May 2016

COLLABORATIVE Practice Tips

A monthly bulletin from the CP Cal Practice Excellence Committee

The Practice Excellence Committee is pleased to offer tips to help you increase your Collaborative cases and achieve *practice excellence.*

Please send us your comments and questions! Email us at info@cpcal.com

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What to Do When a Client is Stuck on an Unrealistic Position

Most of us have been there-one spouse makes a pretty decent or even favorable proposal, but the other spouse is really stuck on an unreasonable position. This is one of the greatest challenges in working with clients during the Collaborative process. As team professionals, the more stubborn and intractable a client is, the more open-minded and flexible we need to be.

When we are no longer able to change a situation, we are challenged to change ourselves.
- Viktor E. Frankl

Tip #1

Hear the client out and listen for what is unspoken. Rather than talking about how unrealistic or unreasonable the position is, hear the client out and acknowledge where he/she is. Listen with an open mind and understand that something important is happening for the client. Consider that the position-or aspects of it-may be more reasonable than we believe. Explore what is behind the position. Ask open-ended questions. Seek to uncover what is driving the client: sense of fairness/justice, old anger, fear of uncertainty, fear of abandonment, lack of trust, desire to stay in relationship with the other spouse, etc. Help the client name and describe the issue(s), the tone and the intensity of what is underneath the position.

Tip #2

Take a fresh look at goals and interests. Anchor the client in the original goals, hopes and interests identified at the beginning of the Collaborative process, and identify the goals and interests important to the other spouse. Discuss the client's position in the context of these goals and interests. Identify any new goals and interests (underlying the client's positions) that need to be brought to the team.

Tip #3

Look at how the team is working. Assess how the team is functioning (or *dysfunctioning*). Is the client stuck because the team is stuck in terms of process or solutions? Is the team acting in a balanced way between the clients and amongst the team members? Is the team exploring the underlying interests? Can the team generate more creative solutions?

Tip #4

Help the client generate a new perspective.

- Have the client evaluate the position from the other spouse's viewpoint. The client can generate an exhaustive pros-and-cons list of his/her position from the other spouse's position. Discuss with the client what the impact would be if that client was in the other client's shoes.
- Have the client create a vision if he/she lets go of the position. Have the client generate a list (or dialogue) about all of the benefits of letting go of her/his position. You can even have the client do visioning exercises such as a written description of what an ideal day would look like if he/she lets go of the position.

Tip #5

Utilize appropriate sub-team interventions; individual sessions/breakout sessions

- The coach can help the client discover and articulate the emotions and ambitions at play, examine if there is a function to the impasse created by the unreasonable position, and also help the client come up with a plan, such as individual therapy, to address what is discovered.
- The child specialist can discuss the impact of the client's position on the children.
- The financial neutral can examine the predicted financial outcomes for both parties if the position is adopted.
- The client's attorney can discuss the rights and responsibilities of the client and the other spouse. The attorney can discuss what the other spouse would think about the proposal and ask the client what the client thinks she/he will need to give up to get it.
- Have a Client-Lawyer-Coach meeting before the larger team meeting to prepare the client.

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