Two People Separated by a Common Language: Why Communication Styles Matter and How to Talk to Anyone

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Psonya C. Hackett is the owner and lead counsel at The Hackett Law Firm in Memphis, Tennessee. Having been barred in Mississippi in 1999, and in Tennessee in 2012, Mrs. Hackett has a wealth of experience in the law. Psonya is currently a member of both the Mississippi and Tennessee Bar Associations, the American Bar Association, and a Board Member of the Tennessee Lawyer’s Association for Women. Mrs. Hackett earned her Juris Doctor from the University of Mississippi Law Center, and her Bachelor’s Degree from Tougaloo College. In 2007, Mrs. Hackett earned her MBA from the DeVry School of Management. Psonya is married to Senior Chief (Ret.) Timothy Hackett and is the Mom of Aidan.

Hon. Alicia A. Gooden
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Alicia A. Gooden is the Judge of Marion Superior Court, Criminal Division Room 21, a court dedicated to major felony drug, gang and gun cases. Alicia also presides over a number of domestic relations cases as Special Judge. She and several of her colleagues are actively evaluating the prospect of a Family Court Division in Marion County, to coincide with a new Justice Center in a few years.

Alicia has previously served as a mediator, arbitrator and parenting coordinator. During her time at The Mediation Group, she mediated more than 400 domestic relations cases. In her conflict resolution work, Alicia featured skills, perspective and insight gained from nearly ten years on the family court bench.

Alicia acted as the Master Commissioner of Marion Circuit Court, Paternity Division from 2001 to 2010. In her role as Commissioner, Alicia presided over custody, parenting time and support issues, and supervised all of the child support enforcement dockets, in paternity cases.

Early in her legal career, Alicia practiced in the areas of family law and criminal defense. She is very active in the Indianapolis Bar Association and sits on its Board of Directors. She is a frequent speaker on both family law and criminal law issues. This is her second opportunity to present for the American Bar Association.

Alicia is committed to the Indianapolis community and is a past President of the Junior League of Indianapolis. She is also a member of the Board of Directors for Marion Academy, a charter school serving at-risk youth.

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Dr. Philip Stahl is a forensic psychologist in private practice, living in Maricopa County, AZ, who provides consultation and expert witness testimony in child custody litigation throughout the United States and North America. His primary area of specialty is relocation, including complex international relocations. Dr. Stahl is licensed in Arizona, California, Hawaii and Michigan. Dr. Stahl conduct trainings throughout the United States and internationally for attorneys, child custody evaluators, and others working with high-conflict families of divorce. He is on the faculty of National Judicial College in Reno Nevada, teaching domestic violence judges since 2000, and he regularly speaks at state judicial colleges. He has spoken internationally on family law matters for over 15 years.

His most exciting project has been his newest book, written with his daughter Rebecca Stahl, JD, LLM, titled *Representing Children in Dependency and Family Court: Beyond the Law*, published by the ABA Family Law Section in June 2018.

More information can be found on his website, www.parentingafterdivorce.com. Dr. Stahl can be reached at philipstahlphd@gmail.com.

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David B. Starks is a partner practicing in the Seattle office of McKinley Irvin, PLLC. He is a Fellow of both the American Academy of Matrimonial Lawyers and the International Academy of Family Lawyers, and he is a Diplomate of the American College of Family Trial Lawyers. David's practice concentrates on divorce cases involving difficult custody matters as well as the protection, valuation and distribution of significant assets or business interests. He co-authored the International Law chapter of the Washington State Family Law Deskbook, and he has been designated by his peers a Super Lawyer (top 100) in Thompson Reuters *Super Lawyers* and as one of The Best Lawyers in America in the field of Family Law.
PRACTICE TIPS FROM A JUDGE AND FORMER MEDIATOR

They don’t teach this in law school!!!!!

By: Alicia A. Gooden
Marion Superior Court
Indianapolis, Indiana

WHEN YOU ARE IN COURT:

- Speak (and write) respectfully, clearly and succinctly
- Listen to what the Judge is saying – and you may have to read between the lines……
- Sit in on other hearings and observe what the Judge says or how he/she speaks to others, learn from those experiences as to how to better communicate your client’s position
- Understand the preferred communication style (generally) of the Judge. If you don’t know or aren’t sure, ask another attorney who frequently appears before that Judge. Or even better, ask the Court staff.
- When making an argument that you can barely make with a straight face, make sure you communicate that in discreet ways. “Your honor, my client would like you to know that….,” “Judge, my client believes…..” “Client, why don’t you tell the Judge why you are asking for this?” Most Judges are smart, will figure out what you are trying to accomplish, and most importantly, not hold it against you.

WHEN YOU ARE IN MEDIATION:

- Know your client’s communication style, in order to better prepare him/her (and yourself) for mediation. Given the style, what are going to be the challenges? What are the expectations?
- If your client is more data/facts driven, he/she may be very straightforward about specific goals to achieve (I want little Johnny sleeping in his own bed in my home every night); however, they may lose sight of the big picture goals in the process (i.e., we ultimately want little Johnny to be emotionally healthy and not scarred for life by our conflict).
- If your client is driven by feelings and thoughts, it may be more difficult to know what he/she really wants out of the negotiations. They may be more ambivalent and more likely to “go along to get along.” May make for a more pleasant mediation, but watch for the “buyer’s remorse” down the road.
- What’s the communication style of the mediator? Know it going in, so that you can articulate your client’s position in a more meaningful way.
PRINCIPLES APPLICABLE TO BOTH:

- BE PRESENT IN THE SITUATION!!!!!!! Like, REALLY present.
- LISTEN!! Not just nodding head listening.
  - Paraphrase what speaker said
  - Reflect on their words
  - Clarify the speaker – “Give me an example,” “Tell me more about….”
  - Acknowledge the speaker – “I see your concern with…..;” I agree with what you said..”
- Nonverbal communication can really say it all, without saying anything. What are you doing with your hands, arms, head, eyes, body forward/leaning back, etc. Be calm and detached but not disinterested. Validate and appreciate the speaker by your non-verbal gestures.
- All people really want is to be respected and to feel like they’ve been heard. In mediation, they are more likely to negotiate reasonably, and in Court, they are more likely to feel like the process was fair.
SO YOU KNOW YOUR CLIENT’S COMMUNICATION STYLE?
-HOW DOES THE STYLE IMPACT MEDIATION OR COURT?- 
And how to prepare so you can be more successful!

The Analyzer:

Mediation
- Long process
- May need 2 or more sessions
- Relies on experience of mediator

Court
- Needs findings to help understand
- Gives too many details
- Appears to lack emotion

The Promoter:

Mediation
- Will listen to experienced mediator
- Needs charts, illustrations, examples
- Recognize their thoughts, make it “their idea”

Court
- Misses details, may have to rehabilitate
- Needs thorough education of Court process – it’s long, there are delays, etc.
- May appear as if not taking it seriously

The Conductor:

Mediation
- Be mindful of how long in other room
- Must always think he/she is “winning” or running the show
- Don’t go off tangent unless there is specific example for a point or topic

Court
- Does not like NOT being in control
- Responds better to experienced/wise Judge
- Will not like the delays that occur with court process

The Listener:

Mediation
- Have patience
- Let them vent, tell their story, build their trust
- Will want mediator to be evaluative (what should I do?)

Court
- Will want to know everything about Judge
- Need to keep track on stand
- Will want straightforward, easy to follow order
The Mediator must be a chameleon!! Must be able to adapt his/her communication style to complement that of the party (and maybe the lawyer). So in choosing a mediator, look for the following traits –which should be more effective across all communication styles:

- Experienced
- Practical
- Level-headed
- Wise
- Perceptive
- Accommodating
- Poised

Unfortunately, you often don’t get to choose your Judge. Sometimes they will understand each party’s communication style, and craft orders accordingly, and sometimes they won’t. This reality can help convince the client that negotiating a settlement is the best option, in order to eliminate the unknown outcome.
How Men, Women, And Children Are Affected By Divorce

By Philip M. Stahl, Ph.D., ABPP (Forensic)

With the focus in the divorce literature over the last several years being on high conflict divorce, domestic violence, relocation, overnights with young children, alienation and other challenging divorce-related issues, it is easy to forget that divorce affects everyone, including those who don’t experience such complex or difficult experiences. For just about everyone going through a divorce, there are typical and potentially problematic issues experienced by nearly all adults and children when families split up. Each family member reacts in a unique way depending on the person’s psychological strengths and vulnerabilities, the history of family conflict, and the potential support afforded by others. This article will focus on the range of potential reactions, how they might manifest, and how to minimize the more dysfunctional of them. Additionally, at the end, the article will focus on ways you can help your client manage and deal with these challenging emotional reactions.

Everything is Normal at the Beginning

It is often said that people going through a divorce are “good people on their worst behavior”. Most individuals in Western culture do not come into contact with courts. Few engage in criminal or other behaviors that challenge them in the way divorce does. Because divorce is a legal issue, people who want to separate and raise their children often have to see attorneys, though certainly some are self-represented, and then have to see a judge to finalize their divorce. For some, this process alone brings anxiety and fear, mostly fear of the unknown. If they cannot settle their issues on their own they lose control of their circumstances and the outcome.

Divorcing adults are generally consumed with their fears, overwhelmed with their emotions, angry at their circumstances, and worried about their future. If they have children, they are protective and worried about the impact of the divorce on their kids. Most worry about finances, as there is often not enough resources to

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1 This article is an adaptation of a 2007 document prepared by Dr. Stahl for the Family Law Education Reform project and a 2013 presentation to a program of the Continuing Education of the Bar (California).

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pay attorneys, find new housing, potentially see evaluators or therapists, and manage day-to-day life for themselves and their children. Many also worry about their future, potentially new relationships, or whether they will be alone, and for some, they are anxious about starting their new life.

They dynamic of the divorce will also affect these general fears. For some families, the couple has reached a mutual decision to get a divorce, potentially after a period of time trying to resolve differences and marital conflicts. Being at the same stage of the divorce process may make it a bit easier for them to plan for their, and their children’s future. Other couples, however, go through the divorce process differently, with one parent deciding it’s time to end the relationship long before the other parent reaches the same conclusions. In such families, there is a “leave-er” (the one who makes the decision to end the marriage) and a “leave-ee” (the one who is left by the leave-er). Although the leave-er may have anxiety and fear about the future and certainly concern for his/her children, the leave-er has already come to the conclusion that the marriage is not to be saved and is ready to move on. On the other hand, the leave-ee may be clinging to the spouse in the hopes that the marriage can be resolved and he/she won’t be alone and have to begin a new life. They are clearly at different stages of grief.

