

THE Collaborative Review

The Journal of the International
Academy of Collaborative Professionals

WINTER 2020 / VOLUME 19, ISSUE 2

IACP INTERNATIONAL ACADEMY OF
COLLABORATIVE PROFESSIONALS

Practicing in a Pandemic World

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Letter from the President Coaching in the Time of COVID

By Anne Robinson Lucas, MA, LMHC

CCOVID appeared here in Washington State on January 19, 2020. A 35-year-old male just returned from visiting family in China arrived at the emergency room in Snohomish where he was hospitalized for 10 days and then released. I went on with my life, feeling secure that this would run its course and all would be well. I heard news from Asia and Europe about COVID cases, lockdowns and deaths, none of which seemed to alarm me. Perhaps in the same manner I sit in white privilege, I sit in health privilege and a trust that my medical system will manage this, my country will overcome it quickly, I went about my life. And then the news hit closer to home – literally as a crow flies, two blocks from my office and two miles from my home. A long term nursing facility, in the span of less than three weeks, reported 81 cases in residents, 34 cases in staff and 14 cases in visitors ultimately resulting in at least 37 deaths. I know this facility; I toured it a few years ago when looking for care for my mother. I remembered how claustrophobic I felt in the three-women occupancy rooms. I projected had my mother been there, I too would have been a family member with my face pressed against the window attempting to communicate with someone who could no longer understand what was happening around her. I know the staff and family members have shopped at the market on the corner, eaten at one of the many restaurants surrounding my office and the facility, banked at my bank, had coffee at the Starbucks. Places I had walked, places where I talked to, touched and bumped into people. Suddenly, it was all too real.

Washington State instituted quarantine the first part of March. My clinic was plunged into a new reality for which we were completely unprepared. While we had had a telehealth program for several years, it crashed by the third week. Designed for maybe 150 hours a month, it couldn't cope with 90 appointments a day. I woke up in the middle of the night in week two realizing we had not been collecting co-pays or private pay. I didn't know if we were going to lose clients, what insurance companies were going to do with telehealth payments, if I could maintain staff or even where staff would work. I was better prepared for a zombie apocalypse than I was for the arrival of COVID-19 and the challenges it dumped in my lap.

While focusing on righting the clinic, I had my own Collaborative and mediation practice to pull together. Challenges with working in a Zoom environment appeared early on. I had always known much of my work relied on feeling and reading the energy in the room between and around people. I used that energy intuitively in my work. Utilizing my own body language and movements with a couple allowed me to stay connected to both even while attuning to just one. Forced into a 'screen' environment blinded me – I was receiving much less information than I usually rely on. Having to depend solely on language, my sense of connection with clients felt tenuous and shallow. I felt separate from my team members and struggled to track everyone in joint sessions.

Zoom is also a challenge because I am kinesthetic by nature, visual and auditory being distant seconds.

Letter from the President (continued)

Coupled with a strong measure of ADHD, sitting in front of a screen and relying on language, voices and tiny faces is my version of Dante's first level of hell.

As the Zoom environment continues, I also began to notice that the conflict levels in our cases seemed to be higher and cases were taking longer. I posited that perhaps, because we were not meeting in person, clients had no one to help that energy disperse, to step into helping them soothe fast enough. Our timing as teams seemed to be off – at least in my area; we were relying more heavily on longer emails and more email streams.

It's eight months later now – eight months with a daily Zoom diet anywhere between six and eight hours a day and I've adapted. I'm better at reading facial expressions. I am able to focus on emotional fluctuations from voice tones. Where before, I rarely if ever met with a couple separately, it's becoming more my norm in order to achieve a closer connection and increase trust. As teams, I'm seeing us become more organized up front and moving faster. We are relying less on email and are back to using phone calls (we all need a break from Zoom!) We can zip folks into break out rooms in the blink of an eye to attend to emotions, conflicts and just give folks a break.

While I have conquered some of the challenges, there are still more. Parents trying to find privacy when we are working on parenting plans or involved in a coaching session remains an interesting problem. I've participated in meetings in mini-vans, garages, bedroom closets, backyards and once, a tree house. I've engaged in discussion about who facilitates homeschooling and how, given the combinations of working from home or outside the home. I've engaged in conversations about looking for a new home, whether it's a rental or a purchase with fears of COVID lurking in household spaces. Do you quarantine the kids when they come back from residential time with Dad because Mom lives with aging parents and doesn't trust Dad's bubble boundaries or do you just hope for the best? Lots of navigation issues, Zoom burnout and finding a solid work/life balance while managing an ever-increasing work load.

I own I am still very privileged. I have a solid income, I can pay my bills and indulge in occasional wants. I have my health and access to immediate, excellent health care. I have toilet paper, hand sanitizer and plenty of masks. I can shop during the old people hours at our local grocery. But unlike way back in March, I have to own I am now living with a level of anxiety and fear I've never experienced in my long life. I don't like those feelings and I also know I won't always feel this way. My long life has given me the perspective of knowing the world will continue to turn and to change. I have no idea what the world will look like in January, June or November of next year but I know it will not look like this. I can wait and while I'm waiting, I will continue to learn, to adjust and to adapt.

A handwritten signature in black ink, appearing to read "Anne Lucas". The signature is fluid and cursive, with the first letters of the first and last names being capitalized and prominent.

Anne Lucas



Letter from the Editor

By Nancy J. Cameron, QC, LLB

As I write this, we have a major windstorm churning the ocean outside my window, trees bending with a blessed resilience; none have toppled yet. Our internet and phone are down, so the normal link I have with others is broken. In this isolation, I know I am safe from COVID, but losing internet and phone makes me realize how much I depend on contact, regardless of the form it takes.

This issue has felt to me like sitting down with a pot of tea with close friends as Collaborative professionals from around the world shared their thoughts about practicing during COVID times. The issue leads off with Melissa Sulkowski's Unexpected Benefits. The decision to lead with this article was deliberate, for these unexpected benefits will surely be the jewels that we hold dear when COVID times have passed. Just as I look at the resilience of the trees in this windstorm, knowing that branches and perhaps some whole trees will be down when the wind subsides, I know most of our forest will still be standing.

As you read through this issue, I urge you to seek out the hidden gems that are nestled in each of the pieces. Smith's message of empathy and help with uncertainty, Marcucci's invitation to go to the balcony. Lucas's lessons of learning, adjusting and adapting. Fürst's clear analysis of the gifts of a safer space we have found, for some, as we go virtual with our meetings. Farish's description of the safety we all felt back in January, a feeling of safety that could be described as smug, except we did not even have that much self-awareness. Followed by his firm "moving like a rusty weathervane" to adapt. And Kern's delightful description of "dealing with different sensitivities." Oh how I love conversations with my Collaborative friends! Galbraith's book review encourages us to use the lessons that we are learning, as we move access to justice online, to create a more accessible and affordable model of dispute resolution. Gilman's article is a preview of our next issue, which will be devoted to equality and inclusion. Vargas's description of vocational counselling presages a need we may see more intensely, once COVID has moved into history.

Perhaps our ability to adapt is our greatest strength. For now, I must figure out how to let my colleagues know I need to cancel our zoom four way this afternoon. I can walk the mile to my neighbour's house, if the wind subsides, as the walk is through the woods and hope my neighbours have some internet or phone connection. Last year, I would be panicking right now, wondering what to do about this afternoon's meeting if I can't connect. But now, in the face of all this uncertainty we have been through over the last eight or nine months, I am amazed to discover I am not anxious about this. I know we will be able to re-schedule. No one's life turns on this. And, taking a note from Sulkowski's song, I will cherish my gifted afternoon, watch the way the cedar sways, the ocean waves crest with a blossom of foam, the gull soars on a gust of wind. Tomorrow I will walk the beach, looking for any hidden treasures the storm has brought.


Nancy J. Cameron, QC, LLB

I

Unexpected Benefits

By Melissa Sulkowski, RN, MA, LPC

As we make our way along this unknown and windy road, many of us continue to be challenged with what to do next. Even though we were unable to predict our future prior to the pandemic, this experience has heightened that reality. Depending on your landscape, you might be asking yourself what the lack of certainty means for you today, next month, or next year.

Would it be helpful to create certainty? How do we grow during a time we have not walked through before? What does this mean for the future generations?

I have always been one to appreciate the benefit in reflecting. In fact, you may have seen some of my other writings where I confidently indicate, “adversity is an opportunity for self-growth.” Well, let’s take a closer look at what that really means.

In our work as Collaborative professionals, our intention is to hold a space for our clients. A space and time designed to create emotional safety for their well-being. Working to create the conditions where clients can discover the answers and solutions within themselves. Certainty is built into their uncertain time, even when no one person in the room knows what the outcome of their circumstances will be.

Let’s explore the strategies employed that help build that certainty for our clientele. We facilitate expression of feelings and decipher needs. We allow grief to show up and don’t fall to the urge of pushing it away. We promote self-care through their transition. We focus on individual strengths, effective communication, and model problem solving. We normalize and even embrace pain, fear, and uncertainty. As a team, we meet our clients right where they are in the unknown and offer a sense of calm.

In reflecting, I asked myself, “How do I create the

conditions for growth through such an abrupt experience? Who is my team? What am I doing for self-care? Am I allowing myself the opportunity to grieve what has been lost? Have I taken the time to acknowledge my fears?”

In walking through the questions, something occurred that I did not anticipate. I found myself noticing what I am calling “unexpected benefits” of the pandemic. It is similar to what we might think of in looking for the silver lining in the cloud. The irony is, I was not looking. Yet, it began to take shape, happening more and more often.

I had a client early on in the pandemic who lost her parent. While she was initially upset that a traditional funeral service with family and friends, honoring her loved one’s life, was not an option, the intimacy that came from sharing that experience with her immediate family and siblings was magical. A fractured relationship was healed. It was her belief that this would not have occurred had there

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Professionals chose Melissa as one of 22 participants internationally for their “Leadership Academy” in 2013. She currently serves on the Board of Directors of IACP.

***Melissa Sulkowski,
RN, MA, LPC***



Unexpected Benefits... (continued)

been others present. It was an “unexpected benefit” that arose as a result of the limitations the pandemic created.

Then, these unexpected benefits began to happen on a global level. Courts closed and Collaborative Practice gained more attention. Skies were bluer. Zoom happy hours! Who knew this whole time I could have been doing happy hour with my out of state friends? Why didn't we think of this sooner? On a recent Zoom call with Stu Webb, he shared his experience and joy in connecting with a group of Collaborative professionals in Tel Aviv, Israel.

One of my own experiences has been a reroute in planning for a vacation this year. Camping and kayaks were not part of the original itinerary. My son is going into his senior year and the plan was to go out to Los Angeles, California. He has an interest in comedy and was planning on attending a teen comedy camp at The Groundlings. But wouldn't you know, something happened during our time in nature.

As you might imagine, we did not have good cell service, which was initially very disturbing to four teenagers.

However, that reality provided a gift. The gift of quality time. Time to play cards, make smores, and talk about memories of vacations prior. The “unexpected benefit” of conversation for days on end, with no agenda or interruption from the outside world. This would not have happened in Los Angeles. On a side note, my son would suggest that his acquired mastery of solving the Rubik's Cube in under a minute was another “unexpected benefit” of our time away.

While I will not deny my sadness in not being able to hug as frequently as I used to, I am grateful for the “unexpected benefits” that have been organically placed along the way during this time. I invite you to join me in starting to notice the “unexpected benefits” that have surfaced in your life personally and/or professionally as a result of this unforeseen, world shaking, time in history. Please share them with me via email, my Facebook Page, or on my LinkedIn following the post of this article. Perhaps we can start a collective journal for future generations so they may have something that will allow them to feel a little more certain.

SUBMITTING AN ARTICLE FOR THE COLLABORATIVE REVIEW

With a circulation of more than 5,000, *The Collaborative Review* reaches practitioners around the world, as well as, law libraries, law schools, trainees, and other professionals with an interest in Collaborative Practice. Submissions encouraged for our Spring 2021 edition focusing on Inclusion, Diversity, Equity, and Access.



To learn more about writing guidelines and the publication process please visit the IACP website at: www.collaborativepractice.com



Lessons from COVID-19: What Our Clients Really Need

By Victoria Smith, JD

On March 6 I travelled to Florida to deliver an advanced Collaborative training. I crossed the Canada/US border, travelled by cab and by plane, engaged with a wonderful group exchanging ideas and food and handshakes and hugs. That seems like years ago now!

I practice with my daughter Alexa Turner in Toronto. On March 16, Alexa and I and our assistant Julia, suddenly packed up our office and moved home to work remotely for what we thought was two weeks... but turned out to be 6 months. In Canada over the summer, after a period of total lockdown in varying ways across the country, we gradually reopened. We were permitted to connect directly in small personal bubbles but otherwise maintaining physical distancing, wearing masks inside public places and weighing risk with every interaction. Alexa and Julia went back into the office first. I returned part-time a few weeks ago. We are still working remotely, preferring to meet our clients by Zoom rather than in masks. In Ontario we have just moved into a second wave, which we desperately hope won't send us back into total lockdown and everyone is wondering how we will get through our long winter.

COVID-19 changed the world overnight. It has been challenging for everyone, devastating for many. For people used to getting things done, solving problems and making a difference (including our Collaborative community of professionals), it's also hard to deal with the "ambiguous loss"* that is COVID: loss that is unclear, ongoing and without resolution.

In the midst of this unprecedented crisis, we have continued to serve our family law clients. As Collaborative lawyers and mediators, we are committed to providing a client-centered, humane, wise process

that will preserve what's most important to our clients. So, what has COVID taught us about what that means now? I've come to believe that 3 of the most important things clients need are: empathy, to be met where they are, and help to handle uncertainty.

Empathy

With COVID, everyone around the world is feeling, and talking about feeling, a shared sense of loss of physical connection and the normal rituals of life. There is anxiety about the unknown; how long will this go on, the extent of the damage it will cause, and what life will be like when it's over.

It struck me that these are the same emotions that come with divorce: profound fear of the loss of important relationships, financial security, change from the life they've known, the uncertainty about how long the process will go on, what the ultimate cost will be, and where they will end up afterwards. Feeling overwhelmed and out of control. I have never been divorced myself and can't know the depth of another person's unique experience, but I feel I can appreciate what my clients are going through more deeply than I did before.

Empathy means being able to stand in the shoes of the other person, feeling how they feel, having them feel understood and connected. The early proliferation of Zoom parties, and then outside get-togethers, conversations with neighbours across the street and balconies, and reaching out to strangers (like the sweet, ubiquitous Thank You Essential Workers signs in windows) have shown how much human beings need empathy and connection to handle uncertainty and fear.

I often find I learn by my missteps. In the early days of this, I spoke with a client to prepare for a Collaborative

Lessons from COVID-19... (continued)

Practice meeting to be held by Zoom. I started by asking him how he was, and he said he was okay and then we moved through the agenda, as usual. Before I hung up, I asked “How are you really doing? You’ve got a lot on your plate.” He sighed and then said, “Actually, I’m in struggling. I’m worried my business will take years to sell. I have no idea when we will sell our house or what we’ll get for it. We’re eating through our retirement assets at a rapid rate. We could have made it through this if we’d stayed together, but she wants to separate. And I always handled the money; she has no idea what we’re up against. I’m seventy-two years old and I have no idea where we’ll end up.” And then he thanked me for asking. I realized that’s where I should have started. That’s where I’ve started ever since.

While this is hard for clients, it’s also been hard for us. When I first moved home, I found working on Zoom, being at my screen all day, handling complex problems and emotions without being face-to-face while learning as well as juggling technology, super challenging. I didn’t feel I had the traction or the efficiency I usually do. While I’ve learned a lot and have adjusted to working remotely with clients and colleagues, it isn’t the same. I miss the face-to-face connection and ability to reach out, literally, to assess dynamics, soothe, explore, explain, acknowledge, reality check and problem solve in person. While sometimes remote meetings work well, overall I miss working around the table with my clients and my colleagues.

I’ve come to accept Zoom meetings are often stressful and more tedious. There is the time for everyone to get on Zoom, for inexplicable technology failures, random power outages, the need to switch gears and go back to a phone call when a client simply can’t handle it. I realize that none of us are fully on our game and we’re all doing our best. And that’s okay.

So, in practical terms, I believe every conversation with our clients and our team, starts with empathy. This creates the sense of connection and understanding that is vital to moving forward.

Meeting clients where they are

We have understood Collaborative Practice to be a

roadmap for a harmonious process in which we gather information, share goals and interests, generate options and work with a team of professionals over a series of face-to-face meetings to find outcomes best for everyone.

