



## **THE HAL AND ELAINE CASE : A DEMONSTRATION OF AN INTERDISCIPLINARY TEAM COLLABORATIVE DIVORCE**

### **INTRODUCING THE CAST OF CHARACTERS**

Hal and Elaine have been married 21 years and have two teenage sons. When this video demonstration begins, Hal has been considering ending the marriage for some years and has just about decided that it is time to ask Elaine for a divorce. When he does so, the news will come as an unwelcome surprise and shock to Elaine, who believes that they have a good and happy marriage and that Hal is having a temporary mid-life crisis.

Hal, age 48 (played by Jeffrey Kahn, Ph.D. ), is Chief Financial Officer of a successful publicly traded online internet brokerage firm that he started with friends. He is easygoing, well-liked and well-compensated. He has strong traditional values. He attended the University of Maryland, where he was a capable and hardworking but not brilliant student, and has an MBA from the prestigious Wharton School of Business.

Elaine, age 47 (played by Eve Poling, MSW), is a homemaker and primary parent of the parties' two children, Jack and Will. Elaine met Hal at Wharton, where she, too, earned an MBA after doing her undergraduate work at Bryn Mawr College, an exclusive East Coast women's college. She was a more outstanding and brilliant student than Hal, and until the children were born she worked in upper management in several large international food products conglomerates, earning about twice the annual income that Hal was then earning. More rigid and less easygoing than Hal, Elaine's considerable energy has gone primarily into parenting since their second child was born.

Hal will consult and retain Pauline Tesler as his collaborative lawyer; David Fink will be Elaine's collaborative lawyer. They will each have a collaborative divorce coach—Peggy Thompson, Ph.D for Elaine, and Randy Cheek, MFT, for Hal. Anne Jacobsen Nunno, Ph.D will be the child specialist, and Lisa Schneider, CFP, CDFA will be their neutral collaborative financial consultant.

## SCENE BY SCENE DISCUSSION GUIDE

**A. Husband and Lawyer—First Meeting:** A short segment of an early informational meeting between Hal and his prospective collaborative lawyer. Pauline invites Hal to consider process options for divorce.

a. How does this interview differ from a first interview with a client in a more traditional divorce lawyer's office? What is Hal's purpose in this conversation? What is Pauline's? What is she looking for in her questions? What assumptions is Pauline making/not making about why Hal is here?

b. What would have been different in this interview, and in Hal's prospects for working effectively in a collaborative divorce, if Pauline had focused on facts and issues spotting in this first interview rather than on informed process choice?

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**B. Wife and Lawyer—Several Weeks Later:** Elaine is beginning to come to terms, reluctantly, with the reality of Hal's intention to seek a divorce.

a. How effectively does David integrate the expectation of team participation into his "wise counselor" manner with Elaine?

b. How does David handle Elaine's objectives and reservations in connection with involving a collaborative team? Would you handle this interview with a client like Elaine differently from how David handled it? How, and why?

c. By the end of this scene, what possible red flags are you aware of, with either Hal or Elaine, that might cause a good collaborative lawyer to question how effectively they will be able to collaborate?

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**C. First Professional Team Conference:** lawyers and coaches share initial impressions and concerns, and agree on initial sequencing of divorce work.

a. Which of the parties, Hal or Elaine, seems to you more problematic for collaborative divorce, after hearing the views of both lawyers and both coaches in this meeting? Would you (as a lawyer) have understood these concerns on your own, without involvement of coaches?

b. Randy and Peggy both identify secretiveness and hidden depths in their respective clients that could be challenging in the collaborative process. Do you think a single neutral mental health professional participating on a collaborative team would have elicited as much information about Hal and Elaine at this stage of the work as Peggy and Randy have? Would a client like Elaine trust a neutral (someone working

directly in the same room with Hal as well as with her) to the same extent that she would trust an ally with whom she could meet individually? To what extent do the approaches and concerns that the two coaches plan to explore with their respective clients go beyond simply facilitating communications that would support negotiating a deal.

c. Pauline raises the question whether this case is suitable for collaborative conflict resolution. Randy responds that there are concerns but that a full integrated professional team may be able to make it work. Do you agree? If Hal and Elaine were working with only Peggy, or only Randy, as a single neutral collaborative mental health facilitator for both of them, do you think that they would have the same prospects for success in collaboration as they would have working with two coaches? What additional or other risks would exist if Hal and Elaine were assisted solely by David and Pauline, without coaches?

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**D. Husband and Coach—Coaching Session:** Randy and Hal address an emergency situation affecting the boys.

a. What “voice” does Randy bring to this emergency conversation? Does the fact that Randy, as a licensed mental health professional, is a “mandated reporter” have any bearing on how he handles this conversation with Hal? What kind of leverage does Randy have that other team members might not have with Hal?

b. If this were a “lawyers-only” collaborative divorce, how confident are you that this problem would ever have come to the lawyers’ attention? Lawyers not being mandated reporters in most states, how would their ability to respond have differed from how Randy responds here? What would be the difference for this family in terms of the services that would be provided and the “value added” possibilities for Elaine? For the boys?

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**E. Coaches and Child Specialist—Three-way meeting:** Anne explains to both Randy and Peggy the background facts relating to the emergency situation.

a. Anne reports that Will and Jack handled an apparent episode of heavy drinking by Elaine, and that Anne learned about the emergency via a distraught phone call from Will. This, according to the boys, is not the first time Elaine has abused alcohol heavily and they report that this has been a secret that has not been discussed openly in the family system. Reflect on your experiences with teenage children in divorce: if these two boys had not established a trust relationship with the child specialist, would the issue of Elaine’s alcohol abuse have emerged in this divorce process?

b. If a single mental health professional rather than a triad were involved on this team, would the alcoholism have surfaced? Without a triad, how effectively could the issues relating to the alcohol abuse have been handled with Elaine? With Hal?

c. If Hal and Elaine had been referred to a single parenting consultant to work out a custodial/parenting plan, would either of them have raised the issue of alcohol abuse? Would Hal have disclosed his relationship with Dolly?