The Path to Enlightenment

By Beth Pride

When my old friend first joined AA, he took on the predictable fervor of a new religious convert. At gatherings, he began holding forth on the benefits of the 12 steps, with the glow of one who has discovered the One True Way. He scoffed at the knee-jerk naysayers who wondered out loud whether there were other paths to sobriety, or room for interpretation along the one he was on. Those of us who’d known other new members of that program nodded our heads with the mixture of hope and bemusement reserved for those who have just recently seen the light and are dazzled by it. It’s lovely to find an answer that unclenches the fist in your gut, lovely enough not to care that the unconverted believe you are hopelessly naïve.

Four or five years ago, I started to notice this phenomenon at motions court. In our county, I imagine like most, the domestic relations bar is so self-contained that even when we have never worked together or opposite one another, we recognize members of our own tribe. A handful of my tribe had begun to rumble about collaborative law. I heard the murmurs at bar functions and in the halls of the family court building. The pleasantries had the tone many of us use outside the hearing of clients, but there was a new and fervid enthusiasm. Like many others, when cornered by an acolyte, I listened patiently and nodded, covertly glancing at my watch. I liked these lawyers, but to me they seemed hopelessly naïve. Some lawyers, though, saw something sinister in it. The idea that clients could be better served by a different approach to dispute resolution implied that our approach was bad for clients. We all agreed that there is too little justice in the justice system, but this new approach suggested that lawyers are the problem, not structural deficiencies of the legal system, not lazy, indifferent or overburdened judges, nor dishonest litigants. A collaborative approach is untested and amateur, or unfounded on revered principles of law. Heightened civility cannot coexist with zealous advocacy, disclosure with confidentiality. Collaborative negotiation is doomed to failure. Collaborative law is for cowards. It’s a trap. Clients might be taken in.

Within a year or two, I found myself waking up every morning with a clenched fist in my gut. Having graduated law school with the promise that if I was diligent and had the law and the facts behind me I would prevail, I had finally succumbed to the reality that success for my clients was often arbitrary. I came to believe that my best efforts were mostly irrelevant to the outcome of cases, but not to their expense, both emotionally and financially. The harder I fought, the more it cost. Even successes were often outweighed, sometimes substantially, by the expense of achieving them. I mean the expense for my time, of course, but also the expense to the already damaged relationships of parents who had to find a way forward in co-parenting their children, and to the psyches of clients who had navigated a wrenching transition by way of a monstrous brawl. Every time I reviewed a bill before it went out, I wondered how I would feel if I was the client receiving it.

Finally one day, blindsided by a cranky judge, I resolved to find another way to earn a living. Having (mostly) successfully trained my husband and teenagers to hash out their differences without weapons, it occurred...
Peacemaker’s Corner

By David A. Miller

Our committee is reviewing the Uniform Collaborative Law Rules/Act to determine whether to support adoption of a statewide rule or law in Pennsylvania. I personally want to see some version of the UCLA adopted. This article does not have sufficient space to fully set forth the pros and cons of the ideas presented so I will offer a condensed version of what I believe to be the three most important reasons for a statewide law. A statewide law would protect the disqualification rule, provide statewide legitimacy for the process for the general public, and provide statewide consistency for collaborative practitioners.

The core principle of the collaborative process is the disqualification rule requiring both attorneys to withdraw if either side goes to court. Without that, it is not a collaborative case. I prefer a law over a rule. As long as we have a statewide law that strengthens the disqualification rule, I would be supportive. If you study the recently enacted Ohio Collaborative Family Law Act you will realize a statewide law does not have to contain every word in the UCLA.

Think of this in terms of the remedies if two parties and their attorneys intentionally violate the disqualification provision of a participation agreement. There are at least five types of remedies depending upon where the disqualification provision lives: contract, court order, ethics rule, court rule (UCLR or local rule), and statutory law (UCLA).

The current remedy in most states if someone violates the disqualification rule is governed by contract law. Some argue they do not want the legislature or the court defining a process that works fine the way it is. Some may even say that the status quo provides the most freedom. If the collaborative process fails, the parties are free to ignore the disqualification rule if they all agree. Who is there to complain if everyone agrees and why would a court care? If you had the epiphany I described in the first “Peacemaker Corner” article, you care very much because you know that ignoring the disqualification rule removes the element that sparked my epiphany. The contract remedy exposes the core principle of the process to parties and attorneys who agree to ignore the

(continued on page 19)
Editor’s Note

By Mark Criss

In this issue of The Trend, we look backward to last autumn’s IACP Convention, sideways at what practice groups and the PBA Collaborative Law Committee are initiating, and forward to the destiny of the Collaborative movement in Pennsylvania.

Without exception, participants attending the IACP forums and conventions have reported inspirational experiences. Many who attended have contributed their recollections to The Trend in the hope that others will join them next time. This year’s IACP convention is in San Antonio in late October. Make your plans now. Go.

Practice groups around the state are in different phases of evolution. Yet they have much in common. Each seems to be energetically expanding and finding new ways to increase both professional and public awareness of the benefits of the collaborative process.

The president’s message gives one perspective on the debate about whether the Collaborative Law Committee ought to adopt a formal position approving the adoption in Pennsylvania of the Uniform Collaborative Law Act (or Rules). Practitioners are not of one mind on this important issue. The debate is multifaceted as the Peacemaker’s Corner makes clear.

To me, the most interesting aspect of the debate is a philosophical one: Should collaborative processes continue to grow organically for a while longer? Would a law impose too many restrictions inhibiting creative growth? I have not decided. I do know, however, that it is my responsibility to think these issues through and fully inform myself about the debate, before casting a vote on the question. A wrong step here could set the movement back a long way. Still, if the debate seems robust and informed, I will feel able to support the majority’s decision, even if I vote the other way.

Finally, The Trend welcomes those who contributed pedagogical articles and personally revealing reminiscences for the edification and entertainment of our readers. We love to read about other’s experiences, especially how things went wrong, and how they were put right in the end. (Happy endings preferred, but not required.) Humor is an especially cherished quality here at Trend headquarters, so please start working on your contribution for the fall edition.

Don’t be like me. I had a really funny idea for an article. But I ran out of time.

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PBA Committee/Section Day

April 11
Radisson Hotel Harrisburg
Camp Hill, Pa.

Collaborative Law Committe: 11:00 a.m. - 12:30 p.m.
When Mark Criss asked me to write this piece for The Trend, I was a bit thrown. I haven’t practiced law in over 25 years, and frankly I haven’t missed it much. But maybe that was the point. Maybe Mark was a bit intrigued by my story of how the collaborative movement had lured me back to involvement with (if not the practice of) a profession I’d turned away from so many years ago.

