

# Seminar and Study Group in Integrative and Collaborative Divorce Practice

## Potential Topics for Monthly Discussions

Participants will be given a final list of topic choices (which may not be exactly like the representative list shown below) shortly before the first session of the series. The most popular options will constitute our plan for the year.

- **High-Achieving Interdisciplinary Collaborative Teams:** How to know one when you see it, how to make best use of one when you join it, how to recognize one that's not working as it should, and what to do about it.
- **Getting Honest About Mental Health Roles on the Collaborative Team:** Mental health professionals are the only role on interdisciplinary collaborative teams that takes different forms in different communities. Accidents of which trainer happened to offer the first collaborative training in your community ought not constrain your understanding of the variety of configurations for delivery of mental health services on collaborative teams, and the potentialities and limitations for clients of the various service delivery models. Anyone who tells you that one-MHP, two-MHP, and three-MHP teams can perform all the same functions in the same way on a Collaborative Divorce team is deluding him/herself. Clients need honest explanations of what the mental health professionals on your teams can realistically hope to accomplish with most couples and their children, and how. Even more importantly, you and your colleagues need to understand these differences so that you can do a better job of the informed process choice conversation with clients, and can work together better on teams.
- **Self-Reflective (and Self-Deceptive) Practice on Collaborative Divorce Teams: Why the Former Is So Important, and the Latter Is So Common.** It is impossible to attain excellence in conflict resolution work without improving our ability to see ourselves as others on our collaborative teams see us. But doing so is far from easy. We will investigate the cognitive biases that cause us to be blind to our own imperfections and unforgiving of the imperfections of our colleagues, as well as techniques for becoming more aware of our own contributions to both team success and team dysfunction. We will refer to the book *Mistakes Were Made (But Not By Me)* by Tavris and Aronson.
- **The Collaborative Divorce Team as an Emergent Learning System.** We will explore the structural tools in the best collaborative roadmaps and protocols that can make all professionals better at collaborative practice. Our focus will be on how to build trust and ensure accountability on the team. This involves learning how to deliver both positive and not-so-positive feedback to colleagues; how to enhance effective teamwork; and how to address challenges in sharing the sandbox.
- **Collaborative Divorce as a Restorative Practice.** Rethinking the place of law in helping clients reach optimal solutions; restorative vs. evaluative approaches to resolving divorce issues; and how and when to talk about the law to keep it in its proper place: helpful and necessary but only a tool, not a boundary constraining our work.
- **Getting to Yes, or Going for Deep and Durable.** The profound differences between an interest-based model for resolving issues, and a conflict resolution approach that works from the clients' stories and feelings; how working with allied coaches and child specialists can help us do the most nuanced and sophisticated work with clients.

- **Money and Values in Conflict Resolution Practice.** Becoming more aware of our own unexamined beliefs about money learned in our families of origin, and appreciating their hidden power in our work; money as a taboo topic; helping clients make conscious their unexamined beliefs regarding money that may stand in the way of settlement.
- **Using a Collaborative Team Process for Negotiating Better Pre-Marital Agreements in a Better Way.** Collaborative Divorce practice is a model for resolving disputes, while pre-marital agreements are intended to prevent them through mutual planning. Unfortunately, traditional legal approaches to negotiating these agreements can cause conflicts before the wedding has even happened. But methods drawn from Collaborative Divorce practice can help couples develop their premarital agreements jointly and respectfully. In the process, with the aid of a collaborative professional team, the experience can help a couple learn how to discuss difficult issues effectively so that they begin their marriage on a stronger foundation.
- **Attachment Ruptures, Fairness, and Memory in Collaborative Divorce Practice.** How our evolutionary wiring for punishing bad behavior and for avoiding danger show up in Collaborative Divorce practice; understanding the predictable behaviors and attitudes that often accompany unexpected, unwelcome divorces through the lenses of attachment theory and evolutionary brain science. We will refer to psychiatrist Tom Lewis' elegant and award-winning book, *A General Theory of Love*.
- **Things are Not What They Seem: What You Need to Know About Priming, Anchoring, and Behavioral Economics in Collaborative Negotiations.** When the first research about the impact of priming on decision making was presented at a major national conference of psychologists, the attendees were so upset at the challenge to their belief in rational decision-making that they threw fruit at the presenter. We will look at this powerful and ubiquitous phenomenon from the perspective of implications for conflict resolution work, because professionals who know how priming and the related phenomenon of anchoring operate have tools for doing better work with clients than those who don't. The work of John Barghe will be particularly illuminating in this session.
- **Pro-sociality in Human Behavior: How We Can Harness It as a Tool for Facilitating Constructive Negotiations and Solutions.** How and why we evolved as the most successful pro-social collaborative species on the planet; weaving pro-social tools and values into the web of collaborative negotiations. The roots of empathy, cooperation, and altruism—and the related tendencies toward punishment and moral disapproval in the human species. How understanding these universal human values and behaviors can enrich our divorce conflict resolution work. We will draw on the work of Paul Zak, Dacher Keltner, and Frans De Waal.
- **Who Are You Bringing Into the Room: Warrior or Peacemaker?** Understanding and combatting the stress, secondary trauma, and burnout that come with divorce work, so that we can achieve a more effective conflict resolution practice and a healthier professional and personal life. The American Bar Association and many other organized bar groups have recognized these as significant competency issues affecting the quality of legal practice and the reputation of the profession itself.
- **The Trouble With Lawyers.** Lawyers remain the main gatekeepers into Collaborative Divorce for most clients, and yet as a group, lawyers face much greater challenges than the other collaborative professions in shifting from their adversarial professional identities into a way of working that is consistent with deep integrative conflict resolution. There is a large and growing

body of research about lawyer typology, lawyer dysfunctionality, and the negative impacts of law school education that can illuminate challenges every collaborative practice community faces in helping lawyer colleagues become effective team members and skillful conflict resolution professionals. Susan Daicoff's research into the social psychology of lawyers will illuminate this session.

- **Curiosity: A Simple Yet Powerful Tool Every Collaborative Professional Needs in the Toolbox.** Lawyer-advocates are taught never to ask a question we don't know the answer to. But asking questions we'd really like to know the answer to is a technique that carries astonishing power when done skillfully, at the right time and in the right way. This important technique can be learned by anyone, and requires no special qualities of temperament or empathy. We will refer to Sharon Ellison's "*Powerful Non-Defensive Communications*" methods.
- **The Slow-Moving Collaborative Train Wreck: How to Prevent It and What To Do When The Cars are Going Off the Rails.** Screening clients for appropriateness; laying process anchors to manage conflict when it arises; avoiding professional team polarization; keeping responsibility on the clients' shoulders; last-chance process alterations; when to call it quits.
- **"Neuro-Morality": Our Evolved, Hard-Wired Core Values as Humans.** Looking at new research about consistent patterns of moral reactions across many cultures, that can illuminate why our clients and we ourselves behave as we do during the divorce process. We will draw particularly on the ground-breaking work of Jonathan Haidt.
- **Communicating the Passion: Powerful Elevator Messages and Informed Process Choice Conversations That Grow Your Practice.** Very learnable techniques for bringing passionate vision about the significance of Collaborative Divorce into your conversations with every potential client and every potential referral source, every time.