

**§ 1-645. Beginning and concluding collaborative law process; tolling of time periods.**

(a) Participation in a collaborative law process is voluntary. A collaborative law process begins when the parties sign a collaborative law participation agreement.

(b) A tribunal shall not order a person to participate in a collaborative law process over that person's objection.

(c) A collaborative law process is concluded by any of the following:

(1) Resolution of a collaborative matter as evidenced by a signed record.

(2) Resolution of a part of the collaborative matter, evidenced by a signed record, in which the parties agree that the remaining parts of the collaborative matter will not be resolved in the collaborative law process.

(3) Termination of the process.

(d) A collaborative law process terminates upon the occurrence of any of the following:

(1) When a party or collaborative lawyer gives notice to all other parties in a record that the collaborative law process is ended.

(2) When a party does any of the following:

a. Begins a proceeding related to the collaborative matter without the agreement of all parties, except as provided in G.S. 1-647.

b. In a pending proceeding related to the collaborative matter, does any of the following:

1. Without the agreement of all parties, initiates a pleading, motion, order to show cause, or request for a conference with the tribunal, except as provided in G.S. 1-647.

2. Requests that the proceeding be put on the tribunal's active calendar.

(3) Except as otherwise provided in subsection (g) of this section, when a party discharges a collaborative lawyer or a collaborative lawyer withdraws from further representation of a party.

(e) A party's collaborative lawyer shall give prompt notice to all other parties in a record of a discharge or withdrawal.

(f) A party may terminate a collaborative law process with or without cause.

(g) Notwithstanding the discharge or withdrawal of a collaborative lawyer, a collaborative law process continues, if not later than 30 days after the date that the notice of the discharge or withdrawal of a collaborative lawyer required by subsection (e) of this section is sent to the parties, all of the following occur:

(1) The unrepresented party engages a successor collaborative lawyer.

(2) In a signed record, all of the following occur:

a. The parties consent to continue the collaborative law process by reaffirming the collaborative law participation agreement.

b. The collaborative law participation agreement is amended to identify the successor collaborative lawyer.

c. The successor collaborative lawyer confirms the lawyer's representation of a party in the collaborative law process and adherence to the collaborative law participation agreement.

(h) A collaborative law process does not conclude if, with the consent of the parties, a party requests a tribunal to approve a resolution of the collaborative matter or any part thereof as evidenced by a signed record.

(i) A collaborative law participation agreement may provide additional methods of concluding a collaborative law process.

(j) A collaborative law participation agreement tolls all legal time periods applicable to legal rights and issues under law between the parties from the time the parties sign a collaborative

law participation agreement until terminated as set forth in this subsection. This subsection applies to any applicable statutes of limitations, statutes of repose, filing deadlines, or other time limitations imposed by law, court rule, or court order. The tolling period continues until terminated by any party delivering notice to all other parties of an intent to terminate the tolling period. The notice shall be delivered by hand delivery or by certified mail, return receipt requested, to all other parties, and the tolling period terminates 30 days after receipt by the last party to receive the notice. (2020-65, s. 1.)