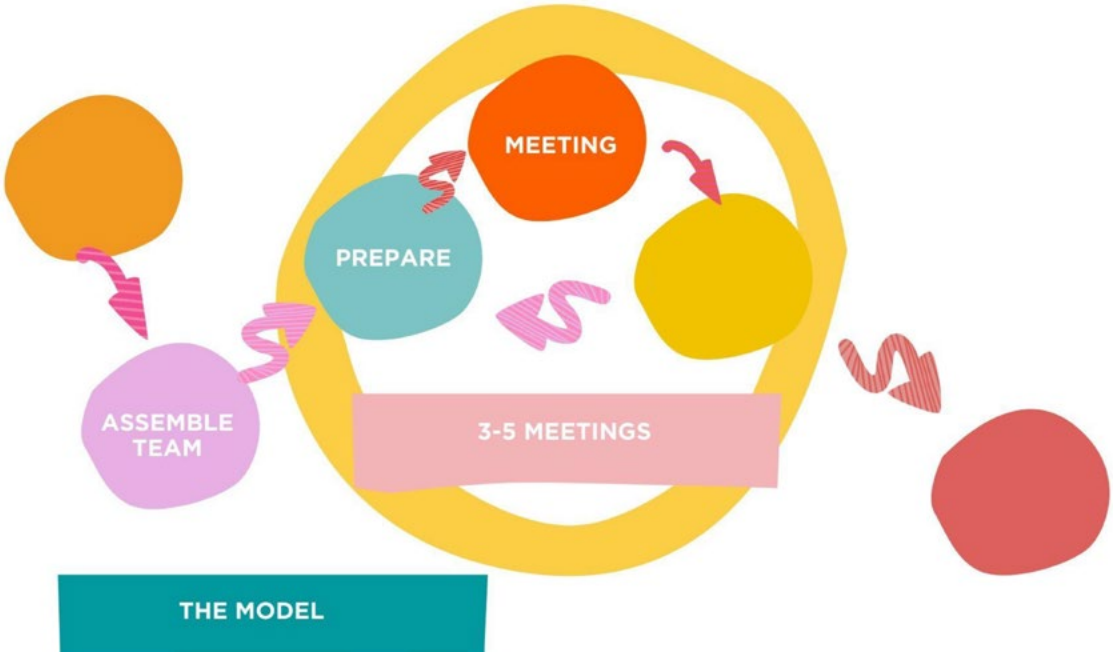
WEEK FOUR

Welcome to week four of our Collaborative Practice Program

This week, we are getting stuck into preparing for and attending at a first collaborative meeting. Like so many things in life, the success of your first collaborative meeting will come down to the preparation that is undertaken in advance of it. You will need to prepare yourself, your client, your team as a whole, and think about things that you probably don't usually turn your mind to in your day-to-day legal practice. For example, SNACKS!

There's not too much to read this week, but we do have a few helpful tools that are designed to assist you as you think through the preparation necessary for a successful first collaborative meeting. You also need to join a role-play group where we'll have a go at conducting a first collaborative meeting with our pretend family, John and Judy from last week's role-play. This week we are looking at the three stages in our Collaborative Model Below.



Step 1
Assemble your Collaborative Team

Last week, we looked at the engagement process for collaborative clients and provided you some tips on how to engage your clients former partner in the process.

This week, you can assume that John and Judy from our role play have both engaged collaborative lawyers to assist them and that they have each agreed to use the Collaborative Process.

Your next task is to assemble your collaborative team. There is no right or wrong in terms of how many team members you have or who may be involved. This is the beauty of the collaborative process- it is bespoke. Part of this will be driven by the availability of professionals in your area and the willingness of your clients to engage additional team members.

Step 2
Preparation

Much of the preparation in advance of that first meeting will occur through telephone conversations or in person meetings. The primary goal of your first meeting are for each of your clients to have the opportunity to express their goals in the collaborative process. As such you need to prepare them to do this. Some clients prefer to have things written down that they can read from, others will be comfortable talking for themselves. Make sure you take your client through the agenda prior to the meeting and confirm what's expected of them, when they're likely to speak for themselves or when you might be speaking for them, so that they can be as prepared as possible in that first meeting.

You can access a helpful checklist for preparing between lawyers in advance of your first collaborative meeting on the next page, and a further checklist to help you in preparing your client for the first meeting below.

Preparing between Lawyers Checklist

SEE IT HERE

Preparing for your Client Checklist

SEE IT HERE

And did I mention snacks?

Something that you will need to think about as you move into the collaborative way of working is how you can stage a room to invite your clients to be as relaxed as possible in what will be a stressful situation. This is where food will be your ally. Ensuring you have warm drinks, water available and healthy treats on the table can be a great way to change a dynamic in an otherwise tricky meeting. Think about the room that you will hold your meeting in and ensure there is enough space for all of the participants.

Other things to think about as part of your preparation

Ensure that your clients are aware of where they can park and any other stresses that they might face in attending at the meeting itself.
Think about the timing of arrival of your clients. Sometimes our clients travel together to meetings so do give some thought to their experiences as they arrive at the meeting location- will they go straight into the room together? Is it that they would meet with their individual legal advisors first?
Try and take away as many of the uncertainties as possible for your clients and discuss all of these arrangements with your team in advance of that first meeting.

Meeting Location

There's no magic in where your meetings are held, so give thought to convenience more than anything, and that convenience should really be focused on convenience to your clients. Collaborative matters are occurring through online platforms, such as Zoom at the moment, which does open the door for many opportunities to use professionals that may not be living in your region to assist in different matters. Canvas with your client, their preferred ways of operating and be guided by them.

