

## **From “Me” to “We” Professional Transformation through Collaborative Teams**

As Collaborative professionals become more adept through mastery of interest-based skills, we seek to expand our understanding of the underlying reasons clients respond (or not) to the challenges of self-determination. The centrality of *relationship founded in trust*, both between a professional and client as well as between and among teams of Collaborative colleagues, reveals a key to durable solutions we can craft together. The real challenge of Collaborative work ultimately rests with the personal commitment of the Collaborative professional. The internal change we undergo as professionals working together is the foundation of new relationships which can support and potentially transform our clients during their transition through conflict. The Collaborative team must first embody the change we wish to see in clients.

### **Commitment**

Why would a professional take on this challenge? Each of us has developed competencies for successful pursuit of our professions. Why should we pause now to look at ourselves rather than just fixing the problem the client has brought to us? We know how to fix problems – we just have to persuade another person (our client, the spouse, the other lawyer or a judge) in the rightness of our solution. Transforming the way we gather and process information when we work with clients, essentially changing how *we* think, requires a specific intention and focus on the part of the professional.<sup>1</sup> It takes time for any individual to learn new skills, change old patterns and even to accept that the perspectives offered by other professions have a central place in our work. We, in our respective professional roles, can reach some resolution without involving another profession, and lawyers can even call it “Collaborative Law” so long as they

do not go to court. The “get-it-done” approach has been called a “shallow peace,”<sup>2</sup> but it is nonetheless a resolution of the dispute. The further call to personal transformation is not for everyone, and no professional should be criticized for resolving disputes with familiar tools. Collaborative practice is essentially an invitation to nurturing new and perhaps deeper relationships with clients and colleagues which are values-centered.

The primary reason to push beyond our professional comfort zone is to serve our clients. The Collaborative client is asking us to help identify goals that can be achieved and sustained beyond settlement. Goals are more than winning – these goals become the foundation of the “happily ever after” of the new story our clients are writing. The Collaborative client is asking us to be a part of an unfolding story. We help our clients choose what story is being told.<sup>3</sup> The Collaborative tool to achieve a more comprehensive story is the broadened *perspective* that the team brings to the case by its various vantage points and roles. Our clients benefit because the professionals provide new information that will facilitate a well-rounded or more complete perspective. We do this by focusing on the needs, rather than demands, of the other client so agreements can be tailored to meet the needs of both clients, as well as keep the focus on long-term stability of their relationship beyond the settlement by creating positive, respectful relationships in the present.<sup>4</sup>

Another reason to reach beyond our professional comfort zone is to align our work more closely with our values. Sometimes professionals in any of the Collaborative disciplines can become part of the problem by identifying too closely with the dysfunction of their clients. The professionals can be hijacked into the clients’ family system dynamics at its worst. In this alignment we sometimes lose sight of our own core beliefs about peace and personal responsibility. We do, however, have a choice as to which role we will play. Lawyers are trained

not only as litigators, but also negotiators; therapists work with a client's internal obstacles, but can also navigate relationship and family interactions; financial specialists can seek to maximize an individual client's return, but can also explore new ways of using resources to allow balance and security to achieve shared goals. All of these professionals have the capacity to be *facilitation* specialists by separating the problems our clients face in dispute from the personalities of the players. As keepers of the Collaborative process, we create an appropriate *context* for problem-solving. The professionals can choose to tap into their personal values by modeling respect for others, perseverance through chaos and resilience so that the clients can experience the *process* of problem-solving and hopefully carry those lessons into the future. Professionals choose to become "healers of conflict"<sup>5</sup> because it defines who we want to be as citizens and human beings.

Finally, a Collaborative professional may choose to take the further step to personal reflection and growth because that choice is the act of tossing a stone into water, initiating ripples which can change our professions, social structures, and world. Systems are reformed by repairing wounds and reviving the essence of a shared social purpose.<sup>6</sup> The Collaborative process is a fresh approach to relieving the trauma and costs of disputes in overextended court systems and failing family systems. Justice, harmony and responsible use of resources are essential values of our respective professional codes. When we individually align with those values, we empower others, especially our clients, to live their own values. When we assemble teams in alignment with these shared values, we bind our work with *trust* – of the process and each other. We are forging new relationships and connections which begin the repair of wounds caused by isolation and compartmentalization. Trust allows teams to rely on each other for expertise and conserve valuable emotional and financial resources for the clients' by conscious stewardship.<sup>7</sup>

Such reform could ultimately change the fundamental nature of our professional institutions. Today, we have the power to choose to make peace through our everyday work, dispute by dispute and start the ripples flowing outward.