THE ADULTS

5 Stages of Grief

Initially, the grief research was focused on reactions to death and dying\(^3\) but in recent years has been applied to those who are getting a divorce. This research tells us that there is a predictable pattern that adults go through when separating. Though not everyone can easily be observed going through each phase of this divorce grief process, and some skip some of the following stages, most adults and children experience a pattern of grief going through divorce in a fashion similar to those who experience the death of a loved one. It also appears that, for the most part, adults, even those who are the leave-ee in the relationship, process these emotions within approximately 18 months. For those who don’t, we can expect greater problems moving forward. Let’s briefly describe the 5 stages of this grief process.

Anger

Early in the divorce process, one or both partners generally experiences an increase in anger. Adults are often angry with their partner and themselves, while children are often angry at one or both parents. A common human emotion, anger can manifest in many externalizing symptoms, including but not limited to, behaviors such as yelling, cursing, hitting, pushing, shoving, throwing things,

treating the other spouse in a derogatory fashion, verbal abuse, and other forms of angry outbursts. Anger can also manifest in varying internalizing symptoms, such as depression, sadness, isolation, self-criticism, self-blame, and a sense of failure and shame, among others.

Children often experience more impulsive outbursts of anger and it is not uncommon for children to blame themselves for their parents' divorce, especially if the divorce follows a history of arguments about parenting and the children's behaviors. Also, along with this, many children initially experience confusion and fear, mostly because their world is crumbling and they have no reference point as to what to expect. This initial period of anger, self-blame, and confusion is a common first stage of the loss that children are experiencing.

The key here is to recognize whether or not the observed reactions are a function of the normal grief process or some deeper emotional problems. This will be discussed later in the article.

**Denial**

Although it’s difficult to observe sometimes, denial is a normative process that typically manifests with people acting as if the divorce isn’t happening. In adults, we might see the following behaviors (genders are just descriptive and not meant to reflect any typical pattern here):

- The husband who frequently comes back to the family home and pays bills or fixes things, just like he did when the couple was married. He’s in denial that things change as a result of the divorce;
- The couple that continues to have sexual relations and act as if they haven’t changed a thing, though they aren’t living together and may be engaged in high conflict litigation.
- The wife who won’t leave the marital bed and acts as if nothing is different in the relationship.
- The husband who won’t leave the marital home and still expects his wife to clean the house, do his laundry, and cook for him and the children, even on his designated parenting time.
- The 5th grade son who gets into trouble at school so that their parents both have to work together to help him, thus forcing them into maintaining and working on their relationship.
- (An extreme example of denial – though not divorce-related – is seen in the movie Psycho in which Norman Bates keeps the body of his mother in her bed, and carries on conversations with her, psychotically splitting himself into his own personality and her personality, and ends up killing women who the Mother-character believes to be a threat to the Son-character or her relationship with the Son-character.)

These are just a few of the behaviors typically observed by attorneys and
therapists following a separation, sometimes for months or years on end. It is important for people to understand their denial before they will be able to move to the next stage of divorce grief.

**Depression**

Once the circumstances of the divorce settle in and become real, may people feel sad and get depressed. A common third stage of the divorce grief process, this is where people often feel shame and guilt, as well. Whereas the anger stage may bring about internalized responses of anger, in this stage, this sadness or depression has a co-occurring realization that the divorce is progressing and there is nothing that can be done to prevent it. In some such circumstances, the leave-ee is especially vulnerable, as she doesn’t want the relationship to end, though she knows there is nothing she can do about it. In more extreme forms, this depression may take on the form of clinging to the other parent or children for support.

In children, we often see symptoms of isolation, withdrawal, school performance problems, and perhaps a general lack of caring about the future. In younger children, we might see feelings of insecurity and incompetence during this stage of Depression. Along with anger, depression is a stage that nearly all people experience while going through the divorce grief process.

**Bargaining**

Typically the least observable stage of this process, bargaining reflects the attempt to try and preserve the marriage with bargains. The wife who promises to be nicer to her husband if he’ll stay, the abusive husband who promises to never be abusive again if his wife will come back, and the children who try and promise their parents to follow rules and be more obedient, if only their parents don’t get a divorce, are all examples of this bargaining.

It’s interesting that, during the stage of bargaining, adults are actually bargaining (negotiating) the terms of their settlement. Just as anger, denial, and depression can impact such negotiations in varying ways, being in the stage of bargaining can also affect the negotiations. If you have a client who appears to be “giving away the store”, you’ll want to know if she is doing this in the hopes that he will still love her and come back to his senses and return to the marriage.

**Acceptance**

Most adults settle in their emotional reactions within 18-24 months after the separation, reaching a stage called “Acceptance”. They move on in their lives, perhaps have started dating, and begin to feel better and more settled. They have stopped processing self-blame, no longer seem so angry, and are beginning to take care of themselves and better care of their children. They no
longer argue with their spouse for the sake of keeping them engaged with one another.

It’s important to keep in mind that some of these emotions may be experienced prior to the separation in the leave-er, as she has already gone through the stages of grief prior to making the decision to divorce her spouse. In fact, it is likely that the reason some leave-ers can actually decide to divorce is because they have already gone through the process, and have come to accept that the divorce is inevitable, way ahead of their leave-ee spouse.

Where the major problems occur is when a leave-er, who has processed through within his own mind to Acceptance is divorcing a leave-ee who is initially angry and in shock and who doesn’t want the marriage to end. The other problems occur when someone’s experiences are more extreme, as those below.

**More Common Adult Reactions**

**Shock**

For many adults, a divorce comes unexpectedly. In many situations, there is a “leaver” and a “leave-ee.” While the leaver may have been planning the divorce for some time, the leave-ee may have had no clue it was coming. With such shock, there is often a multitude of response, which can include, among other things, denial, anger, bargaining, confusion, and feeling overwhelmed.