And don't forget your Agenda!

You will also need to assemble an agenda for this (and every) collaborative meeting. Below is an example of an agenda that we use for our first meetings. The sections in yellow are the pieces that we would usually amend depending on the issues that our individual families are facing.

Keep in mind that collaborative meetings would usually last between two to three hours at most. Be careful when setting your agenda that you don't include too many items for discussion. It is better to break up items across different meetings than try and achieve too much in that first meeting.

John Smith

and

Judy Smith

AGENDA FIRST COLLABORATIVE MEETING

Friday, 17 July 2020, 10.00am at the offices of Brisbane Family Law Centre

Attendees: (insert names of team members and notetaker)

GOALS FOR MEETING: to establish collaborative process, to resolve immediate issues, to share goals and interests and to plan for further information sharing

AGENDA

1. Introductions (allocation of solicitor to take Minutes/prepare *To Do List)*
2. John and Judy to express reasons for choosing the collaborative process
3. Review and Sign Collaborative Contract and Communication Guidelines (including Annexure to Contract)
4. Discuss primary legal issues to be resolved in process
5. John and Judy to:
    a. give a brief background - including history of the relationship, education, employment, children; and
    b. share their goals and interests in the collaborative process
6. Review current financial/ parenting/ family arrangements - any issues requiring immediate discussion?
    a. Review current living arrangements - any issues requiring immediate discussion?
    b. (include any other current matters to consider here)
7. Is assistance from another professional (such as an accountant or financial advisor/expert) required?
8. Decide information to be gathered for next meeting (and bywhom):
    a. Assets, Liabilities, Resources, valuations etc
9. Consider what legal advice is required, timing and delivery
10. Discuss and resolve arrangement for payment of costs ofprocess
11. Prepare To Do List next steps
12. Schedule next meetings (including details of location) and plan Agenda
13. Agreement as to distribution of Minutes/Progress Notes

And a notetaker

In advance of your meeting make sure you have a plan for a minute taker ideally this should be someone other than one of the professional advisors but this is not always possible. Remember if you are practicing in Sydney you can join your local practice group and volunteer as a notetaker which is a great way of learning more about this process.

When it comes to preparing for our first Collaborative Meeting, what are the key things I need to remember?

Step 3
THE FIRST COLLABORATIVE MEETING

The first collaborative meeting can often feel a little administrative and is structured much like a Board meeting. We use an agenda, take minutes and recap at the end of each meeting before setting the dates for future meetings.

During a collaborative meeting, you'll need to use all of the skills that we have spoken about in the earlier weeks of this course, from listening to reframing, to working as a team, and of course your four-step problem solving framework. Your first meeting will feel clunky. You'll be focused on trying to be an advocate for your client, but at the same time, be conscious of the words that you're using and the emotions in the room. Be comfortable with the uncomfortable, call upon your team and try and build a team that has an experienced collaborative professional within it, so that you can call upon their advice and experience as well.
You can always take a break during a meeting, but try not to use breaks too frequently as emotions will be real in these matters and where possible try and sit with those emotions and allow your clients space to share their thoughts and feelings. This will help them to move forward in the process.

At the end of each meeting, recap the key agreed items, ensure that your note taker has documented the key to-do items correctly. Clarify who is to do what next and set expectations around timeframes for the next steps. For example, if you are dealing with a property settlement matter that involves a business that will need to be valued- be realistic about the timeframe involved in obtaining that valuation. If you have the benefit of a financial neutral in your process, then call upon them to discuss how they're going to go about that valuation, where the information might be and what the next steps might look like.

We like to set dates in advance at the end of the first meeting for a series of collaborative meetings thereafter, often three or four. It is easier to postpone or cancel a meeting than it is to schedule four or five professionals and clients, and so sometimes it's better to set more meetings than less in the months ahead, and you can always drop them out if they become unnecessary.

Debriefing after the meeting

Once the meeting is finished, you will then need to take the opportunity to debrief with your client, your colleagues, and the team as a whole. There is always this awkward moment as the meeting finishes, about who you should speak with first. Sometimes your client will want to race from the building. Other times, they will want to sit and talk with you in that moment about what has just occurred. Talk with them prior to the meeting about what will happen at the end and set some expectations around whether you will speak to them then or let them go and talk with them later, and you may need to review that depending on how the meeting itself has gone.

Do try and take the opportunity to speak with your colleagues and team about what worked well in the meeting, about any observations that you've all made and about things that you might change for next time. We'll talk more about debriefing in the coming weeks, but it is a central part of the collaborative process and something that lawyers are largely unfamiliar with.

You can access a collaborative team debrief checklist, and also a client debrief checklist below.

Collaborative Team debrief Checklist

SEE IT HERE

Client debrief Checklist

SEE IT HERE

When it comes to the First Collaborative Meeting the things to remember are....

Role play this week

Your job is to join a collaborative role play group and have a go.

This will give you a chance to test and measure some of the new skills you've been learning in a team environment. You won't be alone and you'll have our assistance in helping you have a go. Once you've participated in your role play this week, answer the questions below.

What worked well?

What would you do differently next time?

And thanks to our talented Sydney Collaboration Professionals (and John Thynne) you can access a Powerpoint here of a Case Study that includes a video example of a team preparation meeting prior to the first Collaborative Meeting. And if you keep working through this powerpoint you will also find a second video that will give you a headstart on next week's workbook too!

Case Study Powerpoint

SEE IT HERE

Video - Team Preparation before Collaborative Meeting

SEE IT HERE

Video - Team Meeting Preparing for Financial Delivery

SEE IT HERE

You're done. See you next Friday and don't forget to submit your workbook to go into this week's prize draw!