

MAP OF THE COLLABORATIVE PROCESS

Stage 1: Setting the Framework,
Committing to Process, Temporary
Arrangements



Stage 2: Information Gathering:
Factual, Legal, Emotional, Interests
Check for real world limitations



Stage 3: Brainstorming and Option
Development and Compare to Interests



Stage 4: Negotiating and Choosing
Solutions



Stage 5: Memorializing Agreement,
Implementation and Final Debriefing



Stage 6: Follow Up

MAP OF THE COLLABORATIVE PROCESS

Stage 1: Setting the Framework, Committing to Process, Temporary Arrangements

Parties understand process options, then choose and commit to Collaborative Process after reviewing collaborative framework and clarifying motivations. Temporary arrangements are established and collaborative team is chosen and funded.

Stage 2: Information Gathering

Issues are identified. The factual, legal and emotional background is developed. The parties' interests are identified and understood.

Stage 3: Brainstorming and Option Development

Options are brainstormed for each issue, then compared against interests and prioritized.

Stage 4: Negotiating and Choosing Solutions

Packages of options are created, analyzed, and prioritized. Packages are modified and refined to create resolution.

Stage 5: Memorializing Agreement, Implementation and Final Debriefing

Written documentation of the agreement and required court forms are prepared and signed. An implementation plan is developed and carried out. Final debriefing.

Stage 6: Follow Up

Follow-up to parties to determine if any changes are needed. Changes are negotiated, memorialized and implemented.

STAGE 1: SETTING THE FRAMEWORK, COMMITTING TO PROCESS, TEMPORARY ARRANGEMENTS

Tasks:

- Parties understand choice of dispute resolution options and choose Collaborative Process
- Parties and professionals begin to develop trust in each other and team
- Clarify the collaborative framework
- Establish motivations
- Address concerns
- Commit and sign collaborative paperwork
- Reach agreements for temporary arrangements
- Determine how collaborative team will be funded

Typical Chronology:

First meeting with client and describe process choices
Enlist other party – through assisting client or direct contact with other party
Communication between collaborative attorneys
Connect client with coach if doesn't have – 2 way or 3 way
Coaches contact and discuss whether coaches' 4 way advisable before 1st joint meeting
Team meeting and plan agenda for first joint meeting
2 or 3 way meetings with client if needed
1st joint meeting and schedule next meeting(s)
Debrief with parties and team
Prepare and team reviews minutes
Final minutes to team and parties

STAGE 2: INFORMATION GATHERING

Tasks:

- Identify issues
- Develop factual background:
 - o Financial (income and expenses, estate, valuations, real world limits, etc.)
 - o Parenting (children's needs/concerns, circumstances)
- Develop legal background:
 - o Legal model context – range of possible outcomes
- Develop emotional background:
 - o Family/system dynamics
 - o Emotional state of each party and relevant others
- Develop interests:
 - o What's important to each party and their family

Typical Chronology:

- Team phone conference before each joint meeting to prepare agenda, discuss status
- 4-7 way meetings to create information gathering plan
- If Child Specialist, parties and coaches meet with Child Specialist to contract regarding scope and process of Child Specialists' work, create plan for information gathering and reporting.
- Child Specialist meets with children and gathers information from pertinent sources
- Parties work with Financial Specialist to gather information
- 2-3 way meetings (Party-Coach-Attorney) to develop interests
- 4-6 way meeting (Parties-Coaches-Attorneys) to further clarify interests
- Attorneys meet to plan for legal model presentation
- 4-6 way meeting (Parties-Attorneys-Coaches) for legal model presentation
- 4-7 way meetings to present, review and understand factual information that has been gathered
- Party-professional and team debriefings after each meeting
- Prepare and circulate minutes after each meeting

STAGE 3: BRAINSTORMING AND OPTION DEVELOPMENT

Tasks:

- Brainstorm all possible options on each issue
- Compare options to interests
- Refine interests as needed
- Prioritize options

Typical Chronology:

- Team phone conference before each joint meeting to prepare agenda, discuss status
- 4-7 way meetings to brainstorm options and compare against interests
 - o For child issues, Parties-Coaches- Child Specialist
 - o For financial issues, Parties-Attorneys-Financial Consultant-Coach(es)
- 2-3 way meetings (Party-Coach-Attorney) to further refine interests as needed and to explore priorities
- 4-7 way meetings to prioritize options
- Party-professional and team debriefings after each meeting
- Prepare and circulate minutes after each meeting

STAGE 4: NEGOTIATING AND CHOOSING SOLUTIONS

Tasks:

- Create packages of options
- Financial consultant prepares projections for selected packages
- Compare option packages to interests
- Modify option package(s) to create final solution

Typical Chronology:

- Team phone conference before each joint meeting to prepare agenda, discuss status
- 2-3 or 4-7 way meetings to create option packages and determine packages for projections
- 4-7 way meetings to review projections and refine packages
- 2-3 way meetings (Party-Coach-Attorney) to review packages, review projections and prioritize packages
- 4-7 way meetings to negotiate to final resolution
- Bring in additional assistance as needed (mediator, case facilitation, mentor)
- Party-professional and team debriefings after each meeting
- Prepare and circulate minutes after each meeting

STAGE 5: MEMORIALIZING AGREEMENT, IMPLEMENTATION AND FINAL DEBRIEFING

Tasks:

- Draft agreement(s) and ensure parties' understanding
- Sign agreement(s)
- Implement agreement(s)
- Final party-professional and team debriefing
- Complete IACP data collection and any practice group data collection

Typical Chronology:

- Attorneys meet to prepare agreement(s) and any court/auxiliary paperwork such as deeds, QDROs
- Attorneys meet with parties (and coaches) to review paperwork
- Team phone conference before joint meeting to prepare agenda, prepare for any final challenges
- 4-6 way to execute paperwork, create implementation and follow-up plans, and closing ritual if desired
- Minutes reflecting implementation and follow-up plan circulated
- Attorneys assist parties in carrying out implementation plan
- Final party-professional debriefing
- Final team debriefing and completion of IACP/practice group surveys

STAGE 6: FOLLOW UP

Tasks:

- Check in to determine if any additional assistance desired
- Meetings as necessary to negotiate changes, clarifications, refinements in agreement(s)
- Draft agreement revisions/amendments and ensure parties' understanding
- Sign revisions/amendments
- Implement revisions/amendments
- Determine whether further follow up will occur

Typical Chronology:

- Coaches contact parties at agreed upon time to check in
- Child Specialist contacts children to check in, if desired
- Coaches contact team members necessary for further work
- Team phone conference to plan additional assistance
- 4-7 way meetings as needed, including prep phone calls and debriefing
- Attorneys draft revisions/amendments to paperwork and any auxiliary paperwork
- Attorneys meet with parties (and coaches) to review paperwork
- 4-6 way to execute paperwork, create implementation plan and determine any additional follow-up
- Minutes reflecting implementation and follow-up plan circulated
- Attorneys assist parties in carrying out implementation plan
- Final debriefing