

# Access to Collaborative: FACP Practice Group Webinar 2020

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## Definition:

Access to Collaborative means looking for ways to ensure that language, race, ethnicity, and income do not present barriers to access to collaborative family law practice and that *all* are able to utilize the process.

# Access for . . .

- All content areas (divorce, prenup, post-nup, same-sex, paternity)
- All English speaking, non-English speaking, and English as a second language
- All across the racial and ethnic spectrum
- All income levels
  - Currently, income level is the primary focus
  - Pro Bono/Free vs. Low Bono/Modest Means/Reduced Fee
  - Are we being creative enough about fee arrangements?

# Why?

- You say you want “a case”? You want to do “just Collaborative”?  
If that is what you want, this is what you add
- To grow a Collaborative community, we must cover the income spectrum
- Have to build from the bottom up and the top down
- You already know and believe in the benefits of Collaborative for clients, professionals, our communities and our world

# Benefits for Practice Groups

- Build professional connections
- Enhance professional relationships to create better teams
- Match experienced with inexperienced practitioners
- Opportunities for notetakers and observers
- Build community connections
- Marketing to the community
- Clients spread the word

# Benefits for Professionals

- Opportunity for cases sooner
- Learn by doing to build collaborative skills
- Learn efficiency of process
- Experience clients from diverse backgrounds
- Experience with broader range of professionals
- Mentorship opportunities
- Observe skill of experienced practitioners
- Build confidence in collaborative skills
- Identify necessary areas of growth as practitioner
- Easier to market your experience
- Filing your schedule with 'good enough fees' to make you happy

# Benefits for clients/community

- Healthier separation and divorce
- Provides access to this opportunity for all
- Address nationwide concern about access to justice
- Reduce burden on the court docket and legal aid organizations
- Provide options for judges to triage cases
- Address pro se litigant concerns
- Enhance perception of lawyers
- Enhance perception of Collaborative law
- Clients appreciate the opportunity

# How Creative Can You Be?

- Shift the pro bono/low bono work you already do to this
- No professional fee
- Creative fee arrangements
  - Reduced hourly fee
  - Tiered hourly fee based on income and/or assets
  - Flat overall fee
  - Regular fee with reduced retainer
  - Pay as you go rather than upfront retainer
  - Streamlined protocols
    - using full fee or reduced fee
    - Limited number of meetings
    - Set number of meetings and set fee at start of case with possibility for 'change orders'
    - Sliding fee scale with per meeting charge
- Other immediate need is addressing cultural and language barriers

# If you have no program yet:

- What works for my community may not work for your community
- Programs throughout the state-fall into 3 general categories.
  - Private, Public and Court Affiliated Programs
- All have their challenges and successes.
- Defining the programs/avenues
- Great place for you to start is by connecting with folks who serve the population(s) you want to start with

# If you have an existing . . .

- Programs throughout the state-fall into 3 general categories.
  - Private, Public and Court Affiliated Programs
- All have their challenges and successes.
- What program do you have?
- What challenges and successes are you experiencing?
- Do you want to develop another program or address your current program or both?
- What goals do you want to set around what you are doing or what you want to do?

# Challenges for Access Programs

- Finding professionals willing to do the work  
Programs with many clients but few professionals
- Build it and clients will come . . . Not necessarily  
Programs with many professionals but few clients
- Finding professionals to commit to more than one case
- Professionals just don't think about it when talking to clients
- Professionals wait to be handed a case without being proactive
- Limited time and resources to get the word out
- Some families overwhelm the program or the professionals
- Turnover in help line/staff/admin of referring organizations dilute the knowledge and screening falls off

# Strategic Planning

- Consensus it is important for the group to have a common understanding and to support the decision of the whole.
- Practice group needs to come together to agree upon what it can support.
- Any strategic plan requires GOALS and OBJECTIVES
- Follow up!
  - Imperative to hold points of contact responsible
  - Have regular meetings to assess goals and objectives
  - To change any that need to be changed
  - To celebrate progress!

# Strategic Planning: Goals

- Brief clear statement of a desired outcome to be reached within a specific time
- The “what” not the “how.”
- Best goals=
  - Active verb
  - Description of the what
  - A quantity and quality
- Questions:
  - Is it realistic? Is it measurable? Is it specific?
  - Is it challenging and long range?
  - Does it clearly present one central outcome

# Strategic Planning: Objectives

- A brief clear statement of an action step to be taken within a certain period of time as a step toward the goal
- Best objectives=
  - action verb (study, plan, start, design, assess, invite, etc)
  - specific task
  - target group or person
  - completion date
- Questions:
  - What are the action steps that will have to be taken to achieve the goal?
  - What expenses or resources will be needed to accomplish this objective?
  - Who must be involved in carrying it out?
    - Critical to appoint a point of contact for each objective

# Whiteboard Activity

# Takeaways to Address Challenges-You First!

- While you work on the 'program' to be developed in your area . . .
- Who is your typical client? What is their ability to pay?
- If you want Collaborative cases, always think of Collaborative as an option regardless of ability to pay
- Are you thinking creatively about how to fit Collaborative in to your current work flow?
- Consider what you are willing to do with regard to the income spectrum
- Develop a network of colleagues who are willing to work across the income spectrum that you are willing to work across
- We need leaders in this area; Are you that leader?

# Takeaways to Address Challenges

- We need Practice Group Leaders to lead in this area-What do you need from your leaders right now?
- We need an Access committee in each practice group-Do you have one?
- Those committees need a chairperson – Who is that person in your group?
- We need all members to help practitioners understand all of the benefits
- It is hard to explain the benefits until you have done it; once you do, it is hard to stop talking about the enormous benefits of the transformative experience for everyone involved
- This is a lot of work for one person-delegating and sharing
- Fit the program(s) to the community

# Resources

- IACP Access to Collaboration resources in member section of website
- IACP Forum - usually has at least one presentation on this topic
- FACP Conference – often has at least one presentation
- See articles in the *Collaborative Review* provided
- See Poster session program examples provided
- See OCCP Addendum provided
- See FACP Blog article provided
- What do you need from us and from FACP leadership to support you in what your Practice Group has decided to do today?