

WEEK THREE



Engaging Collaborative Clients

This week, we're going to focus on the first part of the collaborative process, how we engage collaborative clients and in particular, the first meeting with your client.

To do collaborative work you will need to be able to find and engage collaborative clients and a big part of this is the first meeting you might have with your client about their separation and the options they have for their legal process.

Referrals into the collaborative process can come through any of the disciplines, including lawyers, coaches, financial planners, accountants, and mental health practitioners.

This week, you will also have the opportunity to do your first role play with a collaborative colleague. The purpose of this role play is to give you an opportunity to have a go at some of the skills you have learned already but also to get comfortable with ways of explaining the collaborative process to a client.



So let's get to it...

THE FIRST DATE!

When a client has come to your organization, usually their work with you would begin with some form of meeting.

Meeting with a new professional, particularly a lawyer, is usually a daunting experience. Clients going through divorce and separation are unlikely to be bouncing into a professional practice, excited to meet with their new advisor or lawyer. They will carry with them a series of worries, emotions, fears and, of course, assumptions, often built on their prior experience with lawyers, things that they have heard or experiences that others around them have had.

As you move in to that first meeting with a prospective new client, I often describe it as a bit like a first date, full of anticipation, hopeful of a longstanding relationship, but a great deal of uncertainty about whether you're going to be a good match. How you engage with your client in that first meeting will impact whether they are open to processes such as collaboration.

For the lawyers in our group, I have prepared this article on the 5 stages I used during a first client interview that might help you in thinking about how you can build your interview process to create space, where appropriate, for discussion about collaborative process.



NOW IT'S TIME TO ROLE PLAY!

So this week your homework is to have a go with a collaborative course colleague at an initial interview.

No matter your discipline or role in the collaborative process you will have the opportunity to meet with people and explain the process to them, the goal of this role play is to give you a chance to do just that, in a safe place with a kind colleague!

You have been sent the name of your newly found collaborative friend- email them, set up a time to jump on a video call and take it in turns to pretend to be a client or a professional using the role play facts below-

MEET JOHN AND JUDY!

John (41) and Judy (38) have been married for 16 years. They are both musicians and met having joined a band together in their twenties. They are still in the band but in March this year, John came home from an overseas trip and announced to Judy that he did not want to continue with the marriage. This came as a surprise to Judy- she did not see it coming.

John and Judy are parents to Chloe (5) and Samuel (2). This past 5 years Judy has been primarily caring for the kids. She hasn't had a lot of time to do much else. She and John were still gigging on weekends in the band but John had taken a job as a manager of an entertainment business that meant he was traveling around Australia and overseas most weeks.

Judy is currently receiving Jobkeeper as her only source of income after the band's work stopped thanks to Covid. John is also in receipt of jobkeeper for his role with the entertainment business, but he has been able to keep going to work each day as that business has moved some of its events online. John also undertakes music production work and does songwriting for artists outside his primary job.

It has been a few months since John and Judy separated. They are still living together in the same home, John downstairs and Judy upstairs. This is getting hard for each of them- they are not talking often and there is a lot of tension in the home.

John and Judy have the following assets-

Home in Brisbane	\$1,200,000
Home Mortgage	(\$220,000)
Company (runs the Band Business)	Bank account currently around \$99,000 , no other significant assets but does receive income from some songs and performances
Share portfolio	\$350,000 (Judy inherited this portfolio from her Mother's estate after her mother passed away last year. She also received cash of \$120,000 which has been used by her and John to pay out some credit cards, buy a new car and take a family holiday to Disneyland.)
Savings	\$46,000 in a joint account
Superannuation	\$50,000 (John) \$9,000 (Judy)
John's Car	\$35,000
Judy's Car	\$30,000

For the purposes of your role play, imagine you are meeting with either John or Judy- one of you will pretend to be the client (you can pick either one!) the other will be the advisor. The goal of the role play is to have a go at asking open questions, finding the goals and interests of your client and explaining the different options they have to solve their legal problems- for example, negotiation, mediation, collaboration, litigation etc.

When in the role of the advisor, what did you notice?

When in the role of the client, what did you notice?

An Example

To help you along, John Thynne and I got together this week to record a 'pretend' client interview to give you some guidance for this exercise.



Having had a go yourself, and watching our role play what else did you notice?

OTHER THINGS TO THINK ABOUT

To help with your initial interview, you might want to think about building some brochures, resources or other information tools that can help you to explain to your client their options and enable them to better understand the legal frame work and processes. Diagrams, drawings and short infographics can be great tools to have.

Also consider the type of information you gather before that interview- some of the new online chat tools or client engagement bots can be great time savers for us lawyers, but they can also influence the type of information your clients will expect to receive in their initial appointment.

**We use a series of engagement and information tools in our firm.
Here are a few examples:**

Online new client information form



Client information PDF



Client engagement videos



ENGAGING THE OTHER PARTY

So you have found your first collaborative client, now you just need to find a way to have their former partner join the process too! It's easy right? Well no, it's not!

As much as your own client may have been confused about the legal process, their partner will be too and like them, will have their own assumptions, experiences and ideas that you will need to contend with as well.

In our workshop this week I will share with you a few ideas on what does and doesn't work when it comes to engaging your client's former partner but the one thing I can almost guarantee will never work is a lawyer sending a letter.

We lawyers have a way of writing letters that makes even the simplest paragraph imposing. And usually that 'first letter' from your firm to the other party goes for many pages and is anything but collaborative.

