



Empowering Clients & Creating Partnerships

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Powerpoint prepared with the assistance
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What is client empowerment?

In the context of unbundling

- We are forced to create partnerships from the get-go in unbundling, and this is central to all of our practices.
- We should always be focused on building capacity in our clients to resolve their own conflicts.
- Some clients need extra encouragement to take on some aspects of their legal case themselves. They have capacity - but they don't realize it yet.
- Important to break down aspects of the legal case for clients and offer practical solutions.



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The intent to, and the processes of, assisting individuals and families to discover and expend the resources and tools within and around them.

- *Dennis Saleebey, 2009*



Client empowerment...

- ▶ Views the client as a **partner**
- ▶ Recognizes that, in unbundling, clients are taking on a **greater role** in their matters than in full representation

- Clients will come into your office with their own perceptions about who a lawyer is, what a lawyer does, and what the lawyer-client relationship looks like.
- Important to reframe the lawyer-client relationship from the start, in all matters, but especially with unbundled services.
- Client is a partner in resolving the problem/dispute, but first and foremost, this is the client's life, and we are here to assist.



Client empowerment...


- ▶ Seeks to cultivate the **agency** and **capacity** of clients
- ▶ Views the client as an **expert** in their own life

- Lawyers are not the only ones who have expertise - clients are experts in their own lives. Get clients to tap into their own knowledge about their own lives.
- Ask client when they want to tell their spouse they have a lawyer.
- Make it clear that you're not asking people to become lawyers
- Make it clear that even lawyers who go through divorce need a lawyer



A different approach

Traditional Model “I will solve this problem for you”	Client Empowerment “I will work with you to solve this problem, and give you tools with which to better face such problems in the future”
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6

- Clients will not always have the benefit of counsel to assist them with their problems - they need to develop skills and knowledge to face their own problems as they arise in the future.



A different approach

Traditional Model

“I am the expert”

Client Empowerment

“I am a collaborator and consultant. You are the expert in your own life, and have in-depth knowledge about your particular circumstances that I do not”



7

- We make a serious error when we subjugate client's wisdom and knowledge to official views.
- We best serve clients when collaborating with them.
- A collaborative stance may make us less vulnerable to pitfalls such as paternalism, victim-blaming (or victim-creating) and preemption of client's views.
- Getting the stories and views of clients out to those who need to hear them is part of the role of advocacy.
- We do not view ourselves as expert at scientifically assessing client problems and then intervening.
- Instead, we strive to be expert at exploring clients' frames of reference and identifying those perceptions that clients can use to create more satisfying lives.
- By drawing on clients' frames of reference in these ways, client resistance may cease to be a concern.



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Just as one cannot not communicate, one cannot not influence. Influence is inherent in all human interaction. We are bound to influence our clients, and they are bound to influence us. The only choice is between doing so without reflection, or even with attempted denial, and doing so deliberately and responsibly.

- *Conversation, But What Kind?* by John Weakland, 1993, P. 143

How to empower clients

Initial Intake





Initial Intake

- ▶ Address client fears and hopes
- ▶ Focus on strengths rather than weaknesses
- ▶ Keep in mind uniqueness of each case



10

- Important to set a good foundation, so that the matters the client is dealing with don't fall apart
- Reframe: The IC can change the client's perception of the lawyer-client relationship
- Ask the client what their fears are with unbundling. Name them and address them.
- Ask the client about their hopes as well. What do they want? What is their ideal situation? Ask: If you didn't have this problem, what would your life look like?
- Find out what your client's worldview/values are, and gently challenge them with the realities of the law. The alternative are these misperceptions coming out at a discovery and trial.
- Take time - spend at least an hour and a half.



Initial Intake

- ▶ Set realistic expectations
- ▶ Make limits in time and scope clear

- Make sure people realize unbundled services are not always a flat fee.
- Ask people how much they can afford, and work within that. Ask: What is your budget for legal services?
- Be honest with the client about how long resolution can take, what steps are involved, and how much it will cost.
 - This is more empowering than telling clients what they want to hear.



Initial Intake

- ▶ Caution against self-sabotage
- ▶ Advise on risks of losing credibility

- Credibility is difficult to build up, but can be lost very easily and quickly.
- Self-Sabotage
 - Expressing anger under the guise of being “honest” - “she’s crazy”, and “she was never a good mother”
 - Unwillingness to give up control of financial assets - “I don’t owe her anything”
 - Giving up too easily - “you can give him all the money” - educate on what client is entitled to. Tell people they can hire someone to manage their finances, or take a course on it.
 - Exaggeration - this blows up in your face and can make you lose all credibility.
- Impress upon clients the importance of credibility. Judges often don’t have all the facts and will have to decide whose version of events to accept based on credibility.
- Tell clients about the best interests of the children.
- List all of the legal issues we know today, with the understanding that more may arise later as we gather additional facts and documents.

How to empower clients

Communication





With the other side

- ▶ Inform that everything said can be used adversely
- ▶ Determine best mode to communicate (emergency exception)
- ▶ Know if and when to respond
- ▶ Always observe BIFF (and sleep on it)
- ▶ Use the “email only” rule (for OP & OC)
- ▶ Choose day, time, location to read & respond
- ▶ Consider separate inbox for legal emails

14

- Encourage clients to speak directly to their spouse, rather than through lawyers (unless court order).
- Tailor your communication tips to whether clients are in a high conflict relationship or not.
 - If low-conflict, in-person meetings between parties may be more effective.
 - If high conflict, in writing communication may be best.



Before you hit send

- ▶ Have you clearly stated the issue to resolve?
- ▶ Have you offered a potential solution?
- ▶ Have you focused on your children and their needs?
- ▶ Have you maintained constructive civility?
- ▶ Have you asked yourself, “Is this communication actually necessary?”

