TEAM PROTOCOLS

Goals/Objectives:

Working as a team is an essential ingredient to the success of a collaborative process. Like a basketball team or a doubles team in tennis, having a successful outcome requires a cooperative effort. Implicit in cooperation is knowledge of the rules of the game and the role(s) that each team member plays, and trust that team members will collaborate. There are four key ingredients to working together effectively.

The first has to do with having a joint understanding of how we will approach a particular case. Partly, we mean that there is a plan for how the divorce process is going to be approached with this particular couple, that each member knows what the plan is, that all members of the professional team are keeping other members informed of where the clients are in terms of the plan and that there is continual review regarding whether the plan needs to be reevaluated or adjusted.

A plan for this particular case is developed through a team effort informed by:

- An early understanding of the clients gained through information gathering in the first few individual meetings with the clients.
- The personalities styles of the individuals
- The dynamics of the couple
- The financial circumstances and legal issues involved

The plan is revised as new information is learned.

A second and essential part of a well-functioning team is good communication about how the case is progressing.

- All members of the professional team are keeping other members informed of where the couple or their client is in terms of the plan
- There is continual joint review regarding whether the plan needs to be reevaluated or adjusted.
- The plan is revised as new information is learned.

Thirdly, having a joint understanding of our differing roles contributes to cooperation.

Working well together is a complex interaction (dance) that involves:

- Getting to know each other‘s style and patterns of working
- Understanding the roles team members play, and how they overlap
- Understanding when to lead and when to follow
- Knowing how to give feedback without judgment, i.e. “feed*forward*,” in such a way that others can hear and learn from it

- Knowing how to receive feedback in such a way that you can learn from it
- Sharing feelings and self knowledge to prevent feelings from going underground where they can decrease cooperation

The fourth and last part of a well-functioning team is the team's awareness that team interactions and dynamics affect the process.

To keep a team functioning efficiently and smoothly, team members need to:

- Be able to allow and work with our own and each others' emotional responses
- Take the time to talk about our own reactions and interactions as we work.
- Be willing to express our emotional reactions when they might impede the process
- Hold ourselves to the same standards of conflict resolution and structured communication that we ask of our clients
- Stay aware that the couple's dynamics will likely influence the dynamic among team members to some extent

GUIDELINES TO WORKING AS A TEAM

I. <u>BEGINNING THE CASE</u>:

Consider establishing the Team early in the case in order to maximize cost efficiency. Have an Initial Team Meeting once the team has been established. It is MUCH more preferable to have the Team Meeting in person. This is the time to lay the important foundation of the team and to discuss what the goal of the team is as part of the collaborative process. Topics to discuss at the Initial Team Meeting are:

- Assessment: Discuss if this is an appropriate case for collaborative.
  - Discuss whether either party seems to have an agenda
  - If the team thinks the case is not an appropriate collaborative case, then what?
- Discuss the priorities for the case
- Discuss who controls the process
  - How are the process decisions going to be made?
  - Do the parties decide whether there will be a team?
  - Who decides who is on the team?
  - Who decides whether a member exits the team?
  - Can the parties fire a team member?
  - What is the integrity of the team?
- Discuss any power imbalances that exist at the formation of the case
  - Any power imbalances between the couple?
  - Any power imbalances among the team? (for example, experience level, billing rates, number of meetings each professional has had with each party)
  - Familiarity of team members with the other team members
- Agree on how to charge for team discussions
- Discuss whether interim agreements will be reduced to writing
  - Stipulation and Order or just Stipulation?
- Decide jointly on a plan, given the legal and financial circumstances, and dynamics and personality styles specific to this couple
  - Brainstorm about how to structure the case to be most efficient
- Decide jointly on how to implement the plan
- Discuss how the team will address the law
  - When?
  - How?
  - What?
  - Who?
- Decide how to give each other feedback in a constructive way. This may be different for each person. Each team member should share the best way for her/him to receive constructive feedback.
- Decide how to keep all team members informed of the state of the case

- Reflect on how team members will deal with their own emotional responses
    - Discuss how to create safety for all team members to share throughout the case
- Discuss each team members' strengths and challenges as related to the case and how best to navigate and communicate about this.
- Discuss how debrief will occur. Consider scheduling 30 minute debrief time when scheduling meetings.
- When appropriate, schedule whole team check-ins (even when coaches are not used on-going)
- When appropriate, schedule coach-attorney (same client) check-ins (even when coaches are not used on-going)
- Agree to follow through with what you have committed to within the stated timeframe

