

# Getting to the Emotional Truth of the Case

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## I. Overview

### The Revolutionary Nature of Interdisciplinary Practice

To my mind, when one steps back and takes the broadest possible view of what it is we collaborative practitioners are doing, one cannot help but be struck by the revolutionary nature of interdisciplinary practice. Having mental health professionals (MHPs) work co-equally with lawyers to resolve legal cases is nothing short of a mighty tectonic shift, particularly when one considers the origins of our legal system.

Our Anglo-American system of jurisprudence has its roots in a medieval view of human nature that sees people as mutually antagonistic and potentially hostile; that tends to see individuals as wholly separate from one another, and in need of *individual rights*, enforced by law, to act as barriers that serve to protect them from intrusion by others or by the state. Our current system of law is still an expression of this worldview and mindset. And yet, as we are seeing more and more, this approach tends to downplay or ignore concepts such as relationship, care, feelings, connection, and mutual responsibility—and this failure is often devastating to people, to cultures, and to the planet. It's certainly problematic when it comes to divorce cases, where emotions play such an obvious and central role. It seems to me that what we interdisciplinary practitioners are trying to do is to remedy this ancient one-sidedness, be re-introducing these long-neglected values of *communion*—values that tend to be embraced by the mental health profession—to our jurisprudential system, which heretofore has emphasized almost exclusively values of *agency*. Interdisciplinary collaborative practice's approach draws upon the rich heritage of both law and psychology to create an *integrated* approach to dispute resolution—one that addresses people's emotional as well as their legal needs.

### The Role of the Divorce Coach

So how do we put that into practice? As I see it, there are at least four ways that collaborative practitioners, particularly MHPs, can do this:

1. Providing emotional support of clients.
2. Facilitating communication, making sure everyone feels heard.
3. Providing useful information (e.g., research re impact of divorce on children).
4. Dealing effectively with the parties' (and sometimes their lawyers') dynamics.
5. Appealing to the parties' higher ideals and motivations.

This presentation deals primarily with #4. The main point is that it is not only permissible, but commendable, to make the fullest possible use of our clinical skills, not to do therapy, but to effectively serve our clients by getting to the underlying causes of their dispute.

## II. The Emotional Case and the Legal Case

People live on the level of emotional truth. They may not be conscious of this fact, they may mistakenly believe that their intellectual selves are masters of their house, but the truth is that we are governed by the more primitive parts of ourselves. Nowhere is this more clear than in the kinds of cases collaborative practitioners deal with every day. Not only do emotions tend to dictate the legal positions that people take, not only do emotions tend to govern the way people conduct themselves, but by and large people *want* to deal with the emotional truth of their situation, they want this part of their experience to be heard and acknowledged, even if it's painful. It is this level of emotional truth that we need to address and communicate with and connect with, if we are to effectively fulfill our mission of helping clients get through their divorce in the best possible way.

As most dispute resolution professionals have discovered, it is the emotional case that tends to drive the substantive or "legal" case. And yet many of us frequently find ourselves at our wits' end when trying to deal skillfully with the emotional case, often trying to contain the parties' emotional outbursts and then quickly relegate them to a convenient closet. And yet trying to suppress parties' emotions is like trying to keep several beach balls submerged in the sea—they will keep trying to bob up to the surface. Or it's like the story of the man looking for his keys under the street lamp, even though he dropped them somewhere else in the dark. This is what many mediators/collaborative practitioners do when it comes to dealing with difficult emotions. Rather than look in the dark, they prefer to look where it's easy—usually meaning the legal issues. It's easier, yes, but you won't find the keys.

As the poet Rumi said, "The cure for the pain is in the pain." More specifically for our purposes, one might say that the emotional pain that is present in so many cases is often the key that unlocks the whole problem in such cases. If one can identify and work skillfully with the emotional truth of the case, one drastically increases the odds of a successful outcome to the case as a whole.

What is "the emotional truth of the case"?, and what does it look like when you work with that?