You see, I’m a former attorney. Like many of the collaborative practitioners I’ve recently met, I was a dissatisfied litigator. So I would sneak in some volunteer mediation work, almost as a guilty pleasure. But making a living as a mediator didn’t seem realistic in the 1980s. I finally acknowledged to myself that I was more drawn to the complexities of human emotion and behavior than the convolutions of the courts. I went back to school so I could practice psychotherapy, and I never looked back.

My interest in attachment theory and relationships led me to Emotionally Focused Therapy, a model for working with couples that also informs my individual work. It is based on adult attachment theory and research on how individuals “miss” each other when deep emotion is involved, especially if an important relationship bond is insecure, threatened or injured. EFT is powerful and often transforming, but it’s also a difficult model to master, and those who are serious about it go through extensive training.

It was actually at an EFT seminar that I heard about the collaborative divorce movement. I wasn’t interested in practicing law again, but I could be very interested in playing a part in this process. I was intrigued by the idea that my training and experience could help families go through this fundamental shift. I suspected that my work in helping couples heal connection, as well as in helping individuals recover from loss, could also help others move through the ending of that connection in a compassionate way.

I got back to Pittsburgh and found CLASP, just in time to attend the Master Class with Pauline Tesler and Woody Mosten. I was blown away by the energy and engagement of the collaborative practitioners in the room. But it raised so many questions. If I were to think of doing this, adding a new dimension to an already fulfilling career, I wanted to know that I was bringing something valuable to the table.

Shortly thereafter, I took CLASP’s basic training and learned that, while Tesler advocates the two-coach model, CLASP is committed to using a single neutral mental health professional (the “Texas model”). This means a fundamentally different role for the MHP.

Wanting to understand the nuances of this difference, I contacted Linda Solomon, one of the originators of the model and asked for help. My reward was a two and half-day small-group seminar, discussing the nature of the MHP’s role, including how the skills and knowledge of a therapist are best utilized in this very different context. Incidentally, I came away convinced that Pittsburgh has it right — there may be arguments in favor of two coaches, but there is no tool more powerful for collaboration than a neutral in the room.

Since then, I’ve discovered an incredible synergy between trainings in collaborative work and psychotherapy. Recently, I had the opportunity to attend a two-day seminar on infidelity conducted by Ting Liu, an internationally renowned researcher and brilliant EFT practitioner. In part, Dr. Liu shared the research on: gender, age, and cultural differences in response to infidelity; the impact of infidelity on emotion regulation; links between emotions and appraisals of self and others; and using emotion to help facilitate change. How vital to my therapy work, but also how applicable to collaborative divorce work!

As I seek out opportunities to learn from the best practitioners and researchers, it is clear that the benefit to myself, and therefore my clients, reaches beyond the knowledge acquired from the expert. I am frankly hooked on the energy of those others, in law and in psychotherapy, who share my passion, my values, my desire to exchange ideas, and the desire to keep growing professionally in order to be that much better.

(continued on page 5)
Did you ever receive a timely reminder of a “good practices” point in an area seemingly unrelated to the day job? Developing studies in neuroscience using active CAT scans and EEG’s appear to provide insights into brain activity in people under varying degrees of stress. With emerging understanding of how certain areas of the brain “map” for certain activities, scientific observation is aiding in conflict resolution.

A high point of the New Year’s holidays is the increased frequency of English Premier League soccer games on TV. Watching with my [then] 16 year old son as his favorite team Arsenal, unable to hold a 2-1 lead [a constant worry for Arsenal fans] lost 3-2 to their London rivals Fulham, I observed with clinical detachment the failure of the Gunners’ midfield to protect the wavering Arsenal back four. James and I discussed this fact in clipped tones as the Cottagers players mobbed the winning goal scorer in the closing seconds of injury time.

I was at first surprised when James, generally a calm young man [he gets that from his mother’s side] reacted rather negatively to a suggestion by his mother…”Now that the game is over, could you put this laundry away please?”…a reaction which, let’s say was somewhat disproportionate to her reasonable proposal.

As the thunder of unhappy size 12’s receded to the back of the house [cue SLAM of door]… I mentioned that the collapse of what looked like a comfortable win MIGHT have been all that his mind could process at that moment…”But I waited until the game was over”… was the perfectly reasonable response of Mom.

So here’s the thing…and thank you if you have stuck with my tenuous thread thus far…in the properly structured process of mediation (pre-mediation conference, mediation statements, meaningful inquiry and observation by mediator) we often enjoy the advantage of forewarning of issues and questions that are likely to fire the emotional, non-rational areas of the brain.

And those CAT scans indicate that when the emotional centers go red hot…the analytical centers go stone cold… and remain that way for quite some time AFTER the hot spot of the initial outburst has calmed down. Is science confirming what we often have done via intuition? Change the subject, redirect, reframe, acknowledge a person’s reaction by reflecting their pain at the failure of the wing midfielders to track back, exposing the centre backs to overlapping attacks and crosses…and WAIT a few minutes before asking them to pair socks.

Further discussion of the intricacies of effective defense in depth, and its application to real life is happily discussed over a Pint at the requestor’s pleasure.

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Different Perspectives: The IACP Forum

One Method to build or increase your collaborative practice – Attend the IACP Forum

By Lea E. Anderson

Whether you have just completed the basic collaborative training or are a seasoned and experienced collaborative attorney, attending the annual IACP Networking and Educational Forum in October is a proven recipe for building or increasing the pace and quality of your collaborative practice. The International Academy of Collaborative Professionals (IACP) is an international community of legal, mental health and financial professionals working in concert to create client-centered processes for resolving conflict.

The format of the most recent five forums — the ones with which I am most familiar — has been consistent. Thursday and Friday day-long pre-forum institutes are held. The forum officially opens on Saturday morning and concludes on Sunday afternoon. So much is packed into those two days, your head will swim. Also, you will hear many accents and languages from the more than 600 attendees from about 10 different countries!

Registration options include attending one, both or none of the pre-forums and selecting from over 42 different workshops offered Saturday and Sunday. The wide selection has offerings for mental health professionals and financial professionals, in addition to attorneys. The workshops vary in length from one and a half hours to three hours and vary in depth and focus from general interest to advanced. You can tailor your attendance to take what is most interesting and beneficial for your practice and skill level.

Each forum has a central theme that is reflected in the message of the keynote speaker for lunch on Saturday. In my experience the speakers have all been excellent and the messages have been helpful and relevant to my collaborative practice. Recent themes have included “The Collaborative Community … Stepping Up and Reaching Out” for which the speakers, Camille Milner, JD and Wesley Milner, PhD, addressed Justice vs. Peace and Reconciliation. Their talk resonated with me because I struggle with those cases in which clients concede dollars for the sake of peace or more important nonmonetary matters. Another recent theme was Commitment, Competence and Community, featuring Robert Mnookin, Director of the Harvard Negotiation Research Project, who spoke about when and when not to Bargain with the Devil. From his comments, I took away a resolve to clarify boundaries for myself in the process and to develop better screening questions.

