

## Rules of Good Faith and Communication Protocol in the Collaborative Process

We have found that in order to increase trust and reduce stress during this Collaborative Divorce Process, the following rules and protocols support a foundation for an effective, efficient, and less distressing transition for the client family.

**Please place your initials at the bottom of this page indicating you agree and understand.** We encourage questions about these rules.

### Good Faith Participation

1. I agree to proceed in “Good Faith.” Good faith means to abide by the rules of common courtesy, to keep an open mind, be willing to explore options without holding a fixed position, share all pertinent information; financially, emotionally, and, if applicable, in regards to the children.
2. I agree to voice any concerns or questions that may arise during the process about the overall process, direction, or any interactions between the parties and any Collaborative team members (i.e., the Attorneys, Facilitator, Financial, or Child Specialist).
3. I agree to convert complaints into neutral requests to the best of my ability, and to refrain from blaming and negative assumptions based on the past behavior of my spouse or partner.
4. I agree to work productively in the “here and now,” keeping the future in mind.

### Communication Protocol

- 1) Attack the problem and concerns at hand. Do not attack each other.
- 2) Avoid positions. Instead, express yourself in terms of needs or interests and the outcomes you would like to realize.
- 3) Work for what you believe is the most constructive and acceptable agreement for **both** you and your family.
- 4) Be respectful of others.
- 5) Use each other’s first name and avoid “he or “she.”

- 6) Do not interrupt when the other client or his or her lawyer is speaking.
- 7) You, also, will have a full and equal opportunity to speak on each issue presented for discussion.
- 8) Do not use language that blames or finds fault with the other client. Use non-inflammatory or neutral words.
- 9) Avoid using terms like "fair" and "unfair". Words like "acceptable", "workable," "agreeable," and their converses, "unacceptable, unworkable, not agreeable" are preferable in that they allow room for reasonable people to differ.
- 10) **Speak for yourself.** Make "I" statements, not "you" statements.
- 11) **State what you observe.** For example, "I noticed that twice this month times that were scheduled for the children to be with you simply did not happen."
- 12) **State how you feel about what you observe.** For example, "I feel worried and unhappy about this because the children feel disappointed."
- 13) **State what your need is in relation to this.** For example, "It is important to me that the children and you spend time together because that is in their best interest and it is important to them."
- 14) **State what you would like to do about what you observe.** For example, "I want you to propose a schedule that could be put in place so that visits occur when they are scheduled so the children are not disappointed."
- 15) Practice active listening. Listen fully while the other person speaks; avoid planning your reply until the speaker has finished. Try to understand what the other is saying without being judgmental about the person or the message. Ask for more information on any points that aren't completely clear to you. Check out how accurately you understand what the speaker said by restating your understanding in different words. Keep doing these steps until the speaker agrees that you have fully understood what was said. Remember, you can say, "I understand" without meaning "I agree."
- 16) If you have a complaint, raise it as your concern and follow it up with a constructive suggestion as to how it might be resolved.

- 17) If something is not working for you, tell your lawyer so it can be addressed.
- 18) Talk with your lawyer about anything you do not understand. Your lawyer can clarify issues for you.
- 19) Be willing to commit the time required to meet regularly. Be prepared for each meeting.
- 20) Be patient – delays in the process can happen notwithstanding that everyone is acting in good faith.

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Adapted from “Collaborative Law: A Training for Family Law Attorneys”, by Stuart Webb, and from “Collaborative Law: Achieving Effective Resolution in Divorce Without Litigation”, by Pauline H. Tesler.

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