The *emotional truth of the case* is what the case is *really* about, what's driving the case, what the parties truly care the most about, even if unconsciously. The legal positions that parties take are often means for accomplishing a hidden but crucial emotional end. But this is rarely conscious or obvious. When the legal and emotional cases are conflated, and they usually are, this can often lead to impasse, and this is often the *cause* of impasse.

Examples:

(1) Wife wants divorce, husband doesn't. Negotiations seem to go in circles and get nowhere. A lot of psychological and emotional processing. A lot of talk about ideals. Nothing gets accomplished. Professionals make all kinds of suggestions. Parties need time to think about them. By next meeting they still haven't thought about them.

(2) Husband wants divorce, wife doesn't. Parties attempt to negotiate points, but parties are constantly interrupting each other, correcting the record, attacking and counterattacking, getting highly reactive, needing breaks, needing to reconvene. Very little gets accomplished.

(3) Husband had affair, parties are quite amiable, agree on everything except parenting plan. Wife wants husband to have no visitation with their young son. Husband willing to compromise on virtually everything, but he can't go this far. Wife will not budge. Her child needs to be protected. Period.

In each of these cases an impasse has been reached, and the cause may not be apparent on the surface. If we try to break the impasse by providing legal information, offering possible alternatives if they were to go to court, make suggestions, and so forth, odds are they will make no difference. The parties will remain stuck. To quote Isolina Ricci, who has made this point in terms of neuropsychology, "if the limbic system isn't buying it, it probably isn't going to happen." I.e., if you just try to be rational and suppress emotions, you're going to get very limited results, if any. What can often break the log jam and move the case quite efficiently to resolution, is to *separate the legal from the emotional case without dissociating them*. This entails dealing with the emotional case first—finding out what the parties' true emotional concerns are and addressing them—without lapsing into therapy and losing sight of the legal goal that the parties want to accomplish. For example, is one party furious with the other, and feeling horribly betrayed for having an affair, and wants to punish the other? Does one party not want to let go of their spouse and face their terror of being alone? Is one party being emotionally blackmailed by their own fear of hurting the other and feeling guilty about it?

For many higher functioning clients, just pointing out what may be the hidden emotional dynamic is enough to shift things. In most cases it's helpful to express compassion and understanding for the strategy such individuals have taken to cope with their pain. For others, just pointing out what may be happening may not be enough. Some may be too wounded and too defended to make use of such an intervention. In such cases it may be more effective to help them save face, or reframe things so they can feel less vulnerable and/or more magnanimous. However the emotional case is addressed, it is almost always turns out that when it is addressed meaningfully, it becomes much easier to deal with the legal case. When the parties' emotional issues have been addressed in some manner, the parties almost always are more able to turn their attention in a more rational and businesslike way to the legal and practical aspects of the case.

What might that look like in practice?

### **III. Separating the Emotional Case From the Legal Case: Some Case Examples**

#### Case # 1

In this case, the two young parents were quite amiable, and were able to agree on virtually everything except the parenting plan. Mom wanted Dad to have no visitation rights whatsoever with their 2 year old son. Dad, it turns out, had had an affair, felt remorseful about it, and was willing to give Mom just about everything she wanted. But he could not agree to having no contact with his son. I asked Mom why it was important to her that Dad have no visitation with their son. She said, “he’s a monster.” I asked her to say more. Here’s where things got mushy. She was no longer speaking from her rational self, instead awkwardly giving voice to her hurt. As I continued to probe, what emerged for me was a sense of how intensely betrayed and hurt she felt by his leaving her for another woman. It also seemed to me that what Mom was saying was that she could not tolerate the possibility that she might have played a role in Dad’s straying from the marriage. It appeared to me that Mom’s emotional reasoning underlying her legal position of no visitation went something like this: because she could not tolerate believing that *she* had something to do with his leaving, *he* must be the problem, *he* must be *all* of the problem, *he* must therefore be a horrible monster—and a horrible monster neither deserves, nor would it be safe, to have any visitation with their child. Once I identified the issue as being about Mom needing to make Dad all bad so she could feel that she was all good, she quickly saw the absurdity or untenability of her position, and she relented, allowing visitation.