From these two examples, you can begin to see that attending the core of the Forum on Saturday and Sunday will impart a valuable message to increase your competence as a collaborative professional. However, for me, the greatest benefit comes from attending both of the pre-forums. These are six-hour intensive workshops led by recognized and experienced professionals who focus on a particular subject and drill down into the real meat of an issue.

One such person, Elizabeth Ferris, a marketing expert specializing in Collaborative Law Practice marketing, offered a pre-forum that I attended several years ago. I walked away, six hours later, with an “elevator speech” which I had carefully crafted and practiced. Liz analyzed, edited and helped me to perfect the short speech introducing the collaborative law process. I also heard several testimonials from attorneys who shared the marketing strategies each had previously developed with Liz and described how much their collaborative practices had grown during the preceding year. From these real life experiences and Liz’s input and feedback, I started to develop my own marketing plan. When the pre-forum ended, I had a new and strong resolve to market and grow my collaborative practice and a roadmap to achieve results.

Another pre-forum focused on integrating coaches into the team. I was very excited for this program because our practice group was not yet using coaches and I felt strongly that using a coach would greatly improve the collaborative experience for clients. This pre-forum was very well attended by mental health professionals, and I, as an attorney, was in the minority. I remember feeling slightly awkward and out of place, but that feeling disappeared quickly after the program started. The presenters were experienced in the “one coach” model and addressed its benefits, answered questions and talked about best practices they and their practice group had developed. Their comments were practical and confirmed my thoughts that having a coach was preferable to not having one. After learning how the one coach model was designed to function, we worked through role plays and got...
to experience how a coach could gently keep the process on track by addressing emotions in a nonconfrontational way. Indeed, this program changed how I practiced collaborative law!

I brought my enthusiasm for the one coach model to our practice group and over the next several months we started to use this model. Ultimately, we expanded our practice group to include mental health and financial professionals as members.

I have touched on the very concrete benefits of attending the Annual Forum. The tangential, and equally important, benefits include exposure to the passion for the collaborative process that is absolutely pulsing in the air and the opportunity to be with like-minded professionals who are very friendly and anxious to share their experiences and hear yours.

This year’s forum is in San Antonio, TX, from October 24-27, 2013. I look forward to seeing you there and advancing collaborative practice across Pennsylvania.

My Highlight from the Chicago IACP Forum

By Mary Beth McCabe

I took a basic Collaborative training through the PBI in October of 2009. In October of 2012, I attended the IACP’s 13th Annual Networking and Educational Forum in Chicago. I attended three days of workshops on a wide range of topics. One course was a Pre-Forum Institute workshop titled “Values, Money and Law in Collaborative Practice” lead by Pauline Tesler, Esq. Ms. Tesler is the author of Collaborative Law: Achieving Effective Resolution in Divorce Without Litigation and is a founder of the Integrative Law Institute in California.

There were two key phrases I learned in this workshop that I would like to share. The first phrase is “It’s Not About the Money!” Pauline took us through the role that money (a means of value transfer) has played in human interactions from the days of the early hunter/gatherers to modern society. The American Court system uses money as the sole tool for measuring and compensating an injured party. The ability to redress our client’s injuries from a divorce by the impersonal “tool” of money does not heal the injury.

In divorce, the client experiences a drastic relationship change. A couple goes from a non-monetary, intimate relationship to an arm’s length business transaction. Often, there is a timing difference between the parties over the decision to divorce and the emotional recovery from that decision. Attempting to start financial discussions when one party is still recovering from the emotional trauma of the divorce may be counter-productive. When this happens, money becomes the emotional substitute for the loss of the relationship. We have all had the cases where one party has received a considerable settlement, gotten every last penny, and still feels dissatisfied and unhappy. So, remember, “It’s Not About the Money!”

The second key phrase is “I Can’t Let My Client Do That!” This phrase is one that a Collaborative Lawyer should never use. Each of us has an ingrained emotional/psychological attitude about money we learn from our family. The workshop participants took a “Money Style Quiz” to discover our personal money attitudes. As practitioners, we need to be aware of and understand our personal values that we bring to the table so that we do not impose those values on our client.

We need to trust our clients to make their own choices based on their values. The phrase “I can’t let my client do that!” has no place in Collaborative Practice (or in traditional litigation, for that matter). The collaborative case starts with the client’s values and goals as the road map for the process.

Collaborative Practice allows us to do things differently from the courts, to offer our clients other means of redress and healing to fulfill the role of attorney as peacemaker. Now that is a paradigm shift!

Reflections on Chicago

By Zanita A. Zacks-Gabriel

Attending an IACP Forum is an unforgettable event. The last IACP Forum was held in Chicago this past October. Wonderful conference, wonderful city. This is the third Forum that I have attended, having previously attended Washington, D.C. in 2010 and San Francisco in 2011. Chicago continued the upward trend.
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Being in one place with colleagues from not only across the U.S., but from literally across the world, is an amazing, energizing experience. The amount of talent that is present at an IACP Forum is staggering. And best yet, everyone wants to help, to share, to learn, to teach.

For those of you who have not yet gone to a Forum, please come to San Antonio, TX, October 17 - 20, 2013. Although the conference officially opens Friday evening, beginning Thursday and all day on Friday, the IACP offers full-day seminars on various topics. I have had the good fortune to attend two pre-Forums with Pauline Tesler, one of the pioneers of the movement and one of the most provocative, imaginative and brilliant thinkers of our entire collaborative movement. You have an opportunity to investigate, learn and engage in a very detailed way. The skill-building that happens at a pre-Forum seminar is exponential.

During the actual Forum, Chicago offered 42 different workshops. I took a seminar with Stu Webb! I left Chicago, once again, wishing that I had had the time and opportunity to do all 42 of them. The range of content is wide and wonderful. The socializing is extraordinary as well. The networking, parties, and events are all superlative.

I hear that San Antonio is an absolutely wonderful place, and especially lovely in October. I hope each of you has the opportunity to join me there. Scholarships are available. If finances are a problem, contact the IACP. They are really wonderful about making this Forum experience accessible to as many as possible.

Come learn, come be energized, come and skill build. It is an unforgettable and wonderful experience!

Link to IACP October 17-20, 2013 Forum –  

Link to IACP Website -  
https://www.collaborativepractice.com/_pro.asp?M=8

Recollections from IACP Convention

By Bradley Enterline

The conference was enjoyable, informative and inspiring. One of the reasons I like to go is to become reinvigorated in the collaborative process. It is great to be with so many like-minded professionals from all over the world. While much of the learning happens in the multitude of sessions, there is so much informal sharing of ideas, models and process over lunches and on breaks. Many times we were able to share ideas on difficult cases or issues that we encountered in our practices.

