



# HOUSE BILL 32: Collaborative Law.

2019-2020 General Assembly

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<b>Committee:</b>		<b>Date:</b>	October 13, 2020
<b>Introduced by:</b>		<b>Prepared by:</b>	David Unwin
<b>Analysis of:</b>	S.L. 2020-65		Staff Attorney

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**OVERVIEW:** *This act is a modified version of the Uniform Collaborative Law Act and became effective October 1, 2020.*

**BILL ANALYSIS:** This act was recommended by the General Statutes Commission and is a modified version of the Uniform Collaborative Law Act as approved in 2009, and amended in 2010, by the Uniform Law Commission. Collaborative law is a voluntary alternative dispute resolution process in which parties make a good faith effort to resolve their dispute without the intervention of a court or other tribunal. In 2003, the General Assembly authorized collaborative law procedures for the resolution of divorce and family law disputes as set forth in Article 4 of Chapter 50 of the General Statutes, G.S. 50-70 through 50-79. This act leaves in place the collaborative law procedures for family law disputes but extends the availability of collaborative law to other areas of the law, beyond family law matters.

This act establishes a statutory framework for the collaborative law process, with the following key features:

- Requires a lawyer to provide specified information to a client to assure that the client makes an informed decision as to whether to enter into the collaborative law process.
- Establishes minimum requirements for a collaborative law participation agreement.
- Defines when a collaborative law process begins and ends.
- Provides that the filing of a notice of a collaborative law process operates as a stay of any pending proceeding and precludes a court or other tribunal from dismissing the proceeding without giving the collaborative lawyers an opportunity to be heard.
- Allows a court or other tribunal, during a collaborative law process, to issue emergency orders to protect the health, safety, welfare, or interest of a party or otherwise preserve the status quo.
- Disqualifies a collaborative lawyer and a lawyer in an associated law firm from appearing before a court or other tribunal in a proceeding related to the collaborative matter, subject to certain exceptions.
- Encourages candor by the parties by providing for the confidentiality of collaborative law communications and privileges against their disclosure in later legal proceedings.

**EFFECTIVE DATE:** This act became effective October 1, 2020.

*\*Floyd Lewis, the Revisor of Statutes, substantially contributed to this summary.*

Kory Goldsmith  
Director



Legislative Drafting  
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