

INTRODUCTION: NAVIGATING THE COLLABORATIVE RIVER ABOVE AND BELOW THE SURFACE

WHO WE ARE

We are a clinical social worker and a psychologist, both psychotherapists with over 20 years of experience working with children, adults, couples, and families. About 10 years ago we wandered, independently, into the field of separation and divorce. In addition to that of psychotherapist, we've played lots of roles, among them mediator, parenting coordinator, parenting coach, and various hybrid varieties. Although we believe passionately in our work, over time we became increasingly discouraged by the limitations of our ability to help families who had already become embedded in the family court system—itsself inherently organized around the goal of identifying the “other party’s” vulnerabilities and exploiting them in order to “win” a favorable outcome. By the time our clients got to us, they had usually hired attorneys and been through several rounds of nasty negotiation or, worse, litigation. They were battered and bruised, their financial and emotional resources were squandered, their mutual trust and respect were destroyed, and their children were caught in the crossfire of an ongoing battle. With rare exceptions, even though a divorcing or divorced couple might come to us hopeful that we could help them to communicate in less contentious ways and develop better co-parenting capacities, we found that so much bad blood had developed between them that their relationship was beyond repair. In many cases,

we found ourselves reluctantly reduced to the role of “decision maker,” a frustrating job that we are simultaneously underqualified and overqualified to perform.

Though we both practice in the Washington, D.C. Metropolitan area, we had not met until we both attended our first Collaborative Practice Training in 2006. It was a two-day introductory basic training given by Sue Brunsting of Rochester, New York. We were both immediately taken with the model, which gave us a completely new way of applying our accumulated skill and knowledge. Collaborative Practice not only offered an opportunity to get involved with a couple from the *beginning* of the divorce process (before the outside damage had been done), but also provided the framework for an integrated approach in which the needs of the family could be addressed from all directions (emotional, legal, financial). We felt we had professionally “come home” when we realized that within this model, our clients’ decisions could be made out of a mutual recognition of underlying individual and family interests rather than out of fear, co-parenting relationships could be not only preserved but enhanced, and—miraculously—the children themselves could be given a voice.

Since then we have been part of the growing Collaborative Practice movement in our neck of the woods. Both of us are affiliated with several Collaborative groups, and have developed many wonderful collegial relationships (including with each other!). One of our most important shared affiliations is with The DC Academy of Collaborative Professionals (DCACP). We feel we have been collaboratively “growing up” with the other founding members of that practice group, many of whom were also at our first 2006 training. We are still in our adolescence as an organization, and we have our growing pains. But the authors are amazed at and grateful for the level of thoughtfulness, commitment, skill, and capacity for introspection in the group.

Like other Collaborative practitioners around the world, we in D.C. have grappled with the questions of “What is the right makeup of a Collaborative team?” and “Is there room for more than one type of team?” As we write, there is no consensus in the Greater Metropolitan area (D.C., Maryland, and Virginia), and the debate goes on. But, as has happened in many other Collaborative com-

munities, we at DCACP have developed an idea of “how we do it around here.” Though there have been times when we’ve disagreed, even heatedly, the preponderance of our membership has coalesced around the idea that in almost all cases the best Collaborative practice is a “full team approach” in which the team is composed of two attorneys, two coaches, a financial professional, and, if there are children, a child specialist. We were gratified to see that Pauline Tesler, in the second edition of her book *Collaborative Law: Achieving Effective Resolution in Divorce Without Litigation*, unambiguously put forth the full team model as being the most powerful approach for helping families as they move through this life transition.

All that said, the authors sincerely believe that not only is there room for more than one point of view, but the ongoing conversation between groups who practice in different ways lends vitality to our work. The aim of this book is not to proselytize. Rather, it is to describe the way we work, offer a theoretical framework that will apply across models, and invite dialogue about roles, team composition, and how to best serve individual clients and families.