So, on this one the lawyers in the course will have to do some thinking!

If letters are not going to get you there, what will?

Write down below any ideas you have on how you can assist your client in inviting their former partner into the Collaborative Process?

HOW DO I DO IT?

Well it is different every time, but often it is by assisting my client to either have a conversation, send an email or at least inform their partner that I will be in touch. And if I am writing an email, it looks like this...

Dear Brad,

As you are aware I have provided some information to Sandy about a process called Collaborative Practice that the two of you could use to discuss and resolve things between you. Sandy has mentioned to me that you might like to talk with me to better understand this process and I would be very happy to do that. Similarly I can send you some more information if that would assist too.

Please let me know how you would like to proceed and if you would like to speak with me, please let me know your availability for a call.

Kind Regards

Clarissa Rayward

Collaborative Family Lawyer & Family Mediator
Queensland Law Society Accredited Specialist - Family Law

Dear Ian,

I understand Heidi has mentioned to you that I would be in touch.

From the outset, Heidi has asked that I convey that she is wanting to work collaboratively with you to find a solution to your financial separation into the future. I understand that you have both already been able to reach a series of agreements that have enabled Heidi to move from the Albion home to a rental close by. I also understand from Heidi that you have together discussed and agreed upon how income can be managed between you at the moment.

I have discussed with Heidi the possibility of you both working with your respective lawyers and any other advisors through a collaborative process to settle your financial affairs. At this early stage, I am contacting you to see if you have a lawyer that will be assisting you and if so, if you could provide me their details so that we can move things forward.

I look forward to hearing from you.

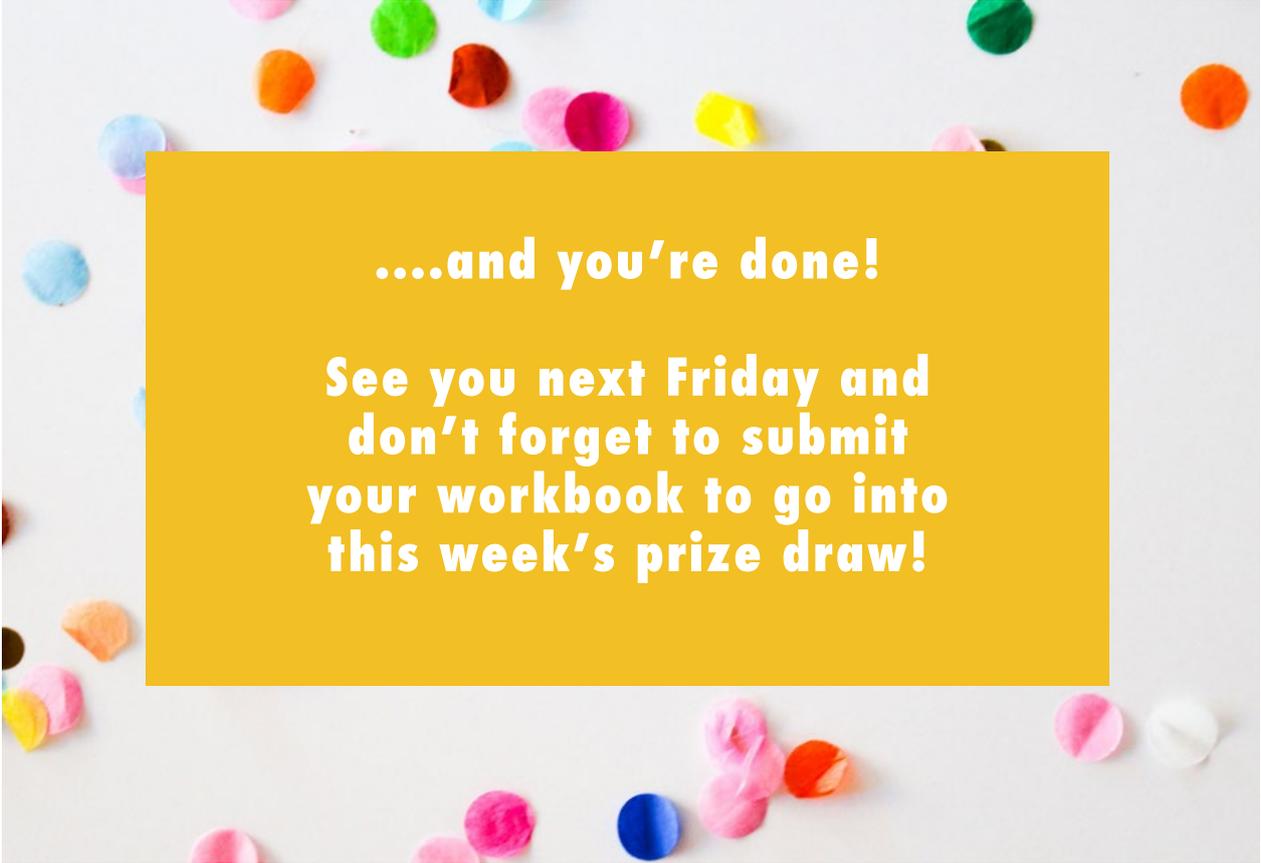
Kind Regards

Clarissa Rayward

Collaborative Family Lawyer & Family Mediator
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What do you notice about the emails above to Brad and Ian ?

Engaging collaborative clients and then their former partner is the first part of the Collaborative Process. There is a whole lot to it but I hope the activities this week have helped you better understand how this first phase of the process works.



....and you're done!

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