

Cooperative Law

Cooperative Law, also known as Cooperative Negotiation or Cooperative Practice, is a negotiation process in which the lawyers and parties involved enter into a “participation agreement.” The agreements differ from case to case, but generally lay out the groundwork for the negotiation process with an emphasis on minimizing conflict and avoiding escalation toward litigation. In addition to describing the negotiating process, Cooperative Law Agreements often include stipulations as to how the lawyers involved will handle the litigation process if the parties choose to go that route, typically with a focus on sticking to the merits of the case and avoiding tactics that would accelerate the conflict.

In many ways Cooperative Law is similar to Collaborative Law except for the fact that Cooperative Law Agreements do not include a “disqualification agreement.” Some lawyers feel that the Cooperative Law modality is more fluid and less likely to pressure one of the parties to accept a resolution that they are not comfortable with. Cooperative Law Agreements leaves the door open to litigation, but discourages conflict and escalation to a much greater degree than traditional negotiation methods.

For more detailed information, take a look at the following article by Professor John Lande, “*Frequently Asked Questions about Cooperative Law, Including Why You Should Care*” at: <http://www.legaltrends.net/2008-6/frequently-asked-questions-about-cooperative-practice-including-why-should-you-care>