When such a shocked client comes into your office, you can expect him/her to ramble when telling the story, make inappropriate demands that the spouse drop the divorce action, cry easily, express outrageously angry statements, show evidence of somatic (bodily) complaints such as headaches, stomach aches, etc., and forget whatever you tell him/her in the first appointment. All of this is a normal reaction to such shocking news.

**Feelings of Being Overwhelmed**

For many clients, the sadness and depression of the moment is overwhelming. These adults have trouble getting to and functioning in their work, may be late for or miss scheduled appointments. They often have trouble meeting deadlines and staying organized. It is critical to realize that the client’s inability to meet your needs may be a normal reaction to learning about his/her spouse’s desire to get a divorce.

**Confused**

Along with shock and feelings of being overwhelmed, many newly separated parents feel confused. They don’t understand what to expect. They may not
understand the legal concepts you discuss and the ramifications of those concepts. You will need to pay close attention to make sure that your client understands your advice and the options you are considering.

**Anxious about the future**

Along with feeling overwhelmed, most divorcing parents are anxious. The client’s anxiety can range from moderate to severe and the extent of the anxiety is unique to each individual, in part based on the person’s tendency to feel anxiety about other issues in his/her life.

For many clients, the primary areas of anxiety are about their children, their finances, and their future.

Recognize that the anxiety can manifest in various ways, including but not limited to disorganization, forgetfulness, and inability to sleep and manage day-to-day affairs, parenting capacity, and even working. Awareness of your client’s anxiety and the source of this anxiety can help you in organizing and preparing your work together. Recognizing the intensity of the anxiety and its impact on your client’s life can help you recognize when to make a referral for therapy.

**Anxious about the children**

Another potential source of anxiety for adults going through a divorce is concern about their children and how their children will adjust. Parents typically want the best for their children and are often worried about how the divorce will affect their children. By listening to your client’s fears and worries, you can help guide them into helpful solutions. This will be discussed later in the article.

**Internalizing Feelings**

Many adults feel a strong sense of failure and shame that they couldn’t work out their marital problems and resolve their marital problems and stay together. If religious, this sense of shame may be even strong due to many religions’ stance on divorce.

Along with this, sadness and depression are very common, especially during the first year, and especially for the leave-e. While the leave-er often has worked through many of these internalized feelings before the separation, and doesn’t feel depressed because he/she is taking action, the leave-e is shocked (see above) and feels depressed.

Typical reactions to sadness include crying in your office, expressing feelings of hopelessness or helplessness, some dependency on you, and fear for the future (see above).
Typical reactions to more intense depression may include a sense of incapacitation, sleep disturbances, problems getting to work, somatic complaints (e.g., headaches, stomachaches, illness). More extreme depression symptoms may include suicidal thoughts or suicidal actions. Paying attention to your client’s internalized responses will help you get your client needed help.

**Externalizing Feelings**

With externalizing clients, you are likely to hear how the marriage failed because of the partner. Your client may not be able to look inward to see how he/she contributed to the divorce. If your client is the leave-ee, your client may want his/her ex spouse to pay for leaving. This can result in your client making unrealistic demands for some sort of financial retribution or may try and use the children as pawns in a custody dispute.

Some angry clients threaten their ex, threaten you, threaten the court, or threaten other professionals involved in your case. Many angry clients refuse to pay outstanding bills and blame you when custody or financial decisions do not go as they want them to. At its extreme, angry clients damage property (usually the ex’s) or attempt or commit homicides.

**Overly focused on or protective of the children**

Some parents believe that the other parent is toxic to the children. They will make allegations of abuse, family violence, sexual abuse, substance abuse, etc. They will allege that the other parent does not have the capacity to have regular or unsupervised parenting time because of a risk of harm to the children.

In fact, a small percentage of parents going through divorce are toxic parents. They have harmed the children or engaged in behaviors that put the children at risk. Advocating a protective policy for your client and his/her children is necessary to protect the children and reduce that risk.

At the same time, some parents exaggerate the claims or their fears are based on something other than actual behaviors. For example, a reformed alcoholic may overly worry when the other parent has even one drink during his/her parenting time. Other parents worry that the other parent cannot cook for the children because he/she did all the cooking when the couple was married. Sometimes parents worry that the other parent is not being responsible in helping complete schoolwork and/or following through on other parenting tasks.

Your task is to listen to your client’s concerns and help the client differentiate between real and perceived risk. Ask probing questions looking for details and evidence to help make this differentiation. Remember not to take every allegation that your client makes as the absolute “truth.
Lack of Perspective

Your client’s case is the most important thing in his/her life. When any of these emotions are stimulated and out of the ordinary, clients lose perspective. The intensity of the above-described emotions worsens.

The client becomes focused on the moment and loses perspective that things can, and will, be better, in 1 year, 2 years, 5 years, and beyond. Help your client gain such perspective by reminding them that things get settled one step at a time, pointing out that the client’s current feelings are temporary, that the he/she will feel better over time, and to brainstorm options for improving things in his/her life.

More Extreme Adult Reactions

The vast majority of extreme reactions are typically related to personality disorders, or traits consistent with a personality disorder. Dealing with these problems requires assistance, and is something that your psychologist consultant can help you with. While only a small percentage of adults (fewer than 10%) experience a personality disorder, the nature of divorce and the litigation associated with it causes many otherwise reasonable people to act as if they have a personality disorder. In other words, some clients act crazy even if the client is not crazy.

