**Bickersteins – Mike and Juliana**

**The couple:**

Early 50s, three kids. Mike has been successful professionally and has supported the family; Elise has raised the children. Elise grew up the oldest of four in a very neglectful household, and she took it upon herself to be her siblings’ protector and advocate. Mike has a weed habit, and gave Elise an STD following some assignations with prostitutes. Elise is bitter and resentful; Mike has a hard time understanding why his wife would be anything but grateful for the very comfortable lifestyle he has created for the family with his income. Mike enters the process with lots of changes to the PA, his attorney always responds to team communications with “Let me check with Mike before responding.” Elise has a lot of opinions about how Mike should be organizing his life, interacting with the children, and settling their divorce. Both Mike and Elise are pretty regressed: Elise is blaming Mike and getting pretty vicious. She also has a lot of fear about what her future will look like. For his part Mike is feeling a lot of shame about the failure of his marriage and his inability to please his wife.

**What was hard:**

* Dynamic between Mike’s attorney and Mike
* Information gathering
* Mike’s belief that he knew how the process should progress and foiling the team’s efforts to keep it on track
* Mike’s attention to to-dos strictly on his terms
* Elise’s seeming passivity, combined with her very clear idea of how Mike should be behaving
* Elise’s instant dislike of the MHP
* Mike’s and Elise’s adherence to their dynamic: Mike seemingly running the show, Elise working behind the scenes to affect outcomes to her liking and undermining Mike
* Mike’s and Elise’s inability to see how their conflict might be affecting their children
* Parties not following the process but blaming the process as not working
* Use of process and people to continue same conflict and poor treatment of each other
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* Elise expressing often that no one was fighting for her or protecting her
* Elise’s belief that “dirty laundry” she had on Mike from years passed should scare him.
* Mike’s and at time Elise’s distain for the professionals
* Parties blaming each other
* Elise’s sense of entitlement for staying in the marriage so long
* Elise’s sense of dissatisfaction despite excellent settlement; No one can do things good enough/lack of personal responsibility
* Elise’s sense that the “law” should protect her children from things she tolerated being around her kids for years (weed)
* Mike unilaterally firing professionals or restricting their work – often through non-payment then complaining that months had passed/nothing was being done.
* Trick is to be aware dealing with my emotions and not get sucked in.
* It was hard because I care about people; want to make lives easier after divorce and perceived not protected. Realizing some people really don’t want life to be better or more peaceful.

**What was easy:**

* Keeping the team on the same page (telecons, team meetings, etc)
* Meetings and the structure of the process
* This took a number of calls and candid conversations, which the team was willing to have
* What was challenging on the team was efforts each attorney made to tell the other attorney what they needed to convey to their client – somewhat effective because high level of relatedness and trust; Some what frustrating and a re-creation of party’s dynamic; Really helped by MHP and financial professional input.
* Professional regard for each other even in hard situation

**How they affected the Team:**

* As the vilified MHP, the MHP was not sure not to take Elise’s vitriol and scapegoating personally
* Managing the countertransference with Mike
* Managing the countertransference with Mike’s attorney
* Managing the transference by client toward MHP; Recall incident client angry about MHP doing all the talking in the meeting when she talked very little (meeting run by financial professional).
* Managing client’s expectations I would “fight” for her when an approach anti-thetical to the collaborative process.
* Managing lawyer’s feelings of ineffectiveness – at explaining the process and client’s dissatisfaction with the outcome (despite my feeling that the result was a win for client).
* Managing feelings of frustration with both parties consuming excess time and energy without productivity

**Zenskis – Bill and Juliana**

**The couple:**

Early 40s, 2 kids. Extensive therapy as a couple including work prior to marriage. Bill didn’t want to get married in the first place – he was a bit older and valued their friendship more than anything else. Nonethless, they married and continued therapy where they continued to gain good insights into their dynamic and each other’s hot spots. Bill has been the primary breadwinner since the kids were born. He has deep roots in the community, and a wealthy family backing him in his business venture, which has been designated his separate property in their pre-nup. Julianna helped Bill with the development of the business, but has otherwise been a full-time mom since having their first and is contemplating a career change as a result of the divorce (she knows she’ll need to work). They currently live in a tony part of town but it seems clear to the professional team that Julianna is going to have a hard time remaining in their current home, and probably won’t be able to afford the neighborhood. Julianna really wants to stay in the same neighborshood and believes Bill can afford it.

