Introduction

We are a clinical social worker and a psychologist. Each of us has been a psychotherapist for over 25 years and has completed extensive training in individual, couple, and family psychotherapy. We also share a love of play therapy and work with children as young as two years old (or even younger, when we’re seeing them together with their parents). About 15 years ago, each of us wandered into the field of separation and divorce. It happened gradually—a case here, a case there. We both have personalities that propel us toward novel experiences; we prefer to err on the side of trying something new. We found ourselves working for the first time with professionals of other disciplines and wearing new hats. We performed roles for which we did not always have names or roadmaps but which are now familiar to all of us, such as parenting coordination and divorce coaching. We also had our earliest experiences of testifying in custody cases. We learned mostly on the job (and by making mistakes!), but we found good mentors and gobbled up all the relevant training we could find—the best of which came from that wonder of an organization, the Association of Family and Conciliation Courts (AFCC).

We were driven by personal interest, too. Both of us were in the late recovery phase of our own divorces. We were engaged in quests to understand why our interpersonal lives had played out as they had, and to minimize the negative impact on our (then young) children. Kate was a child of divorce and thought a lot about ways things might have gone better if her well-intentioned, psychologically minded parents had had more supportive process options available to them.
We found our work with divorcing families and their attorneys stimulating and interesting, and we knew it was important. But our experiences were uneven. Sometimes we were effective in helping separating partners relate in less acrimonious ways, make child-centered decisions, and reach mutually acceptable compromises without squandering their mutual goodwill and their kids’ college funds. Other times we felt like cogs in a massive, destructive machine—unwillingly complicit players in an adversarial system in which complex, interpersonal difficulties were reduced to judicial disputes and human vulnerabilities were exploited as legal liabilities.

In the beginning we were pretty naive. We didn’t understand why some attorneys seemed wedded to a narrow definition of zealous advocacy. We were thrown off-kilter whenever an attorney we liked and considered reasonable (maybe because we were friendly with him or her in social settings) took on the mantle of a clearly vindictive or mentally unstable client. We felt like we were in the *Twilight Zone* whenever we listened to two lawyers (who had perhaps played a friendly game of tennis the day before) hurl invectives at each other as though they were avatars of the clients themselves. We found ourselves wanting to blurt out “Wait! Don’t you see that if you switched clients you’d each start speaking the other’s lines with equal conviction?”

Eventually, we came to know so many family lawyers (as well as mental health professionals and financial experts who worked alongside them) that we experienced a wide range of professional perspectives and approaches. We became acutely aware of how complex and difficult divorce work really is—the content is upsetting and provocative, the clients are reeling, there are children involved, and every fact pattern is different. Once you layer in the infinite combinations of variables relating to the professionals’ characters and levels of experience and skill—whew! It’s quite a web. We weren’t alone in struggling to learn how to do our best with every client. Nearly all our colleagues were struggling too, some with stunning success, others with more difficulty. We also became more attuned to the profound nature of the paradigm shift required of us in learning to apply psychotherapeutic concepts in a multidisciplinary, task-focused process. We became humbler and more curious.
As therapists, we’re trained to eschew the notion of objective truth. Our responsibility to our patient is to understand and accept their narrative without judgment, but from a questioning stance. We listen for clues that our patient is distorting reality. But we do this so we can help them to develop a deeper understanding of their own thinking and behavior and, with our support, to make healthy adjustments. We don’t want to show our patient that they’re wrong; we want to help them find ways to be happier. We don’t want to use what we know against them; we want to work collaboratively to develop shared insight. We want to help them get out of their own way. But our job is made easier by the fact that (with a few rare exceptions) we have no legal or ethical responsibility for the outcome of our work.

As we became more familiar with the work of attorneys and gained a more nuanced understanding of their ethical responsibilities to clients, we became more interested in their stylistic differences. We noticed that some colleagues who were highly successful and effective litigators were gifted at creating deep, powerfully supportive relationships with clients. Other colleagues who swore allegiance to mediation and other alternate dispute resolution processes didn’t seem to understand their clients at all, and fomented more conflict than did their litigating peers. We wondered: Since it’s clear that effectiveness isn’t tied simply to process (e.g., litigation or mediation), what is it tied to? Which skills are innate? Which can be learned? What’s the best way to teach them? What determines which divorce professionals will seek or be open to more humanistic perspectives? And while we’re at it, we thought, let’s ask the same question with respect to mental health professionals and financial experts.

Although we both live and work in the Washington, D.C., area, we did not meet until our first Collaborative Practice training in 2006 (a multidisciplinary team training offered by our now friend and colleague Sue Brunsting, JD, of Rochester, NY). We were immediately hooked on the model. Collaborative Practice offered an opportunity to pull together and apply our entire toolbox of accumulated knowledge and skills, and a way to reach families at the beginning of their divorce process—before damage had
been done by an adversarial system. Collaborative Practice was a
door. Through it we entered into a community of people who, like
us, search for ways to practice within the realities of the law but
in a manner consistent with our identities as helping profession-
als. Our Collaborative colleagues don’t think in lockstep on every
issue. But they share a commitment to an integrated approach in
which the needs of a family can be seen in three dimensions (legal,
financial, emotional), and clients can be supported in making deci-
sions based on a mutual understanding of underlying interests and
concerns—rather than out of fear.

We joined the larger Collaborative world when we became
members of the International Association of Collaborative Profes-
sionals. We attended IACP annual forums and conferences. Soon
we began presenting at those forums and, with increasing fre-
quency, to be invited to conduct trainings for local and statewide
Collaborative groups and bar associations. Every community we
visited gave us fresh perspectives. Our learning expanded expo-
nentially, and our minds crackled with new ideas.

