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.*

COLLABORATIVE PRACTICECALIFORNIA

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

[Click Here for Tips from Previous Months]

How to Assess Whether Clients Can Collaborate

Collaboration is a skill that clients need to cultivate and demonstrate. As stewards of the process, we can help them do this, but it is ultimately up to the clients to prove that they can collaborate. It is helpful to name it as a skill, and ask why they have chosen a Collaborative Process. Ask what collaboration means to them, and how they know they can collaborate. Can they make a decision without being rigidly inflexible, and can they keep their agreements? Are they receptive to feedback? Are they able to make decisions that are not based on strategy or leveraging each other? These are all helpful questions to keep in mind, and to ask your clients about their thoughts.

Tip #1

Assess clients' level of trust. Is there some common ground, perhaps about the kids? Can each see the strengths in the other? For example, can they discern between emotional betrayal and good parenting? Is there enough trust to enable them to put mistakes in perspective, to let go of unrelated hurts or offenses? Do the clients trust the professionals? Do they have a healthy perspective on any trust issue? Is the client able to talk about how to regain and/or strengthen trust?

Tip #2

Assess clients' level of anger. Is either client punishing or acting out anger in passive-aggressive ways? Are they avoiding or disrupting meetings, chronically late or canceling, or unprepared? In the meetings, is the client interrupting, venting, bullying, threatening, or storming out? How does the client react when s/he hears something they don't like?

Tip #3

Assess the clients' level of goodwill toward each other. Does each care that the other spouse be okay in the end? Are they willing to talk about their needs, interests, multiple perspectives, and the needs of the family? Are they open to considering solutions outside the law? Flexible in their thinking? Are they able to support each other's adjustment to new roles as single parents?

Tip #4

Assess the goals of each client for their divorce process. Can they share any common goals or missions, perhaps about the children, or their future co-parenting relationship? Get them to talk about why they chose this process, and how they hope it will unfold?

Tip #5

Be alert for Red Flags: A client storming out of meetings, or not showing up, or not being prepared for meetings. Notice if a client cannot tolerate being in the same room with the other. Observe the clients' emotional management and self-care. Can the client listen without interrupting? Is there flexibility in problem solving? Does the client have the ability to be in a room with multiple professionals at the same time? Is the client's behavior is generally respectful, honest? Can the clients moderate their behavior and manage their emotions?

If you see red flags, go back to the first steps: Name the question, recall why the clients chose this process, and discuss whether the client still believes that he or she can collaborate. Remind your clients that you can help and support their collaboration by offering skills, coaching, information, guidance, and ideas, but that the ability and responsibility to collaborate rests with the clients.

COLLABORATIVE
PRACTICECALIFORNIA

Join the Conversation #cpcal

CP Cal c/o 291 Geary Street, Suite 600, San Francisco, CA 94102 415-399-8393 info@cpcal.com