**What was hard:**

* Julianna’s fear
* Juliana’s strong desire to live centrally and not look at more affordable neighborhoods
* Bill’s reluctance to tip his hand on how generous he might be willing to be

**What was easy:**

* Their self-awareness and insights made emotion regulation relatively easy: they were able to recognize when old fears and patterns were kicking in, and they had tools for managing
* When reactive privately with CB or in meetings, able to recognize it and take a break. Willing to come back to the process
* They were each open to hearing from their spouse and had the capacity to truly hear what the other was saying
* Willingness to interject humor
* Interacted with each other and professionals with trust and respect
* Walked the talk – operated from Win/Win
* Dealing with the other lawyer – stellar; he was an advocate for his client doing more and advocating for the other parties perspective. What works is chance to talk with other client
* They really put their kids first

**How they affected Team Members:**

* It felt easy
* I felt extraneous at times – what was my value add?
* Bill’s reticence hooked me – it felt like strategery and that tickled professionals’ sense of safety
* They felt so REAL
* in a case like this the value add of the MHP is keeping the playing field level in the meetings; Often helped Juliana manage her fear and disappointment
* Rewarding work – allowed to do my job and be effective and do work that helps families and has integrity

Petersons

Letitia, “Letty”and Edward Peterson were married for 15 years. Edward is a UK citizen with a Green Card and Letty is a Hispanic American, US Citizen. The couple met in England. Edward was a successful business entrepreneur, who ran into some legal and financial trouble a few years after the couple met in the UK. Edward and Letitia have 2 daughters who are elementary school age at the time of divorce. Back in 2008-2009, when the couple were newly-weds, Edward sold a home that he owned outright prior to marriage to help try to bail out his business. The couple also bought a home in the UK during the marriage. Ultimately, Edward sold his business and the family home and the couple moved to California with their young daughter, Isabella in 2010. Sophia, their youngest, was born in California in 2011. The couple also bought a home in California. When the couple moved to California, Edward put everything, including the new home into a trust in California. The sole beneficiary of the trust is Letty. Letty recalls meeting with the trust attorney in California and that lawyer warning Edward of the risks associated with putting everything in Letty’s sole name and that their could be issues if the couple ever divorced. Letty recalls that Edward was not phased by this and they went forward with signing the documents. At the time of divorce, the estate is worth about 10 million dollars (US). Edward contends that it is all his separate property because the source of everything was his pre marriage money and business. He claims the California trust is simply an estate planning document and cannot change the character of the property.

The couple moved to Austin, Texas in late 2016. In 2017, Letty had to have a complicated “mesh” surgery. She had to go out of state to have the surgery. She claims that Edward was unsupportive and she had to borrow money from her family for her surgery and have her mother come and live with them and help her recover, due to Edward’s lack of empathy and support. Letty also borrowed an additional $25k from her sister and $1000 from her mom. She claims that Edward took it and refuses to reimburse her mom or sister or to give the money to Letty.

Edward claims that the surgery caused Letty to lose her mind. Letty is also diagnosed with ADHD and takes medication for it. She is an evangelical Christian and belongs to a church where members sometimes speak in tongues. She has a regular counselor who is an LPC, as well as a good friend who goes to her church and is a counselor. She has asked Edward to go to couples and individual counseling and invited him to join her at church. Edward is agnostic and does not believe in getting counseling in any way. He has declined her invitations to go to church and does not approve of her taking the girls with her to services, church related functions or around her counselor and church friend, Penelope. Penelope also has 2 girls around the same age as the Peterson’s girls, Bonnie and Katie. The situation escalated in the late fall of 2018, immediately prior to Edward filing for divorce.

When Edward filed, Lettie and the girls went to stay with Penelope and her husband for a few days. This was on the heels of a video taped incident where Edward claimed he was going to kill himself and was rolling on the floor crying in front of the children. The couple were video-taping each other and the children and the police were called several times. Edward made threats against Penelope’s professional license and allegedly caused problems at the school, demanding that the girls not be allowed to speak with the school counselor because she is a distant relative of Penelope’s. 3 days after the couple filed for divorce, they went to mediation with their lawyers, who were fairly young practitioners. The mediation was not successful, however, the Petersons did agree at the mediation to (1) separate their household and sell the family home in Austin, (2) have a 5-2-2-5 possession schedule with the girls, once established in their new households, but until then to live under the same roof, and (3) to refrain from drinking alcohol while in possession of the children. Shortly after mediation, both parties fired their lawyers and obtained new counsel.

