

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@cpca.com

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Is Collaborative Practice Right for Your Client?

Here are some tips, adapted (with appreciation) from Jennifer Jackson's "Three Questions." These questions will help you assess your client's readiness for a Collaborative process, and they will help prepare your client for an interest-based negotiation.

Tip #1

"How important is it to you what happens to your spouse at the end of this process?" If the client does not care what happens to his or her spouse, it is unlikely that he or she will be able to negotiate from an interest-based perspective. If both clients express that it matters what happens to his or her spouse, it suggests that they may be able to join together in an interest-based negotiation.

Tip #2

"If it becomes clear that the best way to meet your spouse's goals, interests and needs without seriously jeopardizing your own is for you to perhaps take less than you are "entitled" to, would you be willing to consider this?" This question is asked of the resourced spouse, the spouse with the higher assets, income, or separate property. It prepares that client to be generous with his or her spouse, and to not expect to apply the law in a way that favors him or her alone. It may help if the financial specialist can demonstrate that both clients will be financially healthy when the resourced spouse is generous. This question also tests the sincerity of the client's response to the first question. If your client expresses that the law matters more than the spouse's needs, a Collaborative process could be challenging

for him or her.

Tip #3

"If it becomes clear that the best way to meet your needs and goals without seriously jeopardizing (the other person)'s needs and goals is for him to take less than he is "entitled" to, do you understand and can you acknowledge that he is not required to do this? And that if he wants to have what he is entitled to, that he has a right to request it?" This question is directed to the non-resourced spouse. The goal is to help this client be less entitled and express more appreciation of whatever his or her spouse is willing to do above and beyond what the law would require. If the client is angry and feels entitled to more than what the law would require, it will likely reduce the spouse's inclination to be generous. We can help this client express appreciation for any generosity shown by his or her spouse by asking this question.

Tip #4

Discuss your client's responses with your team. Together you can consider whether the client(s) are suitable for a Collaborative divorce. It may be that one of the clients needs more coaching, or time to prepare for a Collaborative process. Proceed with caution if one or both clients answer any of these questions negatively.



Stay Connected



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