Many adults are upset that the court system does not make the ex-spouse “pay” for his/her behavior, especially if there has been an extra-marital affair that is perceived to have caused the divorce. If you suspect your client is experiencing these more extreme reactions, you will most likely want to refer the client to a therapist and get permission to share information between yourself and the therapist to help the therapist understand your concerns and gather strategies for helping your client.

Narcissism / Borderline Personality Disorder

For some adults, everything is filtered through a filter of entitlement, rigidity, and personalization. Bad things do not just happen (like if a court date is postponed because the judge is sick); the purpose of the event is to hurt the client. Some clients demand 50-50 custody (e.g., “it’s my God-given right”) or will not share custody, even if the client’s position is not remotely in the child’s best interests. Other high earning clients will refuse to pay spousal support to a non-working spouse, even with a marriage of 20 years, because it’s “my money.” It is important to set boundaries and realistic expectations with these clients in order to avoid the client having false expectations and blaming you when their wishes aren’t fulfilled by the court.

Paranoia
It is not uncommon for divorcing adults to feel a bit paranoid or suspicious, but some adults take this to the extreme. Be clear to your client about what to expect, help your client understand when the court is listening to his/her concerns, and make sure that you do not do anything to fuel your client’s paranoia by failing to keep the client informed of what you are thinking and doing, and why

**Rigidity / Need for control**

Some clients need to control everything. If they don’t, they become so anxious that they cannot manage their life well. These clients will try and control you and your actions, control their spouse and her actions, and are often very rigid with their children. They don’t manage flexible parenting plans very well, needing a rigid order to follow. Their rigidity and need to control the parenting plan becomes the source of much conflict. They are likely to need a Parenting Coordinator to agree to any flexibility or change in the parenting plan, and then, only if they know that the other parent will be held responsible if things go wrong.

**Black / White thinking**

For some parents, it’s “my way or the highway”. They don’t want their children to eat certain foods, need the other parent to follow a particular bedtime routine, or try and control the entertainment for their children. If the other parent doesn’t follow their rules, they will often express concern about how the other parent is harming their children. What these parents fail to realize is that it is much more damaging to the children to be in the middle of conflict than it is if the children go to bed 30 minutes later than expected.

**Externalizing blame**

As previously identified, some parents have a very difficult time with self-reflection and focus all of their energy on blaming the other parent when anything goes wrong in their life, or the lives of their children. When their children are struggling in school, it’s the other parent’s entire fault. If the child is depressed or struggling with behavioral acting out, the other parent is blamed for that. These parents are unable to see their own contribution to whatever problems exist. This is one of the more common traits for high conflict parents.

**Histrionics / Over-reactions**

Some adults just seem to get anxious and over-react to everything. For example, if their young child comes home clingy, that is a sign that the ex must have abused her. They have a style that some have called “over-shooting the runway.” When making allegations such clients are vague and hard to understand and follow.
These people (like many of the others identified in this section) are thinking with their emotional mind, not their rational mind. Fears contribute to this style. Remind such clients that the court needs evidence and not emotion. Ask your client for specific examples of what he/she believes the other parent has done. The referral to a therapist can help such a client learn to focus and respond less emotionally and more rationally, or at least provide you some assistance in helping you deal with your client.

When a parent continues to harbor strong negative reactions more than 2 years after the separation

As previously noted, research suggests that most adults move forward in healthy ways within 2 years following their divorce. High conflict during the process may make this more difficult, but if a parent is still acting in clingy, disparaging, externalizing and overly emotional ways after this period of time, it may indicate a deeper problem. Keep in mind that this is likely to happen when someone is still struggling with the emotions of having been dumped, especially if there is another person involved. Again, such parents usually make things difficult in the parenting plan, often by rigidly holding onto expectations of the other parent’s behavior. The best way to help such parents is to refer them to a therapist who can help them work through the emotions of being dumped and learning to cope and move forward in healthy ways.

Domestic Violence

While beyond the scope of this document to provide a thorough discussion of domestic violence, you can expect a significant percentage of your clients to either make an allegation of domestic violence or need to respond to an allegation of domestic violence. When this occurs, take it seriously, get as many details as you can, and learn as much as you can about this critical area of family law. Note that, in order of frequency, the following are three main sub-types of domestic violence:

- Separation-Instigated Violence (SIV)

Research suggests that over half of all couples going through a divorce experience brief, usually mild, and typically gender-neutral violent behaviors. This might include, but aren't limited to abusive name-calling, cursing, demeaning one’s spouse, throwing things, pushing, shoving, and other mild forms of emotional or physical abuse. While not meaning to excuse any such actions, for these families, there is no historical pattern of such abuse, and in fact, the adults are quite shocked at their aggressive behavior. They are quick to self-blame and quick to apologize. These parents are sensitive to the impact of those behaviors on their children and have empathy for the effect on their spouse. It is rare for such adults to engage in ongoing violent behaviors post-separation.
• **Situational Couples' Violence (SCV)**

Though less frequent, research suggests that perhaps 15-25% of adult relationships experience similar forms of violent behavior intermittently throughout their relationship. The major differentiation between SCV and SIV is that SIV couples never experienced any such behaviors until the marriage approached a level of deterioration close to separation and the SCV couples could erupt into such mild violent actions intermittently throughout their relationship. Like the SIV couples, behaviors tended to be less abusive and there is a gender-neutrality to it. Both men and women initiate such behaviors in these families. There may be a little less empathy for how their ongoing violence has affected the children. Adults in both SCV and SIV dynamics are not afraid of their spouse, and never have been.