## Case # 2

In this case Mom and Dad, a young-looking, early middle-aged couple, were amicable, wanted to negotiate a “separation agreement” without going to court. Mom was still living in the family home, but was now in the final stages of her education as a therapist, and was involved with another man. The couple were very clear that they were “alternative,” that they wanted the process to mirror their sensitivities and values.

In the sessions I had a frequent feeling of aimless drifting, of going round in circles. I felt this most acutely when Dad spoke, a sense of a lot of words without a lot of point or purpose. A lot of talk about being in integrity, about talking about feelings. We went through several sessions where nothing meaningful was accomplished. After several sessions of being utterly confused myself, I finally got a felt sense of what I thought was happening. I therefore asked the parties what they were afraid of in terms of really putting their cards on the table. When this went nowhere, I offered the following interpretation: I said that it seemed to me that Dad was still in love with Mom and was holding on desperately to the hope that he could win her back in some way, while Mom wanted desperately to avoid hurting Dad, to avoid causing things to get ugly between them, and to avoid being the Mata Hari, the bad guy, the unraveler of their family. Both, I said, were colluding in the inertia of their relationship and of the mediation.

Mom nodded in complete agreement. Dad was in somewhat of a state of shock. I therefore offered some further interpretations to him, such as how needy and desperate our inner child can be, and also how powerful in its clinging. I talked about how the holding on to hope in this case could be a refusal to acknowledge and mourn a loss that has already occurred (Mom nodded her head): melancholy as opposed to mourning. I also mentioned my sense of the absence of “Sean Connery energy,” of some adult, masculine part of him that is able to take charge, to comfort the child but still be the parent who makes the decisions. I said it seemed that the inner child’s need to hold on to Mom is so strong that he would willingly castrate himself to

stay in the relationship.

Dad had talked quite a lot about wanting to stay in the house and see what kind of new relationship might “organically emerge.” This is where things got muddy and mushy in his communication, it seemed to me. I said that in my experience, before a new relationship can be born, the old one has to die. I also opined that if they were to stay in the house and wait and see what kind of relationship “organically emerged,” what would emerge would come from the same place, particularly from Dad’s inner child who will not let go of Mom. The “new” relationship, I suggested, would be a castrated one, one lacking in vitality and robustness, one that would probably not be of much interest to Mom. Again she nodded in agreement. I also opined that in my opinion Mom probably *would* be interested in having a truly new relationship with Dad, one forged by a new Dad and a new Mom. Again, agreement by Mom. All this hit Dad hard. But once it sank in, I asked Mom if she agreed with what I’d said—she said she did—and given that she did, how does that affect her view of the housing situation. She unhesitatingly said, “I should move out.” I asked that she leave aside for the moment the question of timing and other logistics—just to think of it in terms of what *she* needs, what makes sense for her. Dad on the other hand was not ready to go there, could not go there. So I suggested that we meet in a couple of weeks and let all that we talked about sink in. When we met again, we were able to reach agreement on all essential issues in a single session.

### Case # 3

Dad and Mom came in post-divorce to discuss how they should each contribute to paying for their kids’ college education. They were both lawyers. I asked them, “from your perspective, what has kept the two of you from working this out on your own?” Mom said Dad wasn’t stepping up to the plate and wasn’t believing her income/expense numbers. Dad said Mom was angry. They both said they wanted to have nothing to do with the other. Mom then said that she hadn’t come here for psychoanalysis. She does construction defect litigation, just wants to get to the numbers. I said that’s fine, and it’s also helpful to understand what their impasse is about.

They went on to tell me that both of them were in difficult financial straits. Their eldest child, their son, who was a sophomore in college, was (according to Mom) a “pothead” who didn’t want to have to study something in college just so he could make money afterwards. The younger child, their daughter, said Mom should sell her house to pay for her college so she wouldn’t have to be saddled with student loans. The kids were playing one parent against the other (e.g., “Dad’s paying X dollars, why aren’t you?”) I said, “help me understand why you need to reach an agreement with each other in the first place. What’s keeping you, Mom, from just saying to your kids, ‘this is what I’m willing and able to contribute to your education’? What’s keeping you, Dad, from saying the same thing?”

