

## **A Collaborative Law Success Story**

*A Collaborative Law Success Story* is a four-part video series describing a successful resolution of a divorce between John and Diane through the Collaborative Law process. The following are three suggested outlines for leading a discussion about Collaborative Law with a live audience. These videos are meant for any audience, but the discussion points might change depending on the make-up of an audience. We encourage the use of these videos to promote and spread the word about Collaborative Law, and share these proposed discussion points in no way to limit that discussion but simply to assist in getting it started:

Proposed Discussion Points for a Presentation to Potential Partners in Access to Collaborative Law initiatives:

## **A Collaborative Law Success Story: Promoting Greater Access to Collaborative Law**

### **Introduction**

There are a lot of myths and misunderstandings about Collaborative Law. *A Collaborative Law Success Story* is a four-part video series describing a successful resolution of a divorce between John and Diane through the Collaborative Law process. These four videos will describe the process and show you how it can be successful for many different types of disputes.

The first video tells the story of one conflict that John and Diane faced during their Collaborative divorce. The second video describes the Collaborative Law team and how each team member assists in the Collaborative Law process. The third video describes the process of negotiation and agreed upon terms that make the Collaborative Law process different and effective. Finally, the fourth video focuses on some myths about Collaborative Law and describes how Collaborative Law is already being used around the globe.

After each video we're going to lead a discussion about that portion of the presentation and provide an opportunity to ask questions about Collaborative Law.

Suggested Discussion Questions/Points (after each video):

### **Part 1 – John & Diane Resolve a Difficult Issue**

Is John & Diane's conflict unique or common?

Describe how could this same process help resolve conflicts for any income level (e.g. these types of conflicts are not unique to a particular income level.)

Discuss the unique issues that lower income clients face that might be unique to their income level and how Collaborative Law might assist with those unique issues (e.g. transportation and other parenting challenges that the coach could resolve more quickly and with more sensitivity than an adversarial process; addressing issues of living under one roof for a longer while participating in the process due to financial limitations of the transition to two households; etc.).

### **Part 2 – The Collaborative Law Team**

Discuss how the attorney role as team-member and problem solver is different in the Collaborative Law process than in litigation.

How can the cost challenges of having a team of professionals involved be addressed?

Discuss what value the coach role can bring to low income and modest means clients.

Discuss what role the financial neutral might play in low income cases.

### **Part 3 – The Collaborative Law Process**

Discuss how the disqualification clause in pro bono collaborative representation by attorneys could address one of the challenges of pro bono family representation, i.e. the disincentive to settle or avoid trial when you have free counsel.

Discuss how the requirement of active participation might affect low income or modest means cases.

Discuss how the requirement of transparency might affect low income or modest means cases.

Discuss how the general structure of the Collaborative Law process can be useful in low income and modest means cases, and describe any local programs available or that are being considered.

### **Part 4 – Collaborative Law: Myths & Advantages**

Discuss how Collaborative Law is a form of limited assistance representation (unbundling).

Discuss how limited assistance representation can increase the use of attorneys in pro bono and modest means cases.

Are there existing limited assistance representation programs in your community that Collaborative Law might fit into?

How would applying interest based negotiation techniques help low income and modest means clients? How is this different than positional negotiation?

Did any of the myths concern the audience members prior to this video? Do they have any further questions about those myths?

Discuss what opportunities the audience thinks there might be for pro bono and modest means programs in their communities?

Discuss how many Collaborative Law Practice Groups and professionals there are in your area, and identify next steps that audience members might take to get involved in or partner with Collaborative Law programs.

Proposed Discussion Points for a Presentation to Potential Referral Sources or Clients (such as a public information session not aimed at potential trainees):

## **A Collaborative Law Success Story:**

### **YOU Can Help Resolve Conflict by Being Informed!**

#### **Introduction**

There are a lot of myths and misunderstandings about the best ways for people to protect themselves when entering a dispute. Ultimately, I think we can all agree that information and knowledge help empower people. So why would anyone start a lawsuit without first finding out about their other options? These four videos will describe an alternative to court, the Collaborative Law process, and show you how it can successfully resolve even the most difficult conflicts.

*A Collaborative Law Success Story* is a four-part video series describing a successful resolution of a divorce between John and Diane through the Collaborative Law process. These four videos will describe the process and show you how it can be successful for many different types of disputes.

The first video tells the story of one conflict that John and Diane faced during their Collaborative divorce. The second video describes the Collaborative Law team and how each team member assists in the Collaborative Law process. The third video describes the process of negotiation and agreed upon terms that make the Collaborative Law process different and effective. Finally, the fourth video focuses on some myths about Collaborative Law and describes how Collaborative Law is already being used around the globe.