What I think we have been learning for a while now is that while some of our cases might look like this, most do not. Most involve deep conflict, complex issues, lack of trust, divergent perspectives, and a range of capacities for self-awareness and engagement.

And so, in varying ways, most of us have been learning to adapt the process, and our approach, to the client and the case. In Toronto we try to design process at the beginning. We consider what team members are needed, who should attend which meetings and who should work off-line. We are now often gathering financial information before the first meeting so that it can be substantive rather than organizational. We are bringing in mediators to move past impasse. We assess and adapt as we go.

With COVID, more than ever, we are needing to let go of any strict attachment to process, or the way we’ve always done things, and focus on what this particular client needs, can manage and can afford, right now.

First, are they emotionally ready? Do they need help managing anxiety, referral to counselling or a family professional? Do they have the time, bandwidth and physical space to navigate the separation process?

Apart from emotional and logistical capacity, people need to decide whether to move forward or wait. We can help them assess the pros and cons of those choices.

I’m working on a number of cases where the business owner wants to negotiate support based on reduced income in light of COVID. They have spent considerable funds getting an income valuation which he or she argues is now invalid. They have to decide whether to settle now on the basis of the information they have and estimates of future income, do a deal that allows for variation, or wait and see with no guarantee of when or whether incomes and asset values will return to so-called normal.

Clients who choose to wait may still need our help.

Lessons from COVID-19... (continued)

They usually need arrangements for interim bill paying, including accessing debt, a temporary change in support and interim parenting arrangements.

For people who want or need to proceed, most have reduced ability now to engage in meetings and afford professional fees, so we are needing to streamline the process as much as we can.

Can we finish in 1, 2 or 3 short meetings? To do that means lots of team and client preparation, coaching clients to do as much as they can themselves, doing parenting plans off-line with the family neutral, helping clients be realistic, focus on what's most important and let go of the rest.

So many of our clients have suffered income reduction or job loss and are now super aware of costs. In my firm, we are willing to reduce our hourly rate when needed and offering a flat fee mediation as well as a flat fee Collaborative Process. I know others are doing so as well. Streamlined process and flat fee options have been a long time coming and will certainly survive the end of COVID.

We need to be flexible about our roles and how the team is working. Conflict in the house or safe co-parenting between households are best handled by the neutral family professional off-line. If the problem is paying support given a reduction in income, or sharing bills until a physical separation, can a neutral financial do the legwork? Or should the lawyers work together, mindful of each person's interests and goals, to move more quickly to settlement or an interim agreement?

Help to handle uncertainty

Taking care of ourselves.

We are wired as human beings to crave certainty. Uncertainty is itself a source of tremendous anxiety. As well, most lawyers and financial professionals, by nature and training, struggle with ambiguity. We feel we should have answers and are much more comfortable where we feel somewhat in control. So how do we help clients struggling with unprecedented levels of uncertainty when we are struggling with uncertainty ourselves?¹

Brene Brown says anxiety is the one of the most contagious emotions, but equally contagious is what she calls "calm practice" and that's what we need to bring our clients in the face of fear.

To do that we need to look after ourselves and follow practices that sustain us and help us stay hopeful.

For me, it's important to try to be as consistent as I can about meditation, online yoga and a good daily walk. I limit the news to once or twice a day. I get outside. I stay connected with those I love. It's critical to take time for self-care and to do whatever and be with whoever grounds you and brings you joy.

Since COVID, I have been listening to some inspiring podcasts. Brene Brown's Unlocking Us offers great

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is co-author of *Collaborative Family Law, Another Way to Resolve Family Disputes* and numerous articles on CP and dispute resolution.



Victoria Smith, JD

insights on anxiety and vulnerability and courage. Esther Perel's *Where Should We Begin?* is a cutting-edge exploration of relationships, involving sessions with real couples. Many of her episodes focus on couples around the world under lockdown.

Getting real

I believe it's essential that we develop more realistic expectations about our cases given the nature of the problems we are solving.

We are not dealing with simple problems, like baking a cake, where you follow steps and get a predictable result. Nor do we often deal with complicated problems, like building a bridge, where we apply judgement and expertise to a set of facts to achieve a predictable range of outcomes.

For the most part, we are dealing with complex problems, which are problems that involve many interconnected and ever-changing parts, so that a change in one part of the system changes the entire system. I always love the first Collaborative meeting, after which, so often, all hell breaks loose! A new partner comes on the scene, an affair is discovered, a child refuses to see a parent; one of the clients refuses to work with a neutral, or changes lawyers, or gets three legal opinions, or refuses to meet. Our cases are often a series of curveballs and pivots. This doesn't mean our cases are "falling off the rails" or that clients are being "uncollaborative". This is the way complex problems unfold. They are inherently messy and uncertain.

With complex problems we can never know at the beginning how the process will go or where it will end up. Complex problems call for a non-linear, step-by-step approach: gather information, perspectives and ideas from the clients and the team, decide what might work and try it. If it works, keep doing it and if it doesn't, regroup-stay calm, withhold judgement, and try something else.

So we can't offer certainty in the face of uncertainty. Instead we can offer safety, respect, empathy and a cohesive team with the commitment and capacity to

listen, adapt to the clients and guide them through, one step at a time.

I hope that this pandemic will prove to be the reset the world so desperately needed. It is offering many important lessons about how we human beings need to treat each other and the earth. To come back to our work as Collaborative professionals, while the need for deep empathy and calm presence, customizing process to the client and working realistically with complex problems has become abundantly clear in light of COVID, I think in fact this is what our clients have always needed. And this is what they will continue to need when we have adapted to or moved beyond COVID-19.

Notes

¹ Article by Tara Haelle about surge mentality and ambiguous loss can be found in the publication *Elemental* at: <https://elemental.medium.com/your-surge-capacity-is-depleted-it-s-why-you-feel-awful-de285d542f4c>.



Pandemic Practice – A Texas Perspective

By Chris Farish, JD

The world stopped, or for a moment it certainly felt that way. Much like watching an aerial shot of a rock thrown into a pond on film, the SARs-CoV-2 virus and the COVID-19 disease it causes in humans spread out from the relatively obscure origin of Wuhan, China and rippled around the world. Stopping commerce, travel, schools, and courts in its wake. Watching from afar I didn't see how the events that were transpiring could possibly reach North America with the sudden and frightening impact they were having in Wuhan and across China, especially with the success that other Asian nations had seemingly had in stopping or curtailing the spread of the virus. Like many, security came to me in this belief, and I took the time to step away for my child's spring vacation from school to visit family in Florida.

As the virus spread across Europe during our vacation, and confirmed cases began erupting across North America, I began to doubt my original feelings of security. As the beaches closed and restaurants reduced capacity in our spring vacation location, those feelings of security seemed utterly arrogant. As we prepared to return from our vacation, we did our best to maintain normalcy for my son while watching the dominoes falling all around us as schools were temporarily closed, restaurants and bars were closed, and I realized that the ripples had reached Dallas, Texas before I could get back home. When I returned to my office, I knew my time there was likely very short because non-essential businesses were to close. That was March 23, 2020, and a "safe at home" order went into effect that evening at 11:59 p.m. meaning that all non-essential workers were ordered to stay home and my office was effectively closed. That began the transition of my firm, which we had been avoiding and delaying for years, to a more virtual workspace where brick and mortar would not be necessary.

Our firm pivoted, but oh so slowly, like a rusty weathervane on top of a barn. Like many others around the world, we were not setup for remote working, and the companies that provide those services suddenly found themselves inundated with new business that needed immediate attention. We did not have a virtual file server that was accessible from home, and we did not have the ability to receive or place phone calls from our office lines without being physically present in the office. We were dinosaurs trapped in tar pits, and the only ones who could help us were so busy helping everyone that it seemed impossible that we would ever get out so we could keep moving. Our staff was at home and could not work. My law partners, who are spouses, were the only ones working in the actual office. I had created a workspace at my home that allowed me to work as efficiently and effectively as possible, while I assisted in teaching my son first grade. Surprisingly, a law degree does not provide a lot of assistance for teaching a seven-year-old boy much of anything.

By mid-April my file server was virtual, and by mid-May my phone system had been transitioned to a Voice Over Internet Protocol (VOIP) solution that allowed my staff to begin doing some of their more essential tasks remotely. Fortunately, our office had previous experience with Zoom and other teleconferencing platforms, and we were able to transition from in-person consultations to virtual consultations relatively easily. However, the connection to the client that I felt when I would sit down and speak to them in person just did not seem to develop over a video conference consultation. Even now, those clients that I have only met with via video conference seem different than those that I have been able to meet in person. The transition did allow me to consult more freely with

clients in other parts of the world, but I have been using video conferencing applications for consultations with those clients for years, so the pandemic did not change that facet of my practice.

It was not merely my firm that had to transition. The entire family law world, whether a litigation, mediation, or Collaborative matter, had to transition. Our courts were closed to in-person hearings except in emergency circumstances, and the judges were scrambling in much the same way my law firm was to implement new and effective technologies. Though the judges would tell you the courts never closed, for all intents and purposes they did close and remain closed to most in-person hearings even today. Remote hearings have become the norm rather than an exception to the rule. In the county just North of Dallas on May 8, 2020, Judge Emily Miskel oversaw the first fully virtual jury trial in the United States of America, a non-binding summary jury trial in an insurance dispute. This breakthrough demonstrated that jury trials can be held virtually, and courts were authorized to begin testing practices to do so, though not in criminal cases unless the defendant and the prosecutor waived any objections and consented to the virtual jury trial on the record. In 2019, Texas courts tried an average of 186 jury trials per week, approximately 42% of those were criminal cases involving jailable offenses, leaving the remaining 58% to civil and family cases where the judges began to try to adapt to hosting them virtually. The practice of litigation has changed in a way that makes going to the courthouse a relic of a time past. By August 2020, the Texas Office of Court Administration reported that an estimated 440,000 remote hearings had been held with an estimated 1.3 million participants lasting almost 1 million hours in the time since March 23, 2020. Texas judges appear to have quickly embraced the technology.

However, that is not necessarily my experience or the experience of my colleagues across the State of Texas. I consulted with an out-of-town client in mid-April, and as I prepared to take her case, I reached out to the court regarding a hearing that was scheduled that week. I was informed that the judge was not equipped or inclined to conduct a hearing by Zoom, and I had the option of either appearing in person at the courthouse

or calling into the hearing by phone. I chose to refer the case to a colleague and avoid both options presented to me by the court. Many practitioners in Texas have expressed similar experiences with judges who are either unwilling or incapable of embracing the technology. Even those who have embraced the technology have their issues, and it has been a frustrating and humbling process for many of the judges I have spoken to about these hearings. Judges have reported everything from having to conduct a hearing from their car because their house was too noisy, to having to cede the “host” responsibilities to one of the attorneys at a hearing because the judge’s connection dropped repeatedly. However, despite some struggles and hiccups, the judges and the courts in general have done a tremendous job of being adaptable.

Away from the courthouse, mediators scrambled to become adept at creating breakout rooms in Zoom and hosting caucused mediations in a virtual environment. Though I have not personally taken part in a virtual mediation at this point, the vast majority of the reports I have received from colleagues indicate that our mediation community has done an outstanding job of adapting. As with many in other professions who are newly working from home, many of my mediation colleagues are beginning to wonder why they would ever need to go back to “business as usual.” Those who do exclusively mediation have traditionally traveled, hours in each direction in some cases, to the office of one of the attorneys, but now those mediators can merely login and begin a mediation. Embracing technology could allow the best mediators to mediate cases across the state without a need for travel and the fees associated with that travel.

Collaborative Practice is an agile and adaptable process by design, but the pandemic has created some hurdles that are somewhat unexpected. On March 23, 2020, my first day back in the office after spring vacation, I had a joint meeting scheduled, which we ultimately canceled in the days leading up to the meeting because meeting in groups of even six at that point did not feel safe. We never had a joint meeting again in that case. We were close to the end and whether the clients did not feel comfortable meeting via video conference

Pandemic Practice... (continued)

or just did not feel they needed another meeting, we worked out the remaining issues and reached a resolution. On March 24, 2020, I was also scheduled to host a first joint meeting in a new Collaborative matter, but all non-essential workers had been ordered to stay at home, so the meeting was cancelled. That case is still in the process and proceeding, slowly, toward some form of resolution. The clients are older, but they are savvy enough to be able to use the technology. The delays in their case are more attributable to circumstances and personalities than they are the effects of the global pandemic.

An initial joint meeting via video communications was a new and interesting experience. The feeling of connection between the team and between the clients was diluted in some ways. It was difficult to see the body cues and facial expressions that I had come to rely on to tell me when the clients, or sometimes the other professionals, were uncomfortable, angry, or anxious. We all had varying degrees of interruption, whether actual interruption caused by poor internet connections or just ambient interruption from children running around the house, dogs barking, doorbells ringing or perhaps shadow figures eavesdropping on the Zoom call. I was not able to put out my customary spread of comforting snacks to ease the clients into the protective container of the process. In fact, the container itself, which is normally warm and cozy, felt a bit like a clear glass box where we could all see the real world going on around us and around the others on the call. The feeling of being in it together just was not the same.

As March has become months of doing things virtually, it has become more comfortable, and we are all developing different ways to connect with clients and protect the process. Though our container has changed, we are creating the safe space inside in much the same way. Virtual hearings, mediations and Collaborative meetings are a cost savings for clients as there is no travel time to bill. The future seems uncertain, and it seems impossible that the courts are not going to be suffering from the backlog caused by the pandemic for years to come. In Texas alone, since jury trials were suspended in jailable offenses there would have been

approximately 1,900 jury trials, which means there is an almost six-month backlog that the courts will have to unravel. In civil and family cases, there are not only jury trials sitting idly awaiting a chance to be heard, there are countless bench trials that are delayed and being further delayed daily.

It feels like now is the time for a solution that does not require court intervention to shine. Now is the time to step into the spotlight, not just in Texas but everywhere, and show the public there is a better way to resolve their family disputes. Collaborative Practice has caught on in jurisdictions around the world where access to courts is limited and arduous. At this point, it looks like Texas will be one of those jurisdictions for the foreseeable future, so now is the time to expand the reach and feed the growth of Collaborative Divorce.

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Chris Farish, JD



Collaborative Practice During the COVID-19 Pandemic in Switzerland

By Roman Kern, LL.M

The Swiss Landscape

Switzerland is a small country (41'285km²). It is divided into four (even smaller) language regions. Therefore the distances are short. This favours in-person meetings. Although Swiss society is at the forefront of the introduction of information and communications technology, it is rather conservative and adapts only slowly to changes. Women's voting rights were only granted at the federal level in 1971 and in the last canton only in 1991. Gay marriage has not yet been legalized. And we have maintained compulsory military service for all Swiss men. This aversion to change includes scepticism about adapting to new technologies such as video conferencing. Often, traditional methods will be preferred and new ways will only be walked down if extensively tested by others before.

Our Lockdown Experience

In February and early March 2020, the Swiss government decided to make gatherings with over 1000 people, later 100 people subject to permission and closed public schools. This was followed by a lockdown mid-March during which all shops (except food and essential goods), markets, restaurants, and bars as well as entertainment and recreational facilities had to remain closed.

In comparison to other countries, measures were rather mild. People were allowed to move freely and to go to work. Home office and other rules were mostly based on recommendations.

The economic consequences of the lockdown, namely factory closures and unemployment, were cushioned by short-term work compensation and other financial aid. Employees who could not go to work received 80% of their lost wages from unemployment insurance. Further measures for the economy were installed.

Widespread social hardship was thus prevented.

At the same time spring showed its most beautiful side. The weather was mild and invited us to go out into nature; joggers and cyclists were everywhere.

Work during lockdown:

At the beginning of the lockdown, the courts and other authorities cancelled most of the appointments. Only a few unavoidable court trials or hearings were held. Clients have cancelled most meeting appointments. Counselling centres (including the mediation centres where I work) did not conduct on-site appointments. Videoconferences were sometimes but rarely offered and even in these cases the clients often did not want them. In on-going cases, meetings were sometimes substituted by telephone conferences. Most CP and mediation sessions were postponed for a few weeks.

Reopening the economy

In late April and mid-May, the lockdown was largely lifted in two steps. The system that replaced the lockdown was based on vague recommendations and forced each individual actor to work out a set of measures to protect employees and clients. As a result,

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Roman Kern, LL.M

different rules have to be followed at every different institution (or home). Therefore, people are insecure about how to behave. In one place you only have to disinfect your hands. At the next place, masks are compulsory. In one place, participants are separated by plexiglass panels and no more drinks are served as glasses or cups could become contaminated. At the next place, there is no difference from before and hands are being shaken again.