If you like to travel, the event allows you (and spouse in my case) to visit a different city each year and experience the architecture, culture, and, most importantly ... food! Lauri and I went on a fascinating riverboat tour of Chicago that highlighted the history and architecture.

This year I participated in Pauline Tesler’s session on “Money, Law and Values-Based Collaborative Conflict Resolution.” It was an excellent presentation on how we all have certain built-in biases regarding how we think about money and the values we bring to the table regarding those issues.

The hardest task in going to the Annual Forum is deciding which sessions to attend!

Hope to see you in San Antonio.

IACP CONFERENCE JOURNAL,  
October 18-21 2012 Chicago, Il.

By Mary K. McDonald

Pre Forum: A Day at the Forum for Trainers. Presented by Faith Pincus and Diane Diel

Highlights: Faith did the morning presentation and Diane facilitated a discussion in the afternoon. Both had handouts which are available. Faith had several suggestions regarding presentations:
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(continued from page 8)

1. Know your audience
2. Carefully craft your message
3. Be alert to your image and delivery
4. Preview your presentation at the beginning and at transitions (here is what I am going to say, say it, that was what I said)

On 1 (audience): send a survey in advance (5-7 questions) using Google docs or Survey Monkey so you know what the audience is expecting to learn. Get to the facility 1 hour early and introduce yourself to people. Draw a seating chart. Modify your presentation on the fly.
TIP: you are more likely to move your audience to yes if they like you and you show interest in them. Break down the speaker/audience barrier created by the podium by circulating.

On 2 (message): How to create your message:
   a. Write a thesis/purpose based on who the audience is not what I want to teach.
   b. Gather materials for the presentation to accomplish that purpose.
   c. Decide on three main points (people can understand 3 or 5 - odd numbers – but not 10)
   d. Decide the organizational pattern, i.e. categorical/topical, sequential, compare/contrast, problem solution. Can use humor if it is self-deprecating – will not offend anyone
   e. Outline the presentation – then practice two weeks in advance and whittle it down to a key word outline. Check to see if the outline accomplishes the goal/purpose. If it does not, cut out; set aside the extra for another presentation or article.

On 3 (image and delivery): Introductions should be short – 5 minutes. Its purpose is to
   - Preview
   - Creates connections with the audience
   - Grabs their attention
   - Establishes credibility (first impressions are formed within the first 1-3 seconds)

What goes into it is:
   - Attention getting – quotes, stories, analogies, metaphors, jokes, statistics, role playing, questions (if rhetorical do not pause for an answer)
   - Rules on humor – know how to recover if not funny, know the punch line, must be relevant to the topic – perhaps a moral, not offensive. To keep attention – bribe the audience with chocolate or Starbucks, for example.

   - Preview of the rest of the presentation
   - For delivery keep eye contact.

Conclusions should also be short. Know your purpose:
   - Summarize the three points
   - A Call to Action (THE ASK)
   - Reinforce your message
   - Motivate them – leave them thinking
   - Wrap up with some attention getting device - start strong and end strong

Misc.
   - Ask for questions before the end so you end on the high note that you design. Control it: “Before I conclude I have time for a few questions”. Limit the time and say you will be available afterwards for additional questions, if necessary
   - Do not pass out handouts until after the presentation to keep attention. Assure the audience when the material that you are discussing or the references that you make will be in the handouts.
   - Hecklers:
     - Do not look at the questioner when answering
     - Do not look at them during the rest of the presentation
     - Stand near them – in their space
     - If really bad – “You seem to know a lot about XXX or have a lot of opinions about XX (look at them while saying this) so would you please write it down and see me at the break”. Then at a break speak with them in private and invite them to leave as they are ruining it for everyone else. As a last resort,
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have the organizers remove them.

- Transitions – use them – looking backward/looking forward – is an effective form of repetition. PEP: Point Example Point

Manage your image:
- Dress better than you think your audience is going to be dressed
- Dress appropriate for your audience
- Darker rather than lighter clothing as perceived as more competent
- To add color use scarves, blouses – no stripes for video
- No sport or holiday ties
- Shoes – polished – no holes!
- Little jewelry
- Keep hair out of your face
- Wear a suit, preferably
- Do not wear red when a speaker
- Shoes should be closed toed

Toastmaster’s is a good place to get experience in public speaking.

Comments on PowerPoint
Rule 1: It is a visual aid – not the presentation. Uses for it are:
- It accomplishes something with visuals
- If it helps to explain better
- Use of a video
- Blank slides are useful if you do not have one for the topic that you are speaking on; otherwise it becomes a distraction

PP should not be used because
- You want the outline on the screen
- You do not know how to use it

Rule 2: It is NOT your speech outline
Rule 3: It serves a particular purpose that cannot otherwise be explained

First create your outline, then chose the visual aids after the key word outline is done.

How to select the images:
- Graphs tell a story
- Make a point
- Grab attention
- Better seen than heard
- To walk through forms

Design:
- Contrast – makes an element different to increase understanding
- Repetition – repeat visual elements to create story unity
- Alignment – place elements deliberately and rationally to improve clarity
- Proximity – place related items together to convey relationships
- DO NOT LOOK AT IT – Use cues to move slides
- FONT – 48 at a minimum
- Reverse type is hard to read
- Do not use templates
- Do not include a logo on all slides
- Focus the slides – text on a screen is not visual – put that in a handout
- Cartoons are great – can get photos and graphics from Istock.com
- Do not use blue background with black ink
- Keep it simple
Logistics:
- Have the screen off to one side – not in the center
- Send it to the organizer in advance and bring a copy on the flash drive
- Keep the lights up
- Have blank slides for the times you do not have a slide on point
- Have a blank slide for the end
- FYI: hit the “B” key and the screen goes black; hit the “W” key and it goes white

Basic Public Speaking Tips:
- Keep eye contact with everyone in the audience. With a large audience, divide the audience and pick a friendly face in each section
- Move around for memory and immediacy
- Have nothing in your pocket
- Have nothing in your hands
- If you need to check your notes, have a glass of water there to go for a drink and you can check notes without it being so obvious
- Drink water from a glass (not a bottle) and do not have ice cubes in it
- Pause for effect and to maintain eye contact
- Vary your vocals – fast/slow, loud/soft. Faster when reciting statistics/numbers. Repeat the most important ones
- Listen to questions – make your answers succinct and direct. When answering, look at the entire audience – not the questioner
- Use handouts for resources; do not pass them out during the presentation; if you need one for exercises, have the pile face down on the tables and tell the audience when to use it.

Diane’s presentation was more lowkey than Faith’s. She addressed the IACP Training in particular. She also offered pointers on presentations.