What they were afraid of was the kids saying, “well, you’re not paying as much as Mom is,” or “you’re not paying enough so you don’t love me” (which the son had actually said). I said, “It seems you’d rather have a difficult negotiation/conversation with each other than have one with your kids.” When they saw that, they realized they really didn’t need to reach agreement with each other on this. They were independent agents, and could do whatever they liked. So the session ended with no agreement being necessary. It really came down to setting firm boundaries

with their kids.

#### Case # 4

This was a difficult case, because I felt triggered by Husband. I had to continually muster my compassion. He struck me as a castrated, angry little man, who sees attack and blame and criticism everywhere. His way of compensating for his castrated smallness, it seemed to me, was to try to puff himself up into the great and powerful wizard of Oz, when really he's the puny man behind the curtain. Wife struck me as being terrified of her own anger and rage, someone who tries desperately to avoid confrontation and to control her environment by placating everyone else's needs.

In this case, after hearing that Husband and Wife had always kept their monies separate in 14 years of marriage, even though they didn't have a pre-nup, I asked whether it might not make sense for them to simply act as though they *did* have a pre-nup, and divide their property accordingly. We proceeded to do so, and everything went swimmingly. We met a week later, and Husband was in a furious mood. He stated that I had wasted their time, he had lost all confidence in me, I had treated him unfairly, etc. After looping husband about his concerns, I then addressed his anger. He kept saying he just wanted what was fair under the California statutes. I replied that the purpose of the statutes is to accomplish fairness. If he ends up with a fair result that he's satisfied with, does it really matter to him what the statutes say? He grudgingly said it wouldn't. We looked at the toughest issue, which was whether or not he had a *Moore-Marsden* interest in Wife's condo. She had paid all the mortgage, tax and insurance payments out of her own wages which, although technically community property, were always treated by the parties as separate property. When I finally got each of them to tell the other their interests on this issue as if it were the first time, and to listen as if they were hearing it for the first time, what emerged was that Husband was hurt and angry at being "dismissed" by Wife, and at "getting nothing" for being such a nice guy and offering not to put his name on the deed in order to protect her asset. What further emerged was that he was angry and hurt at her refusing to have sex with him for most of the marriage. "So it sounds like you've suffered an emotional wrong, and you want compensation for it, and *Moore-Marsden* is a way to accomplish that." "Basically, yes." I then encouraged both parties to separate out their emotional issues from their legal issues. "If you want to even the emotional score with money or legal positions, you'll never accomplish it. You'll just waste a lot of money, sweat and tears."

#### **IV. The Divorce Coach's Tool Box**

What are some of the tools, skills and approaches that are needed to get to the emotional truth of the case? I will list some, but it should be remembered that there is no substitute for experience. Most clinicians will acknowledge that time and experience, more than static formulae, help create a "sixth sense" as to what is going on in the consulting room.

##### **A. Listening Without Agenda While Not Losing Sight of the Goal**

It's crucial to be able to listen beyond the manifest content of the parties' words. The effective coach needs to be able to *feel* the quality of the parties' interactions, to get a sense of the

underlying and unconscious feelings in the room. Following Wilfred Bion, the coach needs to be “beyond memory and desire,” that is, put aside agendas, and be open in a fresh way. At the same time, the parties are not here to do therapy, they’re here to get a divorce—so the coach must not lose sight of the need of the end goal, which is to reach an agreement. It’s terribly important to make use of sympathetic resonance. Checking in with oneself, what one is feeling and thinking and sensing—what Gary Friedman calls *diving*—is an important part of this process. Thomas Ogden would call it “feeling into the analytic third,” or “sensing the quality of the transference-countertransference.”

