

(☹_☹) Exploring the Impact of Bias on the Collaborative Process

2018 IACP Annual Networking and Education Forum

October 28, 2018 – 9:00 AM – 10:30 AM

15 min – Introductions & Activity

15 min – Gender Bias – It’s Implicit

20 min – Fishbowl Demo – Alimony Fact Pattern

15 min – Discussion

25 min – Tools, Tips, & Questions

Resources:

<https://implicit.harvard.edu/implicit/takeatest.html> - **Project Implicit** is a non-profit organization and international collaboration between researchers who are interested in implicit social cognition - thoughts and feelings outside of conscious awareness and control. The goal of the organization is to educate the public about hidden biases and to provide a “virtual laboratory” for collecting data on the Internet.

<https://www.usip.org/public-education/conflict-styles-assessment> - **Conflict Styles Assessment**

Allison J. Bell, Psy.D.
200 Katonah Avenue Suite 16B
Katonah, New York 10536
drallibell@gmail.com

Jennifer Hawthorne
Skylark Law & Mediation, P.C.
9 Main Street
Southborough, MA 01772
jhawthorne@skylarklaw.com

Justin L. Kelsey
Skylark Law & Mediation, P.C.
9 Main Street
Southborough, MA 01772
jkelsey@skylarklaw.com

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WORKSHEET

Part 1:

Choose one of the tests at Project Implicit and take it.

Link for tests: <https://implicit.harvard.edu/implicit/takeatest.html>

Write down the result of your test: _____

Were you surprised by the results of your test: ____ Yes ____ No

Explain why: _____

Comments / Questions: _____

Part 2:

Think about a time when a client said something in a case that triggered a strong emotional response from you. What was the issue that you reacted to? _____

How did you react? _____

What tools could you have used in the Collaborative Process to help you with your reaction?

**ALIMONY FACT PATTERN (5-Way Meeting)
for IACP 2018 Gender Bias Workshop**

Justin and Jen are getting divorced. They were married 23 years but have been together for 25 years.

They have **2 twin children (age 21), John & Jane, who have graduated from college.** John is working and Jane is attending law school.

Justin: (age 48) worked in the financial industry for the first 10 years of their relationship earning approximately \$90,000 per year when he left. He always hated that job. Jen's income began to rise when the children entered school and they agreed that Justin would take a lesser paying job and help out with more of the children's needs. Justin loves golf and got a job at a pro shop at the local golf course where he averages \$25,000 per year and has had the same job for the last 13 years. The job was very flexible and allowed Justin to help out with all of the children's activities and schooling.

Jen: (age 47) was working in the financial industry as well when they met but decided to go to law school, which Justin supported. The twins were born right when she finished and she waited two years to take the bar exam. When the children were two years old, Jen passed the bar and began working at a medium sized law firm. After a few years she found a job as in-house counsel at a small manufacturing firm. She's worked at the same company for the last 15 years and she loves her job. The company has done well with her help and the owners and her have a great relationship. Jen earns \$250,000 per year and has been granted stock over the years which will only have value if the business is sold or ever goes public, which she feels is unlikely.

Jen has a 401(k) with \$300,000 and Justin has no retirement. They are savers and live modestly. They have paid off their home which has a fair market value of \$350,000. Their children have some small loans from undergraduate study and Jen wants to help with Jane's loans and law school costs.

They have agreed to sell the house and split the proceeds equally, and they have also agreed to split Jen's retirement 50/50. Jen feels that this is generous since Justin never saved a retirement account and didn't contribute to the mortgage for the last fifteen years.

The Issue: Justin and Jen are at the third (and hopefully final) 5-way meeting with their respective attorneys and their coach/facilitator. Justin is asking for alimony, and Jen doesn't think she should have to support Justin any longer. She is prioritizing paying for some of Jane's living expenses and law school tuition.

The Tough Moment: Justin is worried that once the house sells he won't be able to afford a home that Jane will want to live in and he expects that she will reside with him during law school. After some discussion, Jen tells Justin he's not "being a man" in an effort to bully him into backing down.