How to deal with the “Village Idiot”, i.e., attendee asking many questions during the training
- Have a member of the training team sit with him
- Talk to him about the effect all of the questions are having on the training as a whole
- Have the questions written down on a “parking lot” sheet and assure him that they will be addressed
- Ask to hear from other people
- In advance, ask the organizers to introduce the speaker to troublemakers
- Offer to refund the entire tuition and let them go

On Handouts
- There were observations that different people have different processing styles and may need the handouts during the presentations
- If the handouts are references then there is no need to refer to it during the presentation

She noted that the IACP Standards for Trainers were written in 2003 and that 8 cases that were required may be too low. That opened a discussion about the enforceability of such a requirement. She also noted that the Interdisciplinary Training was in flux.

The Roundtable Materials are very valuable for all trainers.

October 20, 2012
No. 9 Financial professionals: Is Neutrality Really Necessary? Presented by Diane Diel JD & Gaylene Stingl MST, CPA, CVA

There was a discussion that, if the professional came into the CP as aligned, i.e., working with one spouse with transparency as reflected in the minutes, then it would be acceptable for that professional to continue to work with that spouse afterwards. There could be a neutral and a separate aligned financial who could be invited to the meeting. Since there are often “shadow advisors” it seems a better practice to identify them and bring them into the process.

It is important that there is clarity in communication regarding the roles of the participants.

Many spoke of the Power of Neutrality and the sanctity of the Participation Agreement, particularly because of the confidentiality of the discussions. Would they...
be legally discoverable even by a subpoena if there were “advisors” with access to the meetings. The consensus was that any such professional must sign the PA in order to be a part of the meeting.

The materials on the CDs were the protocols from the D.C., Massachusetts and Silicon Valley groups

No. 15 An Introduction to the Art and Science of Collaborative Practice presented by Anthony Aloia PhD

This presentation was heavy on psychological theories. His slides lay it out in detail. Hey are on the convention CD. Dr Aloia spoke about the difficulty of engaging high narcissistic personalities in the Collaborative Process. The professions with the highest percentage are pilots, clergymen and surgeons. The check list that pilots use can be applied to Collaborative Law, namely, “see it, say it, fix it”. Where there is danger, there is also opportunity. The narcissist has a fear of being inferior; the borderline personality’s greatest fear is of being abandoned. These two types have the highest rate of conflict. The sociopath has a fear of being dominated and some research suggests that they actually are missing the part of the brain with which one feels empathy. Since empathy is crucial to CP, the most successful collaboration occurs with those in the middle of the spectrum. Expectations create a bias and confirmatory biases only look for information that supports one’s own bias. That is why it is key to look at values before interests. Expectations must be handled in the beginning. At the first interview it is very important to know what to ask, what to look for and to identify red flags. One interesting thing he said was that criticism is better than brainstorming as it releases more creativity. We, as practitioners, are invested in the process not the outcome.

No. 39 The Emotions of Family Finances: Finessing Fear, Formulas and Fairness Presented by Daniel Cantone JD, Jill E. Engle, JD, Lisa Herrick PhD, Lonnie Broussard, CDFA, CFP

The slides are very interesting as they encapsulate the information discussed. They are on the convention CD. The presenters noted that the professionals are also dealing with emotions: fearing the negative emotions generated in a divorce, that one will not do a good job, that one will lose a client or business.

The presenters discussed when to bring the emotions to the table and how to do it. The attorneys have different approaches themselves to the emotions involved with finances:

- The Anticipator: is in tune with the feelings of the client – he manages emotions and wants to be the leader
- The Pre-emptor: knows the feelings and has hope in the process. At the first sign of anxiety will bring it to the table;
- The Reactor: tries to avoid coping with emotions until they erupt;
- The Delayer: the emotions are already at the table – wants the client to hang in and get to dealing with finances sooner;
- The Muzzler: avoids the emotional like the plague

The clients have different money personalities – and generally have a primary one and a secondary one:
- Savers
- Spender
- Risk taker
- Security seeker
- Flyer

The coach may have worries as she has to think about the couple’s dynamics before the separation as well as what is happening in the meetings. Her concerns may include:
- The quality and strength of her team;
- The financial reality of the couple;
- What the couple’s dynamic had been about money
  a. healthy — a job — symmetrical philosophy, balancing saving and spending, a stable contract about earnings;
  b. a fragile contract during the marriage which looks like it works but there is an undercurrent of feeling — the wage earner feeling overburdened and the homemaker feeling guilty, afraid and resentful; or
  c. battling openly for years about money.

The basic message was to begin the dialogue about finances early in the process and deal with the emotions.
NOTES FROM THE IACP CONFERENCE

By Candice Komar

I had the pleasure of attending my second International Collaborative Law Conference in Chicago this year. It was at the lovely Palmer House Hilton Hotel from October 18 - 21. I am always struck by the incredible positive energy at the conference and the eagerness of all the participants to share their experiences. The pre-forums, which are the two days of programs prior to the actual conference starting, are always unbelievably helpful and informative. The two pre-forums I registered for were titled: “More Than Just A Good Idea – Working With Interest in Collaborative Negotiations” and on the second day, “Money, Law, and Values – Based Collaborative Conflict Resolution”. It was taught by Gary J. Friedman, J.D., Jack Himmelstein, J.D., and Katherine Eisold Miller, J.D. All of our instructors were dynamic and engaging and extremely experienced.

The first hour and a half was devoted to a process called “looping”. I have seen looping done mostly by coaches and some more eloquent and experienced collaborative practitioners. Looping helps the client feel that you really and truly understand them (without judgment) and helps you reach a deeper understanding of what the conflict is really all about. We often use the example of each party wanting an orange (their positions) but for different reasons, one for the pulp to make orange juice, and the other for the rind to use in baking (the underlying interests). Once the positions are disentangled from the interests, everyone can be satisfied. The technique of looping helps examine positions and assists the collaborative practitioner in peeling away the concrete demands of a party to expose the intrinsic demands beneath. We did the proverbial “role play” and Role Play Number 1 was to practice looping with another person. I found myself face-to-face with a slender calm looking practitioner my age, with sparkling intense blue eyes, from California. She had a lovely tone to her voice and I was a bit disarmed in that her looping technique seemed almost perfect. I, on the other hand, struggled a bit, and although I understood the concepts, I found myself stammering around for the words. We chatted after the exercise and she revealed that she has, for the past three years, been solely a collaborative practitioner and did no further litigation. She indicated that her focus had made her a better collaborative practitioner. She felt that, although for economic reasons and possibly other reasons people try to do both, once she made the plunge, her collaborative skill set became better.