#### B. Gain Trust by Generous Doses of Empathy and Validation

Making human contact with the parties and gaining their trust is vitally important. There are several components to this. One is bringing an open heart, grounding oneself in compassion, as Daniel Bowling has written about in *Bringing Peace Into the Room*. Another is being sincerely interested in who these people are, and genuinely caring, as opposed to simply doing a job or employing a technique. Another is what Gary Friedman calls *looping*—reflecting back what the parties have said so they feel heard and understood, and hopefully valued and validated.

#### C. Get Buy-In From the Attorneys and Parties to Dig Deeper

Don’t assume that everyone wants to talk about their interests, let alone their feelings. It’s important to be respectful at every stage of the process, even humble. Don’t assume that you know best how to solve their case and get them to resolution.

#### D. Find Out What the Case Really *Means* to the Parties

Non-alienating, sensitive questions can be used to develop an understanding of the interests underlying the parties’ positions—but equally importantly, they can be used to get to the interests underlying their unstated and often unconscious motivations in the case—e.g., to get revenge, to settle scores, to get even, to obtain emotional restitution, etc. It can be helpful to engage in what I call *looping-plus*—reflecting back not merely what the parties have actually said, but also your sense of what they *mean*, or what they have left unsaid, or what they’re having trouble saying completely and directly for whatever reason. Sometimes this is extremely important and helpful. Example:

Daughter: Daddy, when you were a boy what did you like in a girl? What made you really like a girl?

Father: Sounds like you’re wondering what you need to do to get boys to like you, is that right?

Daughter: Yeah. For some reason they don’t seem to like me and I don’t know why.

(From Thomas Gordon, *Parent Effectiveness Training* (1970) p. 53.)

#### Example # 1

Rosie felt that Joan should assume certain loans they had made for the benefit of the community. She said she knew it wasn't logical to take that position, but that's what she wanted. When I asked her if she was willing to go into what was underlying her feeling that way, she burst into tears, and could not speak for a few minutes. When finally she did speak, she said that Joan had had an affair, and she (Rosie) had felt so hurt and betrayed that she wanted Joan to pay money for it.

### Example # 2

In this case we were cycling over and over again on the question of custody and visitation. Both parents were personal trainers and P.E. coaches, with the father being particularly involved in coaching team sports, and having many out-of-town obligations, such as triathalons, swim meets, etc., which made a set schedule quite difficult. The mother kept repeating that she didn't like the idea of the kids, ages 9 and 14, being taken to away meets and left to fend for themselves. The father didn't think this was a problem. After many rounds of discussion and resulting impasse, the mother was clearly upset and close to tears, but was doing her best to try to hide this fact. I let her know that I saw that she was upset, and asked if she would mind if I inquired a little about that upset. She agreed; and it emerged that what was causing her pain was her recollection of feeling neglected by her husband, and also her feeling neglected by her own parents when she was a child. After due empathic contact with mother, I asked father if he could at least acknowledge that this was a big piece of mother's concern, and perhaps even have compassion for it. He said that he could. This shifted the whole energy in the room. They looked at each other for perhaps the first time in the mediation, and were able to have more direct exchanges thereafter, and were able to reach agreement on custody.

#### E. Clear up False Attributions of Motivations and Rationales Between the Parties

If there is a misattribution of intent, a misunderstanding of character usually follows. So it's important to make such misattributions explicit, and to challenge them. If a coach sees that someone is attributing a malicious motive, she might ask, "could it be something else?" Or: "I don't think she's trying to screw you. I think she's scared." "I hear you think X. And this is what it looks like to me." "If you saw his rationale as Y instead of X, would that change your position?" "Are you open to the possibility that you may not be accurate about what you're believing your spouse is thinking?"

#### F. Help the Parties to Express Needs, Not Just Requests or Interests

If possible, it's helpful to develop a consciousness and a language for expressing needs, as opposed to just requests or interests. This requires a level of vulnerability that parties often don't feel safe enough to make contact with or show. Yet if this can be done, it makes it easier for the parties to trust that there is room for both of them to get their needs met. Under optimal circumstances a degree of undefendedness can follow that allows for a greater spectrum of possible solutions, as well as a softening between the parties that increases the possibility of magnanimity and good will.

