

ASK THE EXPERTS

Top Ten Tips for Using an Unbundled Approach to Expand Your Services and Build Your Practice

By Forrest (Woody) Mosten, J.D.

If your family practice is currently so overwhelmed with clients that you are turning people away, then read no more. If, on the other hand, you are interested in further building your practice, the following tips may help you develop additional unbundled approaches that meet the needs of divorcing families. Rather than self-representing due to their desire to maintain control and reduce fees, many clients will pay for affordable innovative limited scope services.

1. Let clients know that you unbundle

Tell clients in the first meeting or even on your website that you are available and enjoy helping them on a limited scope basis: you will meet for short sessions (30 minutes), by telephone or Skype rather in person; or can help them for just one issue (summer vacation) or task (ghostwriting letters to their parenting partner).

2. Before a client signs up for full service, offer a comparison with an unbundled approach

Information is the essence of client informed consent. Compare and contrast a full service approach with limited services by discussing the benefits and risks of an unbundled approach using following variables: clients' ability or willingness to handle part of the work themselves, the difference in stress, cost differential, and the ability of the client to later convert to a full service approach after starting on a discrete task basis.

3. Offer stand-alone orientation services

Unbundle your role as a client educator from that of a service provider. Develop services that can inform divorcing parents individually or together about the legal or parenting issues and available process options in your community—then refer the clients to others rather than providing the services yourself

4. Turn your office into a divorce family classroom

By creating a client library with DVD's and computerized information, handouts, and access to community resources, you can empower client's informed decision-making by giving them information to help themselves or keep their costs down within a full service context.

5. Be a shadow coach

Clients appreciate having you prepare them for negotiations with the other party at Starbucks or a court mediation session and having you available on-call if they need your ideas, advice, or support during the session itself. Your involvement can remain confidential so that the client can get your help without provoking or frightening the other party.

6. Attend sessions as a consultant

As a professional trained and supportive of mediation and collaborative law, you can attend sessions as a client resource rather than an advocate.

7. Limit your services to be a conflict manager

Some matters are not yet agreement-ready and clients may need help to gather information, handle immediate issues, or locate/engage other experts. Be available for these pre-settlement tasks and be open to the client utilizing another mediator or representative to actually negotiate the

deal when the time is ripe.

8. Endorse confidential mini-evaluations (CME)

Put as many barriers as possible between the family and the courthouse—and still get necessary expertise and recommendations to resolve impasse. Offer CME's within the mediation and collaborative processes and recommend the use of CME's with other neutrals when you already have another professional role.

9. Suggest and offer second opinions

Oncologists often insist that their patients obtain a second opinion before commencing or continuing treatment. So should we. Make such unbundled second opinion recommendations a standard part of your practice and consider offering second opinions yourself.

10. Be an unbundled preventive conflict wellness provider

After successfully resolving a family conflict, conduct an unbundled future conflict prevention consultation to discuss methods to resolve future disputes, regular parenting meetings, and options to monitor and avoid future family conflict. Helping clients maintain family conflict wellness may be the most important contribution that we make to the divorcing families we serve.

Forrest (Woody) Mosten has been a family peacemaker in Los Angeles since 1979 and is recognized as the "Father of Unbundling." He is the author of *Unbundling Legal Services* (ABA, 2000) and *Collaborative Divorce Handbook* (Wiley, 2009), *Mediation Career Guide* (Wiley, 2001), and *Complete Guide to Mediation* (1997). Woody can be reached at <http://www.mostenmediation.com/>.

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