REFERENCES

**UCLA/R Section 13. Standards of Professional Responsibility and Mandatory Reporting Not Affected.** This [act] does not affect:

1. The professional responsibility obligations applicable to a lawyer or other licensed professional

**IACP Standards and Ethics**

**Rule 1.2 Competence**

1. Collaborative Professionals must comply with professional conduct requirements applicable to their professions.

**UCLA/R Rule 14. Appropriateness of Collaborative Law Process**

Before a prospective party signs a collaborative law participation agreement, a prospective collaborative lawyer shall:

1. Provide the prospective party with information that the lawyer reasonably believes is sufficient for the party to make an informed decision about the material benefits and risks of a collaborative law process as compare to the material benefits and risks of other reasonably available alternatives for resolving the proposed collaborative matter, such as litigation, mediation, arbitration or expert evaluation;

**UCLA/R Preface**

**The Lawyer as Counselor**

Lawyers have long and productively counseled clients to consider the benefits of Settlement and the costs of continued conflict.

The Bar has long formally recognized the lawyer’s role as counselor articulated by [Abraham] Lincoln in the Model *Rules of Professional Conduct.* Model Rule 2.1 provides that “[i]n rendering advice, a lawyer may refer not only to law but to other considerations such as moral, economic, social and political factors, that may be relevant to the client’s situation.” MODEL RULES OF PROF’L CONDUCT R. 2.1 (2009). Comment [2] to Model Rule 2.1 amplifies the sentiment by stating that

[a]advice couched in narrow legal terms may be of little value to a client, especially where practical considerations, such as cost or effects on other people, are predominant. Purely technical legal advice, therefore, can sometimes be inadequate. It is proper for a lawyer to refer to relevant moral and ethical considerations in giving advice. Although a lawyer is not a moral advisor as such, moral and ethical considerations impinge upon most legal questions and may decisively influence how the law will be applied.

**The Special Role of the Family and Divorce Lawyer**

The importance of the role of counselor and problem solver is especially pronounced for lawyers who represent clients in divorce and family disputes where collaborative law has had its greatest growth. Indeed, the divorce bar recognizes that those disputes are particularly appropriate for the problem-solving orientation to client representation that collaborative law encourages. *Bounds of Advocacy*, a supplementary code of standards of professional responsibility for divorce law specialists who are members of the American Academy of Matrimonial Lawyers (AAML), states that: “[a]s a counselor, a problem-solving lawyer encourages problem solving in the client. . . . The client’s best interests include the well-being of children, family peace, and economic stability.”

American Academy of Matrimonial Lawyers, Bounds of Advocacy: Preliminary Statement, http://www.aaml.org/go/library/publications/bounds-of-advocacy/preliminary-statement/ (last visited May 25, 2010). *Bounds of Advocacy* further states that “the emphasis on zealous representation [used] in criminal cases and some civil cases is not always appropriate in family law matters” and that “[p]ublic opinion …increasingly support[s] other models of lawyering and goals of conflict resolution in appropriate cases.” *Id.* Furthermore, *Bounds of Advocacy* states that a divorce lawyer should “consider the welfare of, and seek to minimize the adverse impact of the divorce on, the minor children.” American Academy of Matrimonial Lawyers, Bounds of Advocacy: Children, http://www.aaml.org/go/library/publications/bounds-of-advocacy/6-children/ (last visited May 25, 2010).

**IACP Standards and Ethics**

**Rule 3.2 Advocacy in the Collaborative Process**

A. A Collaborative Professional will respect each client’s self-determination, recognizing that ultimately the clients are responsible for making the decisions that resolve their issues.

B. A Collaborative Professional will assist the client(s) in establishing realistic expectations in the Collaborative Process.

C. When the matter relates to the care and support of children, elders or other dependents, a Collaborative Professional will encourage the client(s) to consider the impact of decisions on the dependents.

D. A Collaborative Professional will consider the impact that the professional’s experiences, values, opinions, beliefs, and behaviors will have on the Collaborative matter.

E. A Collaborative Professional will avoid contributing to interpersonal conflict of the clients, including when identifying and discussing the clients’ interests, issues, and concerns.