

UNIFORM COLLABORATIVE LAW ACT (EXCERPT)
Act 159 of 2014

***** 691.1332.new THIS NEW SECTION IS EFFECTIVE DECEMBER 8, 2014 *****

691.1332.new Definitions.

Sec 2. As used in this act:

(a) "Collaborative law communication" means a statement, whether oral or in a record, or verbal or nonverbal, to which both of the following apply:

(i) The statement is made to conduct, participate in, continue, or reconvene a collaborative law process.

(ii) The statement occurs after the parties sign a collaborative law participation agreement and before the collaborative law process is concluded.

(b) "Collaborative law participation agreement" means an agreement by persons to participate in a collaborative law process.

(c) "Collaborative law process" means a procedure intended to resolve a collaborative matter without intervention by a tribunal in which persons sign a collaborative law participation agreement and are represented by collaborative lawyers.

(d) "Collaborative lawyer" means a lawyer who represents a party in a collaborative law process.

(e) "Collaborative matter" means a dispute, transaction, claim, problem, or issue for resolution, including a dispute, claim, or issue in a proceeding, that is described in a collaborative law participation agreement and arises under the family or domestic relations law of this state, including any of the following:

(i) Marriage, divorce, dissolution, annulment, and property distribution.

(ii) Child custody, visitation, and parenting time.

(iii) Alimony, maintenance, and child support.

(iv) Adoption.

(v) Parentage.

(vi) Premarital, marital, and postmarital agreements.

(f) "Law firm" means both of the following:

(i) Lawyers who practice law together in a partnership, professional corporation, sole proprietorship, limited liability company, or association.

(ii) Lawyers employed in a legal services organization, or the legal department of a corporation or other organization, or the legal department of a government or governmental subdivision, agency, or instrumentality.

(g) "Nonparty participant" means a person, other than a party and the party's collaborative lawyer, that participates in a collaborative law process.

(h) "Party" means a person that signs a collaborative law participation agreement and whose consent is necessary to resolve a collaborative matter.

(i) "Person" means an individual, corporation, business trust, estate, trust, partnership, limited liability company, association, joint venture, public corporation, government or governmental subdivision, agency, or instrumentality, or any other legal or commercial entity.

(j) "Proceeding" means any of the following:

(i) A judicial, administrative, arbitral, or other adjudicative process before a tribunal, including related prehearing and posthearing motions, conferences, and discovery.

(ii) A legislative hearing or similar process.

(k) "Prospective party" means a person that discusses with a prospective collaborative lawyer the possibility of signing a collaborative law participation agreement.

(l) "Record" means information that is inscribed on a tangible medium or that is stored in an electronic or other medium and is retrievable in perceivable form.

(m) "Related to a collaborative matter" means involving the same parties, transaction or occurrence, nucleus of operative fact, dispute, claim, or issue as the collaborative matter.

(n) "Sign" means, with present intent to authenticate or adopt a record, either of the following:

(i) To execute or adopt a tangible symbol.

(ii) To attach to or logically associate with the record an electronic symbol, sound, or process.

(o) "Tribunal" means any of the following:

(i) A court, arbitrator, administrative agency, or other body acting in an adjudicative capacity that, after presentation of evidence or legal argument, has jurisdiction to render a decision affecting a party's interests in a matter.

(ii) A legislative body conducting a hearing or similar process.

History: 2014, Act 159, Eff. Dec. 8, 2014.