- ▶ From “The Parenting Plan Workbook” (Bonnell)

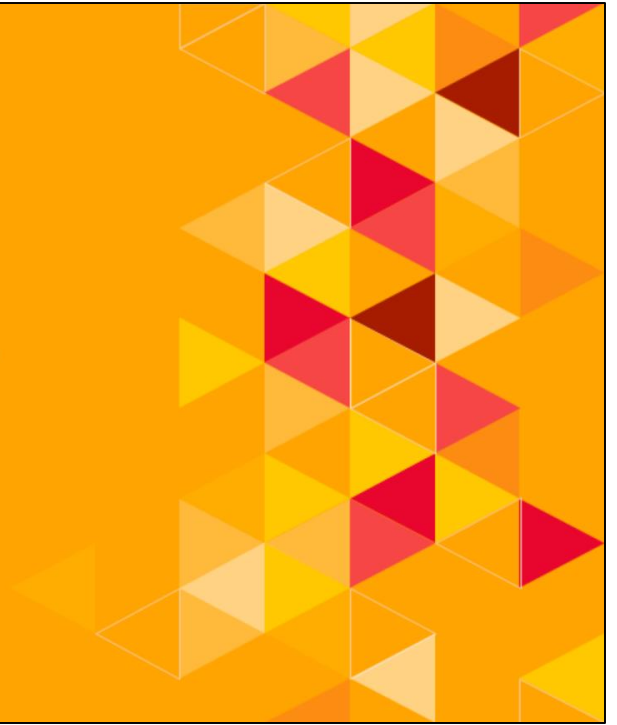


Communication Resources

- ▶ Coparently/Our Family Wizard
- ▶ [Co-Parenting Communication Guide](#) (2011 Arizona Family and Conciliation Courts)
- ▶ BIFF method - [blog](#) (High Conflict Institute)

How to empower clients

Self-Care



5,309,024

People who experience a serious civil or family justice problem over a given three-year period will experience increased **stress** or **emotional problems**

From "[The Cost of Experiencing Everyday Legal Problems Report](#)" (CFCJ, 2017)





Connect Clients to Non-Legal Help

- ▶ Encourage clients to seek counselling to deal with stress and anxiety from relationship breakdown & litigation
- ▶ Provide clients with referrals to counsellors, child specialists, and divorce coaches



Resources for Self-Care

- ▶ “Ten Things for Clients to Remember During a Divorce to Maintain Their Sanity” (handout)
- ▶ Equal Justice “Breaking Up” Health Checks
- ▶ [Self-Care Worksheet](#) (Hello Divorce)
- ▶ Headspace meditation app

How to empower clients

Family Violence





Family Violence

- ▶ Educate about Family Violence – be up front & take precautions
 - ▶ Address fears of losing children, and risks of letting fears drive the outcome
 - ▶ Address risks of continued reliance on OP for financial knowledge & resources
 - ▶ Address benefits and risks of out-of-court processes



Being Informed is Critical

- ▶ Educate client about the law, and give frequent reminders
- ▶ Help client increase their financial knowledge

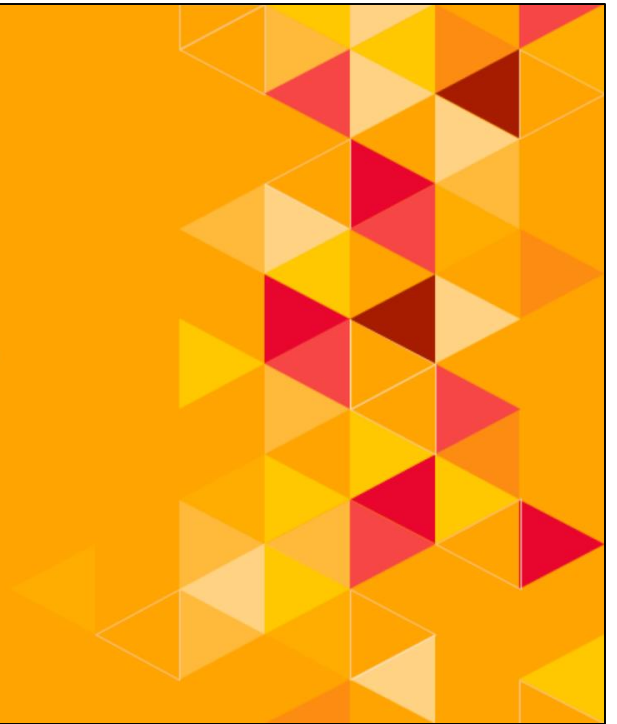


Specific Advice for Family Violence

- ▶ Advise client when to call police, and to avoid using police as problem-solvers
- ▶ Advise how litigation may re-victimize
- ▶ Advise against exaggeration and losing credibility

How to empower clients

Utilizing Resources



Information = Power & Capacity

Being informed alleviates
misconceptions, anxiety, and
fear of the unknown





Legal resources

Print Resources

Affidavit Tips
(handout)
Family Law &
Family Violence
Resources - Crown
Publications

Web Resources

Unbundling Toolkit
BC Family Unbundling
Roster
Clicklaw
Justice Education Society
MyLaw BC
Family Law Wikibook

ADR Resources

Family Justice
Centres
BCSC Vancouver
Referrals
Mediate BC
Collaborative Law BC



Non-legal resources

Referrals

Divorce Coaches
Child Specialists
Art therapists
Counsellors
Reunification
Therapy

Print Resources

Ten Tips to
Maintain Sanity
During Divorce
(handout)
Parenting Plan
Workbook
(Bonnell)

Web Resources

BC Hear the Child
Society Roster
Families Change BC
Our Family Wizard
Coparently
CustodyXChange

I added some more resources here

Thanks!

Any questions?