• **Coercive-Controlling Violence (CCV)**

The least frequent, but most severe form of domestic violence is found within Coercive-Controlling couples. Usually male-initiated in heterosexual couples, research suggests that CCV is experienced in as few as 3-5 or perhaps 10% of adult relationships. However, in those families, the victim adult is typically female, highly anxious, may be experiencing Post Traumatic Stress Disorder (PTSD), is fearful of the abusive partner and afraid of how the abuse has been harming the children. Violence is not only physical and emotional, but can incorporate sexual and economic violence, as well. The violent behaviors and emotional control and social isolation serve to control the victim spouse. Unlike SCV and SIV couples, those with CCV dynamics are all about the coercion and control and not about anger management. The children in these families have experienced the chronic and abusive coercion and have many varied responses, but most are numb to it, and it’s not uncommon for sons of violent men to be physically or emotionally abusive of their mothers and sisters.

With any allegations of violence, try and get as much historical knowledge as possible and look first to calm things and ensure safety of children and parents, especially when dealing with CCV dynamics.

**Alienation**

Again, while beyond the scope of this document to provide a thorough discussion of alienated children, you can expect to work with clients whose child is refusing to see him/her or refusing to see the other parent. These can be among the most difficult emotions to deal with. This is very complex and typically both parents and the children themselves contribute at some level to the alienation dynamics experienced by the children’s attempts to avoid contact with one parent. Seek consultation from others, both attorneys and mental health professionals, who have worked successfully when such allegations are made. Try and resolve this
issue quickly, since this tends to get worse rather than better if left alone.

THE CHILDREN

The potential reactions of children are highly dependent on the age of the children. Just as with adults, children can internalize their responses or they may have externalized symptoms, and some experience both. This section will focus on typical and more extreme responses.

Ages 0 – 5

Young children are dealing with issues such as attachment, bonding and the development of trust. If both parents have been together and both have been actively involved in the parenting, it may be a significant shock to the developing attachment when one parent leaves the family home. Common reactions include regression, feelings of accuracy, fears, confusion, and, when the separation is accompanied by significant conflict or domestic violence, these children may develop a view that the world is a scary place. As these young children become social, they may have difficulties with social skills, potentially becoming aggressive, withdrawn, etc.

On the other hand, for those children who have mostly lived with their parents apart, if there is little conflict between the parents, there may be almost no reaction to the parental separation. For these children, as long as they have an ongoing relationship with both their mother and their father, there may be a limited or nearly nonexistent response to the separation and divorce.

Ages 6 – 12

The primary difficulties for school-aged children typically include problems with peers, poor self-esteem, sadness, confusion, and loyalty problems. Many of these children worry about their parents and are at risk of caring for their parents emotionally and telling their parents what they believe their parents want to hear. As a result of their difficulty managing emotions, many of these children fall behind academically, which, in a circular way, adds to their poor self-esteem, which then adds to falling further behind. Some of these children become bullies (externalizing their issues) whereas others might become withdrawn or insecure around their peers (internalizing their issues).

Ages 13 – 18

In this age group, children who internalize their issues often experience academic failure, social isolation, withdrawal from family and friends, and ongoing loyalty issues and poor self-esteem. Children who externalize their issues often experience aggressiveness, problems with authority figures, rebelliousness, and bullying. These children are at risk of substance use and
abuse. They may lack a realistic sense of autonomy and avoid thinking about goals for the future.

**Children’s Internalizing Reactions**

Regardless of age, these children often feel confused, blame themselves for their parents divorce, become sad or depressed, worry about their parents, and withdraw from friends and family. Many of these children have difficulty understanding and expressing their emotions. They are likely to have a limited understanding of their own feelings, and are likely to merge their own feelings with those of their parents. When conflict between the parents is high, they become like chameleons, taking sides with whichever parent they are with. Self-esteem and self-confidence is affected, and many of these children lack a sense of self worth and feel generally incompetent. Many of these children also experience a sense of hyper-vigilance, in which they are continually concerned about other people and how they are feeling, as well as how other people are acting toward one another.

**Children’s Externalizing Reactions**

Again, regardless of age, children who externalize their response are typically angry, defiant, rebellious, and aggressive. They often blame one or both parents for the divorce and their situation. They frequently have your relationship problems, and many become bullies. They are also likely to have difficulty with teachers and other authority figures, especially if their parents have been high conflict or aggressive themselves.

**More Extreme Children’s Reactions**

**Parentification**

Parentification is a process in which children take care of their parents and/or siblings emotionally. This usually occurs in school-aged children, usually as a result of children experiencing loyalty conflicts between their parents. This is a significant problem for these children because they spend so much emotional energy worrying about their parents that they are not taking care of themselves. Children who are parentified will often have academic problems, become easily anxious, and may be unwilling to participate in extracurricular activities, especially if their parents argue over their participation in such activities. This is one of the greater risks for children of high conflict parents.

**Alienation**

Although the topic of alienation is beyond the scope of this article, briefly, alienation is a process in which children choose sides between their parents. Research suggests that multiple forces contribute to children becoming
alienated, including but not limited to the behaviors and emotions of the alienating parent, the behaviors and emotions of the rejected parent, the child’s temperament and sensitivity, the degree of conflict within the marriage and subsequent conflict post separation, and the potential influence of siblings and other family members.

It is always important to differentiate between alienation, which occurs when a child previously had a good relationship with each parent and is now rejecting one parent for no legitimate reason, and estrangement, which occurs when a child did not have a good relationship with the rejected parent, often because of significant problems caused by the rejected parent, including abuse or domestic violence.

When children reject a parent, it is critical to have a thorough and neutral evaluation done by someone with a good understanding of these dynamics. Intervening early is also important in these cases.