### **Shared Narrative**

Ongoing, unresolved *conflict* has historically been the domain of psychology and mental health professionals. The task of negotiators *of disputes* is different. These professionals are brought into the client's story to resolve a particular disagreement, not the underlying causes of the conflict. The operational social system determines what happens if the dispute cannot be resolved by negotiation, such as resolution by a tribunal with a decision-maker which may supplant the client's power to decide. The client is motivated to negotiate so that he may retain as much decision-making authority as possible in the customization of a resolution. The measure of success can be either a rights-based outcome based on specific rules and information or an interest-based agreement which satisfies the disputant's needs, interests and goals. The role of the client's professional advisor, then, is to offer a process which can manage both the chaos and rigidity of the underlying conflict and then to achieve success in the particular dispute by that client's metric of success. Familiar alternatives to court resolution of a dispute are settlement negotiations, mediation and Collaborative process.

In every process the professionals become part of the client story. In Collaborative practice, we can embrace this role with awareness. Collaborative professionals are mindful of their tremendous ability to influence clients who are caught up in emotional hijack with their own personal, more limited viewpoint which could potentially block a broader resolution. Collaborative professionals normalize the feelings of chaos which arise when perspectives, which appear to be in opposition, are stated and reactivity moves clients toward rigidity.<sup>8</sup>

Collaborative professionals use the process to develop incremental steps to stay with the present tasks which can stabilize the variables in continuing everyday interactions while larger goals can be explored. These process steps create an infrastructure or container in which the client can find safety giving the professionals an opportunity to work more deeply with clients where they need support.

The ability of the professional to enter the client's subjective experience is called "attunement."<sup>9</sup> Deep listening not only provides verbal information, it brings the two in conversation into rhythm or synchronization at a non-verbal level. Empathy arising in the professional is the "sensitive ability to understand the client's feelings, thoughts, and struggles from the client's point of view."<sup>10</sup> This empathic connection enables the professional to transmit his interior feelings of sympathy, strength or confidence back to the client. As the team works together and interacts in direct ways, a resonance of feelings back and forth between each professional and client can emerge. This resonance has the potential to realign a client to calmness projected by the professionals by entrainment.<sup>11</sup> Here is an opportunity for the professional to be aware of his own internal experience of calmness or stress and fix his intention to remain calm. There are many simple techniques to achieve calmness, such as breathing or visualization, which professionals can explore and practice in preparation for these client interactions. Team-building across disciplines can create a network of professionals in a Collaborative case who can subtly remind each other of the shared intention of calmness and can create the shared experience of calm and confidence to surround and entrain the clients.

As we attune to each client's perception of reality, the team discusses together their differences in perception and how to bridge those differing perceptions to create a broader perspective for both clients. The team is *not* asked to discover the "truth" or become arbitrators

of the two points of view. The privileged invitation to enter our clients' stories is to understand what has led to the respective points of view. The relationship among team members allows information to flow and misinformation to be identified. The resonance between professional and client provides an opening for the professional to introduce new ways of looking at the situation which can open the client to new understanding. This "broadening" of perspective starts with the team resisting alignment with client perceptions which have hardened into rigid positions. The team can then utilize the growing resonance with clients to safely bridge the differing perceptions to expand the story.

### **Perspective**

The shift from rights-based thinking to interest-based thinking for professionals hinges on one key skill: the approach to information from top down or bottom up.<sup>12</sup> The facilitation skill of bottom up thinking is the ability to be curious about the meaning behind the clients' stories. So much of Collaborative skills training hones open-ended questioning, reframing statements and noticing how the client is feeling. The client's past actions and intentions in taking those actions make sense to him in the context of his larger story. The Collaborative team is working together to take in the nuances from each viewpoint. How we question a client in an intake interview, how we listen to a client in a group meeting and how we encourage clients to take responsibility for their decisions, past and future, all hinge on the team's ability to stay open to possibilities rather than imposing our own conclusions.

Top down thinking is deductive, arising with a concept or conclusion and then assembling information to support that position. When we use top down thinking, we start with what we already know, the templates which have been shaped and solidified in our brains by our education, associations and experience. Professionals are trained to use top down thinking in

order to assemble specific facts into patterns which can be understood by our professional lens – legal, mental health or financial. We tend to listen for those facts and miss nuances which do not fit into the template we have chosen.

