNIFORM COLLABORATIVE LAW ACT

SPONSOR: Hardwick

This bill establishes the "Uniform Collaborative Law Act", which provides an alternative dispute resolution process. Collaborative law participation agreements are voluntary but they do have several requirements, including signing an agreement to engage in the collaborative law process rather than have their dispute resolved before a tribunal, and being represented by collaborative lawyers.

Persons in a proceeding pending before a tribunal may sign a collaborative law participation agreement to seek to resolve a collaborative matter related to the proceeding. The parties must promptly file with the tribunal a notice of the agreement after it is signed. This will operate as an application to stay the proceeding. A tribunal in which a proceeding is stayed may require the parties and collaborative lawyers to provide a status report on the collaborative law process and the proceeding.

Subject to exceptions, during the collaborative law process, on the request of another party, a party must make timely, full, candid, and informal disclosure of information related to the collaborative matter without formal discovery.

A collaborative law communication is privileged, is not subject to discovery, and is not admissible in evidence.

Subject to exceptions, a collaborative lawyer is disqualified from appearing before a tribunal to represent a party in a proceeding related to the collaborative matter, and other lawyers in the collaborative lawyer's law firm are also disqualified from representing a party in a proceeding related to the collaborative matter if the collaborative lawyer is disqualified from doing so.

The parties to a collaborative law participation agreement may terminate the agreement various ways, as specified in the bill. A party may terminate a collaborative law process with or without cause.

This bill is the same as HB 130 (2021).