New counsel were lawyers who trusted each other and were collaboratively trained. They began discussing the collaborative option with the Petersons and the risks, given the complicated issues and high level of conflict in the case. Ultimately, prior to deciding to do the case collaboratively, the Petersons, with the assistance of counsel entered into 2 additional agreed temporary orders, which included selling their home and putting the proceeds into attorney trust accounts while the case was pending; partitioning amounts to each client for the payment of living expenses and establishing separate residences (rentals).

After a lot of back and forth, a team was assembled and the Parties set up an initial meeting right before the childrens’ winter break. Unfortunately, Edward became distraught prior to the meeting and no showed the meeting. The team and Lettie’s counsel met briefly. The parties continued to bicker back and forth over the holidays, but ultimately signed a collaborative participation agreement and set another meeting after the first of the year. The lawyers prepared agendas and the parties each met with the facilitator in advance. There were continuing disagreements about the children being around Penelope and her girls, need for additional funds from the trust account and who was responsible for paying what bills. Lettie complained that Edward had put everything in her name, including the car he was driving and was concerned that he was ruining her credit by not paying his car payment. The parties were also both in the real estate business and were fighting over an expected large commission from the sale of a ranch owned by Willie Nelson. The use of a child specialist, or possibly a guardian ad litem to survive the collaborative process, was also discussed at length.

The first joint meeting was held in mid-January. It was a very awkward meeting, with both parties taking jabs at each other and Edward attempting to interrupt and control the meeting. He interrupted when the facilitator was explaining the road map to resolution as well as the separation guidelines. His lawyer was noticeably uncomfortable and quiet. Both parties made commitments to provide financial data to the financial professional and to be transparent. There was discussion that some of the needed data might be in the UK. During the meeting, Edward complained that he believed Lettie had his and the childrens’ British passports and he wanted them back. Lettie insisted that she did not, but promised if she located them, she would notify Edward and the team immediately. She maintained that he probably just hadn’t found them from the recent move. Edward pounded 4 “posh” mineral waters at the meeting and moved a serving platter of flautas in front of himself and proceeded to eat most of the serving platter, placing his dirty napkin on the platter before pushing it aside. This was all while the financial professional was discussing how to attempt to trace and characterize the trust monies and assets of the parties. At the first meeting, engagement of a child specialist was also discussed. In the team preparation meeting (without the clients) it was discussed that the facilitator felt, after meeting with the parties individually that this was an important part of this team. At the meeting, Edward was resistant to this idea. It was decided that the parties would each meet again with the facilitator to determine if and whom a potential child specialist might be. The team was aligned that this would be something that would be happening, but that they were willing to indulge each party first express their concerns with the facilitator. Additional meetings were scheduled and the disjointed and awkward meeting ended on time.

After the meeting, Letty reported that Edward continued to threaten law suits against Penelope and that Edward was trying to get her to reconcile by going into business with him with someone that he met on the Willie Nelson transaction, but that it would require them to take 1 million dollars out of the trust money for the investment. He became angry and agitated when she refused. She also reported that the weekend after the meeting, Edward showed up at an event hosted by Willie Nelson that she was singing at and that he was drunk and embarrassing. She reported to her lawyer that Edward had mistakenly forgotten to turn off the ring device when he moved and that she had video of him moving firearms in his garage as well as getting multiple beers from the beer refrigerator during a possession time with the girls. She was concerned because Sophia, who was in third grade had gained a lot of weight in the past 3 months and was exhibiting signs of stress. She wanted to get the girls into counseling, but Edward refused. She also wanted a child specialist ASAP.

FOR SMALL GROUP DISCUSSIONS:

Identify warning flags

Would you have taken this case as a collaborative case?

What do you think would be easy about this case?

What do you think would be most challenging?

What could be done to keep Lettie and Edward focused on Interests and the roadmap to resolution?