The lawyers, mental health professionals, and financial profes-
sionals who attended that training in 2006 began to work together
on a regular basis—sharing cases and talking together about what
did and didn’t work. In 2007 we formed the first Board of Directors
of the D.C. Academy of Collaborative Professionals (DCACP), an
extraordinary organization we both hold dear to our hearts. The
authors still fondly think of that group as our “graduating class.”
Its members are many of our closest friends and colleagues.

In those first few years the two of us had nearly daily conver-
sations (sometimes many in the same day) about how to apply
our psychological understanding to the Collaborative model. We
learned best when we thought backwards. We deconstructed
meetings retrospectively, putting countless fraught moments
under our metaphorical microscope, examining them for clues
about why things had unfolded the way they had. From those
conversations emerged our first book, *Navigating Emotional
Currents in Collaborative Divorce: A Guide to Enlightened Team
Practice*. *Navigating* is a study of how unconscious personality
conflicts (both inside each client and between them) play out
in a Collaborative Divorce process, often working their way into
the professional team in ways that can be either problematic or transformative (or both).

Over time, we’ve integrated the concepts from *Navigating* so deeply into our own work and teaching that they’ve become reflexive; we have “muscle memory” for working with our clients’ emotional dynamics in the multidisciplinary divorce context. Armed with that solid foundation, we are less preoccupied with the nuts and bolts of our work. This has freed up mental bandwidth, and given us freedom to be curious in new ways and to take creative risks.

Since 2010, our ongoing conversation about the application of psychotherapeutic concepts to divorce work has continued—but our focus has shifted. We remain interested in the interplay of individual, couple, and team dynamics, but we’ve pulled our perspective back, expanding our visual field.

The shift began when we were ready to look at our beloved Collaborative model through a more critical lens. We did a lot of post-mortems, and here is what we learned: A Collaborative team can be a rocket to the moon or a plane spiraling earthward. The success of any Collaborative case is predicated on the self-awareness and self-management of every professional involved. When a case flounders or falls out, the culprit is almost always (with a few notable categories of exception, such as active substance abuse or severe mental illness) problems in and among the personalities of professional team members, not the difficult behaviors of the clients—even when the clients are very high conflict.

We came to understand that collaboration is a state of mind that exists first, primarily, and sometimes only in the minds of the professionals. In other words, we are not dependent on our clients for good outcomes; they are dependent on us. We began to approach each new case—whether it was Collaborative,
cooperative, litigation, mediation, settlement negotiation, parenting coordination, or one of many hybrid varieties—from the same collaborative state of mind.¹

But could that state of mind be taught? How? To whom? We’d come full circle to our original questions.

A couple of years ago, while once again pondering the conundrum of what makes a great divorce professional great, we had a lightbulb moment in which we hit upon the notion that the people who are doing this work really well (whether they’re lawyers, mental health professionals, or financial experts) are providing an emotional environment that allows their clients to do really hard things under really hard circumstances. Like all basic truths, it should have been obvious all along, but it was a revelation. The recipe to the “secret sauce”—that ineffable quality of mastery we’d been struggling to capture in the wild so we could study it—was simply a reflection of what good parents have been doing since time began: creating psychological conditions for growth under conditions of stress.

Pauline Tesler, JD, author of Collaborative Law: Achieving Effective Resolution Without Litigation (now heading into its third edition) and a pioneer in the multidisciplinary practice of family law, has been one of our most important teachers. Here’s what she had to say on the complicated question of what can be taught versus what is hardwired (and the potential implications of that question):

*For some time now, as a trainer, I have been trying to figure out what is teachable/learnable in what the innate peacemakers are doing naturally, and to figure out how it can be taught to those who have the capacity and intention to be*

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¹ We want to distinguish between the specific modality of “Collaborative Practice” (a legal divorce process the primary distinguishing feature of which is the Participation Agreement, signed by both parties and their counsel, stipulating that their respective attorneys cannot represent the parties in any subsequent litigation) and “collaborative” (an adjective describing a non-adversarial approach to our work). Because “Collaborative Practice” (also known as “Collaborative Divorce” and “Collaborative Law”) is a proper noun, we capitalize it. We do not capitalize the adjective “collaborative.”
pretty good collaborative lawyers. I'm also interested in how those who do seem to have the peacemaker gene can build small groups to support highest, best practices. What they do by nature includes much that can't be taught but also some elements that can. We will still have a bell curve—some who are excellent, some who are just okay at the work, and some who don't bother to do well at anything. Training doesn't change that, but I do believe that capturing what's effective about what master practitioners do by nature can help float all the boats higher.²

As the Director of the Integrative Law Institute at Commonweal, Pauline works at the leading edge, gathering up emerging ideas from the worlds of positive and social psychology, neuroeconomics, cognitive psychology, and other natural and social sciences. She synthesizes these ideas into practical concepts that speak directly and powerfully to divorce lawyers, who in turn put them to immediate use with their clients. We find Pauline's work important for many reasons, not the least of which is that it offers empirical evidence for the efficacy of practicing law as a healing profession. She reminds us that as human beings we are born with the capacity and desire to understand each other, to connect in ways that promote emotional growth.

In this book we present a developmental model for highly effective practice in the multidisciplinary field of separation and divorce. We offer it as a new point of entry, another vector for understanding how to help when human relationships falter. We hope the stream of our ideas will flow to meet the river already swirling with the contributions of Pauline and other leaders in our field. We like to imagine it there—mixing with the currents, playing in the eddies, joining the rising tide.