

ADAPTING COLLABORATIVE PROCESS IN THE COMPLEX SYSTEM OF DIVORCE

IACP Forum Workshop

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Victoria Smith JD, Acc. FM

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Victoria Smith is a Toronto family lawyer in practice over 30 years. For over 17 years she has confined her work to out-of-court settlement work: Collaborative Practice, mediation and training.

Victoria's life work is to help her clients resolve conflict wisely and with dignity, and to support an evolution in the legal profession from adversarial advocacy to conflict resolution advocacy. She has successfully resolved hundreds of mediations and interdisciplinary collaborative cases. Victoria provides workshops regarding CP, negotiation, settlement advocacy, conflict and effective teamwork across North America and internationally, including in Australia, Switzerland, England and the Netherlands. She is a trainer with the Toronto Collaborative Training Team. She presents regularly at IACP and OCPF forums and conferences. She is co-author of *Collaborative Family Law, Another Way to Resolve Family Disputes*. Victoria is a former Adjunct Professor at Osgoode Hall Law School, a former member of the Board of Directors of Collaborative Practice Toronto and the IACP.

Laurie Stein LLB, MSW, RSW

Connections Child and Family Counselling

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Laurie has helped families to find a more peaceful way through their separation as a Collaborative Family Professional. In this process, she works closely with clients and lawyers both in individual and joint meetings integrating semi-therapeutic and strategic approaches. As well, she works with parents to create a parenting plan, discuss parenting and child adjustment, and facilitates the larger team meetings. Laurie has trained widely in the Ontario Collaborative community, and is a trainer with the Toronto Collaborative Training Team and is a faculty member with the IACP (International Academy of Collaborative Professionals).

Laurie has over 28 years' experience working with families, couples, children and teens in treatment and mental health settings and private practice. In addition to her therapy and mediation practice, her past experience includes working with children and youth as a children's lawyer.

Adapting Collaborative Process in the Complex System of Divorce

IACP Forum 2018 Seattle

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Questions and Goals



Processing Styles

Monochronic

Linear, sequential

Focused

One issue at a time

Likes completion and closure

Stay on track

Polychronic

Juggles topics or conversations

Discusses seemingly unrelated issues

Brings in multiple issues

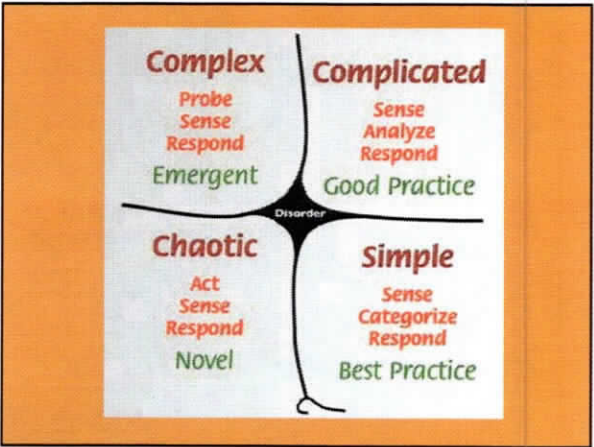
Links issues to reach settlement

Sees the "big picture"

Why do we need protocols?
When do they get in the way?
What are your worries about deviating from protocols?

Taxonomy to classify problems
Based on degree of certainty
To apply the best process to solve them

Cynefin Framework*
David Snowden



SIMPLE

Defined input
= consistent output

Apply rules, follow process
= predictable result

Recipes, widgets

COMPLICATED

Evidence-based
Expert opinion
Analysis needed
Best practices
Build linear knowledge
rockets, bridges,

COMPLEX

Many connected parts, constantly changing in unpredictable ways, with an unknowable outcome

interaction among participants in the system determines outcome

Every change in any part of the system affects all the other parts and the functioning of the system as a whole

Apply knowledge and skill

Hypothesize a solution and try it

If it works--do more. If it doesn't do something else

Relationships, parenting

CHAOTIC

Cataclysmic
No rules
Problem solving is emergent
Need a leader to step forward and do something

Natural disaster, terrorist attack

Case Scenario

What is fundamental to CP?
Values
Process

What can we adapt/let go of?

Essential, No Matter What, values of Collaborative Practice

- Maintain respect for all
- Appreciate and work with the perspective of the other
- Professionals maintain trust
- Remain balanced and honest in assessment of the law
- Leave decision-making to the clients

Essential ,No Matter What, process protocols

- No court
- Full disclosure
- Preparation-other professionals, clients/agendas debriefing
- Professionals agreeing upon draft agreement/progress note/documents before shared with clients

Reducing Complexity

- Standards
- Protocols
- Values

Embrace Complexity



- Diverse opinions and perspectives
- Customize process as well as outcome
- Focus on relationships, interconnections, patterns of behavior
- Create safe to fail experiments
- See what works and enhance
- Stop what doesn't work and try again

ORIENT- seeing from many eyes

Intake and ongoing assessment/
process design

- Initial client meeting
- Ongoing assessment
- Ongoing prep and debriefing
- Self-awareness

Wrap up

