



Understanding Collaborative Team Models

Collaborative Law or Collaborative Practice offers an innovative approach as an alternative dispute resolution process. Key to the process are parties in conflict who are aided by lawyers with a non-adversarial approach to resolve issues in the mutual short and long terms interests of those parties.

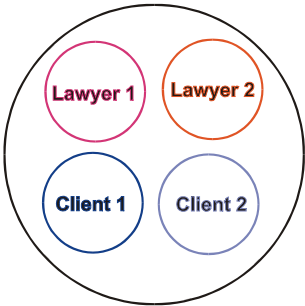
To remove the threat of litigation, the participants agree that the respective lawyers not only cannot be used in a litigation process, but must also disqualify themselves in the event the collaborative process cannot be honoured. This is the sine qua non of the Collaborative approach.

The collaborative process takes place in a series of meetings including at least both lawyers and their respective clients. Those four persons comprise at a minimum, the basic group of persons involved in any collaborative practice process. Beyond that basic group, other professional practitioners may have involvement to address matters as per their practice area. Most usually this extends to family professionals and financial professionals. The various professionals must be organized to make use of respective inputs. The structures into which these professionals are organized are referred to as teams. Different organizational structures give rise to different team models.

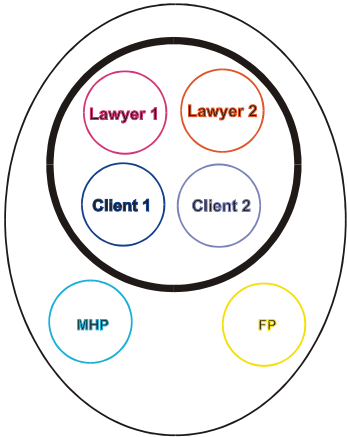
It should be noted that team models arise primarily from the health and mental health communities where the inputs of multiple disciplines are aimed at facilitating resolution of health or mental health concerns. Over the course of the last 40 years, it has been determined that the degree to which those inputs can be coordinated and where each input is informed by other inputs and where the output, the service delivered, is as concise and inclusive as possible, the best outcomes are achieved by the recipient of service.

Four team models evolved over those years in the health and mental health literature. The four models arise depending on if other professionals are invited to participate and how these other professionals are then organized to participate once invited. The four team models are unidisciplinary, multidisciplinary, interdisciplinary and transdisciplinary.

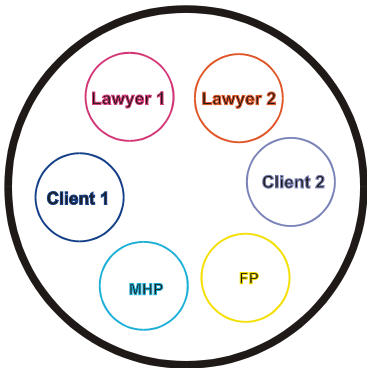
The unidisciplinary team applied to collaborative family practice has as its core members, two lawyers and respective clients. It is best depicted in the following graphic:



The multidisciplinary model has been referred to by some Collaborative Family Practitioners as the “referral model” where the lawyers refer out to family or financial professionals. Herein, the clients go and meet with the respective professionals and their input is brought back to the 4-way meetings between lawyers and clients, by way of written report or verbal conveyance through either the lawyers or the clients. The family and financial professionals thus provide information from a distance to the core team. This model is best depicted with the following graphic:

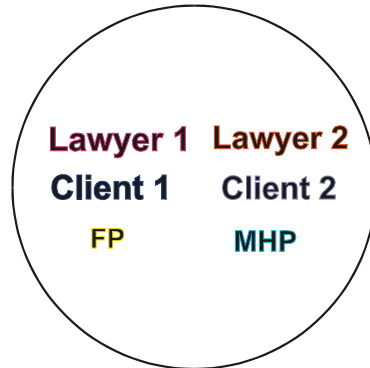


The interdisciplinary model builds on the multi-disciplinary where the respective outside family or financial professionals are invited to have a seat at the negotiation table to share their inputs directly and stand available to discuss matters relative to their insights and data. This model minimizes the risk of “broken telephone”, the inadvertent loss or restructuring of information when passed through multiple hands. Here the data is delivered directly and hence the integrity of the data is unadulterated. As a result, the data is not subject to misinterpretation and by virtue of the professionals’ availability at the table, they can speak immediately to issues or points of clarification or even aid in the development of creative solutions. This model is best depicted with this graphic:



In the transdisciplinary model, the respective professionals not only have a seat at the negotiation table, but with expansive knowledge and value of the other professional team members, their roles and as a result of mutual sharing of information such that all are now privy to the full data, they are able to intelligently discuss and input using the data and insights of their colleagues.