Working with the virus still amongst us

The challenge now is to deal with the different sensitivities of clients and professionals alike and to find out which behaviours are appropriate in which case, how to deal with proximity and distance, which greeting and farewell rituals can replace the handshake, which symptoms cause meetings to be cancelled and with which ones clients are still welcome.

Our clients usually turn to us in a life situation that is perceived as a personal crisis, such as a separation or divorce. The pandemic and its consequences are additional stress factors in their everyday lives, which our clients have to deal with on top of the stressors of the separation and divorce. Personally, I try to give these external stress factors as much space as necessary and as little as needed. As far as possible I try to create an environment that allows the client to concentrate on their personal issues.

Permanent risk of quarantine

Another challenge is dealing with the quarantine risk. If an employee in a shared office falls ill with COVID-19 and has been in close contact with the other employees, there is a risk that a quarantine will be ordered for the rest of the staff. This would mean that you are not allowed to leave your home for a certain number of days (currently 10). At the same time, the mail can neither be collected nor sent out (e.g. in order to meet deadlines). To maintain these and other functions, you would need the assistance of people who are not subject to quarantine regulations and ideally have appropriate powers of attorney, keys and knowledge of the procedures.

CP Community

The CP community was also affected by the lockdown. Community meetings as well as basic and advanced

trainings were cancelled. There was no virtual substitute in Switzerland and only occasional exchanges took place via the international associations (ENCP and IACP).

After a reduction of COVID-19 cases during the summer months, community events have been taking place again, with attention being paid to the possibility of social distancing and other hygiene measures. People were still skipping the social part at the end of these events.

Second wave

Since mid-October, a second wave has swept over Switzerland. Many events have been cancelled again. New restrictions apply and evolve on an ongoing basis. With the cold season ahead of us such restrictions may stay in place for much longer than last time. These restrictions also affect the workplace this time as they include a duty to wear masks at the office unless the required distance (1.5m) can be maintained. At the same time, professionals and clients alike got used to wearing masks and often opt to do so voluntarily.



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Impacts of the Pandemic on the Practice of Law

By Olivia Fürst, JD

How has the COVID-19 pandemic phenomenon impacted our professional daily lives and to what extent does it point to the future of the practice of law? For the first time in history, all of humanity was affected, at the same time, by a radically transformative experience. As part of the emergency measures taken in response to the virus, the number of courts open to the public were reduced all around the world. Immediate access was given only to matters proven urgent, which were extreme situations, such as the ones that involve life or death and violence.

Most people's severe pains needed to be addressed in another way. Lawyers who see family conflicts exclusively through the adversarial lens, were left without work for a period, waiting for life to go back to its "normal" routine of family courts' procedural processes. Clients who were separating, unable to fully pay child support or couldn't be with their children due to disagreements with their ex-spouse during the pandemic, were advised to have "common sense" for the time being. But what is common sense?

Most professionals found themselves unprepared to effectively assist their clients to reach the so called "common sense" with the other party. The need to incorporate more effective tools to foster agreements into the practice of law became evident. *Common sense* is in fact quite a vague concept. And how do you reach this point?

From the early days of quarantine, Collaborative lawyers were never out of work. Their clients were not instructed to wait for the reopening of the courts, urged to rush to forensic duty, nor dispute the attention of a magistrate who also has to deal with serious and urgent situations, as the only way to dissolve impasses during confinement.

Collaborative lawyers kept working as usual except for in-person meetings which became online. Apart from this, there was no turbulence: our work does not depend on courts being open; it essentially takes place outside of them. "Common sense" is found in our daily life. Each family has their own adjustment to make and there isn't one formula that works for every situation. We were already aware of this. Thus, we keep working, enabling processes of dialogue, avoiding conflict escalation, and consequently avoiding overcrowding the judicial system.

Our area of expertise is to customize and adapt solutions to each specific situation. We don't work in order to identify *who is right* and provide one of the parties the win; we work towards reducing differences and fostering *understanding*.

How has the pandemic innovated our practice? We started to hold meetings exclusively online. In some aspects, we lost a lot: in a negotiation meeting we can no longer get a feel of our clients, their ex-spouses and the other lawyers' emotions, body language and senses with much precision. What we used to invest in, in terms of cozy areas of work, with tea, coffee, cookies, natural light, and plants, to promote a pleasant and relaxing atmosphere, became innocuous. We've started to interact with little squares on our computer screens where we only visualize our clients' upper body part and facial expressions. As Vancouver lawyer and mediator, Nancy Cameron emphasized in a conversation with me, we are unable to observe legs shaking, sitting on hands and all the subtle signs that something is not well.

On the other hand, the virtual atmosphere represented a safer space. For some people, it is quite difficult to be in the same physical space with others. So it is a paradox that the virtual platform allowed a certain closeness. The

Impacts of the Pandemic... (continued)

fact that one can be in a meeting with their ex-spouse and lawyers while at the same time be in the safety of their own home, where they may pause and go through the emotions in their own private space, meant a great relief to many.

I also see an advantage in the fact that it's harder to observe nonverbal communication of those involved in a negotiation when compared to face to face meetings. In this sense, all the participants of a negotiation are invited to interact with more clarity as well as to express their feelings and needs with authenticity. What used to be communicated with the bouncing of the legs, nervous finger tapping on the table or a loud exhale, can now go unnoticed and if the uncomfortableness is really important, there will have to be a better way to express it through words.

It's not easy to do this, especially when we are involved in a stressful situation and since we are not accustomed to expressing ourselves with objectivity, truth and to listen actively. Yet for this exact reason, I see this as beneficial: currently in the middle of a pandemic this is the only way we can communicate. If we have a problem and this is the platform we have available, we are obligated to make the best of it. The multidisciplinary team of Collaborative professionals along with the techniques they carry can give clients the necessary support so that they get hold of their feelings, real needs, bigger objectives, and essential values and then express them accordingly in Zoom. The professionals help their clients to listen more actively and empathetically to the issues presented; I believe this is an important exercise, which our extremely superficial and prolix society can benefit from in order to improve the great challenge that is going from debate (where there is righteousness) to dialogue (where we try to understand and coexist).

It's important to highlight the impact that the virtual environment is causing by humanizing the relations with law professionals. Everything that usually impresses in the law world, such as entire office floors, meeting rooms with bookshelves filled with books and codes and the usual formal dress code has been replaced by the home environment, naturally less formal and more humane. Once again, I identify a paradox: the

virtual platform, which has been imposed given social distancing sounds "dehumanizing" to relations and yet at the same time, it can mean the opposite. During the pandemic it has been common to see what used to be formal meetings being invaded by dogs barking, children entering the room, groceries being delivered and frozen screens when the internet crashes. Not to mention the forgotten mute button revealing moments of intimacy. There is a certain complacency from the ones involved in face of these events, as we are all under the same risk of being in those situations, which were considered inadequate prior to COVID, yet they are part of the adaptation to our current condition. The profile of the 21st century law professional is characterized by a reduced structure, accessible and direct language, flexible and creative posture in the face of impasse and conflict. I believe that a certain leveling of conditions in the virtual space has the potential to eliminate subterfuges which express and perpetuate power and disagreement. It can also give us more clarity in understanding that we are parts of the same system, where collaboration is a necessary requirement.

A lot of people ask themselves if we will come out of this experience as *better* or *worse* individuals. I see concrete possibilities of a qualitative leap being made in terms of civilization, but it is not an automatic consequence which will result from simple experience. At the same time, I do not think we are doomed to fail. As Morton Deutsch has taught us "conflict is not positive or negative in itself. What will determine the constructive or destructive potential of a certain situation, is the

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Olivia Fürst, JD

Impacts of the Pandemic... (continued)

way we deal with it.”¹ In this sense, nothing is a given. The pandemic is not positive or negative in itself. This individual event does not have the power to transform anything or anybody. We are the ones who hold the power to carry out any transformation for better or worse. It is the individual and the collective choices we make which will determine our future.

It’s time to work and the challenges are many. We are all certain that life online is here to stay and that we will experience a hybrid system, which blends in-person and virtual models. The huge socioeconomic gap that marks our society is a major challenge to democratize access to the digital world to all citizens. Another concern is the impact of confinement on women lawyers, who do not have a safety net (partners, daycare centers, schools and relatives) to count on, they found themselves overwhelmed and overworked with duties. Without a profound paradigm shift regarding social roles associated with gender and if we do not create mechanisms for protection and balancing of everyone’s conditions, little will change. In fact, we face the possibility of moving backwards.

With so much transformation and technological innovation in homes, offices and courts, ignited by

the COVID-19 pandemic, our adaptation to a 100% “digital justice” does not go through just the learning curve of using new platforms for digital processing, hearings, trials, webinars and online meetings. Along with all of this comes the urgent need to review the attorneys’ and legal operators’ role in the current context. It is crucial that we acquire new abilities to solve conflicts (which goes beyond the knowledge of the law and legislations) as well as update the concept of access to justice (which goes beyond the courts).

The ability to solve problems, deal with situations of crisis with socioemotional skills, avoid polarized situations, negotiate, enable hard conversations and re-establish dialogue and understanding, while preserving relationships and important partnerships; these have risen to the forefront of necessary skills for legal professionals. What is expected of law professionals who wish to have a relevant role from now on has shifted.

Notes

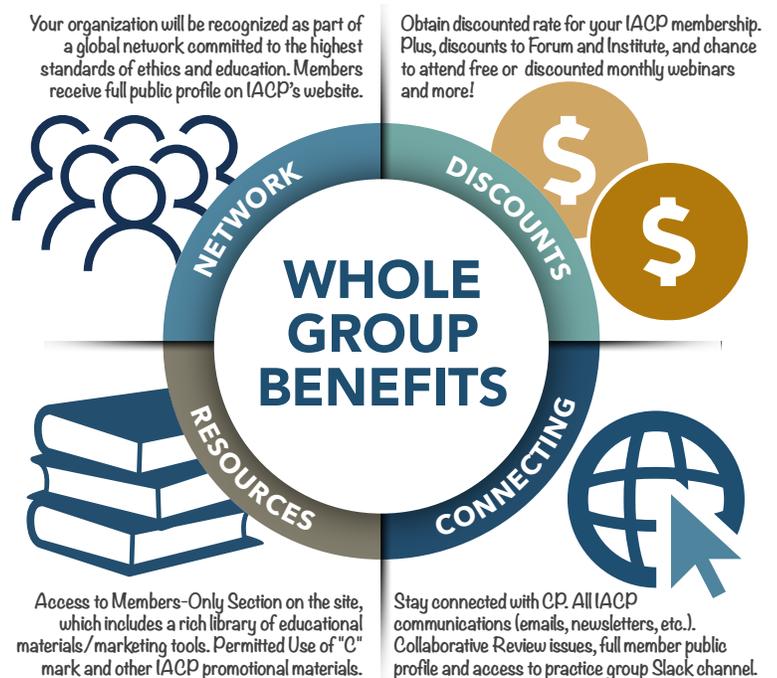
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Book Review: Online Justice and the Future of Justice by Richard Susskind

By Brian Galbraith, BA, LLB, LLM, ODR Specialist

The justice system has been radically transformed by the pandemic of 2020 but the future is not yet here. According to Richard Susskind, the future of the justice system is and should be radically different than our present system. Our present court system is “too costly, too slow, and largely unintelligible.”¹ As Collaborative professionals, this is not news. The pandemic has forced courts and Collaborative professionals around the world to rapidly move forward toward a better use of technology.

Susskind argues in his book that the recent changes are just one step of many we need to take to make the court system accessible to more people. I argue that Collaborative professionals must also radically change how we do our process if we still want to be doing this work in the future.

Susskind is particularly concerned about access to justice. He reports that only 46 percent of the world lives under the protection of the law.² He states that some countries have enormous backlogs – Brazil has 100 million and India has over 30 million cases in their backlogs. Justice delayed is justice denied. Susskind argues that we need to use technology to give more people access to justice. He defines access to justice broadly, as containing four components: dispute resolution, dispute containment, dispute avoidance and legal health promotion (providing access to the opportunities the law creates, such as wills, powers of attorney, etc.) It is this broad definition of access to justice that speaks to the work that the Collaborative community provides. Unlike courts, which provide only dispute resolution, Collaborative Practice has the ability to address dispute resolution, dispute containment, dispute avoidance and legal health promotion.

Susskind’s Model

Susskind’s vision for a future judicial process will have two tiers. Tier 1 will give potential litigants help to

determine whether their positions have any merit. If the potential litigant wishes to proceed after exploring Tier 1, then they will proceed to Tier 2. They will bring to Tier 2 structured case summaries developed while in Tier 1. During Tier 2, they will work with case officers to settle their case. The case officer will do their best to contain and resolve the dispute so that a more formal process will not be necessary. The case officer will “draw on a broad range of techniques, including negotiation, conciliation, and nudging, to help parties sort out their differences amicably. Sometimes the case officer may gently knock heads together, cajole a little, and call on common sense, a commodity often absent when humans fall into conflict.”³ The case officers will help the parties reach an agreement, if possible, so that further steps are not necessary. Tiers 1 and 2 will be provided as part of the publicly funded court system and are what Susskind calls the “extended court”. Its purpose is to resolve as many cases as possible and narrow the issues that flow to Tier 3.

Judges hear cases in Tier 3. In Susskind’s model, judges are not hearing cases at the courthouse but rather are doing so online. He argues that court is a service and not a place. He is not suggesting the courts merely start to use Zoom, or any other video conferencing app, for adjudication which has become common place around the world during the pandemic. Using video conferencing increases access to justice and can be argued is a positive step forward to increase access to the courts but it replicates the existing process. It is a synchronous process meaning everyone is in one place (on the video conferencing app or on the telephone) at the same time for a hearing. Susskind believes that using a synchronous process adds to the cost and slows the pace of adjudication. We need our judicial process to be faster and less costly. Susskind suggests an

asynchronous process meaning the litigants would submit their arguments and evidence to the judge through an online platform and then the judge would render their decision online. There would be no hearing but rather the litigants would enter a dialogue online with the judge, like a texting conversation, with the process coming to an end when the judge renders their decision. Susskind believes that there is evidence that an asynchronous process, combined with the extended court (Tiers 1 and 2) would be able to dispose of more cases quickly.

A Case Study

Susskind points to the Civil Resolution Tribunal in British Columbia, Canada as “the world’s best known and most advanced online public dispute resolution system.”⁴ It is set up to help resolve small claims disputes under \$5,000, condominium disputes of any amount, and motor vehicle accident injury claims up to \$50,000. Like Susskind’s model, the BC model has four stages. A tool helps potential litigants understand their legal position. The next stage helps the parties negotiate an agreement. If necessary, a case manager can be engaged to help facilitate an agreement. If still not resolved, the case can be escalated to a tribunal member (akin to a judge) who will decide it. The model is primarily online and has been expanded because of its success. Susskind points to this model as evidence that his model would be successful if adopted worldwide to resolve a plethora of cases.

Objections

Susskind urges that we do not judge his model too harshly. He quotes the eighteenth-century French philosopher, Voltaire, who said “the best is the enemy of the good.” He changes it somewhat to suggest “Voltaire should have said ‘the best is the enemy of the better.’”⁵ In other words, we should not compare his model to an ideal traditional judicial process because it is unaffordable, unattainable and inaccessible to the average person. He suggests that we keep our focus on achieving greater access to justice and finding ways to leverage technologies to do so.

Susskind addresses many objections to his model. One such objection is that it would establish a class system. His model would be available to those of modest means and those more affluent would have access to the

traditional legal process. In response, Susskind says that everyone should have to use his online model to avoid a bifurcation of systems based on affordability.

Another objection is that the online model does not offer the human element inherent to the traditional synchronous system of hearings held at a courthouse before a judge. Susskind refers to psychotherapy which was once considered a process equally in need of personal contact to be effective. He points to Talkspace which is an online text-therapy platform that has over 1,000 therapists registered as users. Susskind quotes Irvin Yalom, emeritus professor of psychiatry at Stanford University and pioneer in the field of psychotherapy who found that Talkspace was effective.

In the right hands of well-trained therapists, the texting approach may offer a more personal encounter than face-to-face meetings with therapist who rigidly follow mechanized behavioural manuals.⁶

Susskind concludes that if psychotherapy can be effective using an asynchronous system of texting, so too can the judicial process.

Some object to Susskind’s model because it relies on access to the internet. In response, Susskind points out that in the UK, 90 percent of people surveyed had recently used the internet.⁷ He argues that if we include those people who have indirect access to the internet through the help of others, then just 6% of people do not have access to the internet. These are the elderly and those of modest means. Susskind states that simply because 6 to 10 percent of the population has no access to the internet, this should not prevent the 90 percent who do have access from availing justice through his model. We should not let “the best be the enemy of the good” as Voltaire once said, according to Susskind.