WHY WE WROTE THIS BOOK

We have each now completed somewhere in the range of 65 Collaborative cases. We’ve each also had a few unsuccessful Collaborative experiences. We’ve learned that Collaborative doesn’t mean “easy”; our work is often painfully difficult. After all, divorce, even in the rare cases in which it is a mutual decision, involves a complex set of emotions, usually including some combination of disappointment, anger, fear, shame, hurt, and grief. But beyond the obvious difficulties that accompany the task of splitting up in the face of powerful emotions, it is a psychologically complex process.

What we find is that some of our clients, even though they struggle and become positional at times in the Collaborative process, seem to respond easily and well when we help them to get in touch with the feelings behind those positions. For them, enhanced understanding in itself is sufficient to move them toward active participation. For other clients, however, we find that simply

pointing out what is emotionally true is not enough. Despite our best efforts, they behave in inscrutable ways, prompting us to ask ourselves such questions as: “Why is my client making a big deal about small things?”; “Why is my client afraid of allowing her husband access to the children when he seems like a decent guy?”; “Why does my client solicit and then reject my advice?”; or “Why did these two get married in the first place?” At best, we find that

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our clients fluctuate, from day to day or from meeting to meeting—sometimes reasonable and open to compromise, other times rigidly inflexible. The frustration that comes with our clients behaving in

stubbornly self-destructive or noncollaborative ways is an inevitable aspect of our work. And it’s easy to become angry or to feel incompetent when clients seem hell-bent on shooting themselves (and us) in the foot.

In the introduction to their book *Collaborative Divorce: The Revolutionary Way to Restructure Your Family, Resolve Legal Issues, and Move on With Your Life*, Pauline Tesler and Peggy Thompson refer to the concept of the “shadow,” an unconscious part of the self that drives human behavior. Tesler writes that “[her] attitude toward handling divorce in the courtroom changed completely when she encountered the psychologist Carl Jung’s notion that every dark part of our nature that we disown, suppress, or ignore becomes part of our ‘shadow’ and drives our behavior in ways we don’t perceive” (Tesler & Thompson, p. 6).

We appreciate the importance of Tesler and Thompson’s idea that in Collaborative Practice, as in life, we all feel and act in ways that are influenced by aspects of our personalities that operate outside of our awareness. In this book, we hope to expand on that notion, further exploring the impact of unconscious emotional factors on the Collaborative process. We will look at the development of the internal worlds of our clients and ourselves, and how those worlds come alive in our work. We will examine the psychological underpinnings of the Collaborative process itself (why we do what we do), the ways in which individual professionals and their teams

are affected by the emotional makeups of their clients, and the issues of assessment and technique.

Unless you are a therapist with lots of experience helping couples to separate, you might wonder why we are going to venture into what might feel like psychotherapeutic terrain. The primary answer is that unless you understand all the reasons that a couple *becomes* a couple, you can't understand what happens to them as their marriage unravels. Let's unpack that idea a bit.

We call the patterns of thinking, feeling, and behaving that characterize a particular marriage the "marital dynamics." These dynamics play out above the surface of things (in the couple's conscious awareness) and below the surface (in the couple's unconscious, out of their awareness). Think of the Collaborative team, including the clients, as a group of river rafters, and the Collaborative process as the river we navigate together.* The couple's manifest difficulties ("We would like to keep the house, but we can't afford it," or "We both want the kids for Hanukkah") are like the visible rocks that you can navigate together, if not easily, then without too much difficulty. The couple's latent troubles are like the more dangerous, invisible rocks below the surface that threaten to puncture and capsize the raft. These lurking, unseen threats are sometimes evident only as emotional white water—stubborn, baffling behaviors that cause a lot of trouble in the Collaborative process (e.g., positionality leading to impasse, provocative or abusive behavior, or threats of litigation) and that hint at larger troubles below, the location and dimensions of which we can't see. At the worst moments in our work, there isn't even the warning represented by white water. We simply find ourselves in sudden free fall—hurtled off the edge of our Collaborative river in an emotional waterfall that threatens to drown us all.

