

**WEEK ONE**



## What is Collaborative Practice?

In our first week of the Collaborative Practice course, we're going to look at just what is collaborative practice. I describe it simply as a fancy name for a process but within that process there are a series of steps, skills and structures that make collaborative practice very unique. In this week's online workshop we will discuss in further detail the history of collaborative practice, where it began and how it has become the bespoke settlement process that it is today.

In the materials this week, we've provided a series of readings and there are four key parts to your workbook activities that will hopefully get you thinking a bit further about how you can apply this process to your work.

Whether you're a legal professional or a professional working with families within the legal system, collaborative practice and the skills you will learn in the coming weeks will offer you a viable alternative in assisting your clients to create bespoke settlement solutions for their families.

The thing that enables collaborative practice to really stand out for me is its focus on what matters to the client, over and above anything else. Collaborative practice is the only legal process that puts at the forefront of the decision making the wants, needs, values, goals and wishes of the clients at the heart of the process. This is both the success of the process but also where all of the challenges lie. For legal professionals, you will find at times a sense of discomfort in enabling your clients and their wishes to drive a process, as opposed to the legal framework with which we are so familiar. However, when we do allow people to consider their own choices and make their own decisions, we are genuinely assisting them to move into the next stage of their life - educated, empowered with dignity and a sense of achievement.

Take the time to complete the readings this week and answer the questions in this workbook. This will help you build a deeper understanding of how you can use collaborative practice in your firm or organisation.

# Collaborative Practice – What do you know now?

**Before we begin, take a few moments to answer the questions below.**

What do you know now about collaborative practice? It will be fun to flick back to this page when you've completed the course and have a deeper understanding of how this process might work.

**Collaborative practice is...**

**Used for...**

**Benefits I see for my clients are...**

**Benefits I see for myself are...**

**Questions I have...**

# Where it all began...

Collaborative Practice was created thanks to a 'wrinkling' or an idea of a great lawyer, Stu Webb.

Have a read of **Stu's letter to Justice Keith** in this week's materials as it all began there.



**What are your key takeaways from Stu Webb's letter to Justice Keith?**

**Can you place yourself in Stu's shoes?**

**Are there any similarities between how you think he felt when he first wrote this letter and how you feel now?**

Take a few moments to **read two excerpts** from these great books written by three incredible collaborative professionals from around the world.

(you may even wish to purchase the books as both will be incredibly useful for further understanding and building a practice in collaborative law)

and then **answer the questions below.**

**"Collaborative Practice: Deepening the Dialogue, Nancy J Cameron QC"**



**"Collaborative Divorce: A New Paradigm, Pauline H. Tesler and Peggy Thompson"**



**What are the key takeaways for you having now considered the perspectives of Nancy Cameron, Pauline Tesler and Peggy Thompson?**

**When it comes to your clients, what are some of the benefits that you can see collaborative practice may offer?**

**What are some of the key features of the collaborative process that set it aside from other legal processes that you may be more familiar with? For example, litigation and mediation.**

**How would you now describe collaborative practice to a new client and is it different to the answer you gave in the first part of our activities this week?**

# **Client experience of Divorce and Separation**

**This week as you are working with your clients, keep a record of the questions, worries and thoughts they share with you about the work that they are doing with you.**

**Jot them down below...**

**Now that you have a list of questions, thoughts and worries that your clients have raised with you, go back through and place a tick next to those that the legal process can assist with, and a cross for those where legal solutions will be of no assistance.**

**What do you notice?**

**How many of the worries that you've recorded are able to be solved in the legal process and how many are not?**

**What tools do you currently use to try and help your clients with the things concerning them that you may not be able to assist with?**

**Choose three of the worries or questions that you've noted above that can be solved through the legal process.**

For each of those, I'd like you to compare how the adversarial legal process, in particular the Court system, can solve those problems for your clients as compared to what you know at the moment about the collaborative process. Consider the outcome that might be reached, the time it might take, the impact on your client's relationship with their former partner and the overall cost to the family.

\*  Ideal   Sound   Poor

**Adversarial Legal Process**

**Collaborative Practice**

**Q1**


Outcome  
Time taken  
Impact on relationship  
Cost


Notes

**Q2**


Outcome  
Time taken  
Impact on relationship  
Cost


Notes

**Q3**


Outcome  
Time taken  
Impact on relationship  
Cost


Notes

**What do you notice from this activity?**