Change is Happening

Susskind created a website to spotlight the rapid advancement of remote courts worldwide during the COVID-19 pandemic of 2020.⁸ It has been remarkable how quickly courts around the world have adopted technologies to offer audio hearings (telephone), video hearings (Skype and Zoom), and paper hearings (decisions based on paper submissions). The pandemic

has radically altered our way of thinking about the judicial process.

In light of the experience during the [COVID pandemic] crisis, there is certainly greater acceptance now than in February 2020—amongst lawyers, judges, officials, and court users—that judicial and court work might be undertaken very differently in years to come.⁹

Faced with the prospect of there being no access to justice, governments around the world rapidly explored new ways to offer the continuation of the rule of law and the judicial process. This is evidence that change is possible, and that change can be beneficial.

The Future for Family Law Court Lawyers

Susskind predicts that “over time, however, the widespread use of online courts is likely to reduce the number of court lawyers.”¹⁰ Over the next few years, Susskind predicts court lawyers will be shifting from their traditional roles to new roles. They will “undertake different work and work differently, not least in online courts.”¹¹

Susskind opines that disputants are not looking for a great judicial experience resolving their case, they primarily just want it resolved. He explains “outcome thinking” by referencing a drill manufacturer who told his new sales recruits that they are not selling drills – they are selling holes. Their clients don’t want a drill, they want a hole. Susskind suggests that clients with legal problems are also outcome oriented. If new technologies and processes can offer a faster, better way to resolve disputes, disputants will gravitate toward the new technology and processes. They are not going to hold onto old processes involving judges, lawyers, court rooms and rules, if this new model is made available.

What About Collaborative Practice?

Susskind does not specifically state what will happen to Collaborative lawyers. We can only speculate that if we do not improve our process, over time, we will likely see a reduction of Collaborative professionals. Susskind states the following:

In the end, lawyers should survive and thrive not because their use is mandated but because they can bring value that no alternative people, processes or systems can offer.¹²

As Collaborative professionals, we too need to consider whether we can improve the Collaborative Process so that we are giving our clients great value. We don’t want Collaborative Practice to fall into the trap of being too costly, too slow and inaccessible to the average person as has happened to the judicial process.

During the 2020 pandemic, many Collaborative cases have been conducted using Zoom and other video teleconferencing platforms. We rapidly pivoted to take advantage of technology so we could continue to offer our services while still living in lockdown. Online introductory trainings using Zoom have been conducted bringing hundreds of new professionals into the fold.

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Brian has served on several committees of the International Academy of Collaborative Professionals (IACP), was the first Co-Chair of the Equity and Inclusion Committee and is presently Chair of the Access to Collaboration Committee. Brian is on the Board of Directors of the IACP, serving as its Secretary. You can reach Brian at Brian@GalbraithFamilyLaw.com or 705 727-4242.

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We changed our process in response to the pandemic. We must also make changes in response to the inevitable future changes in technology and process as described by Susskind.

Using Zoom is not enough. It is replicating our process on a virtual platform. We need to do better so that our process is more accessible to more people and offers more value to clients. Looking to Susskind's definition of access to justice, how do we rise to this challenge?

Collaborative professionals are primarily white, straight, educated and affluent. Our client base predominantly shares these characteristics. If we want to increase access to justice using the Collaborative Process, we must ask ourselves what we can do to make our process more attractive and valuable to members of other communities including marginalized communities (People of Colour, LGBTQ2+, indigenous, disabled and others).

If we increase the number of people using Collaborative Process, there is a greater chance that more of the general public will learn about the benefits of the process and want it. Furthermore, the more Collaborative professionals, the greater the likelihood that clients will land in the office of a Collaborative colleague. Simply put, the more Collaborative professionals, the more cases for everyone.

Technology and Collaborative Practice

Are we leveraging technology to make the Collaborative Process more efficient and affordable?

In Ontario, there is a business called SIÈSDE Dispute Resolution Technologies, an IBM business, led by Darren Gingras, that has developed online software intended to make Collaborative Practice more efficient. It offers a platform to collect and share financial disclosure. It has an online negotiation platform that enables clients to understand the disclosure and offers asynchronous negotiations to reach an agreement or at least narrow the issues. It also helps the professionals by offering a way to track client acquisitions, triage clients and track marketing efforts. As well, it helps generate and store documents online. It is a way to leverage technology to elevate your Collaborative Practice. More efforts like this one should be launched if we want to continue to thrive as Collaborative professionals. Although available only in Ontario presently, it eventually will be rolled out broadly.

Streamlined Flat Fee Process and Cost

A criticism Collaborative professionals often launch against the judicial process is that it is too expensive. Yet the cost of our own beloved Collaborative Process can be beyond the reach of many. Can we adjust it to make it more affordable?

In our community¹³ and others around the world, Collaborative professionals are experimenting with a limited process that affords clients the opportunity to participate in the Collaborative process for a flat fee. At the beginning of the process, clients are given a binder with information about their options. There is a description of the process steps in detail, an explanation of the law and suggested homework assignments. The clients work with the neutral professionals (the coach and financial specialist) to narrow the issues as much as possible prior to having a full team settlement meeting. The clients are asked to share with each other their interests and develop settlement options prior to a settlement meeting (like the asynchronous negotiations suggested by Susskind). The process is limited to a certain number of full team settlement meetings for the flat fee. If additional services are needed, additional fees are charged.

In Connecticut, they are experimenting with a sliding scale flat fee, based on income and wealth, to make the process more accessible to people less affluent.

In Florida, they are offering a variety of options including one with merely one full team settlement meeting. This makes the Collaborative Process more affordable when cases are less complicated.

The Streamlined Flat Fee process is efficient, and the cost is known in advance but does not yet leverage technology to the extent Susskind urges with the judicial process. More is needed to improve this new variation of Collaborative Practice.

Conclusion

Changes to the judicial process in response to the pandemic of 2020 suggest that the traditional judicial process can make some changes when motivated to provide access to the courts. Richard Susskind suggests that access to justice can be improved and expanded using the processes he describes and leveraging

technology. Lawyers will continue to thrive if we offer value that the new processes and technology cannot offer.

In a prior book, *The End of Lawyers?*,¹⁴ Susskind predicted that the survival of lawyers would be predicated on those that can provide bespoke services; services not easily rendered to technology.

Our challenge, to enable our survival into the future as Collaborative professionals, is to develop changes to our process. These changes would leverage technology and marry these technological changes to the bespoke services we currently provide in our client-centered process. In this way, we will be able to give greater value to our clients, serve a more diverse clientele, and grow into the changing future.

Notes

¹ Susskind, Richard, *Online Courts and the Future of Justice* (Oxford: Oxford University Press, 2019), p. 8.

² *Ibid.*, p. 295.

³ *Ibid.*, p. 156.

⁴ *Ibid.*, p. 168.

⁵ *Ibid.*, p. 90.

⁶ *Ibid.*, p. 213 quoting from Yalom, Irvin, *Becoming Myself* (London: Piatkus, 2017) p. 309.

⁷ *Ibid.*, p. 216.

⁸ <https://remotecourts.org/>

⁹ <https://thepractice.law.harvard.edu/article/the-future-of-courts/>

¹⁰ *Ibid.*, p. 236.

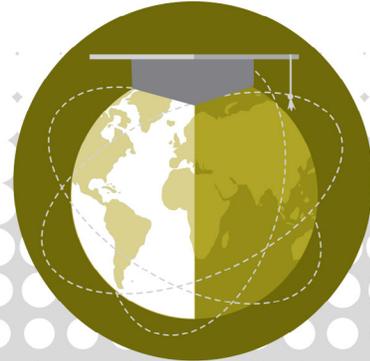
¹¹ *Ibid.*, p. 236.

¹² *Ibid.*, p. 237.

¹³ The Streamlined Flat Fee process was created by a committee of Collaborative Practice Simcoe County which is a practice group in Ontario, Canada. The author was a member of the committee and teaches how the process works to other practice groups so that they can build upon it.

¹⁴ Susskind, Richard *The End of Lawyers?* (Oxford University Press, 2008).

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Seeing the World “From the Balcony” in Times of the Pandemic

By Carla Marcucci, JD

ORIGINALLY PUBLISHED IN THE JULY 2020 ONLINE EDITION OF MEDIATE.COM

If I had to explain to an alien what occurred on Earth in March 2020, I would say that the citizens of the planet were suddenly compelled to view our world from the balcony. Before then, many of us had encountered great difficulty going to the balcony, even in our work as dispute resolution professionals although some of us had been encouraging it for a while.¹

From this new perspective, from the balcony, we are now able to get a collective 360-degree view of the world in its complexity. Seeing one country after the other facing the same challenges, most with their own egocentric, constricted vision and united only by their short-sightedness, has been very revealing.

We have seen rolling images of cities from one end of the planet to the other, all equally empty, silent and hurt.

We have found ourselves walled in at home, separate and distant from each other, stopped in our tracks with the luxury of time, and with few alternatives.

We have seen nature breathing and flourishing again, freed of our presence.

In the deafening silence, numerous demonstrations of solidarity have filled the void.

We have witnessed how even the largest and most powerful countries have suffered a meltdown, like snowflakes under the sun, in the absence of a global strategy to defeat a microscopic germ.

We have seen that we cannot save ourselves on our own and that borders, rather than protecting us, have weakened us.

We have seen that when one of us loses, all of us lose and

that the time-worn cliché about only being as strong as the “weakest link” is a timeless truth.

We have seen, at least in Italy, courtroom justice in quarantine.

What’s still standing, however, is alternative dispute resolution, perhaps in modified form, based on solid pillars of consent and our creative ability to reach solutions that satisfy the interest of all.

If the same alien were to ask me, “*And now what?*” I would reply that, before stepping away from the balcony to dive back into the flow of life, it would behoove us to take a moment to prepare ourselves for an existential move. It is as though we were leaving a large old house with heaps of belongings amassed over the course of a lifetime, objects from a different era, yet so hard to discard, to a new, smaller home with no room or use for the old trappings.

We will have to choose what is essential, the best and worth the most.

We will have to create space for the new, in order to build a wholesome and sustainable future.

To thrive in our new world as an individual, we will have to first find a way to thrive in it as a community.

Humankind has been given an unprecedented opportunity, radical, sudden and traumatic as it may be, for change, based on a new mantra - in Collaboration lies the cure. This moment is a call to action for those of us who have been involved in dispute resolution to spread the culture of interest-based negotiation, mediation and Collaboration well beyond the confines of our professional areas.

Seeing the World "From the Balcony"... (continued)

This is the most effective vaccine, one that has been successfully tried and tested over the years, and now is ready to be shared for the benefit of the world at large.

If we succeed in grabbing this opportunity, we must thank the thousands of people who have lost their lives in this transition, as well as the survivors who, by facing the future with curiosity and courage, and making the momentous changes that this time demands, ensure that the sacrifices made will not be in vain.

To advance these changes is our responsibility.

Notes

¹ William Ury, *Getting to Yes with Yourself (and Other Worthy opponents)* HarperOne, 2015, 21.

Carla Marcucci is a family lawyer in Lucca, Italy and a founding member, Past President and on the board of AIADC (Associazione Italiana Professionisti Collaborativi). She is an experienced educator in Family Law, frequent presenter at numerous conferences and author of articles. Carla is co-translator of the Italian edition of Nancy Cameron's, *Collaborative Practice: Deepening the Dialogue*, II ed., 2014 ("Pratica Collaborativa, approfondiamo il dialogo" edited by Mordiglia, Milano 2016) and co-author of the first manual in Italy on



Collaborative Practice "La Pratica Collaborativa- Dialogo fra teoria e prassi" edited by Marco Sala e Cristina Menichino, Torino, 2017.

Carla Marcucci, JD



Il mondo visto "dal balcone" al tempo della pandemia¹

Da Carla Marcucci

Se dovessi raccontare ad un marziano cosa è successo sulla Terra nel marzo 2020 direi che siamo stati tutti costretti, da un giorno all'altro, a vedere il mondo *dal balcone* mentre la gran parte di noi aveva avuto tanta difficoltà, prima di allora – persino nel lavoro come professionisti risolutori di conflitti - ad andare to *the balcony*, senza esservi costretta dalla pandemia, nonostante qualcuno da tempo avesse raccomandato di farlo.²

Da questa diversa prospettiva – *dal balcone* - abbiamo potuto inquadrare l'intera scena e abbiamo potuto vedere il mondo nel suo complesso, e noi in esso, tutti i paesi coinvolti ed impegnati, uno dopo l'altro, ad affrontare la stessa sfida, separati, salvo eccezioni, dalla cecità del nostro comune sguardo abituale, così corto e tanto parziale.

Abbiamo potuto vedere sfilare le città, poste da un capo all'altro del mondo, tutte ugualmente vuote, silenziose e ferite.

Ci siamo trovati chiusi nelle nostre case, separati e distanziati l'uno dall'altro, improvvisamente fermi e con tanto tempo a disposizione, senza averlo scelto, da un giorno all'altro.

Abbiamo visto la natura, liberata dalla nostra presenza, riprendere fiato.

Nel rumore assordante di questo silenzio molte manifestazioni di solidarietà hanno riempito la distanza fisica fra le persone.

Abbiamo sofferto la mancanza di una strategia globale

per affrontare questo comune problema ed abbiamo visto anche i paesi più potenti sciogliersi come neve al sole di fronte all'insidia di un virus invisibile.

Abbiamo visto che non è possibile salvarsi da soli, che i confini sono muri che ci hanno indebolito e non ci hanno protetto.

Abbiamo visto che la sconfitta di uno può contagiare il resto del mondo e rappresentare la sconfitta di tutti ed abbiamo avuto conferma di quanto sia sempre attuale l'antico detto che la forza di una catena si misura sull'anello più debole.

Abbiamo visto, almeno in Italia, andare in quarantena persino la giustizia dei tribunali e rimanere operativa solo quella alternativa, basata sul consenso e la capacità creativa delle persone di individuare soluzioni soddisfacenti degli interessi di tutti.

Se lo stesso marziano mi chiedesse "E adesso, cosa succederà?" risponderai che, prima di lasciare il balcone per immergerci nuovamente nel flusso della vita dovremmo prepararci a fare un importante trasloco esistenziale. Come se stessimo per lasciare una grande, vecchia casa - nella quale abbiamo accumulato da una vita tante cose ingombranti che facciamo fatica a buttare via e che appartengono ad un'altra epoca - per andare in una nuova casa, molto più piccola che non può contenere tutta quella confusione.

Dovremo scegliere di portare con noi le cose essenziali, le cose migliori, i valori fondamentali. Dovremo fare spazio per lasciare entrare il nuovo che ci servirà per vivere un buon futuro, un futuro sostenibile.

E la nostra nuova casa è questo mondo nel quale non possiamo più stare bene come individui se non troviamo il modo di stare bene come comunità.

È stata offerta all'umanità l'opportunità di un cambiamento, tanto radicale ed improvviso da risultare traumatico, all'insegna di un nuovo mantra: collaborare è la cura. Questo momento chiama all'azione tutti noi che siamo da tempo impegnati nella risoluzione dei conflitti chiedendoci di estendere la cultura della negoziazione basata sugli interessi, della mediazione

e della collaborazione ben oltre il campo della nostra attività professionale. Questo è il vaccino più potente che è già stato creato e sperimentato da anni con indiscutibile successo e che adesso va regalato al mondo perché ne possa fare uso su larga scala.

Se sarà colta questa opportunità sarà grazie ai moltissimi che hanno perso la vita in questo passaggio e ai sopravvissuti che non avranno reso vano questo sacrificio ed avranno superato la paura del nuovo affrontandolo con la curiosità ed il coraggio necessario per realizzare cambiamenti epocali.

Nostra è la responsabilità di promuovere e favorire questo

Notes

¹Questo articolo è stato pubblicato in inglese su sito web mediate.com con il titolo Seeing the World "From the Balcony" in Times of the Pandemic come parte di un più ampio articolo a più mani dal titolo generale Conflict Resolution in the Time of Covid-19- Voices from the Seven Continents of the World per iniziativa e con il coordinamento di Gregg F. Relyea.

²William Ury, Getting to Yes--Negotiation Agreement Without Giving In ((Penguin Books, 1981), Getting to Yes with Yourself (and Other Worthy opponents), HarperOne, 2015, 21.