After each video we're going to lead a discussion about that portion of the presentation and provide an opportunity to ask questions about Collaborative Law.

Suggested Discussion Questions/Points (after each video):

#### **Part 1 – John & Diane Resolve a Difficult Issue**

Is John & Diane's conflict unique or common?

Are you surprised to hear that people could resolve such a highly emotional issue by sitting down and talking about it instead of going to court?

Discuss the advantages that the involvement of a coach provided when the emotions were high?

Did it surprise you that an attorney might agree not to express her own personal feelings about the boyfriend introduction?

## **Part 2 – The Collaborative Law Team**

Discuss how the attorney role as team-member and problem solver is different in the Collaborative Law process than in litigation.

Describe some key points that are not addressed in the video that the audience may be wondering about:

How is the coach role different than therapy?

Why would the financial neutral review scenarios with the clients instead of the attorneys?

What other types of neutral experts might be involved and how does using a neutral expert benefit John and Diane?

## **Part 3 – The Collaborative Law Process**

Discuss how the general structure of the Collaborative Law process helps clients make informed decisions, instead of trying to find arguments that support pre-determined positions.

How does the disqualification clause benefit the clients and what are the risks?

How is the requirement of active participation different than attorney negotiation, and how might this avoid common miscommunications? Compare to the typical litigation tactic of advising a client not to talk to their spouse.

How do the requirements of transparency and voluntariness complement each other?

## **Part 4 – Collaborative Law: Myths & Advantages**

Perform an exercise or tell a story that demonstrates the power of interest-based negotiation over positional negotiation: such as the story of the orange -

<http://web.mit.edu/negotiation/www/NBivsp.html>

Did any of the myths concern the audience members prior to this video? Do they have any further questions about those myths?

Discuss how Collaborative Law is a form of limited assistance representation (unbundling). Discuss how limited assistance representation can increase the use of attorneys in cases where the parties might not otherwise want or be able to afford litigation counsel.

Discuss how many Collaborative Law Practice Groups and professionals there are in your area, and identify next steps that audience members might take to get involved in or partner with Collaborative Law programs.

Proposed Discussion Points for a Presentation to Potential Collaborative Professionals (such as an information session for financial neutrals or bar associations):

## **A Collaborative Law Success Story:**

### **YOU Can Help Resolve Conflict by Taking the Collaborative Training!**

#### **Introduction**

There are a lot of myths and misunderstandings about the Collaborative Law process and what it means for professionals to work on a team devoted to solutions while still representing their client's best interests. The team dynamic requires some getting used to but it can be a powerful tool to making both professional and the client experience better.

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Suggested Discussion Questions/Points (after each video):

#### **Part 1 – John & Diane Resolve a Difficult Issue**

Is it your experience in litigation that people get apologies? How did the Collaborative Law process help John and Diane understand each other better?

Are you surprised to hear that people could resolve such a highly emotional issue by sitting down and talking about it instead of going to court?

What advantages did the involvement of a coach provide when the emotions were high?

Did it surprise you that an attorney might agree not to express her own personal feelings about the boyfriend introduction?

## **Part 2 – The Collaborative Law Team**

Discuss how the attorney role as team-member and problem solver is different in the Collaborative Law process than in litigation.

Describe some key points that are not addressed in the video that the audience may be wondering about:

How is the coach role different than therapy?

How does having a coach/facilitator in control of the process, change the balance when it comes to the substantive negotiation?

Why would the financial neutral review scenarios with the clients instead of the attorneys?

What other types of neutral experts might be involved and how does using a neutral expert benefit John and Diane?

## **Part 3 – The Collaborative Law Process**

Discuss the benefits of beginning the general structure of the Collaborative Law process by asking the clients to describe their goals and interests.

How does the disqualification clause benefit the clients and what are the risks? What actually happens to the case when a professional is disqualified and how can the Collaborative Law process actually lead to more business through referrals?

How is the requirement of active participation different than attorney negotiation, and how might this avoid common miscommunications? Compare to the typical litigation tactic of advising a client not to talk to their spouse.

How do the requirements of transparency and voluntariness complement each other?

## **Part 4 – Collaborative Law: Myths & Advantages**

Perform an exercise or tell a story that demonstrates the power of interest-based negotiation over positional negotiation: such as the story of the orange -

<http://web.mit.edu/negotiation/www/NBivsp.html>

Did any of the myths concern the audience members prior to this video? Do they have any further questions about those myths?

Discuss how Collaborative Law is a form of limited assistance representation (unbundling). Discuss how limited assistance representation can increase the use of attorneys in cases where the parties might not otherwise want or be able to afford litigation counsel.

Discuss how many Collaborative Law Practice Groups and professionals there are in your area, and identify next steps that audience members might take to get involved in or partner with Collaborative Law programs.