

# The Application of Gottman Theory to Collaborative Practice

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Collaborative Practice is an approach to legal dispute resolution that has evolved since the early 1990's as an alternative to litigation particularly in the area of family law. It involves a settlement-based methodology to help separating and divorcing couples to respectfully come to agreements regarding child custody and estate issues. In the collaborative process, the separating or divorcing parties retain Collaborative attorneys, and sometimes therapists trained as Collaborative coaches or child specialists, and Collaborative financial specialists. The couple and professionals agree to work collaboratively to gather and share information necessary to reach a settlement out of court. The couples and their attorneys agree ahead of time not to go to court for a judge to resolve their dispute. If either partner chooses to go to court at any point, neither Collaborative attorney will provide representation in the process of litigation (Tesler and Thompson, 2006).

Collaborative Practice authors and innovators, Pauline Tesler, M.A., J.D., and Peggy Thompson, Ph.D. note that Collaborative Practice has the advantage of a non-adversarial framework, which emphasizes mutual agreements rather than a zero sum winner-take-all approach. They note that the collaborative process helps couples "deal with the emotional challenges and changes associated with divorce" and provides resources for each partner to make the transition to life as a single person. Perhaps the most compelling argument for Collaborative Practice is that it is less likely than the traditional litigation-based approach to divorce to place children in a position of having to choose sides (Tesler and Thompson, 2006). Furthermore, it has been shown that the Collaborative model fairs well compared to litigation in terms of cost. According to the Collaborative Council of the Redwood Empire, couples should expect to pay \$5,000 to \$25,000 for collaborative dispute resolution and \$15,000 to \$50,000 and up for litigation (Collaborative Council of Redwood Empire. 2005).

In May of this year, my fellow Gottman Method Couples Therapist, Marcia Gomez, L.C.S.W, and I were invited by the Collaborative Council of the Redwood Empire to provide training to Collaborative professionals on the applicability of John Gottman, Ph.D.'s research and Gottman Method (developed by John Gottman, Ph.D. and his wife, Julie Gottman, Ph.D.) to Collaborative Practice. We noted that Joseph Shaub, J.D., LMFT had done such a presentation from the perspective of a collaborative professional at the annual conference of the International Academy of Collaborative Professionals in October 2011. In his presentation, he stated the reason marital therapy should be discussed in a conference about divorce is that "the things that couples fight about and the ways that they fight while they are married can teach us a lot about how they will divorce and how we can help them divorce." Clearly he had read Dr. Gottman's research regarding the persistence of couples' perpetual problems (Gottman, 2007).

Furthermore, the concept of perpetual problems becomes even more poignant when considering that many divorcing couples have children that bind them together as co-parents for a lifetime. As Gottman Method teaches us, imbedded in every perpetual problem is a hidden agenda (Gottman, 2007). It is reasonable to assume that these hidden agendas persist whether a couple stays together or separates. In working with divorcing couples, we suggest that the Gottman Method practice of helping to uncover the deeper meaning of each partner's position remains relevant. Collaborative Practitioners Kate Scharff, M.S.W and Lisa Herrick, Ph.D., use the analogy of "identifying the rocks beneath the surface of the whitewater journey of the separation process" (Scharff and Herrick, 2010). We propose that these "rocks" are the hidden agendas and deeply held emotions that we believe are the basis of perpetual problems in couples' relationships. Moreover, we concur with Scharff and Herrick that it is necessary to provide an approach to work with divorcing couples that seeks to address a separating/divorcing couple's deeper agendas in order to help the couple move out of an adversarial posture and to develop a meaningful settlement agreement.

We suggest that the same basic relationship skill set that Dr. Gottman identified as necessary for healthy committed couples is also necessary for separating/divorcing couples. The Sound Relationship House Theory, with some adaptations, continues to apply to these couples. Furthermore, interventions that 1) block the Four Horsemen and offer their antidotes, 2) invite the sharing and validation of subjective reality (such as the Rapoport Intervention), and 3) help the couple understand the dreams or hidden agendas behind their positions (such as the Dream Within Conflict Intervention) can be adapted to Collaborative Practice. Marcia Gomez and I received enthusiastic interest from the Collaborative Professionals that we trained in May, and we encourage more scholarly investigation and clinical adaptation of Gottman Method to Collaborative Practice.

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Shaub, Joseph (2011). From presentation at the 12th Annual Conference of the International Academy of Collaborative Professionals, October 30, 2011, "How We Fight: John Gottman's Lessons for Collaborative Practice."

Scharff, Kate, & Herrick, Lisa (2010), *Navigating the Emotional Currents in Collaborative Divorce: A Guide to Enlightened Team Practice*, Chicago : Section of Family Law, American Bar Association