Nel pensare e scrivere questo articolo ho utilizzato il doppio senso della parola inglese "balcony", che significa sia balcone/terrazzo di una casa ma anche galleria di un teatro. Questo doppio senso mi è servito per avvicinare l'esperienza della quarantena, durante la quale i terrazzi delle case sono diventati l'unico affaccio fisico possibile sul mondo esterno, alla metafora che William Ury utilizza nel suo libro Getting to Yes with Yourself cit. Con essa Ury si riferisce alla galleria come "metafora per indicare un luogo mentale ed emotivo dal quale avere una prospettiva, connotata da calma e controllo di sé, su ciò che accade. Se la vita è un palcoscenico e noi tutti siamo attori su quel palcoscenico, allora la galleria è un luogo dal quale possiamo vedere l'intero spettacolo svolgersi dinanzi a noi con maggiore chiarezza. Ogni volta che vogliamo osservare noi stessi è di grande valore andare in galleria, specialmente prima, durante e dopo ogni conversazione o negoziazione problematica" (mia traduzione di pag. 21 dell'opera citata).

VIII

Adding a Vocational Expert to the Collaborative Team

By Maria Vargas, MS, CRC, CLCP

Many dependent spouses approach the prospect of returning to work with a mixture of anxiety, fear and concern about the unknown. For many of them, they have exited the work force to raise a family or support their spouse in the home, and with the onset of the divorce are faced with the prospect of work for the first time in many years. In the midst of the uncertainty of a divorce, a transition back into the work force, which may also involve further education, adds another element for consideration in the divorce process. A vocational professional can be an integral part of the Collaborative Process in cases where earnings or earning capacity are a central issue.

Who is a vocational consultant?

In looking for a vocational consultant, look for one that has a master's degree in vocational counseling, training and experience in vocational assessments, job placement and labor market analysis.¹ As part of the training, they are taught the implications of physical or mental conditions on an individual's ability to work. They are uniquely qualified to develop a vocational plan which incorporates prior education, skills, interests and the labor market. The vocational consultant is a welcome addition to the Collaborative team of professionals when there are issues of work capacity or earning capacity.

A vocational consultant who has been trained in the Collaborative Process can engage the divorcing spouse and elicit concerns related to work. There may be issues about perceived self value, relevance and the effect of a parent returning to work on the children. These can be addressed in an open, non-confrontational team environment. The divorce coaches may play an active role in addressing emotional concerns which relate to

vocational issues. As these concerns are heard, the open discussion will allow for a plan to be developed. The vocational consultant will conduct a thorough interview regarding past work skills, volunteer activity, interests in return to work, and concerns about return to work. In the Collaborative Process, the consultant will help the dependent spouse identify their best career options and evaluate any options they have been considering. The vocational consultant may provide coaching for the party to conduct independent research through online resources, informational interviews or exploring education with college advisors. Together, the vocational consultant and the party will develop a plan which can maximize the earning capacity of the dependent spouse while considering the needs on both sides for family stability and harmony with the children. Feedback from the team of attorneys, coaches, financial neutrals and the couple is key to making this a success.

Vocational Plan Development

A vocational plan may include future steps for higher education or skill enhancement such as computer or technical skills updating. The plan can also include preparation for a job search, up to and including resume development and interviewing skills.

Once a vocational plan is developed and agreed upon, the dependent spouse will be coached to take an active role in research, planning and assignments for the plan. This creates a partnership and a sense of ownership, which encourages confidence and self worth in the dependent spouse.

The supporting spouse may have concerns about the other spouse's earning capacity. As well, they may be concerned about the effect that the spouse's return

Adding a Vocational Expert... (continued)

to work may have on the children, concerns about altering work schedules and the impact on joint custody arrangements if both parents are working. The supporting spouse will need to be part of a retraining plan to know the effect on childcare, the costs of the plan and time frames for completion. For example, the supporting spouse may need to be flexible with childcare as the other spouse completes a training program or adjusts to new work demands. Over time, there may be a graduated plan of support reduction as the dependent spouse increases their earning capacity. For all parties concerned, it is important that a plan for the dependent spouse to become more independent is implemented so that all will be financially secure.

Case Study:

A vocational consultant, Ms. Vargas, was retained as a neutral for a divorcing couple, Mike and Ellen. Ellen had been out of the work force for 12 years, raising 2 children while Mike worked for a commercial construction firm. During the initial meeting with the vocational consultant Mike expressed his expectation that Ellen would have returned to work once their children were of school age. Ellen stated that while she did originally think she could return to work, she had become so busy with volunteering at the school and running the household, that she did not see a way to return to work and manage their very busy life. Ellen also admitted to feeling “out of the loop” since she had not worked in a while and that she did not feel like she even knew how to manage common office tasks like computers, emails, etc.

During the vocational interview Ms. Vargas learned that Ellen had a college degree in business and had worked in property management and retail sales management prior to the marriage. Since Mike travelled and had long hours and Ellen had long and odd hours when she was working, the couple decided that Ellen would quit work when they had children. Both Mike and Ellen shared the goal that Ellen be available to take the children (Aiden, 10 and Tyler, 7) to practices and activities, but also return to work and become self supporting over time.

Both spouses addressed their feelings about Ellen returning to work with their divorce coaches. Ellen expressed anxiety about not only dealing with the divorce and the children,

but also about stepping back into the workplace after such a long absence. Mike expressed his concerns that he would have to participate more in the children’s activities when Ellen took on work responsibilities. Meanwhile a team meeting was held with the financial neutral to discuss potential support and expenses.

In a Collaborative team meeting, Ms. Vargas presented a plan which had been developed with Ellen. First, Ellen had loved her involvement in property management and had always thought she may become a realtor one day. Ellen identified a short course to obtain her real estate license. The course could be completed within 3 months at a cost of \$300. The real estate licensing exam cost \$200. Ellen found an online class that she could take during the day when the boys were at school. She signed up and set the time frame for completion. In addition, she and Ms. Vargas had explored Real Estate Assistant jobs posted on a job search board. Since she lived in a resort area, there were many listings for assistants, with many of them offering part time or flexible hours. Ellen realized that she had some contacts from her property management work that would be valuable in networking for jobs. With Ms. Vargas’ encouragement and practice calls, Ellen contacted several of her former colleagues who were still in the field. They all recommended she obtain her license and start as an assistant to “get her feet wet.” They confirmed that the career field was a good one and offered room for advancement.

In addition, Ellen and Ms. Vargas had noticed in job postings that skills in Microsoft Office, Excel, and Publisher were specified in several of the job postings. Ellen located

Maria Vargas, MS, CRC, CLCP owns Vargas Vocational Consulting (vargasvoc.com) which has 15 consultants throughout the Southeast US. Vargas Vocational



Consulting provides traditional and Collaborative divorce vocational assessments in person and nationally via Zoom.

***Maria Vargas, MS,
CRC, CLCP***

Adding a Vocational Expert... (continued)

an Introduction of Microsoft Office Suite, which she took at the same time as the Real Estate Licensing class. This was at a cost of \$150. Within four months of the plan development, Ellen successfully updated her skills and had begun networking with colleagues. In addition, she was monitoring job search sites and developing her resume. She was able to locate a part time real estate assistant job within 4 months' time. This paid her \$25 per hour for 30 hours per week. Her hours of 9am to 2pm worked perfectly with the boys' school schedule. She had the opportunity to work more hours on weekends when Mike had the boys by doing open houses or other administrative work or projects for her company. At the team meeting there was a discussion that over time, Ellen could transition into working as a real estate agent if she desired. As the boys got older, they would need her less and she would build up skills and client contacts. It would be a seamless transition that would allow her to grow in her career and also increase her earnings

substantially over time. The financial professional was able to project her ability to self support over time and the impact on the family finances.

In cases where returning to work or changing work is an issue, the teamwork and cooperation in Collaborative Practice present opportunities for a vocational consultant as a neutral party to be a valuable participant.

Notes

¹ In the US, vocational counselors are governed by a private certification board (membership is voluntary). The designation from this board is CRC -- Certified Rehabilitation Counselor.





The "Invisibility of Whiteness" at the Collaborative Table

By Deborah Gilman, PhD

It wasn't until I was 22 years old that I became aware of my whiteness. I know this may sound strange to many of you reading this, but despite attending a very diverse high school and having interactions and friendships with many people of color, I never thought about being white and what it meant to be white in society.

Research would suggest that this is common among white people. Since the late 1980's, scholars have examined white racial self-awareness, and generally have found that white people consider their race to be irrelevant to their actions and perspectives on the world. Because I am part of the dominant group in my country, I have the privilege of not having to think about my race (that's just one of many privileges I have come to acknowledge being white affords me). I am not alone in this, though, most white individuals cannot, in fact, identify how they experience their own white identity or acknowledge what being white means to them. Yet, whiteness is the central norm against which all other ethnic and racial groups are defined, measured, and differentially rewarded in the United States and many other countries. The world is already set up for me to be "winning."

As a requirement of my doctoral program at Tulane University in New Orleans, Louisiana, I was made to reflect upon my whiteness in an intensive, week-long "Undoing Racism" workshop led by the People's Institute for Survival and Beyond. As a white scientist practitioner learning and training at an institution viewed as a predominately white organization, it was critical to gain insight and racial self-awareness prior to working in a community with the historical record of whites betraying people of color. I needed to understand how race plays a role in each and every partnership and alliance I would encounter in my professional

development and beyond into my career. It was through this experience that I, despite having been white for 22 years, suddenly became aware of the fact that I was white and all that being white means in a society that desperately wants to be colorblind.

"Whiteness is everywhere...but it is very hard to see"

-Richard Dyer

Every participant in the change process needs to develop the capacity to talk about the deep and difficult aspects of racial issues. Building effective multi-racial partnerships and connections in the broader world community can begin with the white majority group in the Collaborative community acknowledging having a particular and necessarily limited perspective on race. The acknowledgment engenders humility rather than certitude, and will allow people of color to engage in the Collaborative process as both practitioners and participants. If we can acknowledge that our whiteness may be a barrier to trust and people of color may exhibit a "healthy cultural paranoia" that comes from survival in a world where white Americans did not allow people of color to vote, to be educated, to be witnesses or jurors in adversarial proceedings, to travel freely or to marry whomever they wanted to marry. Acknowledging and accepting our whiteness at the table is fundamental to understanding the systematic oppression of people of color and raising self-awareness about Collaborative practitioners' roles and responsibilities with culturally diverse clientele and communities.

Arguments concerning the value of teaching about white privilege aren't new ideas. The understanding of racism as a social system of unequal power is generally termed anti-racism. The anti-racism model, a model that

includes institutionalized racism and white privilege, had a presence as early as the 1890s and re-emerged during the radical years of the 1960s. This model proposes that individuals in positions of power play a role in perpetuating institutionally racist practices that systematically disadvantage ethnic and cultural minorities (Potocky, 1997). Look around your practice group, the "powerful group" likely includes all of your Collaborative colleagues—namely white professionals.

It is imperative for the white majority group of Collaborative practitioners to explore the meaning of their own ethnic and racial identities in relation to those whom they encounter, and further explore whether invisible whiteness impacts how our services are viewed and potentially limits people of color from accessing Collaborative services.

For Collaborative professionals to be committed to equal justice and increasing access to Collaboration, it is imperative that we recognize the whiteness at the table. We need to go beyond addressing oppression through diversity awareness training and cultural competency lens, and focus on the significance race, racism, and whiteness has on social, historical, and political contexts of our racialized society. Although the meanings of "race" and racial categories are subject to considerable historical and contextual flux, the consequences of current racial stratification are found in economic, social welfare, legal, and education institutions, among other major social pillars (Lipsitz, 1998). Knowing who lives in the community, understanding the community's racial history, and learning about the different social and service networks that exist in different racial and ethnic communities must be basic steps taken before working in or with a community.

Universal colorblind models of traditional dispute resolution systems fail to differentiate between white and all other ethnic cultures. Usually, white males design American dispute resolution systems based upon white middle-class families they selected as model family structures. In the process, the unique characteristics of families of other diverse cultures have been ignored. Systems based on white family prototypes automatically exclude families that do not have the characteristics of

the white family that is proffered as the model family.

Can Collaborative professionals work to create a more appropriate system, one that would reflect cultural values of people of color and their divergent social and physical environments? Can Collaborative professionals in the majority white group learn to become aware of their whiteness at the table and identify the assumptions about family norms that accompany being white?

Brookfield (1995) describes assumptions as the "taken for granted beliefs about the world and our place in it" and suggests that, "we are our assumptions" (p. 2). Thus, when we bring ourselves to the Collaborative table, we are bringing our assumptions as well. If we are not aware of our whiteness and what assumptions our whiteness causes us to make before we even get to the Collaborative table, we cannot begin to attract diverse families to the process, because we cannot see past our own whiteness.

I challenge us, as an inclusive community of forward thinkers and peacemakers, to look inward to explore our training paradigms beyond delivering useful knowledge about cross-cultural practice or guidelines for competent practice with ethnically and culturally diverse populations to get to the "hidden center" of white privilege. When we fail to explicitly discuss the influence of white privilege and its relationship to inequities in access to Collaborative resources, we may not be able to close the inclusion gap.

Bringing into focus a conversation or education on whiteness and white privilege in a comprehensive manner adds a level of inclusiveness to conversation on diversity and oppression. This can lead to a more sophisticated understanding of how Collaborative professionals can work effectively with diverse families, as well as a deeper understanding of how we, perhaps unknowingly, participate in cycles of institutional inequality and discrimination that create barriers for people of color to access Collaborative services. Inclusion of white privilege content into the IACP introductory and advanced training can create individual, systemic and holistic change concerning oppression. While teaching about white privilege will certainly not

eradicate its manifestations on a national or global level, it will assist Collaborative professionals, regardless of race, to acknowledge, discuss, and learn how to deal with the vicissitudes of white privilege as it permeates micro and macro levels in our Collaborative community.

While we did not create the system of white privilege and racism in our society, it is a system that we did inherit. We must take responsibility to see and challenge it when it happens within us, around us, and especially at the Collaborative table.

The pathways to racial healing proposed in Glasswing (2012) involve five shifts which go beyond "teaching tolerance" to transform lives and human relationships:

- **The first Shift—Material to Spiritual is the Pathway to Connection.** Beneath physical appearance is the inner person with values, beliefs, experiences, and feelings.
- **The second Shift—Cognitive to Affective is the Pathway to Compassion.** We go beyond rational arguments to develop empathy for each other's feelings.
- **The third Shift—Certainty to Curiosity is the Pathway to Genuine Understanding.** We abandon judging and attempt to understand why one does what one does.
- **The fourth Shift—Solution to Transformation is the Pathway to Courage.** We go beyond superficial fixes to new attitudes and behaviors about self and our relationships.
- **The fifth Shift—Debate to Dialogue is the Pathway to Listening and Learning Together** by deep understanding of one another's experiences.

Things to Consider

1. Do your homework. It is important for Collaborative professionals and members of IACP to increase their awareness of different groups' histories, solidarities, conflicts and tensions. Find out about your community's racial history.

2. Partner with Trusted Community Leaders. Who do people consistently mention as bridge-builders among

different constituency groups? Who are the individuals and organizations that make things happen? Who are the people with legitimacy, credibility and authority within a particular constituency group?

3. Notice how personal filters may be used to make decisions on participants. Sometimes we identify a person of a particular race to participate because of our own personal comfort level based on class, education level, or way a person works. Sometimes we choose people based on our past experiences in groups: Will this person be confrontational? Will he or she be a team player (based on my definition)? Will this person do his/her share of the work? We sometimes choose people who have similar conceptual understandings and responses to racism and white privilege.

4. Be aware of how IACP white participation is impacting the formation and sustainability of a multi-racial coalition. Anne Braden, a long-time civil rights activist and founder of the Southern Organizing Committee, shared: "We are so used to running things. Those of us who are white have to be careful that we aren't trying to dominate. We need more whites who are willing to take action and to serve in organizations with people of color in the leadership."

5. Create an inclusive, equitable process within the Collaborative community to accomplish its goals and influence other processes in the broader community. Cooperate or coordinate IACP activities with those of other programs working toward racial equity and inclusion.

6. Be attentive to cultural differences with discussing conflicts and making decisions. It is obviously important to build trust and relationships so people feel comfortable letting others know if they are not being listened to, or if a decision is being pushed too hard, or how white privilege has manifested itself in the dynamics of the Collaborative process.

7. Take time to learn about different cultural practices and rituals and incorporate them into the Collaborative meetings/overall Collaborative Process. For example, during a time of fasting, the team should not bring food or drink to the Collaborative meetings.

