

Advanced Interdisciplinary Collaborative
Training

Option Building: What's Different?



Your Jacksonville Trainers:

Adam Cordover, JD, MA
Kristin DiMeo, CPA, ABV
Jeremy Gaies, Psy.D.

Adam Cordover, JD, MA

- Former President of Next Generation Divorce
- Organizer & Advocate of 13th Circuit Collaborative Family Practice Administrative Order
- Co-Chair of the Research Committee of the IACP
- Co-Author w/ Forrest Mosten of Upcoming ABA Book on *Building A Successful Collaborative Family Law Practice*

Kristin DiMeo, CPA/ABV

- Served as Financial Neutral in over 100 collaborative matters
- Director of Florida Academy of Collaborative Professionals
- Former Co-Chair of Tampa Bay Academy of Collaborative Professionals
- Former Co-Chair of Collaborative Law Section of HCBA

Jeremy S. Gaies, Psy.D.

- Author:
A Clear and Easy Guide to Collaborative Divorce
and
Mindful Co-parenting: A Child-Friendly Path through Divorce
- Former Member of IACP Committees: Access to Collaboration and Forum Review
- Founding Chair of FACP's Modest Means Committee

An advanced training should be:

*Engaging and fun
Innovative and challenging
A step forward*

Facilities
Food
Manuals
Agenda

Divorce

Once, two spoons in bed,
now tined forks
across a granite table
and the knives they have hired.

~Billy Collins

Welcome to the
conversation!



Tampa Bay Collaborative Trainers Page



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Who are you?

What do you hope to get
from this training?

Terminology Related to Option Building

Options (vs. Offers)
Build and Select Options (vs. Negotiate)
Resolution (vs. Settlement)

4 D's of Resolution

Decide to Enter the Collaborative Process
 Disclose All Relevant Information
 Develop Options that Meet Interests
 Determine Best Options for Your Family

Interest Based Negotiation v. Traditional Negotiation

Win – Win	Win - Lose
Level playing field	Power Based
Work as a Team	Position Based
Preserve relationships	Relationships Unimportant
Meet interests	Get the biggest slice of the pie
Maximize outcome for both	Split the difference
High level of empathy	Low level of empathy

Open-ended questions
 Clarifying questions
 Summarize
 Non-leading questions

EXERCISE

Ask at least 4 questions to learn about the underlying interest(s).

How might you summarize or reframe what you heard to fit the interests?

Active Listening
 Verbal and nonverbal communication
 Be motivated to listen
 Be open to whatever you hear
 Accept what you hear as one view

- Advocacy for “an” Outcome
- The Role of “Strategy”

Quick Review: Interest-Based Negotiation

“Why?” is better than “What?”

Guides team in helping spouses
develop options

Using curious questions to
understand the interests

Preparing Clients for Option Building

Preparation, NOT Positioning

Educate client about concepts / vocabulary

Importance of maintaining an open mind
Flexibility

More than one right way to achieve a goal

Reminder of other spouse's interests

*Forget about all the reasons why
something may not work.*

*You only need to find one good
reason why it will.*

~ Robert Anthony

Presenting Interests

(without making your spouse feel defensive)

- Use "I" statements
- Take ownership
- Acknowledge one's role in reaching a resolution
- Validate the other spouse's needs and feelings

Client Preparation Homework

Develop possible options, based on the interests, to bring to the meeting

Practice Tip: Provide a worksheet to the client with the interests listed

What are the challenges in introducing alimony options?

PLENARY DISCUSSION

Alimony Options

Cultivating Cognitive and Emotional Readiness

What happens when people are...

- Stressed?
- Anxious?
- Angry?
- Confused?
- Overwhelmed?

EXERCISE

Group 1:
Make list of ways to prevent stress

Group 2:
Make list of ways to calm arousal

Preventing Stress Response

Set expectations
Ensure sleep, nutrition, down time
Time of day, duration limits, and breaks
Provide structure (including use of agenda)
Present information in different modalities

Preventing Stress Response

Repeat information
Manage stimulation
Use calming activities and words
Take-home items/tasks

Calming Arousal

Welcome
Calming environment
Food, smells, touch, sound
Photo of children or calming place

Calming Arousal

Listen, acknowledge, and validate
Shift to left brain activities
Physical tasks
Boost oxytocin

Mindfulness supports cognitive and emotional functioning

Self-Awareness by Professional Team Members

What the Team Can Do

Neutrality – Not just for the Neutrals (during option development)!

- Responsibility of all team members to create a “safe” environment that is conducive to open discussion & creativity
- Careful word choice (non-judgmental)

Neutrality – Not just for the Neutrals (during option development)!

- Body language - nodding in agreement, crossed arms, eye rolling
- Especially important for The Neutrals
 - Maintain a balance between the clients (time to speak, consideration of options)
 - Ask clarifying questions

Creating an atmosphere for
open-minded thinking

Helpful Language

Work together	Common ground
Respect	Understand
Agree	Consider
Explore	Problem-solve
Shared	Mutual
Suggestions	Ideas

Team Member Roles in Option Building

Problem Solving

Evaluating and Selecting Options

Use Objective Criteria:

Sense of fairness
The law
How other families have
handled it

Other Ways to Evaluate Options

Note pros and cons of each option
(as it relates to identified interests)

Consider your BATNA
(Best Alternative to Negotiated Agreement)

Reverse the option

Avoiding Offer / Counteroffer

- Higher likelihood of reverting to offer/counteroffer when done outside of a meeting
- Discussion is preferable over written correspondence
- Relate the option back to the interests
- Self-check: Maintain atmosphere for client self-determination
- Consider meeting of clients and neutrals

Building Durable
Agreements

EXERCISE

How might you help
develop options for this
family?

*For those who wish to go across the
water
May I be a boat, a raft, a bridge.*

~Shantideva

Thank You!

<http://TampaBayCollaborativeTrainers.com>

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