II. <u>COMMUNICATION</u>:

Communication between meetings: ***Ideas to keep team members informed regarding the case.***

- Send a brief email to the professional team separate from minutes soon after the meeting stating the tone of the meeting (difficult? emotional? client questioning the value/effectiveness of the collaborative process? Professionals have any serious concerns that are new or have been reinforced?) as well as need to know items and newly scheduled meetings after all meetings where one or more members of the professional team are not present
- Send minutes of four-, five-, six-, seven-, eight-ways to all team members
- When appropriate, send pertinent information to same-client professional regarding meetings with that client
- When appropriate, copy same-client professional on emails to that client. Forward communications from client or copy same-client professional on reply to client if client hasn't included them.
- Schedule team check-ins every two or so weeks, depending on the pace of the case. These can be brief, e.g. 30 minutes and can be cancelled if not necessary.
- Schedule attorney-coach (same client) check-ins every week or so, depending on the case. Again, these can be cancelled if unnecessary.
- At the end of team conference calls or meetings, recap the agreements that have been reached and tasks each professional has committed to.

III. DEBRIEF CHECKLIST:

Debrief after each meeting that includes two or more professional members. Debriefing presents a learning opportunity for all of us. Getting the full benefit of a debrief requires that each of us feel safe enough to talk about the things that impacted us and the case both positively and negatively in as open, honest and nonjudgmental a way as possible, listening for understanding and asking about our assumptions (essentially communicating in the same ways we ask of our clients throughout the Collaborative process).

15 minutes with own client considering such questions as:

- What about the meeting worked well for the client?
- What would have worked better?
- Did client feel understood?
- Did client feel they had the space to communicate what s/he wanted to say?
- Did client have difficulty with any of the professionals? If yes, what could have been done differently?
- Was client surprised by anything during the meeting?
- Note for client where couple is on the roadmap or in the process.
- Ask client for agenda items not already included on next agenda

15 minutes with team considering such questions as:

- Did we make progress? What worked?
- What did we learn or are now more aware of through the experience of this meeting?
- Did we help the process move forward or did we impede it? How?
- Were there times I felt pulled to protect my own client? If so, why? If so, what would have been helpful at those times?
- Were there times when I felt reactive? If so, what triggered me? If so, what would have been helpful at those times?
- Did couple's dynamic get re-enacted by the professional team?
- What do I think I could have done differently?
- What, if anything, did each client trigger in us? How did we respond?
- How did the other professionals impact each of us and the choices that we made in the case?
- What did we learn or are now more aware of through this experience together? What would we do differently if we began a case similar to this one now?

IV. WHEN THINGS GO WRONG:

Stuff can get in the way of a process working. A couple doesn't behave according to the plan. The professionals make missteps. The professionals are not communicating effectively such that all are informed or are not cooperating with each other.

Check in when something feels wrong:

- Ask for a team meeting or conference call
- Set an agenda for the discussion: check with each person regarding agenda items
- Discuss how to achieve a sense of safety for each person
- Refer to the debrief checklist
- Reflect on the debrief checklist prior to the discussion
- Use structured communication skills to express your concerns
- Use agreed-to feedback plans established in initial team meeting
- If useful, invite a facilitator to help

V. ENDING THE CASE:

- Review and reflect upon Final Debrief Check list (follows)
- Schedule and Confirm Final Debrief
- Do Final Debrief in person—agree upon amount of time

FINAL DEBRIEF CHECK LIST:

- Professionals' perceptions of clients' challenges in Collaborative Process:
  - Each professional of own client
    - ✓ At start of process
    - ✓ At end of process
  - Each professional of other client
    - ✓ At start of process
    - ✓ At end of process
- Professionals' perceptions of each other and working relationship:
  - At start of process
  - At end of process
- Observations of what challenges we addressed successfully:
  - For each professional, client and the team:

    Process
    Substantive Issues
    Communication
- What did each professional learn?
    - ✓ About self

        - ✓ About process
        - ✓ About other team members
- What can we do to improve?
    - Composition of team
    - Notebooks
    - Minutes
    - Meeting Times/Locations
    - Agendas
    - Debriefing & Scheduling
- Cost/total fees to each client
- Time frame
    - Date of signature of Statement of Understanding/Principles & Guidelines
    - Date of signature of Judgment
    - Any post-judgment reviews/modifications set?
- Joint preparation of Data Collection form
    - Review and reflect upon