8. Refrain from making assumptions about people and cultures. How is competency on issues of racism and white privilege determined within the IACP's learning process? For instance, often, people make assumptions about the gender of another person based on the person's appearance or name. These assumptions aren't always correct, and the act of making an assumption (even if correct) sends a potentially harmful message -- that people have to look a certain way to demonstrate the gender that they are or are not. Using

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Gilman is passionate about pathways to healing that go beyond "teaching tolerance" for deeper understanding and transformation of relationships



Deborah Gilman, PhD

someone's correct personal pronouns is a way to respect them and create an inclusive environment, just as using a person's name can be a way to respect them

9. Create time for same race/ethnicity caucus meetings within the context of the Collaborative Practice groups and IACP. For whites, this provides an opportunity to check in on our assumptions and behavior, or to ask for support in understanding the issues with a white privilege/anti-racism lens, to encourage action, and/or deal with resistance from colleagues within organizations. Some whites may be concerned about this method, as they may see the goal of the coalition as meeting across racial lines and it may feel awkward to self-segregate. In reality in many meetings self-segregation is the norm—though it is usually unspoken. For people of color, meeting in caucus is an opportunity to create a space to discuss issues and to support leadership

10. Discuss organizational issues upfront. After the IACP does relationship-building work, it will be vital to make some process decisions, set group expectations and discuss structural racism and white privilege and how they may manifest in the IACP from an organizational standpoint. How will the IACP and individual practice groups address the power differentials within the organization (size, staffing, funding, etc.)? How will groups that use different approaches (advocacy, training, service delivery, organizing, etc.) work interdependently to address an issue?

11. Create an ongoing learning process within the IACP. Having a common analysis and language to discuss structural racism and white privilege within the IACP is crucial in determining interventions, strategies and outcomes, and in addressing intergroup and process issues. Training is one way to create this common analysis, but we should be careful not to equate training with systemic change work. Rather, it serves as an important component in sustaining long-term change. We should provide follow-up or support to participants beyond the training program.

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L'“Invisibilità della bianchezza¹” al Tavolo Collaborativo

Da Deborah Gilman, PhD (Translated by Daniela Stalla)

Sono diventata consapevole della mia bianchezza solo quando ho compiuto 22 anni. So che questo può apparire strano a molti di voi che leggete, ma, pur avendo frequentato una scuola superiore ampiamente multi-etnica ed avendo relazioni ed amicizie con molte persone di colore, non avevo mai riflettuto sul mio essere bianca e su cosa significhi l'essere bianca all'interno della società.

La ricerca suggerisce che questa è una caratteristica comune tra le persone bianche. Fin dai tardi anni '80 gli studiosi hanno analizzato il grado di consapevolezza di sé degli appartenenti alla razza bianca ed hanno generalmente trovato che i bianchi considerano la loro razza come irrilevante rispetto alle loro azioni ed al loro modo di percepire il mondo. Poiché appartengo al gruppo dominante nel mio paese, ho il privilegio di non dover pensare alla mia razza (questo non è che uno dei molti privilegi che mi sono resa conto che mi derivano dall'essere bianca). Non sono l'unica in questa condizione, infatti la maggior parte degli individui bianchi non è in grado di identificare quale esperienza gli derivi dalla loro identità di bianchi o di descrivere che cosa rappresenti per loro l'essere bianchi. Tuttavia, la bianchezza è il punto di riferimento a partire dal quale tutti gli altri gruppi etnici e razziali vengono definiti, misurati e ricompensati in modo differenziato negli Stati Uniti ed in molti altri paesi. Il mondo è già predisposto affinché io sia “vincente”.

Come parte del mio programma di dottorato alla Tulane University di New Orleans, Louisiana, mi è stato chiesto di riflettere sulla mia bianchezza, nel corso di un seminario intensivo della durata di una settimana sul tema “Annullare il razzismo” condotto dal People's Institute for Survival and Beyond. Essendo io una giovane studiosa bianca destinata ad apprendere e ad esercitarsi in una istituzione considerata come una organizzazione predominata dai bianchi, era di cruciale importanza appropriarmi della visione e della consapevolezza razziale, prima di lavorare in una comunità storicamente nota per avere determinato una situazione di abuso dei bianchi rispetto alle persone di colore. Avevo bisogno di capire in che modo la razza avrebbe giocato un ruolo nei rapporti di collaborazione e di gruppo in cui mi sarei trovata ad operare nel corso del mio sviluppo professionale ed anche in seguito nella mia carriera. È stato attraverso questa esperienza che io, nonostante fossi stata bianca per 22 anni, improvvisamente sono diventata consapevole del fatto che ero bianca e di tutto ciò che significa essere bianchi in una società che cerca disperatamente di non essere influenzata dal colore della pelle.

“La bianchezza è dovunque... ma è molto difficile da vedere”

Chiunque partecipi al processo di cambiamento ha bisogno di sviluppare la capacità di parlare degli aspetti profondi e difficili dei temi razziali. Costruire relazioni e connessioni che siano davvero multirazziali nella più

ampia comunità mondiale può partire dal fatto che il gruppo di maggioranza bianco all'interno della comunità Collaborativa riconosca di avere una prospettiva particolare e necessariamente limitata rispetto al tema della razza. Il riconoscimento ha in sé un atteggiamento di umiltà piuttosto che l'affermazione di una certezza e consentirà alle persone di colore di essere coinvolte nel percorso Collaborativo sia come professionisti sia come utenti. Se noi siamo in grado di riconoscere che la nostra bianchezza può essere una barriera alla costruzione di fiducia e se le persone di colore possono dare voce alla loro “Sfiducia culturale cronica”, questo deriva dall'essere sopravvissuti in un mondo in cui i bianchi americani non permettevano alle persone di colore di votare, di andare a scuola, di essere testimoni o giurati nei processi, di viaggiare liberamente o di sposare chi volessero. Riconoscere ed accettare al tavolo la nostra bianchezza è fondamentale per capire l'oppressione sistematica delle persone di colore e per sviluppare la consapevolezza circa il ruolo e le responsabilità dei professionisti Collaborativi nei confronti di clienti e comunità culturalmente diversi.

Le riflessioni relative alla rilevanza dell'insegnare che cosa sia il privilegio bianco non sono nuove. La comprensione del razzismo come un sistema sociale in cui il potere è distribuito in modo ineguale è generalmente definita anti-razzismo. Il modello anti-razzista, un modello che prende in considerazione il razzismo istituzionalizzato ed il privilegio dei bianchi, è comparso sin dall'inizio degli anni '90 del 1800 ed è riemerso nel periodo radicale del 1960. Questo modello suggerisce che individui in posizione di potere giochino un ruolo nel perpetuare istituzionalmente pratiche razziste che svantaggiano sistematicamente le minoranze etniche e culturali (Poticky, 1997). Guardatevi attorno nel vostro practice group, il “gruppo di potere” probabilmente include tutti i vostri colleghi Collaborativi – vale a dire professionisti bianchi.

È imperativo per il gruppo bianco di maggioranza dei professionisti Collaborativi esplorare il significato delle loro identità etniche e razziali in rapporto con coloro che essi incontrano ed esplorare inoltre se la bianchezza invisibile abbia un impatto su come i nostri servizi

vengono visti e possa limitare le persone di colore nell'accesso ai servizi Collaborativi.

Affinché i professionisti Collaborativi possano favorire una giustizia ugualitaria ed incrementare l'accesso alla collaborazione è imperativo che noi riconosciamo la bianchezza al tavolo. Dobbiamo andare oltre il nostro modo di affrontare l'oppressione che utilizza la consapevolezza della diversità ed il filtro della competenza culturale e dobbiamo invece concentrarci sul significato che la razza, il razzismo e la bianchezza hanno nel contesto sociale, storico e politico della nostra società connotata dalla razza. Benché il significato di “razza” e le categorie razziali siano soggetti ad una considerevole evoluzione storica e contestuale, le conseguenze della attuale stratificazione razziale si manifestano nell'economia, nella salute pubblica, in campo legale, nelle istituzioni scolastiche, tra gli altri principali pilastri della società (Lipsitz, 1998). Sapere chi vive nella comunità, comprendere la storia razziale della comunità e imparare a conoscere le differenti reti sociali e di servizio che esistono in differenti comunità razziali ed etniche debbono essere i primi passi da compiere prima di lavorare dentro o con una comunità.

I modelli universali di sistemi di gestione tradizionale dei conflitti non influenzati dal colore della pelle omettono di fare differenze tra i bianchi e le altre culture etniche. Normalmente i maschi bianchi disegnano i metodi di risoluzione delle controversie basandoli su famiglie bianche della classe media che vengono individuate come modelli di struttura familiare. In questo modo di procedere le caratteristiche uniche delle famiglie di altre culture diverse vengono ignorate. I metodi basati su prototipi di famiglie bianche escludono automaticamente famiglie che non hanno le caratteristiche delle famiglie bianche che vengono proposte come modello.

I professionisti Collaborativi possono lavorare per creare un sistema più appropriato, che rifletta i valori culturali delle persone di colore ed i loro diversi ambienti sociali e fisici? I professionisti Collaborativi, che sono in maggioranza un gruppo di bianchi, possono diventare consapevoli della loro bianchezza quando siedono al tavolo e identificare le presunzioni

relative alle regole familiari che sono legate al loro essere bianchi?

Brookfield (1995) descrive le presunzioni come “le convinzioni date per scontate riguardo al mondo ed al posto che vi occupiamo” e suggerisce che “noi siamo le nostre presunzioni” (p.2). Così, quando ci sediamo al tavolo Collaborativo, portiamo con noi anche le nostre presunzioni. Se non siamo consapevoli della nostra bianchezza e di quali presunzioni la nostra bianchezza faccia nascere in noi ancor prima di arrivare al tavolo Collaborativo, non possiamo attrarre famiglie diverse verso questo metodo, perché non siamo capaci di vedere al di là della nostra bianchezza.

Io sfido noi, come comunità inclusiva di persone che pensano il futuro e di costruttori di pace, a guardare dentro noi stessi per esplorare i nostri paradigmi di formazione, andando al di là dell'idea di fornire conoscenze utili sul lavoro multiculturale o linee guida per lavorare in modo competente con popolazioni etnicamente e culturalmente diverse, per giungere al “centro nascosto” del privilegio bianco. Quando omettiamo di discutere l'influenza del privilegio bianco e la sua relazione con le disuguaglianze nell'accesso alle risorse Collaborative, rischiamo di non riuscire a chiudere il divario dell'inclusione.

Concentrare l'attenzione su una conversazione o un percorso formativo approfondito sulla bianchezza e sul privilegio bianco aggiunge un livello di inclusione nella conversazione sulla diversità e sull'oppressione. Questo può portare ad una comprensione più sofisticata di come i professionisti Collaborativi possano lavorare con efficacia con famiglie diverse, ed anche ad una più profonda comprensione di come noi, forse inconsciamente, siamo parte di percorsi di ineguaglianza istituzionale e di discriminazione che creano barriere, che rendono difficile alle persone di colore accedere ai servizi Collaborativi. L'inclusione del tema del privilegio bianco nei corsi introduttivi ed avanzati può creare un cambiamento individuale, sistemico ed olistico riguardo all'oppressione. Anche se l'insegnare il privilegio bianco non sradicherà certo le sue manifestazioni a livello nazionale o globale, consentirà ai professionisti Collaborativi, senza distinzione di razza, di conoscere,

discutere ed imparare come rapportarsi con le vicende del privilegio bianco allorché questo permea i micro e macro livelli della nostra cultura Collaborativa.

Anche se non abbiamo creato noi il sistema del privilegio bianco e del razzismo nella nostra società, è un sistema che abbiamo ereditato. Dobbiamo assumerci la responsabilità di individuarlo e di sfidarlo quando si manifesta tra di noi, attorno a noi e specialmente al tavolo Collaborativo.

I percorsi per la cura del razzismo proposti da Glasswing (2012) includono cinque cambiamenti che vanno oltre l'“insegnare la tolleranza” per trasformare vite e relazioni umane:

- **Il primo cambiamento – Da materiale a spirituale è il percorso verso la connessione** Al di là dell'aspetto fisico c'è la persona in sé con valori, convinzioni, esperienze e sentimenti.
- **Il secondo cambiamento – Da cognitivo ad affettivo è il percorso verso la compassione.** Andiamo oltre gli argomenti razionali per sviluppare empatia verso i sentimenti l'uno dell'altro.
- **Il terzo cambiamento – Dalla certezza alla curiosità è il percorso verso la comprensione autentica.** Abbandoniamo il giudizio e cerchiamo di capire perché una persona fa quello che fa.
- **Il quarto cambiamento – Dalla soluzione alla trasformazione è il percorso verso il coraggio.** Superiamo gli aggiustamenti superficiali e andiamo verso nuovi atteggiamenti e comportamenti riguardo a noi e alle nostre relazioni.
- **Il quinto cambiamento – Dal dibattito al dialogo è il percorso verso l'ascolto e l'apprendimento comune.** Attraverso la comprensione profonda delle esperienze dell'altro.

Elementi da considerare

1. Fare la propria parte. È importante per i professionisti Collaborativi e per i membri di IACP accrescere la loro consapevolezza della storia, del tipo di solidarietà, dei conflitti e delle tensioni dei diversi gruppi. Esplorare la storia razziale della propria comunità.

2. Creare relazioni con i leader riconosciuti delle comunità. Chi sono le persone costantemente indicate come costruttori di ponti tra gruppi di diversa aggregazione? Chi sono gli individui e le organizzazioni che realizzano questi ponti? Chi sono le persone che hanno legittimazione, credibilità e autorità all'interno di una particolare aggregazione?

3. Notare come i nostri filtri personali possono influire nelle nostre scelte sui partecipanti. Qualche volta scegliamo una persona di una particolare razza come partecipante in base al nostro personale livello di comfort fondato sulla classe, sul livello di istruzione, o sul modo in cui una persona lavora. Qualche volta scegliamo le persone in base alle nostre passate esperienze di gruppo: questa persona sarà conflittuale? Sarà una persona che gioca in team (sulla base della mia definizione di team)? Questa persona farà la sua parte di lavoro? Qualche volta noi scegliamo persone che hanno concezioni e risposte simili nei confronti del razzismo e del privilegio bianco.

4. Essere consapevoli di come la partecipazione bianca in IACP impatta sulla formazione e sulla sostenibilità di una coalizione multi-razziale. Anne Braden, un'attivista dei diritti civili di lunga data e fondatrice del Southern Organizing Committee, ha condiviso questa riflessione: “Siamo così abituati a gestire le cose. Quelli di noi che sono bianchi devono essere attenti a cercare di non dominare. Abbiamo bisogno di avere più bianchi che siano disponibili ad operare e a prestare la loro attività in organizzazioni che abbiano persone di colore nelle posizioni di controllo”.

5. Creare un processo inclusivo ed equo all'interno della comunità Collaborativa per raggiungere i suoi obiettivi ed influenzare altri analoghi processi nella comunità più vasta. Cooperare e coordinare le attività di IACP con coloro che operano in altri programmi che lavorano nella direzione della equità razziale e dell'inclusione.

6. Essere attenti alle differenze culturali nel discutere i conflitti e nel prendere le decisioni. È ovviamente importante costruire fiducia e relazioni cosicché le persone si sentano a loro agio nel segnalare se non si sentono ascoltate, se una decisione è sollecitata

con troppa pressione, o come il privilegio bianco si sia manifestato nelle dinamiche del procedimento Collaborativo.

7. Darsi il tempo di imparare le diverse pratiche culturali ed i diversi rituali e di incorporarli all'interno degli incontri Collaborativi e soprattutto nella procedura Collaborativa. Per esempio, durante un periodo di digiuno il team non dovrebbe portare cibo o bevande agli incontri collaborativi.

8. Astenersi dal fare supposizioni riguardo alle persone e alle culture. Come si determina la competenza sui temi del razzismo e del privilegio bianco all'interno del percorso di apprendimento di IACP? Ad esempio, spesso le persone formulano presunzioni riguardo al genere di un'altra persona sulla base del nome o dell'aspetto esteriore della persona stessa. Queste supposizioni non sono sempre corrette e l'atto di formulare una supposizione (anche se è corretta) trasmette un messaggio potenzialmente dannoso: che le persone debbono apparire in un certo modo per dimostrare a quale genere appartengono. Usare correttamente il pronome da attribuire a una persona è un modo di rispettarla e di creare un ambiente inclusivo, esattamente come usare il nome di una persona può essere un modo per rispettarla.

