



100 WORDS OF WISDOM BASED ON THE 2ND IACP STUDY
By Linda Wray

As John Fitzgerald Kennedy said, “Change is the law of life. And those who look only to the past or present are certain to miss the future.”¹ Change in the way people divorce has most certainly occurred over the past quarter of a century. The multitude of professionals who have embraced and used Collaborative Practice have supported and indeed advanced this change by moving dispute resolution into a new, healthier arena.

Change continues on. And so must we as Collaborative professionals, and as a Collaborative organization. The Collaborative community cannot simply continue doing what it has been doing for the past decade or two. If Collaborative Practice is to increasingly transform how families transition through change, Collaborative Professionals must be willing to adapt the Collaborative Process, or develop sister and brother processes, to reach many more families. As a community we must seek a richer understanding of our clients’ needs, deeply explore their experience in divorce, truly listen to what matters to them and then adapt our services to meet them where they are.

To advance our understanding of clients’ divorce experiences, the IACP commenced a second large scale study in 2015. Although CP has been around for well over a quarter of a century, until this Study there was no evidence in Minnesota or in the international community, other than anecdotally, as to whether and to what degree the values we hold as Collaborative professionals really resonate with clients. The data generated from the Study is vast; it is discussed at some length in the IACP Collaborative Review Second Research Edition (Spring 2018, Vol 17, Issue 1) and set out in much greater detail on the IACP website.

An experienced, multidisciplinary team of CLI members spent dozens of hours analyzing this data. At a workshop on July 18th they presented some of the most intriguing findings to CLI members. Importantly, the workshop explored fresh, creative ideas for serving clients, ideas developed as a direct result of client reports of their divorce experiences and of the sort that will help move Collaborative Practice and CLI into the future.

Starting with this article, and in the next several editions of this newsletter, we will present some cogent words of wisdom (“100 Words of Wisdom”) stemming from this analysis and the July 18th workshop. These segments will set out surprising, challenging, or inspiring learnings about clients’ divorce experiences, and will present creative practice tips to enhance our services to clients. As you read these

¹ Credit goes to IACP President, Chris Farrish, for his excellent use of this quote in his introduction to the 2nd Research Edition of the Collaborative Review.

nuggets, we invite you to explore more deeply the findings from the 2015 IACP Divorce Experience Study by visiting CLI website (Sign-in at www.collaborativelaw.org then click Resources tab, click Organization, scroll down to “Materials Shared from Trainings”) where you will find:

- The IACP Collaborative Review Second Research Edition, and
- A comprehensive PowerPoint laying out the data results.

You may also wish to visit the IACP website research page accessed by logging onto your account at www.collaborativepractice.com, clicking on “Resources” for “Members” and selecting “CP Research and Statistics”.

Tips #1 & #2 were published in Q3 2018 Newsletter. Tip#3 was published in the Q4 2018 Newsletter, Tip#4 was published in the Q1 2019 Newsletter and Tip#5 was published in the Q2 2019 Newsletter and tip #6 is now published in the Q3 2019 Newsletter and the final tip #7 was published in the Q4 2019 newsletter.

TIP #1

| Problem Solving Process Used | Respectfulness of Process | Control in Process | Attention to Responder’s Needs & Interests | Efficiency of Process | Opportunity to Express Self | Degree of Cooperation |
|------------------------------|---------------------------|--------------------|--------------------------------------------|-----------------------|-----------------------------|-----------------------|
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Client satisfaction with specific process factors, such as those above, are highly predictive of satisfaction with Collaborative process, more so than is client satisfaction with financial and parenting outcomes. Respectfulness is very important to clients, and the data reflects that clients were very satisfied with the respectfulness shown in their cases. Moreover, the vast majority of clients in Collaborative cases chose the Collaborative process because they believed it would be a respectful process. Recognizing its importance, professionals may do well to highlight the respectfulness of the process with prospective clients, with clients in an initial consultation, and in marketing and social media materials.

TIP #2

While clients’ sense of control in a Collaborative case is highly predictive of their satisfaction with the Collaborative process, only 28% of clients are very satisfied with their level of control. Clients have differing desires for control; professionals exercise control to preserve the integrity of the Collaborative process. Practice tip: Professionals should spend more time with clients at the outset to understand clients’ desires for control, and help them understand their particular need for control will be met through such basic Collaborative tenets as ensuring transparency, using a problem solving approach, and focusing on needs and interests rather than positions.

TIP #3

Clients’ satisfaction with “attention to their needs and interests” highly predicts satisfaction with the Collaborative process. “Opportunity to express self” also predicts satisfaction with the process.

Unexpectedly, more clients are very satisfied with their opportunity to express themselves than with the attention paid to their needs and interests. PRACTICE TIP: Professionals may move to problem

solving too quickly. Do not shy away from peeling back the onion of clients' emotions and exploring unstated needs and interests. Individual client meetings with a neutral and/or his or her attorney can slow down the process to permit safe exploration of options and concerns.

TIP #4

Clients report being very satisfied with individual aspects of their financial settlement (e.g., account division); yet, few report being very satisfied with their overall financial outcome. Dilemma: results show that satisfaction with general financial outcomes, rather than specific outcomes, is highly correlated with satisfaction with the Collaborative process. PRACTICE TIP: Normalize the reality that clients' financial estate will be less post-divorce than during the marriage. Professionals should recognize and help clients deal with the financial pain and loss. Ideally, clients will then feel as satisfied with their overall financial outcome as with the individual aspects of their financial settlement.

TIP #5

Two-thirds of Collaborative cases involve a financial professional. Clients are satisfied with their financial professional, but not strongly equating satisfaction with the financial professional with satisfaction with the Collaborative process. PRACTICE TIP: Talk with clients *throughout the process*, not only about the valued expertise of the financial neutral, but also about their ability to marshal the data, present options in a way that both parties will hear, and remove a perceived sense of unfair advantage that one spouse may feel the other has when discussing and agreeing on financial outcomes – all of which leads to success in the Collaborative process.

TIP #6

Collaborative clients strongly equate satisfaction with their attorney with their satisfaction with the Collaborative process, and indeed, clients are satisfied with their attorneys. Of all the Collaborative professionals, attorneys continue to have the most impact and influence on client satisfaction with the process. PRACTICE TIP: Given their key role, attorneys need to maintain the highest ethical standards and level of competence in Collaborative Practice. Simultaneously, attorneys must understand the limitations of their role as an aligned professional, strive to populate an appropriate team for each case, and work as an equal team member to maximize the effectiveness of each professional.

TIP #7

Parents are satisfied with their post-divorce relationships with: their children, their ability to parent, parenting time arrangements and other parenting outcomes. They also are satisfied with their child specialist (when on a case). Collaborative clients, however, do not correlate their satisfaction on these variables with their satisfaction with the Collaborative process. PRACTICE TIP: Particularly at the end of a case, help clients connect their satisfaction with parenting outcomes and with their mental health professional to their satisfaction with the Collaborative process. Do this by emphasizing the benefits and anticipated effectiveness of a parenting plan focused on their children's developmental needs.