#### G. Help Identify Differing Personality, Communication and Coping Styles

Often what's gumming up the works is mutual reactivity caused not by hostility, but by differing coping styles and means of attempting to achieve safety. People who are drawn into relationship often have similar woundings, and diametrically opposed styles of coping with those wounds. These differing styles, while seemingly attractive in the early days, can become intensely annoying and triggering. Sorting these out, and pointing out the underlying attempt to assuage anxiety, can help clear up a lot of difficulties.

Example:

In one case what I noticed was that it was not so much the issues that separated the parties, but their respective personality and communication styles. These styles seemed to be related to the ways in which the two women regulated their internal states. Leslie got hyperemotional and worried about abandonment/rejection/not being heard, and so her anxiety cranked up and she tried with more desperation and intensity to get Jody to hear her. Jody felt Leslie's anxious energy and urgency and couldn't handle it (she stated that it made her feel like she's being barraged, like her boundaries are not being respected, etc., as well as being too much emotion), so she put up a wall of anger and non-engagement (she would turn away, nod her head, roll her eyes, cross her arms and legs, etc.). By pointing out to the two of them my observation of what's going on in this regard, my hope was that they could be sensitive to each other's fears/anxieties, and the ways they deal with that, so they could get to the substantive issues in the case. "Jody, can you be aware that Leslie has this issue of not being heard and needing to amp the urgency, and that you respond by putting up a wall to protect yourself, which she perceives as further abandonment/not being heard, which causes her to amp up her energy, etc.? And Leslie can you see that Jody puts up a wall on the other end of your ever-increasing urgency? Can you both see how this is a vicious circle? Can you be sensitive to your own and the other's wounds? Jody, can you set your boundaries more gently, so Leslie knows you've heard her? Leslie, can you calm down your urgency so Jody doesn't feel barraged?"

H. Work With Interpersonal as Well as Intrapsychic Dynamics

Sometimes the intrapsychic issues of a single party are at the root of a given impasse, and need to be addressed directly. At other times the impasse might have more to do with the interpersonal dynamics between the parties. In either case, helping both parties to identify and understand what is happening, and the underlying motivations and forces that are driving various behaviors, can help make room for more rational thinking, and allow the parties to put their attention on the business of reaching an agreement. One thing to watch for is *negative merging*, or what Gottman calls "negative intimacy." This usually means that one or both have unconsciously decided that it's better to be in a negative relationship than to be alone. If the couple are caught in this kind of a negative web, you might want to ask, "do you want to be divorced *to* someone, or *from* someone?"

Example

This case was made very difficult by the battling and contempt between the parties, especially around parenting issues. I finally stated to the parties that it seemed to me that they get

caught in a dynamic with Dad feeling like he's being bullied and pushed around by Mom, and Mom feeling like she has to take a firm stand against Dad's bumbling. I tried to normalize the situation, explaining that we all have object pairs in our psyches, and that a common pair, usually in mortal conflict, is the inner critic (superego) and the inner victim (the disowned, shameful, shadow part of ourselves), and that couples often externalize their inner object-relations battles onto their relationships. Couples often switch roles, but usually end up with each playing a particular role. I then said that it seemed they had gotten stuck in just this sort of conflict. (Mom said that Dad's father was a military type who did bully Dad.) I said to Dad, if you try to set a boundary and say, "you are not going to push me around any more!" from the point of view of a little wounded kid, you are still being the little wounded kid, and the strength is nothing but pseudo-strength. Real strength comes from identifying the dynamic, and simply refusing to buy into it. I told Mom that what she might be doing is projecting onto Dad her own disowned, split-off, rejected self that feels incompetent, a weakling, a victim, etc., and that she has identified with her own inner critic—and that is how she learned to protect herself from the unbearable feelings of shame at being the disowned, rejected self. The parties were able to agree that something like what I described was going on, and were able to step out if, at least long enough to reach agreement.