**More Difficult Litigation Dynamics**

There is little doubt that litigation contributes significantly to adult and children reactions to divorce. Although the above-mentioned emotional responses are common in families of divorce, litigation can exacerbate them. In my experience, families with dynamics of domestic violence, the rejection by children of one parent, and relocation cases can be very difficult emotionally for both of adults and children. Additionally, when one or both parents is exhibiting behaviors consistent with significant personality problems, especially self-centeredness (narcissism), over-reactiveness (histrionic), or rigidity (obsessive-compulsive disorder), litigation dynamics are very difficult for all family members.

Although litigation may not be avoidable in these cases, be aware that the litigation dynamics are likely to increase the intensity of the emotional dynamics described above.

**How You Can Understand and Manage These Issues in Your Law Practice**

In closing, there are a number of actions you can take to assist your clients with these emotional responses. If you represent children, perhaps the most important action is to help your child client understand the litigation and reflect for your child client the emotions that you are observing. It is likely that you are child client may also benefit from counseling.

When representing adults, there are many useful client management skills, as follows:

**Patience** - Perhaps the most important trait for you is patience, i.e., patience to deal with your client and his/her emotional issues. At times, you might not have
sufficient time to deal with your client and his issues, but except for those cases in which your client is exceptionally demanding, taking the time and exhibiting patience will help.

The art of listening - For many divorce clients, the end result is not the most important consideration. What these adults want most is to be heard. Spend time listening to your client before discussing legal strategies and options. Demonstrate that you have heard your client’s concerns and considered them in your strategic planning. Listening carefully helps your client feel as if he/she has been treated with dignity and respect. Many clients are afraid of being judged, so demonstrate a non-judgmental attitude, even if you have to challenge your client’s emotional, rather than rational, thinking. Finally, if you are listening well, you are conveying your empathy for your client’s emotions and what he/she is experiencing.

Reflective process - Next, you will need the important trait of reflecting rather than impulsively reacting to your clients and his/her threats, demands, wishes, and stated needs. Patience will help you in being more reflective and less impulsive in your response. Additionally, when you have a reflective style you will be modeling this behavior for your client.

Be honest and clear in your interactions – It is not only important to give your client good news and positive advice. If your client’s expectations are unrealistic, say so. Be prompt with news of bad decisions from the court. Try and help your client understand why the court made its decision and avoid blaming yourself or someone else when something goes against your client.

Help your client consider thinking about a long-term view of his/her life - As noted above, some clients cannot focus on long-term issues. You can role model this by reminding your client that you are not only looking out for his/her present, but also the future.

Experience - There is no substitute for experience in understanding if your client’s wishes, statements, and stated needs are rational and real or wishful thinking, distortions, lies, or based on emotional thinking. Avoid believing everything your client tells you until you have a chance to check it out.

Be a counselor-at-law - Give your client necessary advice even if it is not what your client wants to hear. Be clear about the chances of prevailing and the costs in reaching a desired end. Remember that litigation is likely to increase rather than resolve emotional difficulties, so be prepared to help your client understand the potential emotional as well as financial costs associated with any potential litigation.

It is your client’s case, not yours - Boundaries are extremely important in the work you do. Never take a more rigid or stronger position than your client's wants
you to, regardless of your motive. If you think your client is making a mistake, discuss the strategy with your client, understand your client’s motives, and let the client be your guide. If your client does not want to take your advice, you can always help your client find a new attorney.

**Refer to a therapist when necessary** – For many adults, it is important to work with a therapist to help manage their emotions. If you are client is unpredictable, emotionally overwhelming, too angry or sad, overly self-focused, not self-focused enough, or showing other symptoms noted above, refer your client to a therapist. To find a good therapist in your community, talk to colleagues with experience working with therapists. If your court has a Family Court Services, get a referral from the Court agency. At the very least, try and get a referral from your local or state Psychological Association, your state AFCC chapter (if you have one), or from other clients who have successfully worked with a therapist in the past.

**How a Consulting Forensic Psychologist Can Help You**

When you get a complicated case, in which there are significant psychological issues or you have a client who may be dealing with significant psychological issues, the consulting forensic psychologist is your greatest ally. Regardless of whether or not the case might go to litigation. Working behind the scenes, so as to preserve attorney-client privilege, your forensic psychologist consultant can help you understand and deal with your client’s psychological issues, opposing counsel’s client’s psychological issues, and managing client boundaries. Your consultant can help you understand when your client can benefit from therapy and the important goals for the therapist and client to work on together.

If a case is going to litigation, your consultant can help you understand critical psychological dynamics of your case (e.g., the dynamics of domestic violence, the dynamics of alienation, critical risk and protective factors in a relocation case, etc.). Consultants can assist in the drafting of declarations focused on those psychological dynamics and can help you strategize the strengths and weaknesses, including the best facts and worst facts from a psychological perspective, of your case. If the court appoints a neutral child custody evaluator, your consultant can help you focus on the strengths and weaknesses of the expert report, assist in the direct and cross examination of psychological experts in the case, and can help you find a testifying expert if one is needed.

Finally, your consultant can also help you focus on the risks and benefits of other psychological interventions, such as therapy for children, the use of a parenting coordinator, substance abuse testing, etc. Most importantly, your consultant can help you deal with the intense emotions of your case, allowing you to do your job most effectively.
Resources


Why Assess Clients?

About 70% of decisions are based on positive human interactions.

People decide to work with people, not law firms.
The STRUCTURE of a persuasive conversation is always the same.

