PEACE INSTITUTE
UNDERSTANDING AND DELIVERING PEACEMAKING, UNBUNDLED, COLLABORATIVE, AND PREVENTIVE PROFESSIONAL SERVICES

May 3, 4 and 5, 2018
8 am ~ 5 pm

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THE PENNSYLVANIA BAR ASSOCIATION’S COLLABORATIVE LAW COMMITTEE

PEACE INSTITUTE’S LEARNING OBJECTIVES AND REQUIREMENTS

Learning Objectives:

- Understand the basic concepts, values, and perspectives of peacemaking;
- Survey the developments of conflict resolution and interdisciplinary teamwork;
- Discover the basic concepts, values, and perspectives of limited scope representation, interdisciplinary teamwork, and collaborative practice;
- Identify the mechanics, ethics and value of working collaboratively with attorneys, mental health professionals, financial neutrals, and other allied professionals;
- Analyze the concept and requirements of confidentiality, and how that applies to working as part of an interdisciplinary, collaborative team;
- Discover the basic concepts, values, and perspectives of preventive family professional services;
- Apply skills related to peacemaking through active learning and interactive experiences including group discussion and role play;
- Explore alternative models for conflict resolution, the requirement of informed consent, and helping clients to choose the right process;
- Explore potential career opportunities in peacemaking and examine how to make peacemaking your full-time job.

Course Requirements for CLE/CEU Credits:

- Attendance at all seminar sessions is mandatory.
- Constructive participation in seminar discussion and exercises. Proactive participation is a cornerstone of this course.
- Optional completion of Letter to Client, 8-10 pages and optional suggested readings.

Class Format

Each module will consist of an opening lecture on the topic, class discussion, and an exercise. It is, anticipated that a module scheduled for the first class may continue into the next class session.
Peacemaking and Management of Dispute Resolution

This module introduces the central concepts and themes for this Institute. The focus will be on the roles for attorneys, mental health professionals and financial neutrals and ethical issues regarding peacemaking and will explore establishing a Peacemaking Signature (core values, attributes, type and style of services offered to the public, and demographics of clients served) and designing your career as a Peacemaker and Manager of Dispute Resolution. Students will compare impact of peacemaking from the neutral roles as mediator and evaluator as well as consulting with and rendering service to individual clients. Students will learn the use and elements of apology and forgiveness and how to teach clients to offer apologies in family matters and handle refusal of the other party to accept an apology.

Suggested Readings:

- Mosten, *The Lawyer as Collaborative and Preventive Peacemaker* in Herrera, Reinventing the Practice of Law (ABA 2014)
- Mosten, *Do You Have What It Takes To Be A Mediator in Mediation Career Guide* (2001)
- *ADR Pledge*
- Burnett, *Calm in the Face of the Storm* (2017)

Class Exercises:

- Family Professionals conduct a client consultation to explore and compare consensual and non-adversarial options to litigation as well as a comparison of traditional and peacemaking approaches to client service;
- Family professionals teach client how to offer an apology, offer forgiveness, and deal with a refusal by the other party to accept the apology or offer forgiveness.
Unbundled Service Delivery

The focus of this module will be on the concept of Unbundled Professional Services with a consumer oriented approach. We will discuss coaching clients in discrete tasks and being a shadow professional to improve knowledge and ability of people in conflict to meet their objectives. We will also review the skills of communication and negotiation, letter/document drafting, and coaching clients in negotiation and serving as a consulting professional in mediation.

Suggested Readings:

- Mosten, *Mindset Quiz: Are You Ready to Unbundle?* (Unbundling Legal Services (ABA 2014)
- Mosten, *Unbundled Legal Services to Enhance Peacemaking for Divorcing Families* (Family Court Review, 2015)

Class Exercises:

- Consult with a client discussing limited scope services, comparing limited scope to full service. Prepare and coach a client to allocate tasks for the professional to serve as ghostwriter for letters and documents as well as communication and negotiation coach. Serve as a shadow limited scope coach in mediation.
Collaborative Practice

This module will explore the basic concepts of Collaborative Practice, informed consent, the Professional Disqualification Clause contained in a Collaborative Participation Agreement, the building and use of an Interdisciplinary Professional Team, using attorneys, mental health professionals and financial professionals, and the use of Interest-Based Negotiation.

Suggested Readings:

- Collaborative Principles and Guidelines
- Gramache, *Family Peacemaking with an Interdisciplinary Team: A Therapist’s Perspective* (Family Court Review, July 2015)

Class Exercise:

- In a role play in a joint client meeting with lawyers, mental health professionals, financial professionals, discuss the collaborative practice process and use an interdisciplinary team to help the clients to build agreement on a family residence.
Family Professionals as Preventive Health Care Providers

The last module will focus on Preventive Practice. Key concepts include the professional’s role as preventive health care provider, making an office a client classroom, symptomatic and asymptomatic family conflict, and building a preventive tool box.

Suggested Readings:

- California State Bar Legal Health/Wellness Checklist
- Mosten and Traum, Family Lawyer’s Role in Conflict Wellness (Family Court Review, 2017)

Class Exercise:

- Conduct a Client Consultation to Prevent Future Client Following a Signed Divorce Settlement Agreement