Establishing the Relationship and Expectations from Initial Client Contact

Kristen A. Algert, JD
Louise Livesay-Al, JD
Julia A. McAninch, Psy.D.

Who is Here and Goals

- Profession
- Years of Experience
- Biggest pitfall you have encountered in the initial consultation or greatest concern anticipating the initial consultation

Objectives:

- Learn effective ways to talk about the Collaborative Process with potential clients that can lead to them enrolling in the process
- Explore how your current practices get in the way of clients enrolling into the Collaborative process
- Provide sample lines of communications that you can practice and become more comfortable and confident using when you return to your practice.

Expectations!

- Pair up with someone you don't know
- First person takes 2 minutes to explain collaborative divorce to their partner
- Second person takes 3 minutes to share what expectations they would have based on what they heard
- Switch and do the same exercise

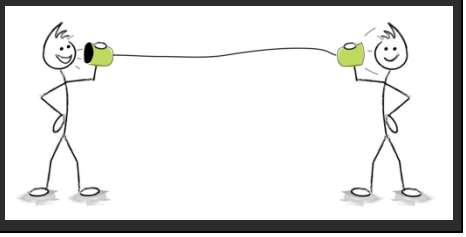
An exercise by the Lone Star Trainers

The Phone Call: Framing the Initial Appointment with Clients

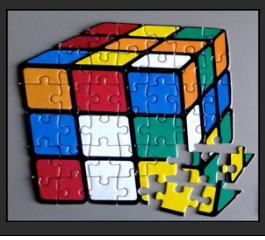
- What does the client want to know right away?
- What does the professional want to know right away?
- Who do we invite to meet in person? Why? How do we invite them?
- What will happen when we meet in person?
- How much time is needed?
- What does it cost?

Divorce Readiness Assessment

Sample Lines of Communication Handout



Assessing Complexity as a Guide to Process Options



LEAF Guide for Clients

LEGAL

- Crafting Legal Agreements
  - Property/Debt Division
  - Parenting Plan
- Spousal Support
- Knowledge of How to Navigate the Court System
- Experience of what Judges will Approve
- Existence of Separate Property

EMOTIONAL

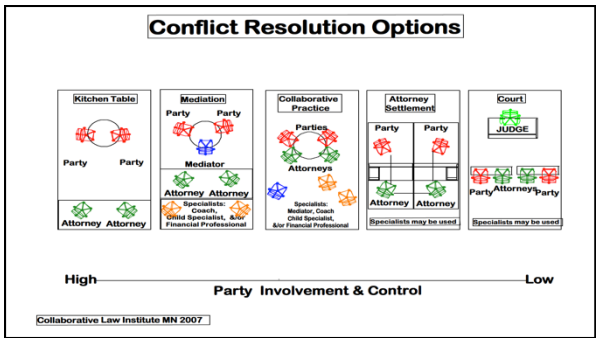
- Communication Difficulties
- High Interpersonal Conflict
- Mistrust, Manipulation, or Intimidation
- Parenting Conflicts
- Children with Special Needs
- Mental Health Concerns
- Substance Abuse Issues

FINANCIAL

- Complex Finances
- Ownership of Business
- Tax Issues
- Existence of Separate Property
- Executive Compensation
- Imbalance of Financial Knowledge Between Clients
- Need for post-Divorce Budgeting

Process Options: Client Self-Assessment

- Kitchen Table Process
- Third-Party Process
- Collaborative Process
- Mediation Process (Texas Style)
- Arbitration Process
- Traditional Process



Team Description Handout

We All Have a Valuable Role

Attorneys

- Legal information and advice
- Ability to interact with the legal system with ease and familiarity, which can be comforting to those who are not familiar with it
- Validation of their client's perspective
- Assisting their client in expressing their voice in the process
- Helping their client gain perspective by being able to challenge them as someone that is on their side
- Helping track details of the process in step with their client, particularly if they overwhelm easily
- Helping their client be less scared if they are worried about being taken advantage of
- Drafting and filing legal documents

Financial Neutrals

- Creation of household budgets - historical and future.
- Identification of children's expenses.
- Creation of inventory spreadsheet identifying assets and debts.
- Generation and evaluation of options.
- Education of spouses about financial matters.
- Identification of "other issues" (tax, valuation, characterization).

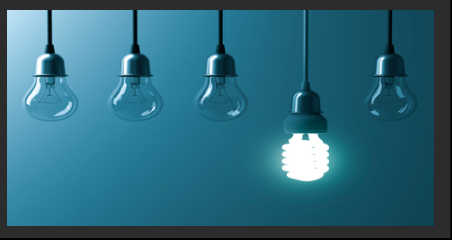
Mental Health Professionals - Divorce Coach or Process Facilitator

- Gather client and couple history.
- Understand couple dynamics, stress points and triggers.
- Assess challenges in the case and share with team.
- Assist clients with divorce readiness when couple is not in sync.
- Help manage client communication and emotions in and outside of meeting. Help couple identify unproductive patterns and learn new tools.
- Assist in option generating and problem solving.
- Provide constructive and honest feedback to clients from a neutral place.
- Help couple create new boundaries and expectations.
- Encourages and facilitates effective communications between professional team members - provide feedback, manage conflict, case manager.
- In some states they assist with the parenting plan.

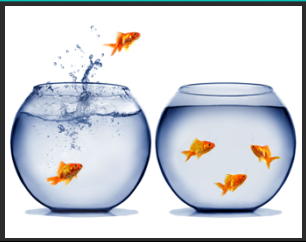
Mental Health Professionals, cont. - Neutral Child Specialist

- Obtain developmental history of children.
- Understand family history.
- Identify special issues or needs around children.
- Meet with children and provide feedback to parents.
- Be a voice for the children to the parents. Help parents understand how choices impact the children.
- Identify issues that need special care/attention by parents and/or team.
- Assist in creating developmentally responsive parenting plan.
- Help parents create a "We Statement".
- Create new boundaries and expectations around co-parenting.
- Help parents think about how to handle questions from children.

Learning from our Differences



Initial Consultation Fishbowl



The Client / Attorney Relationship

Expectations! Replay!

- Pair up with the same partner from the beginning of the workshop
- First person takes 2 minutes to explain collaborative divorce to their partner
- Second person takes 3 minutes to share what expectations they would have based on what they heard
- Switch and do the same exercise

An exercise by the Lone Star Trainers