The bottom up approach is more inductive, relying upon curiosity about the information without a particular viewpoint or association. Bottom up thinking uses the natural unfolding of sensory information as it is experienced while we remain open to all of the possibilities which can emerge so we can begin to glean the meaning behind the information. As we start to make associations arising from incoming stimuli, fixed patterns of thinking eventually take over. “In fact, one view of our human heritage – especially after we enter adolescence – is that we become dominated by top-down . . . flow that blocks us from living fully and freely in the here-and-now.”<sup>13</sup>

Since we have a tendency to fit information into the boxes of our personal construction, professionals must be vigilant to seek out information beyond that which confirms only our personal boxes as the right ones. This is the true gift of interdisciplinary teams. Professional thinking, habits and subjective patterns have been honed over the years as we have practiced our different professions and have been rewarded with money, success and affirmation. This is the way we are wired: past experience is stored as top down data to ready us to respond expediently in a predictable way.<sup>14</sup> Our default assumptions can become obstacles to change if we do not expand our own perspective with the more subtle messages being transmitted by our clients through their emotions, hopes and values. Staying with bottom up thinking takes considerable focus, especially for a newly trained Collaborative professional, to receive different kinds of information. Team interactions make the individual professional constantly disassemble

conclusions and reconstruct reality for the purpose of broadening not only the client's perspective, but also our own.

## **Facilitation**

The Collaborative team reshapes old patterns and ways of seeing the world in order to positively move the client forward to the client's goals. Collaborative professionals have been hired to facilitate this process. The experienced Collaborative professional realizes he is not the decision-maker but only the catalyst for his client to take personal responsibility in making important decisions about his life. What makes Collaborative practice qualitatively different from all the other process choices is the opportunity to create an environment for *learning and creativity*. In Collaboration, the client gathers the information relevant to him and the team facilitates an evaluation of multiple options within the context of the client's family. This is *learned* behavior that is supported and modeled by the Collaborative team. To endure this winding, exploratory process takes patience, persistence and restraint. Most of all it takes humility by the professional that his answer – or the “court” answer – is not necessarily the client's answer. If the professional can stay focused on process rather than substance, the client has the possibility of taking the information he has learned and applying imagination to conceive of and choose from possible alternate realities.<sup>15</sup>

Learning occurs when new connections within the brain are made “outside the box” of old, habitual patterns and templates. In other process choices, clients may have minimal involvement in discovery or in joint meetings. The Collaborative team has the most potential to surround a client with the environment in which the client himself is responsible for gathering information and making choices for his future and the future of his family based on that information. As the client learns how to seek and retrieve relevant information, to contact experts

and other resources outside the process and as the client struggles with reviewing and understanding this information, the client claims his role and takes responsibility for his destiny. Even for clients who are used to financial reports and projections, this learning can be daunting when facing limited resources or the unraveling of dreams. These factors can increase a client's resistance to the process. The Collaborative professional is patient with the client who is learning by struggling with these obstacles and is persistent in offering assistance and encouragement to those clients who are frustrated or emotionally reactive.

When new skills are learned, the client still risks reversion to quick solutions to problems in an attempt to stop the turmoil the client is feeling. At some point in the process, chaos ensues and all the patience and persistence seems for naught because of an uncooperative spouse or a difficult issue or a scapegoat professional or expert. This is the test of the Collaborative professional team's commitment to the process. These moments of chaos or the corresponding rigidity of "stuckness" can entrance the professional by the siren's song of expedience. *Let's just get it done.* We have then identified with the feelings of the clients and become caught in their rhythm. The Collaborative team helps the individual professional, sucked into this despair along with his client, to step back and ask "Why this response? Why now?" The reality check offered by the team when a professional has been hijacked into the substantive battle allows the team to rise to its primary role as facilitator of the dispute.

Studies on creativity and flow of ideas have explored the four stages necessary for creative thinking to emerge: preparation, incubation, chaos and inspiration.<sup>16</sup> In the Collaborative process we first prepare by seeking out the needed information and skills through intake and homework. We require intervals of rest as well to sort and reorganize new patterns of thinking stimulated by new experience.<sup>17</sup> This incubation period occurs between the meetings of

the Collaborative process. Then we reach the very necessary phase of consolidation where new connections are reorganizing. Clients experience this as confusion, frustration, dissonance, fear of failure or anxiety. As professionals, we can help the client to normalize this creative process. We can ask whether the impasse is caused by not having the right or enough information. We can consider if we have adequately brainstormed and evaluated. We can talk within the team about client triggers or emotional obstacles to settlement. The team must remember at this point that the real source of impasse is not always the substantive issue being debated. Once the team has considered the process challenges and the emotional and relationship issues, we need to be patient for the most important stage of the Collaborative process: inspiration. When clients have abandoned the zero sum game in which only one of them can be right and win, a third possibility may emerge as the old templates burst into new arrays.