9. Creare tempo per incontri di confronto fra persone della stessa razza o etnia nell'ambito dei Practice Group Collaborativi e di IACP. Per i bianchi questo fornisce un'opportunità per verificare le nostre supposizioni e il nostro comportamento, per chiedere aiuto nel comprendere gli argomenti che vengono visti attraverso una lente di privilegio bianco o antirazzista, per incoraggiare iniziative e/o per affrontare resistenze da parte di colleghi all'interno delle organizzazioni. Alcuni bianchi possono essere perplessi riguardo a questo metodo, poiché possono immaginare che l'obiettivo del gruppo sia quello di incontrarsi mescolando le linee razziali e possono trovare strano l'auto-isolamento. In realtà in molti incontri l'auto-isolamento è la norma – anche se spesso rimane sottaciuto. Per le persone di colore riunirsi e confrontarsi è un'opportunità per creare spazio per discutere argomenti e per dare sostegno alla leadership.

10. Discutere in anticipo le questioni organizzative.

Dopo che IACP avrà svolto il lavoro di costruzione delle relazioni, sarà vitale avviare alcune decisioni procedurali, definire le aspettative del gruppo e discutere il razzismo strutturale ed il privilegio bianco e come questi si manifestano in IACP da un punto di vista organizzativo. Come IACP e i practice group individuali affronteranno le differenze di potere all'interno dell'organizzazione (dimensioni, organigramma, raccolta fondi ecc)? Come faranno gruppi che utilizzano approcci diversi (difesa, formazione, fornitura dei servizi, organizzazione ecc.) a lavorare in modo interdipendente per affrontare un problema?

11. Creare un processo di apprendimento continuo all'interno di IACP.

Avere un'analisi e un linguaggio comune per discutere il razzismo strutturale e il privilegio bianco all'interno di IACP è cruciale al fine di determinare gli interventi, le strategie e i risultati ed anche al fine di affrontare le questioni all'interno del gruppo e quelle procedurali. La formazione è un modo per creare questa analisi comune, ma dovremmo essere attenti a non ritenere che la formazione sia sufficiente per determinare il cambiamento del sistema. Piuttosto questa serve come un componente importante per sostenere il cambiamento nel lungo periodo. Dovremmo aver cura di fornire una prosecuzione o un supporto ai partecipanti al di là del programma di formazione.

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Notas

¹ Il termine “bianchezza” è utilizzato qui in una accezione non comune in italiano per tradurre il concetto di “whiteness” inglese, come sostantivo che definisce l'essere di pelle bianca. L'uso del termine in questa accezione, ancorché non diffuso, è già stato rinvenuto in altri testi che affrontano il tema razziale. “Bianco non è il colore della pelle, o non solo: è ciò che viene assegnato a una persona a partire da un sistema di valori e di saperi basato sulla razza, è uno standard (di bellezza, efficienza, razionalità) creato attraverso la svalorizzazione di ciò che bianco non è. La bianchezza implica un accesso privilegiato a diritti e beni, che possono però essere messi in discussione a seconda di classe sociale, genere, sessualità, nazionalità o religione: la bianchezza non è omogenea.” tratto da www.razzismobruttastoria.net - Nota della traduttrice

La dottoressa Gilman è nativa di Pittsburgh. Ha studiato alla Carnegie Mellon University e si è laureata in Psicologia con lode. Ha poi frequentato la Tulane University di New Orleans dove ha conseguito un master ed un dottorato (Ph.D.) in Psicologia Clinica. Ha svolto una residenza accreditata alla Johns Hopkins University Medical School/ Kennedy Krieger Institute in Psicologia Pediatrica. La dottoressa Gilman ha quindi completato un programma di borsa di studio triennale al Nationwide Children's Hospital and Ohio State University, dove ha collaborato nell'ambito di una borsa di studio del National Institutes of Health e ha continuato a formarsi ad alto livello nel campo della psicologia clinica pediatrica. L'ampia competenza nel campo della psicologia clinica e la specializzazione approfondita con una grande quantità di minori pediatriche e delle loro famiglie, fanno della dottoressa Gilman una delle massime esperte nel campo dello sviluppo sano del bambino, dei traumi e dell'adattamento, della genitorialità e dell'attaccamento. È una coach collaborativa, esperta del minore e mediatrice, è attiva nella comunità IACP come componente del Comitato per l'Accesso alla Collaborazione ed è componente del direttivo del suo Practice Group locale, la Collaborative Law Association of Southwestern PA. La dottoressa Gilman è appassionata di percorsi di guarigione che vanno oltre "l'insegnare la tolleranza" per una più profonda comprensione e trasformazione delle relazioni



A “Invisibilidade da Branquitude” na mesa Colaborativa

By Deborah Gilman, PhD (Translated by Carolina Streit Morsch)

Foi apenas aos 22 anos que eu me dei conta da minha branquitude. Sei que pode ser estranho para muitos de vocês que estão lendo, mas apesar de frequentar um colégio bem diverso e ter amigos e relações com muitas pessoas de cor¹, eu nunca pensei em “ser branca” e o que significa “ser branca” na sociedade.

Pesquisas sugerem que isso é bem comum entre os brancos. Desde o final da década de 80, estudiosos vem estudando a autoconsciência racial dos brancos e comumente descobriram que os brancos consideram a sua raça irrelevante para suas ações e perspectivas no mundo. Como faço parte de um grupo dominante no meu país, eu tenho o privilégio de não ter que pensar sobre minha raça (esse é um dos muitos privilégios que reconheci que “ser branca” me dá). Eu não estou sozinha nisso, porém, a maioria dos indivíduos brancos não consegue, de fato, identificar como vivenciam sua própria identidade branca ou reconhecer o que “ser branco” significa para eles. No entanto, a branquitude é a norma central contra a qual todos os grupos étnicos e raciais são definidos, medidos e recompensados de forma diferenciada nos Estados Unidos e em muitos outros países. O mundo já está configurado para “eu vencer”.

Como um requisito do meu programa de doutorado na Tulane University de Nova Orleans, Louisiana, fui levada a refletir sobre minha branquitude em um workshop intensivo de uma semana sobre “Desfazer o Racismo”, conduzido pelo “Instituto do Povo para Sobrevivência e Além”. Como uma cientista branca aprendendo e treinando em uma instituição vista como uma organização predominantemente branca, era fundamental obter insight e autoconsciência racial antes de trabalhar em uma comunidade com o maior índice de brancos “trapaceando” pessoas de cor. Eu precisava entender como raça desempenha um papel em cada parceria e aliança que eu encontraria em meu desenvolvimento profissional e além na minha carreira. Foi por meio dessa experiência que eu, apesar de ser branca há 22 anos, me dei conta, repentinamente, de que sou branca e de tudo o que “ser branca” significa em uma sociedade que desesperadamente ser daltônica.

"A brancura está em todo lugar ... mas é muito difícil de ver" (Richard Dyer)

Cada participante do processo de mudança precisa desenvolver a capacidade de falar sobre os aspectos profundos e difíceis das questões raciais. A construção de parcerias e conexões multirraciais eficazes na comunidade mundial pode começar com o grupo de maioria branca na comunidade Colaborativa reconhecendo ter uma perspectiva particular e necessariamente limitada sobre raça. O reconhecimento gera humildade em vez de certeza e permitirá que pessoas de cor se envolvam no processo Colaborativo como profissionais e clientes. Se pudermos reconhecer que nossa branquitude pode ser uma barreira à confiança e as pessoas de cor podem exibir uma "paranoia cultural saudável" que vem do sentimento de sobrevivência em um mundo onde os americanos brancos não permitiam que pessoas de cor votassem, estudassem, fossem testemunhas ou juradas em processos judiciais, viajar livremente ou casar-se com quem quer que quisessem. Reconhecer e aceitar nossa branquitude “na mesa” é fundamental para compreender a opressão sistemática que pessoas de cor sentem, e aumentar a autoconsciência sobre os papéis e responsabilidades dos profissionais colaborativos com clientela e comunidades culturalmente diversas.

Os argumentos sobre ensinar o privilégio branco não são ideias novas. O entendimento do racismo como um sistema social de poder desigual é geralmente denominado antirracismo. O modelo antirracista, um modelo que inclui o racismo institucionalizado e o privilégio dos brancos, teve início por volta de 1890 e ressurgiu durante os anos radicais da década de 60. Esse modelo propõe que indivíduos em posições de poder desempenhem um papel na perpetuação de práticas institucionalmente racistas que prejudicam sistematicamente as minorias étnicas e culturais (Potocky, 1997). Olhe ao redor do seu grupo de prática, o “grupo poderoso” provavelmente inclui todos os seus colegas colaborativos - ou seja, profissionais brancos.

É imprescindível para o grupo de maioria branca

de profissionais colaborativos explorar o significado de suas próprias identidades étnicas e raciais em relação àqueles que encontram e explorar ainda se a branquitude invisível afeta como nossos serviços são vistos e potencialmente limita o acesso de pessoas não brancas ao processo colaborativo.

Para que os profissionais colaborativos estejam comprometidos com a justiça social e com o aumento do acesso à Colaboração, é imperativo que reconhecamos a branquitude na mesa. Precisamos ir além de abordar a opressão por meio de treinamento de consciência de diversidade e lentes de competência cultural e nos concentrar na importância que raça, racismo e branquitude têm nos contextos sociais, históricos e políticos de nossa sociedade racializada. Embora os significados de "raça" e categorias raciais estejam sujeitos a um fluxo histórico e contextual considerável, as consequências da atual estratificação racial são encontradas em instituições econômicas, de bem-estar social, jurídicas e educacionais, entre outros grandes pilares sociais (Lipsitz, 1998). Saber quem vive na sua comunidade, compreender a história racial da sociedade e aprender sobre as diferentes redes sociais e de serviço que existem em diferentes comunidades raciais e étnicas devem ser etapas básicas tomadas antes de trabalhar em ou em um determinado local.

Os modelos universais daltônicos dos sistemas tradicionais de resolução de conflitos não conseguem diferenciar entre os brancos e todas as outras culturas étnicas. Normalmente, os homens brancos projetam sistemas de resolução de disputas baseados em famílias brancas de classe média que eles selecionaram como estruturas familiares modelo. No processo, as características únicas de famílias de outras culturas diversas são ignoradas. Os sistemas baseados em protótipos da família branca excluem automaticamente famílias que não possuem as características da família branca que é oferecida como a família modelo.

Os profissionais colaborativos podem trabalhar para criar um sistema mais apropriado, que reflita os valores culturais das pessoas não brancas e seus ambientes sociais e físicos diferentes? Os profissionais colaborativos em um grupo com a maioria branca podem aprender a conscientizar-se de sua branquitude à mesa e

identificar as suposições sobre as normas familiares que acompanham o fato de serem brancos?

Brookfield (1995) descreve as suposições como as "crenças tidas como certas sobre o mundo e nosso lugar nele" e sugere que "nós somos nossas suposições" (p. 2). Assim, quando nós nos sentamos na mesa de negociação colaborativa, estamos trazendo conosco as nossas suposições. Se não estivermos cientes de nossa branquitude e de quais suposições nossa branquitude nos faz fazer antes mesmo de nos sentarmos na mesa colaborativa, não poderemos começar a atrair famílias diversas para o processo, porque não conseguimos ver além de nossa própria branquitude.

Dr. Gilman é uma nativa de Pittsburg. Ela concluiu seu curso de graduação na Carnegie Mellon University, graduando-se como Bacharel em Ciências em Psicologia com honra. Ela então frequentou a Tulane University em New Orleans, LA, onde conquistou seu mestrado e doutorado (Ph.D.) em psicologia clínica. Ela completou residência credenciada pela APA na Johns Hopkins University Medical School/Kennedy Krieger Institute, com foco em psicologia pediátrica. A Dra. Gilman então completou uma bolsa de 3 anos no Nationwide Children's Hospital e na Ohio State University, onde colaborou com uma bolsa do NIH e continuou a treinar em alto nível no campo da psicologia clínica pediátrica. A extensa formação educacional da Dra. Gilman no campo da psicologia clínica e o treinamento aprofundado especializado com uma miríade de populações e famílias pediátricas a tornam uma especialista líder no campo do desenvolvimento infantil saudável, trauma e adaptação, e parentalidade/apego. Ela é profissional da saúde mental colaborativa, Especialista Infantil e Mediadora, e atua na Comunidade IACP como membro do Comitê de Acesso à Colaboração e atua no conselho executivo de seu grupo de prática local, The Collaborative Law Association of Southwestern PA Executive Board. Dr. Gilman é apaixonada por caminhos para a cura que vão além de "ensinar tolerância" para uma compreensão e transformação mais profundas dos relacionamentos.

Eu desafio a todos, nesta comunidade inclusiva de pensadores e pacificadores, a olhar para dentro para explorar nossos paradigmas de treinamento, além de fornecer conhecimento útil sobre a prática transcultural ou em diretrizes para a prática competente com populações étnica e culturalmente diversas para chegar ao "núcleo" do privilégio branco. Quando deixamos de discutir explicitamente a influência do privilégio branco e sua relação com as desigualdades no acesso aos recursos do processo colaborativo, podemos não ser capazes de fechar a lacuna de inclusão.

Colocar o foco numa conversa ou educar sobre a branquitude e o privilégio do branco de uma maneira abrangente acrescenta um nível de inclusão à uma conversa sobre diversidade e opressão. Isso pode levar a uma compreensão mais sofisticada de como os profissionais colaborativos podem trabalhar efetivamente com famílias diversas, bem como a uma compreensão mais profunda de como nós, talvez sem saber, participamos de ciclos de desigualdade institucional e discriminação que criam barreiras para pessoas não brancas acessar o procedimento colaborativo. A inclusão de conteúdo e conscientização sobre privilégio branco no treinamento introdutório e avançado da IACP pode criar mudanças individuais, sistêmicas e holísticas em relação à opressão. Embora o ensino sobre o privilégio branco certamente não erradique suas manifestações em nível nacional ou global, ajudará os profissionais colaborativos, independentemente da raça, a reconhecer, discutir e aprender a lidar com as vicissitudes do privilégio branco, uma vez que permeia o micro e o macro níveis em nossa comunidade Colaborativa.

Embora não tenhamos criado o sistema de privilégio branco e racismo em nossa sociedade, é um sistema que herdamos. Devemos assumir a responsabilidade de perceber e nos provocar quando isso acontece dentro de nós, ao nosso redor e especialmente na mesa da negociação colaborativa.

Os caminhos para a “cura racial” proposta em Glasswing (2012) envolvem cinco mudanças que vão além de "ensinar a tolerância" para transformar vidas e relações humanas:

- **A primeira mudança – material para espiritual é o caminho para a conexão.** Abaixo do físico, a

aparência é a pessoa interior com valores, crenças, experiências e sentimentos.

- **A segunda mudança - cognitiva para afetiva é o caminho para a compaixão.** Vamos além dos argumentos racionais para desenvolver empatia pelos sentimentos um do outro.
- **A terceira mudança - da certeza para a curiosidade é o caminho para o entendimento genuíno.** Abandonamos o julgamento e tentamos entender por que alguém faz o que faz.
- **A quarta mudança - solução para a transformação é o caminho para a coragem.** Vamos além das correções superficiais para novas atitudes e comportamentos sobre nós mesmos e nossos relacionamentos.
- **A quinta mudança - do debate para o diálogo é o caminho para ouvir e aprender juntos** por meio da compreensão profunda das experiências uns dos outros.

Fatos a Considerar

12. Faça sua lição de casa. É importante que os profissionais colaborativos e membros da IACP aumentem sua consciência sobre as histórias, solidariedade, conflitos e tensões de diferentes grupos. Descubra mais sobre a história racial de sua comunidade.

13. Faça parceria com líderes comunitários de confiança. Quem as pessoas mencionam constantemente como construtores de pontes entre os diferentes grupos? Quem são os indivíduos e organizações que fazem as coisas acontecerem? Quem são as pessoas com legitimidade, credibilidade e autoridade dentro de um grupo específico?

14. Observe como os filtros pessoais podem ser usados para tomar decisões sobre os participantes. Às vezes, escolhemos uma pessoa para participar devido ao nosso próprio nível de conforto pessoal com base na classe, nível de educação ou forma de trabalhar. Às vezes, escolhemos pessoas com base em nossas experiências anteriores em grupos: Essa pessoa será confrontadora? Ele ou ela será um bom jogador de equipe (com base no meu entendimento)? Essa

pessoa fará sua parte no trabalho? Às vezes, escolhemos pessoas que têm entendimentos conceituais e respostas semelhantes ao racismo e ao privilégio dos brancos.

