

## FPLP-Press Release

**++ 24.6.2010 – First German-language book on collaborative law released including contribution from Dr. Christoph Leon, *Fiebingler Polak Leon Attorneys-at-Law*.**

**New, extrajudicial dispute resolution method opens fascinating scope of opportunity in economic sector and family law.**

Having been applied successfully in the USA and Canada for more than 20 years, collaborative law is now to be established in German speaking countries. The fundamental principle of collaborative law (CL) is that the conflict intermediary (attorney, tax advisor, corporate consultant, authorised expert, financial expert, mediator, coach, therapist, etc.) works with those involved as a team to find a solution. Collaborative law is based on the premise of mediation, while also transcending as it were the boundaries of this method. Unlike in mediation, where the parties deal with a neutral and impartial mediator, they are represented by their own attorneys. Any other experts involved during the dispute work with the attorneys to conduct the proceedings in consultation with the parties and act simultaneously as subjective consultants.

What advantages does the CL approach offer when compared to traditional adversary proceedings? In short:

- In contrast to a merely proceedings-oriented mediator, the collaborative attorney clearly positions himself as a representative of the party and his/her interests, ensuring not only comprehensive consultation in terms of legal advice, but also support with regard to the content of the case. It is made evident that taking an approach that is respectful and that recognises the interests of the other party ultimately leads to a better position and therefore solution for the client.
- With a group comprising the client, the collaborative attorney and any other parties or experts involved in the CL proceedings, the power to define the course, tempo and form of the proceedings, which is freely configurable in the scope of personal autonomy, is not delegated to external third parties (court of law, judge, etc.), but instead remains with the parties themselves.
- The collaborative attorney negotiates not for his client, but together with him/her and uses a basis of interest-based negotiation to target a more constructive outcome than would be achieved otherwise.



"In many branches court proceedings are no alternative to negotiations. One reason for this could be that court proceedings would strain or even destroy a valuable business relationship. Alternatively, the topic may be so complicated that no sensible outcome would be achieved in court within a reasonable timeframe and without incurring significant costs. In management circles there are many individuals who want to negotiate and make decisions themselves. In this respect, collaborative law is a favourable approach when dealing with disputes, as the managers can significantly influence the outcome themselves," explains Christoph Leon, Collaborative Attorney at Fiebinger Polak Leon Attorneys-at-Law.

The book "Konflikt Kooperation Konsens. Über die Mediation hinaus. Das Modell der Cooperative Practice" was published in June 2010 by Ulrich Leutner Verlag, Berlin. The work was edited by Cristina Lenz, Michael Salzer and Friedrich Schwarzingler. Contributing authors, in addition to Dr. Christoph Leon of Fiebinger Polak Leon Attorneys-at-Law, include a selection of recognised attorneys, psychologists and coaches from Austria, Germany and Switzerland.

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Fiebinger Polak Leon Attorneys-at-Law was founded in 1990. It is an internationally oriented, commercial attorney law firm, which has proven expertise in consulting multinational clients in Austria and Eastern Europe. It regularly accompanies large Austrian companies as they undertake commercial activities both in Austria and abroad. The law firm's clientele comprises companies of all sizes, both private and listed, as well as national and multinational organisations. Artists, cultural institutions, universities, local and national governments, non-profit organisations and private individuals are also among its clients.

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