#### I. Re-Frame

This can be anything from putting a different spin on a dynamic to asking the parties to focus on their child's well being rather than their own "rights." E.g., "What would you like your children to say about how you handled this divorce when they're 35?" "I know you don't like what your husband did. And I wonder if you can separate who he is as a partner from who he is as a parent?"

#### J. Use Caucusing Where Necessary to Address Vulnerabilities, Build Strengths

Sometimes parties feel too vulnerable and/or hurt to reveal what's really going on in front of their spouse or ex-spouse. It can be useful to break out into a separate meeting in order to offer support in a safer setting, inquire into a deeper truth, and/or find strategies for building strength and confidence.

#### Example # 1

Husband was a prison guard at San Quentin. Wife was afraid of and intimidated by Husband. She could not stand her ground in his presence. We broke into separate session, and I asked her, "if I could help you find a way to stand up to your husband and ask for what you need without being overcome by fear, would that be of interest to you?" It was. So we strategized about what she could say, and how she could manage her fear. I promised to sit right next to her and ensure that her husband would not hurt her. I also let her know that it seemed to me that husband's main concern seemed to be holding on to his CalPers pension. How might it be to tell him that she recognizes that, and is happy for him to have it, as long as she gets the equivalent of her interest in the pension in some other form? She said she could do it. We returned to joint session after I had a separate caucus with husband, in which I demonstrated how he might help his wife to feel heard by him. At first wife was shaking in her chair. But she held her ground,

and soon the two parties were actively negotiating by themselves, as their attorneys looked on in disbelief. Then husband said, “deal!”, and they shook hands.

### Example # 2

A move-away case accompanied by parental estrangement. Dad opposed the move-away, believing that physical proximity would increase the odds of his re-establishing a relationship with his daughter. In joint session, neither party could risk showing any vulnerability. In separate caucus, Dad let me know how much he missed his daughter, and then slipped into a role-play in which he described a dialogue between himself and his daughter. From the role-play I could see clearly how he was not seeing or hearing his daughter, due to his rather prominent narcissism. I said, “how do you think the interaction would have gone if you had done it this way?”, and I re-did the role-play, only this time demonstrating how he might really listen to, and make meaningful contact with, his daughter. Dad was all over it. “How can I learn that? Can you teach me that?” I told him that I could refer to him to several therapists that could serve as “empathy coaches” to teach him how to relate to his daughter. We re-convened the joint session, and Dad agreed to the move-away, subject to a review in one year, while he worked with one of the therapists I had recommended to improve his empathy skills. The agreement also provided for occasional telephone contact between father and daughter in the interim.

### **V. Assessment of Suitability**

It’s important to note that this approach of getting to the emotional truth of the case is not going to be appropriate in all cases. There are people who are either unable or unwilling to explore on this level. Some people are too shut-down emotionally, some people are too emotionally reactive. There may be cases where the parties are simply uninterested in dealing with feelings, or are too fragile to do so. However, in my experience it is simply not true that this approach is only workable with highly functional people, a tiny minority of the people we work with. In my experience most people are in a pretty vulnerable state during divorce, and hence have ready access to their vulnerability and their feelings, and are often quite eager to have these seen and validated. It’s not a particular *party’s* skill at expressing emotion that counts, it’s the professional’s skill at feeling and sensing what is truly of emotional importance to that party that really makes the difference. I’ve worked with contractors and computer engineers that aren’t particularly skilled at emotional inquiry who nevertheless are open to my reflections of what it is they’re really feeling. So, while this may not be an approach that is appropriate in all cases, it is an approach and a set of skills that are vital when emotional issues are present and the parties are willing to address those issues. As such, it strikes me as one of the “many paths.”

As the coach, it’s important in all cases to (1) gauge the situation, do your own assessment in terms of capacity of the parties, willingness of the parties and their lawyers, psychopathology, ego-strength, etc.; and (2) even if you believe this is an appropriate case, you still need to get explicit buy-in from the parties and the attorneys.