I had an opportunity to chat at lunch with another individual who was also from California and, as it happened, in the same county as my looping partner and I joked about how good she was at the looping technique. My luncheon companion confirmed that my role play partner was, indeed, a wonderfully accomplished practitioner and he spoke of her with great warmth and admiration. Apparently, she is modest about her talent. The loop of understanding is the following:

THE LOOP OF UNDERSTANDING
Step 1: M inquires of P
Step 2: P responds, asserts M
Step 3: M demonstrates and confirms Understanding P
Step 4: P responds M

If yes, loop is complete. To further understanding, mediator can ask: “Is there more?” and return to Step 1. If no, go back to Step 1 and ask: “What am I missing?”

The next concept is getting to what is the interest of what looping assists. To elicit interest of a party and help each party identify what is really important, significant, meaningful and beneficial, the process is to:
1. Ask, loop, probe;
2. Explore beneath positions;
3. Empathize, imagine, suggest.

We learned that interests, as opposed to positions, are those things that are:
- Significant to a party (has emotional resonance);
- Points toward multiple options (not too specific);
- Tangible, graspable (not too general);
- Described as present or future benefit (rather than cost to other). For example, “I would like to reside in a home that is comfortable and suitable for me and my children to live in” as opposed to “I want to remain in the marital residence.”

Once you have looped and explored everyone’s interests, you can then brainstorm to develop the various options. Options are not to be evaluated, once you put
them up, just listed, no attributions, all options encouraged and neutral’s options are also included.

The goal is then to evaluate the options together in an effort to craft solutions workable for all parties.

1. Prioritize - Each party designates the most and least workable option.
2. Categorize – Put options in relevant categories.
3. Assess Against Reference Points – Each party assesses all promising options in terms of how they meet all parties’ needs and interests; each party assesses all promising options against other reference points.
4. Create Packages – Parties develop multiple proposals with elements from different categories.
5. Negotiate Outcome – Parties refine, test and choose.

As with my prior experience in San Francisco at the pre-forums and even in my collaborative training, a session from 9:00 a.m. - 3:00 p.m. (lunch brought in for 45 minutes), goes so fast. You are simultaneously electrified, exhausted, excited and challenged. The sessions are so interactive. Quite a few times, volunteers from the audience agreed to use a microphone and go on the stage and role play. Although the terminology and process may seem, for lack of a better word “corny”, the overall effect of this program was that I came away with a fundamentally deeper understanding of how important it is to take the time to plumb the depths of the parties’ source of conflict before developing and evaluating options. In fact, if one jumps too fast to the developing and evaluating options phase (something we lawyers tend to do in our “get it done world”), there is less likelihood of an agreement that is actually going to be signed. Utilizing the “V” process, depicted below, realizes the full potential of the collaborative process and creates the best environment for the goal of transforming the relationship of the parties.

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**THE “V”**

**CONCRETE POSITIONS**

STAGE 1: CONTRACTING

STAGE 2: DEFINING THE PROBLEM

INTERESTS

STAGE 3: WORKING THROUGH CONFLICT

MEANING

**SOLUTIONS**

STAGE 5: CONCLUDING THE AGREEMENT

STAGE 4: DEVELOPING & EVALUATING OPTIONS
to me that the skills I use in my family could be useful in my profession. Within a week I signed up for mediation training, and started to plan my happy future as a busy and prosperous mediator. However, in mediation training I confronted the reality that neutrality, never my strength, is non-negotiable. I struggled to work out how to ensure that mediation clients are informed about the law without giving them legal advice, and how to keep one client from bullying the other without taking sides. Finally, I conceded that an ideal mediation would be between parties who have their own lawyers, but this seemed to guarantee that for every two steps forward in mediation, there would be at least one step backward when the lawyers reacted. Equally troubling was the revelation that it is rare if not unknown in this region to make the kind of living as a mediator that I had envisioned. This didn’t ruin my enthusiasm for mediation, but it did open my mind to supplementing my practice.

Two members of my mediation training group were fulfilling a requirement as collaborative practitioners. They did not evangelize, but I had lots of questions about the process I had first heard about from early converts in the halls of family division. As they mused about how mediation skills could be applied in collaborative cases, I began to wonder if, in addition to deepening the client pool, collaborative law could provide the benefits to my clients that I was seeking from mediation, with fewer obstacles. I began to imagine a process in which all the participants are working together to solve problems for mutual benefit, instead of working resolutely against one another at mutual expense, and where clients are responsible for the outcome of their own cases and the impact on their own lives. I learned for the first time that there was a collaborative practice group that seemed to include most of the lawyers I especially liked. I felt like a secret believer discovering I had all along lived next door to a secret church. I enrolled in the next collaborative training, and started planning to open my own practice.

In collaborative training, I found myself surrounded by truly like minds for the first time since I graduated from law school. Repeatedly, I heard other participants express the frustration with adversarial practice that I had long felt, and the exhilaration I was feeling now. It seemed my epiphany was shared by most or all of the participants in my training. Instead of leading clients into a mess, we could lead them out of one. I opened my practice and joined my practice group, and faithfully explained to each new client the relative risks and benefits of adversarial practice, mediation, and the collaborative process, but my special enthusiasm for collaborative law was surely apparent. Nevertheless, most cases came to me either in progress or with opposing counsel already in place, and while it was easy to build client enthusiasm for the process, it was hard to commence a collaborative case. Undeterred, I attended advanced training. If I went into advanced training a novitiate, I emerged a disciple.

Finally, the cases started to come. Clients began to call for appointments who had already heard of the process, or were looking for a way to get through the transition of a divorce with fewer bruises. In the early cases I benefited from the support and expertise of opposing counsel, remembering keenly how unsupported I had been in my early adversarial cases. Unlike adversarial negotiation, the collaborative process is largely intuitive and the clients are empowered. I felt my clients had received a fair and workable result, without the terrible price. I don’t know whether they are aware of what they avoided by engaging in the collaborative process to sort out their lives, but I am. As I send out my monthly bills, I feel confident that I have given the best value to my clients that I could.

At gatherings among non-practitioners, I typically hold forth on the virtues of collaborative law. Sometimes I notice that while listening patiently and nodding, someone covertly glances at her smartphone. It’s not that I don’t know I’m insufferable: It’s that I don’t care. The majority of my practice is still adversarial, but eventually I’ll be out of court altogether. I’m still new at collaborative practice, but I suspect I have found the One True Way, and I am dazzled by it.
COLLABORATIVE WORKSHOP IN THE POCONOS

By Mary Louise Parker

On January 26, 2013, committee member Mary Louise Parker, Esq., conducted an introductory workshop on collaborative divorce. The workshop, which was held at the Monroe County Bar Center in Stroudsburg, Pa., centered on “resolving family disputes while preserving dignity and finances”.

The participants, members of the Pocono Collaborative Professionals Group, came from a wide range of professions and included, in addition to Attorney Parker, Michelle Farley, Esq. of the Monroe County Bar Association; counselors Helene Osswald, M.Ed. and Bruce Snyder, MS; and financial experts Timothy J. Hegarty, CPA; Erin Baehr, certified financial planner and Adrian Whitewood.

