**Interplay of Advocacy and Neutrality**

**Annotated Agenda**

**9:00 – 9:20**

**Introductions**

***Dramatic Demo*** of call between lawyers, financial and family professional . . . followed by ‘soliloquy’ of each professional with their ‘thought bubble’ as to what they are worried about

**Interactive group discussion pulling out issues raised in demo**:

* *Overstepping role of CBV*
* *Sharing info / calculations before run by lawyers*
* *Mismanaging client expectations*
* *Going to solution without buy in*
* *Promising that it will be ok*
* *Lawyer abdicating responsibility to financial*
* *Team: Lack of clarity around process / timing of providing legal and financial information*
* *Laurie add challenges from family professional POV*

***9:20 – 9:45***

 ***At Tables***- Share challenging moments or frustrations experience related to advocacy and neutrality

***De-brief common challenges***

* Over alignment of lawyers
* Weak lawyer/aggressive lawyer
* lack of trust
* financial taking instructions from only one side
* financial providing information not requested
* neutral providing legal opinion or own opinion
* neutral siding with one party

**9:45 -10:30 Lecture**

* introduction to theoretical framework of neutrality and advocacy (roles, challenges, strengths, overlap)
* profile of high needs client in conflict and trauma informed approach

**Break**

**10:45 – 11:00 *Redo first demo*** *- Professional team organizing new case* *using PROACTIVE TOOL.*

**11:00-11:10 Introduce Proactive Tool**

Step 1 Set expectations, ground rules, mandate

* + - will neutrals facilitate only or also evaluate?
		- Can financial neutrals raise legal issues/ cases/experience the lawyers don’t?
		- Can neutrals take instructions from one side only?
		- Can neutrals meet with only one side or always together? How to preserve perception of neutrality?
		- How will neutrals present information? Together? Separately?

Step 2 Identify “grey zones” and anticipate how to handle

i.e. What is the neutrals duty to the overall process versus ensuring all information available?

What if lawyers have different approaches to the law?

Step 3 Premortem: anticipate potential problems and plan to manage

* lawyers imbalanced in terms of experience, skill
* lack of trust between professionals or between client and professional

**11:10 – 11:30 *CASE EXERCISE***hand out case - professional teams [lawyers, family professional and CBV/financial professional] organize case using PROACTIVE TOOL

**11:30 – 11:45 *Debrief*** Possible neutrality and advocacy challenges (more sophisticated exploration)

**11:45- 12:00 Mini lecture - complexity theory**

**LUNCH**

**1:00 – 1:50 Introduce RESPONSIVE TOOL**

1 From Blame to Contribution

How did I (as lawyer financial/family/mediator) contribute?

How did client 1/client 2 contribute? What are their needs?

What are team challenges/missteps?

2 How can each of us contribute to the solution? Possible next steps

Hand out more facts [leading to impasse/crisis]

***Participants complete RESPONSIVE TOOL individually, then discuss at tables as professional teams***

***Debrief***

**1:50 – 2:50 Creating Synergy- how can the neutral work with the lawyers to support settlement?**

***Demonstration-****triad work with family professional*

***Debrief****-* at tables and then large group discussion

* triad do’s and don’ts
* How did the neutral help-the clients? The lawyers?
* How would this have been different without a neutral?
* How can lawyers support neutrality?
* Other strategies

**2:50 - 3:00**  **Summarize strategies**

* Proactive Tool
* Responsive Tool
* Handout: problems and possible solutions, strategies for synergy

**rap-up**