Hence a family professional discussing potential parenting paradigms can do so mindful of any financial challenges that may intervene with an otherwise well-intentioned plan. With all professionals at the table and mutual sharing of data and a deep understanding and appreciation of pertinent issues, the quality of problem solving can be improved upon from other team models. The transdisciplinary model is best depicted with this graphic:



Although Collaborative Family Practice as a movement currently appears to value an interdisciplinary team model, lawyers vary in terms of their actual practice model. For many there is remarkable fluidity as they move between models with most likely practicing hybrids with elements between unidisciplinary, multidisciplinary and interdisciplinary models. This fluidity between models has not likely been well understood in collaborative circles as it appears that many lawyers use the terms multidisciplinary and interdisciplinary synonymously in error. Further, a good many lawyers actually use a unidisciplinary model without recognizing so. Not yet discussed in Collaborative circles is the concept of a transdisciplinary model.

To those versed in health and mental health team models and in view of the history of team model development, it is observable that Collaborative Family Practitioners have moved along the continuum of models in relatively short order compared with developments in health and mental health teams. Collaborative Family Practice has moved in the last ten years what has taken a good 25 years in health and mental health. It may be hypothesized that as time goes on, Collaborative Family Practitioners will evolve to also incorporating transdisciplinary models as a means of sharing data and facilitating their clients' marital and/or family life transitions. The change will be fraught with challenges, not least of which includes sharing of knowledge and power and then being comfortable with truly letting the team as a whole generate fulsome ideas and options through which the client members can chose their path.

It is important to note that any given lawyer's collaborative team model approach will vary depending on training, knowledge, skill and attitude as well as perceived economic variables. Some lawyers observe that the more involvement of team members the greater the cost. This has proven to be a concern of many clients. Other lawyers believe that cost is mitigated by the value-added of the other team members and the likelihood of an improved process and outcome. Cost / benefit outcome research is not available and hence decisions tend to be argued on the basis of anecdotal information and the value the respective lawyer places on each model by virtue of their training or experience. However, many believe that as the legal community fully comes to appreciate the value and power of ever evolving team models, the "sell" will fall away to a notion of "standard operating procedures" where working in fulsome teams will be taken for granted and hence unchallenged.

Collaborative Practice Teams are organized across a continuum where power and authority shifts from the lawyer to the team to the client. Client self-determination, autonomy and satisfaction increase across the continuum. The robustness and durability of the agreement also increases across the continuum. Collaborative Practice values a shift across the continuum, although individual practitioners vary in terms of their actual practice model. The variance may be attitudinal, knowledge or skill based as much as determined by perceived economic variables.

	UniDiscipline	Multidisciplinary	Interdisciplinary	Transdisciplinary
Expert's span of knowledge, Expertise and utilization	Lawyers only - A discipline specific expert typically with varying degree of working knowledge of other disciplines.	Lawyers and discipline specific experts used on an ad hoc basis. Utilization is often when the knowledge requirement is beyond the lawyer.	Discipline specific experts with knowledge of other discipline's roles to facilitate collaboration, utilized on all cases.	Discipline specific experts with <i>working</i> knowledge of other discipline's roles such that inputs may be made with regard to other disciplines, utilized on all cases.
Organization	Hierarchical – lawyers in charge of clients	Hierarchical - lawyers in charge of clients	Typically there is a lead discipline (lawyers) but otherwise flat structure	Flat
Leadership	Lawyers	Lawyers are in a position of power or authority for defining other discipline involvement and referrals – gatekeeper. (Clients may veto.)	Lawyers may co-lead, not from position of power, but coordination. A facilitator may be appointed to manage team meetings to preclude power imbalances and manage participant interactions.	Any professional may facilitate. There are enough common skills and trust between professional participants. (Even clients may facilitate!)
Who defines the problem	Lawyer	Lawyers/Individual Practitioners/clients	Client/Team	Client
Information gathering	Lawyer	Lawyers/Individual Practitioners/clients	Client/Team/Individual Practitioners/consensus	Client/Team/Individual Practitioners
Goal setting	Lawyer	Lawyers/Individual Practitioners/clients	Client/Team consensus	Client
Decision making	Lawyer	Lawyers/Individual Practitioners/clients	Client/Team consensus	Client
Communication	Between lawyers and 4-way meetings and between lawyer and respective client.	Typically by written report to the referral source (lawyers) who acts as clearinghouse and gatekeeper.	Periodic team meetings, memos, emails, conf calls, reports. Reports are informed by information from other team members.	Regular team meetings, memos, emails, conf calls, fully integrated reports.
Agreement	Agreement determined between lawyers and clients, with much influence by the lawyers.	Agreement determined between lawyers and clients, with much influence by the lawyers. Conflict may erupt due to inconsistencies between other discipline inputs, the result of a juxtaposition of parts where the parts were developed in isolation with no opportunity for integration.	Agreement is reached typically through interest-based negotiation between the clients in the context of information provided by the team, such that a consensus is reached, agreeable by the clients. Each discipline within the team offers their respective input to facilitate the process so that the clients make informed decisions in their mutual interest.	Agreement is reached typically through interest-based negotiation between the clients in the context of information provided by the team, such that a consensus is reached, agreeable by the clients. Each discipline within the team offers their respective input and may offer information of other disciplines to facilitate the process so that the clients make informed decision in their mutual interest.