The topics covered a wide spectrum from the assumptions underlying collaborative practice and details of the participation agreement to the financial impact of divorce and the Children’s Bill of Rights.

The response to the workshop was encouraging, and the members of the Pocono Collaborative Professionals Group look forward to planning additional programs.

MODEST MEANS COLLABORATIVE PRACTICE PROGRAM STARTING

By Lea Anderson

In January, 2011, the Allegheny County Bar Association (ACBA) approved the formation of the Collaborative Law Committee (CLC). One of the goals of the CLC articulated in its mission statement was to lead the development of pro bono collaborative practice programs.

At its monthly meeting on March 1, 2013, the CLC announced the formation of a Modest Means Collaborative Law Panel within the ACBA Lawyer Referral Service for the handling of equitable distribution matters in connection with divorcing spouses. Modest Means clients are those who exceed the guidelines for other programs representing indigents, but who are unable to afford representation at attorneys’ full rates. Paula Hopkins, Esq., Jerry Wienand, Esq., David Breen, Esq. and Lea E. Anderson, Esq., chairman of the CLC, worked in conjunction with Whitney E. Hughes, Esq., director of the Lawyer Referral Service, and Juli Marhefka, Esq., director of the Divorce Law Project, to design and implement the Modest Means Collaborative Law Panel.

In addition to the standard membership requirements of the LRS (membership in the ACBA, having a physical office in Allegheny County and having adequate malpractice insurance,) to join the Modest Means Collaborative Law Panel, attorneys must be members of the CLC and have received a minimum of 12 hours of basic collaborative training. The Panel’s rules and procedures have been carefully crafted so that the best practices of the collaborative process will be maintained. The protocols require the attorney to provide a draft participation agreement, a first agenda, ground rules for the collaborative law process, and the ABA handbook for divorce resolution to the potential client at the initial interview. The retainer agreement must include language limiting representation to the collaborative process only. Most importantly, each attorney agrees to have a team meeting with other counsel prior to the first collaborative session and at least once between every subsequent collaborative session.

The CLC vision includes providing mentors to new and less experienced collaborative lawyers. The initial group of mentors consists of experienced collaborative lawyers, each of whom has qualified as a trainer under the International Academy of Collaborative Professionals aspirational guidelines. For applications and questions about the LRS and the Modest Means Collaborative Law Panel, please contact Whitney Hughes, Esq., at whughes@acba.org.

For additional information about the formation, practices and protocols of the Modest Means Panel, please contact Lea E. Anderson, chairman of the ACBA Collaborative Law Committee at landerson@grblaw.com.
GREETINGS FROM CLASP

By Deborah Conflenti

CLASP is excited to announce its upcoming April basic training. We have recently updated the training to include a third day. The three-day Interdisciplinary basic training will be held April 25-27. The basic training will focus on skills development, ethics, and practice considerations (as we have in the past); however, the additional day will address the role of the neutral. Linda Solomon, LPC, LMFT, has agreed to be the guest trainer. Linda is a collaborative professional working in the Dallas-Fort Worth area. She will focus on the role of the neutral and how attorneys can effectively work with neutrals. Anyone who has been previously completed the basic training and is interested in attending, may register to attend Linda’s presentation.

Other developments within CLASP include a recent decision to work with the Cleveland Group to cosponsor an advanced training in May. Anthony J. Alloia, Ph. D. will be the presenter at the May training in Cleveland. He has maintained a practice in clinical and forensic psychology over the past 36 years, with a forensic specialty of family law and high conflict personalities.

We are hopeful that this event will be the start of an ongoing relationship with Cleveland, which will enable us to bring advanced presenters to the Pittsburgh and Cleveland areas, while continuing our focus of education of not only our members, but all collaborative professionals. Being able to participate in affordable trainings will support our growth in the communities we all practice in. Brochures for this training will be available shortly.

For anyone who has any questions or concerns regarding collaborative practice, CLASP has a help line with rotating staff members available to all collaborative professionals. Please feel free to take advantage of this.

Please take a moment to check out our web site, which has recently been revamped. Training information and registration forms can be obtained online at the site.

CLASP currently formed two book clubs, one in the South Hills and one in the North Hills. The groups are currently discussing Sharon Strand Ellison’s book, Taking the War Out of Our Words – The Art of Powerful Non-Defensive Communication. All are welcome to attend, and you need not attend every session. The groups will conduct a discussion with no assigned leader. Please contact CLASP or visit our website for more information.

Finally, I would like to take a moment to express my thanks for the support and confidence CLASP has shown me.

REPORT FROM PA COLLABORATIVE PRACTICE

By Deb Smith

Pa. Collaborative Practice has already begun planning for our upcoming year. We are looking forward to performing some public speaking and spreading the awareness of having a choice of collaborative law. We are also looking forward to expanding our membership by talking with colleagues in individual and group social settings to give others an opportunity to learn about Collaborative Law.

We meet on the second Thursday of each month in the Law Library of the Courthouse in Schuylkill County. We also have set up that our members can attend our meetings via telephone. Since our locale encompasses Schuylkill and Berks counties, this allows for a greater attendance at each meeting.

We look forward to a successful and profitable year for all of us.
Reports from Around the State
(continued from page 17)

CPCP LAUNCHES IMPROVED WEBSITE, EXPANDS TRAINING

By Jim Demmel

The Collaborative Professionals of Central PA developed a new and improved website to facilitate communication between the practice group’s members, to provide access to all important documents for the practice group in one central location and to provide a more user-friendly experience for practice group members and visitors. The website includes information about the collaborative process and also gives CPCP members the opportunity to post blog entries that will keep the site content fresh and useful. The web address is www.collaborativelawpa.com.

COLLABORATIVE PROFESSIONALS OF NORTHWEST PA

By Zanita A. Zacks-Gabriel, President, Collaborative Professionals of Northwest PA

Our practice group remains a vital energized force in Northwestern Pennsylvania. Our case-loads are picking up, we continue to gather new members, and the general state of excitement is at a wonderful high point.

We have committed attorneys and great mental health professionals and financial people. Our meeting attendance remains good, I am sure in no small part due to our wonderful refreshments.

In any event, various individuals are at different spots on the collaborative law continuum. Therefore, we decided to hold a retreat to discuss this issue. The retreat had great attendance. The conversation was thoughtful and spirited, and as a result of the retreat, we are developing protocols for distribution to all of our members. Getting on the same page is not only necessary, but also is an exciting event. The synergy that comes from committed individuals working together is a wonderful thing to experience. We are planning a full day retreat on May 31 and everyone is looking forward to it.