If you accept this metaphor, you can see that the successful completion of the journey to river's end—what Pauline Tesler and Peggy Thompson call a "deep peace" (Tesler & Thompson p. 162)—necessitates the development of a map for navigating a couple's

* The analogy between Collaborative Practice and whitewater rafting is Pauline Tesler's. She offers it, along with many other helpful metaphors, in her book *Collaborative Law*.

particular course, as well as tools for stabilizing the boat when the going gets rough or we wander off the map. You can also see that, in order to develop that map and those tools, we need to gather an understanding of the couple's dynamics, above and below the surface. Our book is based on the following basic assumptions:

1. The ways our clients think, feel, and behave are often driven by unconscious factors.
2. Those unconscious factors play a strong, sometimes problematic role in the course of a Collaborative case.
3. It is only by developing an understanding of the dynamics underlying our clients' patterns of thinking, feeling, and behaving that we can help them to navigate the Collaborative process.

If this sounds complicated or intimidating, don't worry. If it sounds too touchy-feely, hang in there. We are not trying to make therapists of all Collaborative practitioners. For lawyers and financial specialists, we hope to offer an introductory theoretical framework for thinking about our clients and how best to work with them. For mental health practitioners—you will already be thinking along these lines. It will be your job to apply these concepts to a formulation of your clients' individual and couple dynamics in a fuller way and, when appropriate, to share your understanding with your team in order to help move the process forward.



The Conscious and the Unconscious Mind

Since the ideas in this book are predicated on a recognition and understanding of the concepts of a conscious and unconscious mind, it makes sense to offer quick definitions:

The Conscious Mind

Our conscious mind is composed of all the memories, ideas, thoughts, and feelings of which we are aware. Even though,

at any given moment, we can only be actively thinking about a small portion of our consciousness, its contents are accessible to us—we can easily recall any aspect of it at will.

The Unconscious Mind

We're consciously aware of a small part of what's going on in our minds. The part of us driving the way we think, feel, and behave that's operating outside of our conscious awareness we call the unconscious. Our unconscious wields a lot of power over us. If you've ever had a disturbing dream that brought to the surface of your thoughts something you hadn't been thinking about before, if you've ever made a "Freudian slip," or "accidentally" forgotten a meeting that deep-down you wanted to avoid, then you've seen the evidence.

A note on our source material and our decision not to footnote specific psychological concepts: Many of the ideas upon which we draw in this book form the very fabric of psychodynamic theory. They are like air and water to clinicians—ubiquitous to the point that citing a particular theorist is difficult. Still, we can trace many ideas fairly close to their sources. The concept of a "conscious" and "unconscious" mind as well as initial ideas about "transference" and "countertransference" originated with Sigmund Freud. Later, he and his daughter Anna Freud began the discussion of ego defenses that are now part of common parlance. The ideas in Section I are an extraction, synthesis, and new application of ideas that come from Object Relations theory, a theory of human development based on the idea that the dominant determinant of personality formation is our experience in relationships. The chapters on individual dynamics, couple dynamics, and the collaborative container rely heavily on the writings of Donald Winnicott (who richly described the way in which the safe psychological space—or "holding environment"—created by the mother is what allows the baby

to find its self), the work of Wilfred Bion (who introduced the term “containment” to explain the internal process by which the mother—and later the baby—takes in and processes anxiety), Melanie Klein’s (and later others’) description of the process of “projective identification,” W.R.D. Fairbairn’s model of endopsychic organization, and David and Jill Scharff’s (and others’) synthesis of Object Relations and group relations theory into a model for understanding couple formation and family functioning. The concepts of the Lock and Key, the two-part Collaborative container, and the Rigidity/Flexibility Continuum are the authors’, but readers who choose to explore psychoanalytic theory in general (and Object Relations theory in specific) will soon recognize the origins of our ideas (see “References” section for relevant source material).