Inspiration is that connection which takes us beyond where we have been before. When inspiration comes from the clients, the solution has become their own. The mastery of team practice is using restraint and allowing inspiration to happen beyond our professional expertise and experience. Intending and sustaining a sense of openness for the clients' process allows bottom up thinking to emerge in their brains which can serve as an experiential resource for designing their lives. The Collaborative team uses the steps of the process to get the clients to this moment and then steps back one step, together, so the clients can step forward into their future.

## **Trust**

“[T]he feeling of trust is a receptive state . . . in which we welcome input from others and may even acknowledge our own needs for connection. Being open is a state of being

that is receptive rather than reactive. To achieve alliance, empathy, and goal consensus and collaboration, trust is essential.”<sup>18</sup> We achieve trust by being vulnerable to “what is” with openness, objectivity, and observation.<sup>19</sup> Trust is necessary for connection.<sup>20</sup> Fear and shame are powerful blocks to exposing oneself in relationship. These are often underlying factors in the causes of the clients’ dispute. A refusal to be vulnerable can be found also in relationships between and among team members. Since the team is the model for trust within the Collaborative process, each member of the team is responsible for reflecting on his own resistance to being vulnerable with colleagues. These are the professionals we voluntarily join with in practice groups and trainings and in shared cases. Trust increases the speed with which we reach agreements and reduces costs for the clients because we have confidence in each other rather than suspicion. In our team relationships trust provides a consistency and predictability and provides an example for our clients.<sup>21</sup>

Trust is learned from resonance we experience with each other as we struggle together first to learn the steps of the process and then to help our clients work together. The times we are not working in teams, perhaps in negative encounters within another process, provide sharp contrast to how we feel about ourselves and our colleagues. In litigation, isolation, procedural tricks and winning a piecemeal victory, all contribute to fight or flight emotions throughout the workday, resulting in feelings of stress rather than calm, and continuing into the haunting re-workings at night. Collaborative teams can evolve into safe places for individual team members where our bad days and our stupid mistakes are forgiven. Reverting to more adversarial processes become more difficult the more we embrace the positive relief and support of relationships based on vulnerability and transparency. We come to care deeply about this work because we share not only trust but vision with our colleagues.<sup>22</sup> We care about each other.

Indeed a more provocative conclusion is that “trust creates the conditions for change.”<sup>23</sup> This insight requires us to face head on the competing pull of change and resistance to change. Our clients have come to us because change in their lives is inevitable. Their resistance by closing eyes or subtle sabotage is no longer working. They come to us in hope of painless change and place their trust in our role as protector. Our greater role as advisor has tremendous power over the client’s ability to broaden perspective, or not; to remember helpful strategies that have worked in the past, or dismiss shared history; to focus on future abundance or scarcity. The Collaborative process, and the learned humility in doing this work, requires that our clients put their trust not in the ego of “Me” as professional avatar, but in the web of the team as “We” and the process itself. Rather than a sequential plan based on professional role or personality, we accept together the contextual adventure of relationship. The underlying goal of trust is not painless change, but rather reworking the broken pieces of life into a new whole. The team must first be trustworthy in order to inspire our clients to dare to forge future relationships founded in trust.

### **Application**

We would like our new collaborative skill set to be founded on simple rules we can follow, skills we can easily learn in a presentation or book. A rule can tell you to create a safe place for the Collaborative meeting and welcome the clients with food. We can do that. We can think about seating at round tables to engender a sense of equality while demonstrating hospitality to both clients. When the clients arrive they experience a different interaction than they may have expected which opens them more toward collaborating. But has the act of setting out food and attending to the clients’ comfort changed their experience – or has it changed you? Have you become more open to the other client? Have you focused on the physical experience of

relationship rather than guidelines or entitlements? We cannot go through the motions of the Collaborative process without shifting *our* internal experience of the dispute.

The Collaborative professional is initially trained in a process but must commit to be the perennial student throughout his practice life so that internal obstacles can be transformed into opportunities to more deeply understand and engage our clients and our colleagues:

[I]f you can surround a person with a new culture, a different web of relationships, then they will absorb new habits of thought and behaviors. . . . [But] you had better keep surrounding them with it because if they slip back into a different culture, then most of the gains will fade away.<sup>24</sup>

The paradigm shift we strive for is an actual shift from the paradigmatic thinking of our entire professional mindset to a fuzzy emergent learning environment in which we do not really have clearly defined causes and effects.<sup>25</sup> Instead we have a complex new pattern of interconnections with new and different tools that cause us to stumble and make mistakes. We reflect together to learn from these mistakes. There is not a central controller on this new system but a pattern of interactions in which our collective mind restructures itself through process. If we can only see situations “from the balcony” by intentionally focusing our attention, we can choose the way our behavior unfolds. Together we are laying down internal structures, deliberating practicing the movements and critically evaluating our mistakes so that a new way to resolve disputes can bring a new kind of peace to relationships. This personal shift holds the promise of renewing all our professions.