15. Esteja ciente de como a participação majoritariamente branca da IACP está impactando a formação e a sustentabilidade de um arranjo multirracial. Anne Braden, uma ativista de direitos civis de longa data e fundadora do “Comitê Organizador do Sul”, compartilhou: “Estamos muito acostumados a controlar as coisas. Aqueles de nós que são brancos devem ter cuidado para não tentar dominar. Precisamos de mais brancos dispostos a agir e servir em organizações com pessoas de cor na liderança”.

16. Crie um processo inclusivo e justo dentro da comunidade colaborativa cumprindo seus objetivos e influenciando outros processos na sociedade. Cooperar ou coordenar as atividades da IACP com as de outros programas que trabalham em prol da igualdade e inclusão racial.

17. Esteja atento às diferenças culturais ao discutir conflitos e tomar decisões. Obviamente, é importante construir confiança e relacionamentos para que as pessoas se sintam confortáveis em deixar que os outros saibam se estão sendo ouvidos, ou se uma decisão está sendo pressionada, ou se o privilégio branco se manifestou na dinâmica do processo colaborativo.

18. Reserve um tempo para aprender sobre as diferentes práticas e rituais culturais e incorpore-os nas reuniões colaborativas/processo colaborativo geral. Por exemplo, durante um período de jejum, a equipe não deve levar comida ou bebida para as reuniões Colaborativas.

19. Evite fazer suposições sobre pessoas e culturas. Como a competência em questões de racismo e privilégio de branco é determinada dentro do processo de aprendizagem da IACP? Por exemplo, muitas vezes, as pessoas fazem suposições sobre o gênero de outra pessoa com base na aparência ou nome da pessoa. Essas suposições nem sempre são corretas, e o ato de fazer uma suposição (mesmo se correta) envia uma mensagem potencialmente prejudicial - que as pessoas têm que ter uma determinada aparência para demonstrar o gênero que são ou não. Usar os pronomes pessoais corretos de

alguém é uma forma de respeitá-la e criar um ambiente inclusivo, assim como usar o nome de uma pessoa pode ser uma forma de respeitá-la

20. Crie um horário para as reuniões sobre raça/etnia dentro do contexto dos grupos de Prática Colaborativa e IACP. Para os brancos, isso oferece uma oportunidade de verificar suposições e comportamento, compreender problemas com uma lente de privilégio/antirracismo branco, para encorajar a ação e/ou lidar com a resistência de colegas dentro das organizações. Alguns brancos podem estar preocupados com esse método, pois podem ver o objetivo da coalizão como um encontro entre as linhas raciais e pode parecer estranho se auto segregar. Na realidade, em muitas reuniões, a autosegregação é a norma - embora geralmente não seja falada. Para as pessoas não brancas, a reunião em caucus é uma oportunidade de criar um espaço para discutir questões e apoiar a liderança

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Carolina Streit Morsch

21. Discuta questões organizacionais com antecedência. Depois que a IACP realizar o trabalho de construção de relacionamento, será vital tomar algumas decisões de processo, definir as expectativas do grupo e discutir o racismo estrutural e o privilégio dos brancos e como eles podem se manifestar na IACP do ponto de vista organizacional. Como a IACP e os grupos de prática individuais abordarão os diferenciais de poder dentro da organização (tamanho, pessoal, financiamento, etc.)? Como os grupos que usam abordagens diferentes (defesa de direitos, treinamento, prestação de serviços, organização, etc.) trabalharão de forma interdependente para abordar uma questão?

22. Crie um processo de aprendizagem contínuo dentro da IACP. Ter uma análise e linguagem comuns para discutir o racismo estrutural e o privilégio dos brancos dentro da IACP é crucial para determinar intervenções, estratégias e resultados, e para abordar questões intergrupais e de processo. O treinamento é uma forma de criar essa análise comum, mas devemos ter cuidado para não equiparar o treinamento ao trabalho de mudança sistêmica. Em vez disso, serve como um componente importante para sustentar mudanças de longo prazo. Devemos fornecer acompanhamento ou apoio aos participantes além do programa de capacitação.

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Notas

¹ “People of color” - “Pessoas de cor” - é uma expressão largamente usada nos Estados Unidos.



協作桌上隱形的“白種人”

By Deborah Gilman, PhD (Translated by Chow Ruskin Brown and Translation Task Force of the Hong Kong Collaborative Practice Group)

直到22歲，我才意識到自己的“白種人身份”。我知道對於許多閱讀此文章的人來說，這聽起來可能很奇怪，但是儘管我上了一所非常多元化的高中，並且與許多有色人種有著互動和友誼，但我從未想過自己的白種人身份以及在社會上身為白種人意味著什麼。

研究指出，這種現象在白種人族群中很普遍。

自1980年代後期以來，學者們研究了白種人的種族自我意識，並且普遍發現白種人認為自己的種族與他們對世界的行為和觀點無關。因為我在我的國家(美國)屬於大多數的族裔，所以我有不必考慮自己種族的特權（這只是我發現作為白種人賦予我的眾多特權之一）。但在這方面我並不孤單，事實上，大多數白種人無法確定自己如何體驗自己的白種人身份或承認作為白種人對他們意味著什麼。但是，在美國和

許多其他國家，“白人”被用作定義、衡量和區別獎勵對待所有其他族裔和種族群體的中心準則。這個世界的規則就是像為了讓我“得到勝利”而訂立。

根據我在路易斯安那州新奧爾良市杜蘭大學攻讀博士學位的要求，我須要在People's Institute for Survival and Beyond所舉辦的為期一周的密集式“反種族主義”研討會上反思自己的“白人身份”。作為一名在一個被視為是以白人為主的機構中學習和培訓的白人科學家，工作之前對背負着“白人背叛了有色人種”歷史的社區作出深入了解和建立我對種族問題的認識至關重要。我需要了解種族問題如何在我的職業發展以及職業生涯的每一個夥伴關係和聯盟中發揮作用。儘管我已經做了22年的白人，正是通過這次經歷，我才突然意識到我是一個白人，也認識到在這個迫切希望成為不分顏色的社會中，作為白人意味著什麼。

“到處都是白色...但卻很難看到” (Richard Dyer)

變革過程中的每個參與者都需要建立談論深層和困難種族問題的能力。作為開端，我們可以從白人佔多數的協作社區群體中開始意識到我們對種族有某種固有及不全面的觀點進而在更廣泛的世界社會中建立有效的多種族夥伴關係和聯繫。意識帶來的是謙卑而不確定性，並將使有色人種從業員和參與者都能參與協作解紛過程。如果我們能承認我們“白種人的身份”可能是取得信任的障礙，並且意識到有色人種可能因曾活在一個不被美國白人允許投票、接受教育、在對抗式訴訟中成為證人或陪審員、自由旅行或與他們心儀的對象結婚的世界而表現出“健康的文化恐懼”。至關重要的是我們需要在協作桌上承認並接受我們的“白種人的身份”對於理解針對有色人種的系統性壓迫以及提高協作解紛從業員在不同文化背景的客戶和社區合作中的角色和責任。

爭論教授“白人特權主意”有什麼意義並不是什麼新鮮事。將種族主義理解為權力不平等的社會系統通常被稱為反種族主義。反種族主義模式，包括制度化的種族主義和白人特權，早於1890年代就已出現，並在1960年代的激進年代重新浮現。這種模式表明，當權者可以通過長期的制度性的

種族歧視行為，使少數文化及少數族裔系統性地處於不利地位 (Potocky, 1997)。環顧您的協作解紛小組，“強大的小組”可能包括您所有的協作同事，即白人專業人員。

由白人構成大多數的協作解紛組織應探索自己所面對的族裔和種族身份，並進一步探索隱形的“白人身份”會否影響到我們的服務被如何看待，並是否可能限制了有色人種使用協作解紛服務。

為了使協作專業人員致力於公義平權並增加不同人士使用協作解紛服務的機會，我們必須認識到協作桌上的“白人身份”。我們不僅需要通過多元化意識培訓和文化辨識能力來處理種族壓迫問題，而且還要關注種族、種族主義和“白人身份”對我們多種族社會的社會、歷史和政治背景的重要性。儘管“種族”和種族類別的含義受到相當大的歷史和背景變化影響，但當前種族分層的後果在經濟、社會福利、法律和教育機構等主要社會支柱中都有體現 (Lipsitz, 1998)。了解在社區中生活的人、社區的種族歷史及不同種族和族裔社區中存在的不同社會和服務網絡是在社區服務或與社區合作之前必須採取的基本準備。

傳統爭議解決系統的統一色盲模型無法區分白人和所有其他種族文化。美式糾紛解決系統是根據白人男性所選擇的白人中產階級家庭作為模型家庭結構來設計的。在此過程中，其他多元文化家庭的獨特特徵被忽略了。基於白人家族原型的系統會自動排除那些不具有被用作為模型家族的白人家族特徵的家庭。

協作解紛專業人員是否可以創建一個更合適的系統以反映有色人種及其不同的社會和自然環境的文化價值嗎？以白人佔大多數的協作專業人員是否可以學習在協作桌上意識到自己的“白人身份”，並認識到與白人有關的家庭規範的假設？

Brookfield (1995) 將假設描述為“對世界及我們在世界中的位置理所當然的信念”，並提出“我們是我們的固有想法” (第2頁)。因此，當我們同坐在協作桌時，我們會帶着自己的固有想法。如果我們不了解我們的“白人身份”以及因“白人身份”導致我們在參與協作解紛之前已帶有的固有想

法，那麼我們就會因我們意識不到自己的“白人身份”而無法去吸引不同的家庭使用協作解紛。

我向我們作為一個由富有遠見的思想者和創造和平人員組成具包容性的社區發出挑戰，挑戰我們向內去探索我們的培訓範式，而不僅僅是提供有關跨文化實踐的有用知識或針對具有不同種族和文化背景人群的有效實踐指南，以到達隱藏着的核心問題——白人特權。當我們未能明確討論白人特權的影響及協作資源分配不平等問題的關係，我們可能無法彌合在普及應用層面的鴻溝。

以全面的方式集中對“白人身份”或白人特權的作出討論或教育，可以使關於種族多樣性和壓迫的對話更具包容性。這可以使人們對協作專業人員如何與各種家庭有效合作有更深入的了解，以及對我們如何不知不覺地參與了制度不平等和歧視循環作出深入了解，這些循環便是有色人種接觸協作解紛服務的障礙。將白人特權內容納入IACP的基礎培訓和高級培訓可以對種族壓迫作出個人、系統和整體的改變。雖然在國家或全球範圍作關於白人特權的教育肯定不會消除白人特權的表徵，但它將幫助協作專業人員，無論種族，承認、討論並學習如何應對白人特權帶來的負面影響，因為白人特權在微觀和宏觀上都已滲透合作社區中的各個級別。

儘管社會上的白人特權和種族歧視制度並不是由我們建立，但它確實是我們繼承了的製度。當它發生在我們之內，我們周圍，尤其是在協作桌上時，我們必須承擔責任去正視並挑戰它。

Glasswing (2012) 提出的種族康復途徑涉及五個轉變，這些轉變超越了“學習包容”，從而改變了生活和人際關係：

- 第一個轉變 - 連接表像至精神之道。在外表之下是具有價值觀、信念、經驗和感覺的內在。
- 第二個轉變 - 基於認知而產生情感到達至存有同理心。我們超越理性的論點，發展對彼此情感的同理心。
- 第三個轉變 - 從固有認知到再求知達至真正理解。我們放棄批判，嘗試去理解各種行為的

背後原因。

- 第四個轉變 - 勇敢地從解難思維步向思想轉變。我們多走一步，與其只做流於表面的矯正，不如對自己和交際建立新的態度和方式。
- 第五輪轉變 - 通過深刻理解彼此的經歷，用對話代替辯論使我們共同聆聽和學習。

要考慮的事情

1. **做功課。**對於協作專業人員和IACP成員而言，提高他們對不同族群的歷史、團結精神、衝突和緊張關係的認識至關重要。了解你所在社區的種族歷史。

2. **與值得信賴的社區領袖合作。**誰被人們稱為跨越社區不同組件的橋樑人物？誰是能幹的人和組織？在特定社群中具有公信力和威信的人是誰？

3. **留意參與者進行決策時是否進行了主觀篩選。**有時，我們會根據社會階級、學歷或工作方式來決定應否雇用某特定種族人士參與我們的工作。有時，我們會根據過去的組織內的工作經驗來選擇人：這個人的對抗性強嗎？他或她會成為(我的定義中)團隊合作者嗎？這個人會分擔自己的工作嗎？我們有時會選擇對種族主義和白人特權有相似概念理解和反應的人。

4. **注意IACP的白人參與如何影響多種族聯盟的形成和可持續性。**資深民權推動者，南方組織委員會的創始人安妮·布雷登 (Anne Braden) 分享道：“我們已經習慣了領導。我們當中的白人是必須小心不要試圖宰制。我們需要更多具有行動力又願意在有色人種領導下服務社群組織的白人。”

5. **在協作社區中創建一個包容而公平的流程，以實現其目標並影響更廣泛社區中的其他流程。**與IACP的活動與其他旨在實現種族平等和包容性的計劃的活動進行合作或協調。

6. **在討論衝突和製定決策時注意文化差異。**建立信任和建立關係顯然很重要，以讓人放心指出他們沒有被聆聽的情況，或指出是否在過份推動某決定，或指出在在協作過程中出現了白人特權的表徵。

7.花時間了解不同的文化習俗和儀式，並將其納入協作會議/總體協作過程。例如，在齋戒期間，團隊不應帶食物或飲料參加協作會議。

8.避免就任何文化作出假設。在IACP的學習過程中如何確定擁有處理種族主義和白人特權方面問題的能力？例如，人們通常會根據一個人的外貌或姓名對另一個人的性別做出假設。這些假設並不總是正確的，而做出假設（即使正確）的行為也會發出潛在的有害信息-人們必須尋找某種方式來表達自己的性別。使用某人正確的人稱代詞是尊重他們並創造包容性環境的一種方式，就像使用某人的名字可以是一種表達尊重的方式。

9.在“協作實踐”小組和IACP的層面，創造時間召開展種族/民族專題小組閉門會議。對於白人來說，這提供了一個讓我們核查自己心中的假設和行為的機會，或者尋求對從不同角度了解白人特權/反種族主義問題，鼓勵組織內部的同事採取行動和/或應對的反制。一些白人可能會對這種方法存有憂慮，因為他們可能會看到聯盟的目標是跨越種族界限，並且對分組的安排感到不安。實際上，在許多會議中，自我隔離是一種慣例，這通常是不言而喻的。對於有色人種，閉門專題小組會議是創造機會討論問題和支持領導層的機會。

10.優先討論組織問題。在IACP進行關係建立工作之後，至關重要的是做出一些流程決策，設定團體期望並討論結構性種族主義和白人特權以及從組織的角度來觀察它們如何在IACP中體現。IACP和不同實踐小組將如何解決組織內部的權力差異（規模，人員配備，資金等）？使用不同方法（宣傳，培訓，服務提供，組織等）的小組將如何相互依存以解決問題？

11.在IACP內建立持續的學習過程。在IACP內部進行共同的分析 and 建立共同語言來討論結構性種族主義和白人特權對於確定干預措施，策略和結果以及解決群體間和過程問題至關重要。培訓是創建此通用分析的一種方法，但我們應注意不要將培訓等同於系統的變革工作。相反，它是維持長期改革的重要組成部分。我們應該在培訓計劃之外為參與者提供跟進或支持。

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Gilman博士是匹茲堡人。她在卡內基·梅隆大學 (Carnegie Mellon University) 取得了本科學位，並獲得了榮譽心理學學士學位。此後，她就讀於路易斯安那州新奧爾良市的杜蘭大學 (Tulane University) 及獲得臨床心理學碩士學位和博士學位。她在約翰·霍普金斯大學醫學院/肯尼迪·克里格研究所完成了APA認可的住院醫師培訓，研究重點為兒童心理學。隨後，Gilman博士在美國全國兒童醫院和俄亥俄州立大學完成了為期3年的資助研究計劃及與美國國立衛生研究院 (NIH) 合作，並繼續在臨床兒童心理學領域進行高水平的培訓。Gilman博士在臨床心理學領域擁有廣泛的教育背景，並且對眾多的兒童群和家庭進行了專門的深入培訓，這使她成為健康兒童發育、創傷和適應以及育兒/依戀方面的頂尖專家。她是一名協作解紛教練、兒童專家和調解員，並且是IACP的活躍成員，是Access to Collaboration委員會的成員，並且在她本地的董事會任職，即是The Collaborative Law Association of Southwestern PA執行董事會的成員。Gilman博士對超越“教學寬容”的治愈方法充滿熱情，這類方法可以更深入地理解和改變人際關係。

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