COLLABORATIVE **PracticeTips**

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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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Impasse or Opportunity? You Choose (Part II of III)

As Collaborative Professionals, it is always a good practice to plan for challenging meetings and be prepared to guide clients through difficult discussions and the variety of emotions that accompany them. Below are tips to predict and prepare for reactivity so that clients/team can reset and continue to participate, as discussed in Part I of this series.

Preparing for Meetings Where Both Clients are Present:

Consider beginning each meeting with a brief meditation; or just an invitation to get comfortable (snacks in the room are always a plus).

Provide note pads for clients to jot down thoughts or feelings while listening to the other spouse and/or the team member(s) (to channel emotions and decrease interruptions).

Review the agenda for the meeting to set the tone and get focused.

Start with easier topics, stick to one topic at a time and acknowledge completion of each topic, even the decision to table a acknowledge completion of each topic, even the decision to table a topic; capture agreements in writing.

If this is the beginning of the case, develop interests – what is most important to the clients.

Start with a discussion of the couple's BIGGER PICTURE - what are the overarching goals that the couple wants to achieve in their process and in their final agreement (without specific details).

Focus on the goals that the couple agrees upon, such as financial security, children's welfare.

Circle back to these common goals when the couple is having trouble finding agreement. How might solutions meet these interests?

How to Manage Emotional Flooding During a Meeting:

A sign of impending impasse is when we see various emotions that bubble up in one or both clients during a meeting.

When we notice emotions bubbling up, we can choose to redirect the clients toward resolution, rather than giving up or joining a client in the feeling of discouragement or anxiety.

Below are some behavioral cues warranting emotional regulation when a reset is needed as introduced in Part I of this series. Now is the time to use them! (Continue to review and remind team members/clients throughout the case.)

<u>Cues</u>:

Crying

Fidgeting

Furrowed brows

Tuning out (inability to concentrate or pay attention)

Lack of eye contact

Interrupting; raising one's voice

Physical discomfort

Disruptive physical gestures (pointing, leaning forward, tapping or pounding the table, throwing something, withdrawal from the meeting)

Because it is very difficult to get someone who is experiencing painful or angry emotions back into their thinking brain, the best we can do is to meet a flooded client at their emotions by asking, acknowledging and expressing understanding (which may need to be done in breakout room):

<u>Examples</u>:

"What are you feeling right now?"

"Where are you physically feeling these emotions?"

Summarize what you’ve heard from the client to show understanding and ask what client needs for support.

Remind client to practice “reset” skills developed with their coach (Part I). After practicing reset skills, assess the client’s mindset and ask if they are able to continue the meeting.

Consider ending the meeting and rescheduling if it becomes clear that a client can no longer think straight and/or proceed any further with the meeting.

Be sure to have a team debrief after this meeting to plan for next steps:

Were the cues effective?

Did the reset skills work?

Where and how can we improve?

Stay Tuned for Part III of III in Next Month’s TIPS – Impasse or Opportunity? I’m Possible!

From the PEC:

A family law attorney who had moved over to Estates work because she just couldn't stand that world talked with me awhile back about Collaborative. She was thinking she might take on a divorce case again if she could get out of court and do things right. What she wanted to know was how we "messaged" Collaborative when people came to us for a traditional divorce or for mediation.

The answer is actually less about messaging than about asking the right questions and listening. You always get to hear the way things are now - full of pain, anger, hurt and fear. The questions to ask are about where they want to end up when this process is long over. How do they want to be feeling then? What do they want their children to be feeling? What do they want their children to be thinking about the way they handled the divorce? Sometimes you'll get the knee-jerk reaction first: "I want to feel I've won and the children know what a louse their other parent is." The response: "Ah. That's what you're feeling right now. Let's go further into a future where you're at peace." If they can't get there, well, maybe they do need to litigate.

Once you have a positive end goal, "messaging" Collaborative is a piece of cake. It's the path to what they want, which includes more support and guidance for the ex, a focus on positive outcomes for the children, effective co-parenting communication, etc., all headed to that end goal of...peace.

Join the Conversation #CPCAL

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