Our financial people put together a great set of financial protocols and also formulated financial intake documents and statistical reporting sheets. Our mental health and legal protocols are taken care of, and we have put together an excellent mission statement.

We are getting up and running on social media, in large part thanks to our younger members! Bravo. Very importantly, our membership is committed to making collaborative law available to as many members of the community as possible. Therefore, we got a subcommittee up and running to investigate pro bono projects, as well as scholarship funding.

Erie has been a warm, exciting place this winter!
contract provision and move forward with litigation. Why not simply file a consent order in your case in which the parties agree by court order to be bound by the disqualification rule? I do not know of anyone who has tried this approach. I guess there may be some benefit. However, this option does not provide statewide legitimacy for the general public or statewide consistency for collaborative practitioners.

What about an ethics rule that stated that an attorney who agrees to a disqualification rule in a participation agreement is prohibited from continuing to represent the client if the process terminates? Most attorneys would certainly avoid violating such a rule. However, if the parties and the attorneys moved forward with litigation, who would file the complaint of an ethics violation? Most likely, that burden would fall on other collaborative attorneys. How many of you have reported a fellow attorney to the disciplinary board? Will it help to have the disqualification rule in our state rules of procedure, or perhaps our local rules? That is an option some attorneys prefer. A rule provides something in writing statewide, or at least in your local county. But if the parties and attorneys moved forward with litigation, who would complain and to whom would one complain? A procedural rule may be a deterrent, but I am not sure it is enough protection for the disqualification rule. Also, if we are interested in something to legitimize the process for the general public, court rules will not provide that benefit because they are typically only of interest to lawyers.

If the disqualification rule resides in a statewide law, attorneys who ignore the provision will be violating the law if they continue to represent their clients in litigation. Most attorneys are not likely to risk violating the law. The UCLA provides the most protection for the disqualification rule because it is self-enforcing. Attorneys will comply with it even if good-paying clients plead with them to stay on their case. Also, if the UCLA is pursued as legislation intended to increase choice for consumers of legal services, the legislation may garner more support and interest from the general public. More support and interest from the general public is good. More cases “go collaborative,” which we all believe is the right way to go in many cases, especially family law cases.

I hope to see many of you at the upcoming meeting on April 11, 2013, during which we will have the opportunity to debate and discuss, among many other things, the issue of a statewide rule or law. I have set a goal of at least 25 attendees so please make your reservations now.
Subcommittee Reports

REPORT FROM PROFESSIONAL EDUCATION AND TRAINING SUBCOMMITTEE

By Paula Hopkins

To help you plan your spring calendars, here is a report on upcoming trainings in Pennsylvania and neighboring states. For more training options, check out the training calendar on the IACP website: http://collaborativepractice.com/_t.asp?M=7&MS=2&T=Calendar&MTH=5&YR=2013

Interdisciplinary Basic Collaborative Training (three days). April 25-27, 2013, in Pittsburgh, Pa. with special guest trainer, Linda Solomon, LPC, LMFT on Fri., April 26, 2013. Linda is an experienced collaborative professional working as a neutral coach in the Dallas/Ft. Worth area, and she is a frequent trainer on the role of the coach and team building in the collaborative process. Cost is $600 for all three days or $225 for the one day training with Linda on April 26th. Contact ph@paulahopkins.com for more information.


REPORT FROM THE SUBCOMMITTEE ON LEGISLATION AND PROCEDURAL RULES

Zanita A. Zacks-Gabriel, Chair

Our subcommittee has been very active. We formulated, conducted and have already given a report on the survey results about the UCLA and UCLR. Following up on that, David Miller and Linda Pellish are conducting a series of regional meetings in order to further develop membership response. We held a productive conference call with all committee members, as well as David and Linda on Feb. 26. The last regional meeting was held on Mar. 15, and we scheduled a follow up conference call on Mar. 18 to discuss the results and how best to move forward.

More to follow! The committee will have a more detailed report ready for our April 11 section meeting. Hope to see you there.

REPORT FROM THE PUBLIC EDUCATION SUBCOMMITTEE

By Diane Hitzemann

We are excited that our first project, development of a PBA CL pamphlet is now in the final printing stage, although delivery date is still uncertain. This puts us on a par with all other PBA committees and sections that publish consumer oriented pamphlets.

The other main project identified at the initial regional meetings was development of a canned power point presentation and outline for speaking engagements. At our first conference call last summer my subcommittee agreed that the power point and outline developed by the IACP has been found to be very useful by those of us who have used it. The subcommittee is actively looking for practitioners who would be willing to form an ad hoc committee to recommend an abbreviated version. Please contact me if you are interested.
REPORT OF THE SUBCOMMITTEE ON PROFESSIONALISM

By David Fitzsimons

The ambitious list of items from our first planning foray developed in to an impressive list of aspirations that I must say, looking back, and with full knowledge of what I have accomplished for the committee … lesson learned. No more promises.

Below I have summarized what we first thought of and at this juncture I’m inclined to believe these goals are correct, subject to reframing; and we also need to see what members actually want.

Professionalism Subcommittee
1. Suggest a standard participation agreement
2. Suggest a standard fee engagement letter
3. Track all written ethical opinions
4. Provide an ethics answer line that members can call with questions and determine need for advisory opinion, and keep a written record of advisory opinion on questions.
5. If advisable, suggest protocols (mandatory and suggested) for use statewide
6. Recommend mandatory standards for an attorney collaborative professional
7. Recommend suggested (not mandatory) standards for attorney collaborative professionals
8. Adopt a system for receiving concerns about collaborative practitioners who do not meet mandatory standards
9. Study whether specific experience in an area of practice is or should be necessary to handle a case using the collaborative practice model

Of the items listed in the last newsletter [page 8] the following appear to be paramount, and perhaps appropriate for focus before the next “filing deadline”. The first three paragraphs are from the original. The balance is “new”.

1. To focus on providing information to the committee members regarding professional ethical considerations of collaborative practice, together with any standards of professional responsibility which have been addressed and published.
2. The requirements of “informed consent” as provided in PaRPC 1.0 (e), this [relatively] new Rule provides useful practice guidance to any lawyer, and connects precisely in my view with the central tenets of collaborative practice and effective client communication.
3. It is most important for our members to be aware of how “informed consent” applies in both general legal and collaborative practice.
4. “Informed consent” has also become of interest to nonlawyer team members such as communication and mental health coaches. Informed consent by the clients arguably needs to include concerns [professional or philosophical] that nonlawyer team members bring to sessions. Since coaches are often in caucus with clients without the lawyers being present, there appears to be the potential for inconsistent application of privilege. While it might appear that for some collaborative professionals ALL privilege is waived as part of the process, inquiry seems to indicate that not every regional collaborative group views disclosure to coaches the same way. More on this question will be circulated through the subcommittee by month’s end.