

# A Collaborative Coach?

## CONTACT

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## Why another person at the table can make, or break, your collaborative process

### Role

The coach has the job of observing the process, preparing the parties, choreographing the team, and managing the emotions that arise as a natural part of human conflict. These emotions arise in both the parties themselves and in the team members. Emotional contagion is a highly studied area in psychology and explains why hanging out with kittens and babies usually makes us feel good, while spending time with angry people leaves us feeling irritated too. The coach serves as a barometer and manager of these emotions, helps the team be more productive with the meetings that are held, and helps the parties be productive in their agreement efforts.

### Limits

The coach is a highly trained mental health professional, but their role in this process is NOT to provide therapy. Sometimes parties can become so distressed that therapy or even emergency services are recommended but the coach does not provide these services except in an extreme emergency and even then for only a limited time. The coach is able to refer a party for additional therapeutic supports and the coach can help the team know when a given meeting may be best concluded.

### Neutrality

The coach is charged with remaining as neutral as possible in the party's dispute. The coach is not there to judge who is "right", what is "fair", or who should "win". The coach's role is to provide a process through which each party can express their desires, goals, and concerns. Sometimes this is done in joint meetings with the coach and each party present, other times the coach will meet individually with one of the parties. Still other times the coach will help to facilitate the meeting between the parties and their attorneys. Neutrality for the coach does not mean being robotic or emotionless; the coach needs to develop a connection with each party and to convey caring and understanding throughout the process. A skilled coach can balance their need for neutrality while conveying human understanding and compassion.

### Confidentiality

As part of the team, the coach learns information relevant to the case from both attorneys and both parties. What is shared in an individual meeting can be kept private, with certain legal and ethical exceptions. The coach also recognizes when and what type of information may be helpful for the team and can assist the parties in determining when and how to share information that could facilitate resolution.

### Special Skills

It may seem strange to bring in a mental health professional for a divorce proceeding or business dispute, especially if there are no children or assets involved, parties who enter into the collaborative

practice approach do so because there is a sincere desire to avoid litigation. Even with this desire it is often difficult for parties to dissolve their partnership without intense emotions. And intense emotion, rather than helping improve our decision making, dramatically interferes with our ability to process information, make decisions, and offer accurate predictions. The areas of the brain involved in emotion regulation can short-circuit the areas of the brain involved in decisions and concentration. These are precisely the areas we most need when making future plans! The coach is there to identify the triggers that are likely to lead each party into intense emotions, and to assist them in managing these reactions during the collaborative process. Sometimes parties can't reach agreement. The coach may help the parties come to understand when to move forward into agreement or when an agreement just can't be reached.

#### Cost

Coaches charge retainer at the start of a case that is based on their hourly rate. The hourly rate will be charged for both meetings with the parties and will also be billed for pre-brief meetings with the attorneys and debrief meetings with the attorneys. The rate will be billed for generating or reading correspondence between team members, and for responding to messages or correspondence from the parties. Travel is also charged, generally at half the hourly rate for coaching. The coach's rate is determined by their training, experience, and professional credentials as well as from the legal fees established within the community where they practice. Participating in collaborative law process without a coach facilitator often results in more legal fees, rather than less, since the emotional issues that are certain to arise will not have been managed by a trained professional. An ethical coach makes efficient use of their client's time, sets their fees and bills according to their skill level. A coach or team that avoids pre-briefs or debriefs is more likely to extend the time to agreement for the parties than those teams who make efficient use of their time to manage the parties collaborative process.

#### Questions to ask a Collaborative Coach

What special training have you had in the area we need coaching (family, business, parenting, aging, discrimination)?

How have you prepared for collaborative coaching? Are you part of a collaborative coaching organization that provides training and support?

What experience do you have managing a professional team in the service of a client(s) needs?

Are you comfortable working with the attorney(s) I (we) have selected to represent me (us)?

Have you had any training in mediation or conflict resolution beyond your coaching training?

#### Additional Reading:

Deutsch, Robin M.(2008). Divorce in the 21st Century: Multidisciplinary Family Interventions Journal of Psychiatry & Law 36(41).

Portnoy,S.M. (2005) DIVORCE COACHES: A NEW RESOURCE FOR MATRIMONIAL LAWYERS American Journal of Family Law, Vol. 19, No. 4,