


Government of the District of Columbia
Office of the Chief Financial Officer



Natwar M. Gandhi
Chief Financial Officer

MEMORANDUM

TO: The Honorable Kwame R. Brown
Chairman, Council of the District of Columbia

FROM: Natwar M. Gandhi 
Chief Financial Officer

DATE: June 13, 2011

SUBJECT: Fiscal Impact Statement – “Uniform Collaborative Law Act of 2011”

REFERENCE: Bill 19-43, Draft Committee Print Shared with OCFO on June 10, 2011

Conclusion

Funds are sufficient in the FY 2011 through FY 2014 budget and financial plan to implement the provisions of the proposed legislation.

Background

The proposed legislation would enact the Uniform Collaborative Law Act (UCLA),¹ which creates a statutory uniform framework for the collaborative law process. The collaborative law process is a voluntary dispute resolution process wherein the goal for both lawyers and their clients is to settle the dispute out of court. Any party can terminate this process at any time with or without cause. Specifically, the UCLA contains provisions concerning:

- The types of disputes, transactions, claims, problems, or issues that the collaborative law process applies to (referred to as “collaborative matters”), which includes divorce, child custody, alimony, child support, and adoption;
- When and how the collaborative law process begins, including the requirements that all parties sign a collaborative law participation agreement and that lawyers provide their clients information regarding the appropriateness of using the process for the given collaborative matter;
- When and how the collaborative process ends, including with the resolution of part or all of the collaborative matter or the termination of the process;
- The disqualification of the collaborative lawyer and lawyers in the associated law firm from representing the clients in any judicial proceedings concerning the collaborative matter;

¹ The UCLA was drafted by the Uniform Law Commission.

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FIS: Bill 19-43, "Uniform Collaborative Law Act of 2011," Draft Committee Print Shared with the OCFO on June 10, 2011

- The disclosure of requested information without formal discovery;
- The confidentiality of collaborative law communication, which includes statements made during the collaborative law process, and how such communication is privileged, not subject to discovery, and not admissible in evidence; and
- The situations under which collaborative law communication is not privileged.

Financial Plan Impact

Funds are sufficient in the FY 2011 through FY 2014 budget and financial plan to implement the provisions of the proposed legislation. Providing a statutory framework for the voluntary collaborative law process would not have any impact on the budget and financial plan.