Through these relationships of trust, joint purpose and synchronization, the Collaborative team enters the clients’ story, guides the unfolding narrative through new discoveries and unexpected twists and falls away when the clients reclaim the narration. The deep resolution of the dispute depends on the team’s ability to play their roles lightly but with shared intentionality. The key to successful Collaboration is not a new technique to use with clients or even a new skill

mastered by the professional. As we work together to turn our clients in different directions, we discover that the hard work is always within ourselves: approaching each case with curiosity and openness, being present to attune and empathize with clients and team members, aligning with your compassion to care deeply about the client taking ownership of his own life, and abiding in humility to allow the clients to determine their own futures and to keep them learning and creating. When we trust ourselves and entrain in the rhythms of the Collaborative process, the possibilities will always surprise us.

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<sup>1</sup> Transformation in this context is a physiological process of consolidating new brain pathways into familiar templates through repetition, mistakes, and external reinforcement. Herein lays the essential function of the practice group, continuing education and team practice: taking us from unconscious incompetence to unconscious competence. See Tesler, Pauline. "Collaborative Family Law, the New Lawyer, and Deep Resolution of Divorce-Related Conflicts." *Journal of Dispute Resolution*. 2008.1 (2008): 83-130.

<sup>2</sup> Tesler, Pauline, and Peggy Thompson. *Collaborative Divorce: The Revolutionary New Way to Restructure Your Family, Resolve Legal Issues, and Move on with Your Life*. New York: HarperCollins Publishers, 2006, at 95.

<sup>3</sup> Brooks, David. *The Social Animal*. New York: Random House, 2011, at 291.

<sup>4</sup> Siegel, Daniel. *The Mindful Therapist*. New York: W.W. Norton & Company, 2010 at xv.

<sup>5</sup> U.S. Supreme Court Chief Justice Warren Burger, Speech 1/24/82.

<sup>6</sup> Brooks at 235.

<sup>7</sup> Brooks at 155.

<sup>8</sup> Siegel at 141-149.

<sup>9</sup> Siegel at 34-36.

<sup>10</sup> Siegel at 78.

<sup>11</sup> Lewis, Thomas. *A General Theory of Love*. New York: Random House, 2001, at 84-86.

<sup>12</sup> Siegel at 78.

<sup>13</sup> Siegel at 107. See also at 80.

<sup>14</sup> Siegel at 243.

<sup>15</sup> Brooks at 50.

<sup>16</sup> Csikszentmihalyi, Mihaly. *Flow: The Psychology of Optimal Experience*. New York: HarperCollins Publishers, 1990. Gardner, Howard. *Five Minds for the Future*. Boston: Harvard Business School Publishing, 2007.

<sup>17</sup> An accidental lapse in a rat study observing learning pathways in a maze left brain sensors turned on while the rats slept. The data recorded showed the rats continued to run the pathways of the maze even in their sleep. Medina, John. *Brain Rules*. Seattle: Pear Press, 2008 at 164.

<sup>18</sup> Siegel at 79.

<sup>19</sup> Siegel at 75.

<sup>20</sup> Brown, Brené. *The Gifts of Imperfection: Let Go of Who You Think You're Supposed to Be and Embrace Who You Are*. Center City, Minnesota: Hazelden Publishing, 2010.

<sup>21</sup> Covey, Stephen M.R. *The Speed of Trust: The One Thing That Changes Everything*. New York: Free Press, 2008, at 34,127-229. Covey identifies several actions which can improve relationship trust: respect, transparency, correcting mistakes, humility, loyalty, confronting reality, shared expectations, accountability, listening, keeping commitments. All of these have direct counterparts in the Collaborative process anchors.

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<sup>22</sup> Hoffman, David. "Building Bridges to Resolve Conflict and Overcome the 'Prisoner's Dilemma': The Vital Role of Professional Relationships in the Collaborative Law Process." *Journal of Dispute Resolution*. 2010.1 (2010).

<sup>23</sup> Siegel at 75.

<sup>24</sup> Brooks at 111-12.

<sup>25</sup> Brooks at 109 and Tesler, Pauline. "Goodbye *Homo Economicus*: Cognitive Dissonance, Brain Science, and Highly Effective Collaborative Practice." *Journal of Dispute Resolution*. 2010.2 (2010): 635-684.