

Requiring the Use of An Interdisciplinary Team: Rigid Extremism or Wise Counsel?

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The practice of requiring divorcing couples to engage an interdisciplinary team in every collaborative case has sparked vigorous debate within the collaborative professional community. The concerns most frequently voiced about such a requirement focus on *informed consent* and *choice*. I would agree that informed consent is an absolute necessity. Without question, every client entering into this process must do so knowingly and willingly. The collaborative process, with or without an interdisciplinary team, requires first an understanding and then a commitment. The concern regarding *choice*, however, underscores a different sort of issue. Clearly, a choice must be made, but whose choice is it - the client's or the professional's? I would maintain that we all get to make a choice. The client gets to choose whom to hire and the professional gets to choose how to practice. Because it is my professional and personal integrity that I bring to each case, I choose to practice collaboratively by engaging an interdisciplinary team.

I am a family law attorney. I know a lot more about the process of divorce than my clients. To borrow from Pauline Tesler's white water rafting metaphor, I know this river. I know the document margin width required by the Court Clerk's office. I know how many copies of each document to submit to the court and where to have each copy delivered. I know how the court has interpreted family support statutes and I know the holding of the most recent Arizona Supreme Court case addressing employer granted stock options. I learned these things through my education and training. It's my job to know these things. My clients rely upon my knowledge: that's why they hire me.

I also know that as each of my divorcing clients begins this process, he or she is embarking upon an emotional roller coaster. They will each experience days of sadness or anger. The financial realities of dividing their assets will, one day soon, feel to them like a kick in the gut. At some point, most will experience a

tidal wave of fear over the loss of time with their children, family home or financial security. Their children will suffer and cry and manipulate and beg to be heard. I learned these things through my experience in standing beside hundreds of clients as they each made their own personal journey through the divorce process.

My experience has taught me that divorcing couples and their children have a great many needs. They need legal expertise: information about legal parameters, guidance through the process and a healthy dose of reality. They need psychological expertise: support, encouragement and hope. They need communication skills. They need to speak to one another and to be heard. They need child development information. They need financial expertise: information and assistance in analyzing the short and long-term implications of their property division. And, perhaps most importantly, their children need a voice. Their children need to be understood and respected and attended to.

I no more expect clients to fully appreciate the need for an interdisciplinary team than I expect them to know the document margin width required by the Court Clerk's office or the overwhelmingly powerful emotions they are likely to experience. Clients typically don't know what they don't know. When they begin this process, they are not yet fully cognizant of the scope and depth of their needs or how best to meet those needs. It is my job to synthesize my knowledge of the entire divorce process and pass along to my clients all of the best information and insight I have.

A client who wishes to retain me for a Collaborative DivorceSM will be required to attend a minimum of one session with a divorce coach. Not a single client has ever refused to continue in sessions with his or her coach. Where there are children, the couple will retain a child specialist and where there are any significant assets, the couple will likewise engage the services of a financial specialist. Some view these require-

ments as rigid and extreme. However, I believe that the best information and insight I can provide to my clients is the counsel to engage an interdisciplinary team. I know the effectiveness and strength of the team model because I have experienced it.

Certainly, I am capable of providing psychological support and am adept at crafting an equitable property division. I know a good deal about child development and I can draft a parenting plan that is acceptable to the court. I also know, however, that I cannot provide to my clients the psychological and financial guidance they need at the level that can be provided to them by professionals specifically trained in each of these disciplines. Engaging an interdisciplinary team provides my clients with the essential information and guidance they need from the professionals most qualified to meet those needs. I know the value added when a couple engages a team.

Beyond the issue of specialized training is the "source factor." The same information often has a different meaning, a different tone and a different feel, depending upon its source. There is tremendous power in the neutrality of a financial specialist. Parents hear and receive recommendations proposed by a child specialist entirely differently than those same recommendations made by an attorney or even a coach. Likewise, a client who relies upon me heavily for emotional support may feel betrayed when I provide the legal reality check that is often required. I have learned that clients are better served when their attorneys do not wear every hat.

There are those who would propose the use of an interdisciplinary team only in high conflict cases or on an *ad hoc* basis. I suggest that such an approach fails to maximize the benefit of a team approach and is often counterproductive. It is virtually impossible to determine in one or two initial meetings with a client whether the case will become highly conflictual. Rarely does a client admit that his or her intent is to fight to the death. Bringing in ancillary mental health professionals only when a case has badly degenerated pathologizes the family and heightens the anxiety of all participants. To

the extent that one of our goals is to normalize the divorce process, along with its accompanying range of emotions, we send our clients a damaging message when we later bring in mental health "reinforcements." Likewise, the addition of a financial specialist after all financial documentation has been exchanged and analyzed often signals to one client or the other a lack of trust. Beyond that, the synergy created by the establishment of a team at the inception of a case can never be replicated when adding ancillary professionals late in the process. We are simply not able to realize the full potential of the team unless we all begin the process together. And, to that extent, families are consequently denied the best of what we can offer them.

Clients who come to me seeking a divorce are first informed and educated about their numerous options. They can use the Self-Service Center at the Court, they can mediate, they can collaborate or they can litigate. If they choose to retain me in the Collaborative DivorceSM alternative, they are choosing to engage a team of professionals to assist them through the process. When they make this choice, it is because they trust that in doing so, their family will receive the information they need, from the source best able to provide it, within a framework that will support and guide them through to resolution. I insist upon a full team, with no apology, because I believe that my clients deserve the totality of my knowledge, experience and wise counsel. I know this river; that's why they hire me.

Talia Katz has practiced in the area of family law since 1992. A former Arizona Attorney General, litigator and consultant to New York City's Family Support Administration, she is now a partner in the law firm of Gladding, Bankoff and Katz and limits her practice to Collaborative DivorceSM, mediation and consultation. Ms. Katz is a frequent speaker for the State Bar's Speaker's Bureau on matters of family law and is a contributing editor to The Woman's Guide to Legal Issues. She is a founder of the Arizona Academy of Collaborative Professionals and has spoken extensively throughout the state on interdisciplinary approach to divorce.