Does not matter whether you are trying to persuade me to go to dinner at a restaurant I’m not excited about…

To get your kid to clean his or her room…

Or get a client to engage with you and give you the information you need.
For our attorney training, “Persuasive Conversation” training takes place in three distinct parts:

1. Basic communication
2. Conversational structure
3. Overcoming roadblocks
Basic Communication

How do you communicate with people?

The ugly truth:

You advice is only as valuable as your ability to communicate it.
Basic Communication

Speak in a way that doesn’t make sense to me?

I think you aren’t very good at what you do.

It probably doesn’t occur to me that I’m not very good at understanding you.
Basic Communication

Goals:

To build trust and rapport.

To deliver a message a client will act on.

To make your clients “mind.”

(Clients are looking for someone to be consistent with what they believe is trustworthy.)
Basic Communication

As we will learn as we review the 4 basic behavioral styles...

People don’t ever hear “differently.” Saying the same thing louder or slower likely isn’t going to change what a client hears and can act on.
Now we can all live without being able to communicate effectively with everyone.

The “imposing” figure:

1. Known history of success
2. Older helps
3. Grey hair (or no hair) and other ravages of age better, to a point
Many to nearly all of us have taken some form of profiling or personality test over the years:

1. Myers Briggs
2. Rembrandt
3. Social Styles
4. Etc.
Behavior Styles

The 24 question test you are about to take is not specifically about personality types.

Rather, it is about OBSERVABLE BEHAVIOR.

Personality = your hopes, dreams, values, concerns.

Behavior = do you interrupt? Ignore me? Make eye contact? Appear to listen?
Behavior Styles

The test you are about to take is not specifically about personality traits.

Traits = smart, funny, sarcastic, glum, pessimistic

Behavior = loud, quiet, sitting, standing
A client’s behavior gives you the cues necessary to diagnose the likely “Behavior Style” of that client, and thus the likely best way to communicate with the client:

1. To build trust and rapport
2. Give opinions and advice in a way most likely to result in action
3. Get hired
4. Stay paid
CAVEAT #1:

None of us are 100% consistent in our behavior styles.

Think of the 4 behavior styles as 4 buckets.

Each of us will have some behaviors sprinkled in each bucket.

But one bucket will contain more behaviors than the others.
CAVEAT #2:

We are talking about people’s behavior styles when left to their own devices.

“Role” behavior is different. My role today is to stand up in front of a crowd and speak. My behavior style may or may not be particularly comfortable with that.
CAVEAT #3:

There are four ways to think about your behavior:

1. What you know about yourself and allow others to see.
2. What you know about yourself and do not allow others to see.
3. What you don’t know about yourself that others also don’t see.
4. What you don’t know about yourself that others do see.
Behavior Styles

CAVEAT #3:

The test you are about to take is a self-assessment.

For employees, the self-assessment is only one of three assessments. Two additional assessments are done by other people who work closely with you.

This is so that we can get at that fourth, uncomfortable truth: What you don’t know about yourself that others do see.
What is your personality type?

Take the test now at mckinleyirvin.com/personality

Behavior Styles Self Assessment

GET STARTED
Behavioral Styles:

What you’ll see

*These people are focused on facts and data*
Behavioral Styles:

What you’ll see

These people are focused on facts and data

<table>
<thead>
<tr>
<th>Topics:</th>
<th>Facts/Data</th>
</tr>
</thead>
<tbody>
<tr>
<td>Descriptors:</td>
<td>Will tell you what happened</td>
</tr>
<tr>
<td></td>
<td>Will not discuss feelings</td>
</tr>
</tbody>
</table>
Behavioral Styles:

What you’ll see

These people are focused on people and feelings
Behavioral Styles:

What you’ll see

These people are focused on people and feelings

Topics:

Descriptors:

People/Opinions/Stories/Feelings

Will tell you who it happened to

Will tell you their feelings

These people are focused on people and feelings
Behavioral Styles:

What you’ll see

These people ask
Behavioral Styles:

What you’ll see

Speak:
Less
Softer
Slower

Body Language:
Less eye contact
Fewer gestures
“Lean away”
Behavioral Styles:

What you’ll see

These people tell
Behavioral Styles:

What you’ll see

**Body Language:**
- Eye contact
- Gestures
- “Lean in”

**Speak:**
- More
- Louder
- Faster
Behavioral Styles:

What you’ll see

Analyzer
Will pause frequently to think, ask you to explain or clarify, be specific, correct you if you misspeak, want time to process

Looks for:
Logic | Organization | Detail
To see it in writing
Time to think

Resists:
Shortcuts | Informality | Haste
Over-personalizing

Conductor
Will interrupt, ask the same question again because they didn’t listen to your answer the first time, change topics without warning, speak with impatience, adopt a distant tone

Looks for:
Results | Action | Competence
You to be brief | History or success

Resists:
Vagueness | Too many details
Lack of timeline | Long emails & voicemails

Listener
Will ask how you see it, wait for you to speak, make excuses for others, worry about how others are affected, laugh at your jokes, agree (when they don’t)

Looks for:
Signs of caring | One-to-one
Flexibility | Team approach | Sensitivity

Resists:
Being pressed to change | Analytical responses
Being pushed | Deadlines

Promoter
Will make everything they tell you into a story, exaggerate, change directions, talk about how they feel about things, speculate about how other people feel, speak about people as victims, villains and heroes

Looks for:
Praise and personal attention | Big picture | Creativity
Future orientation | Recognition of uniqueness

Resists:
Deadlines | Structure
Impersonal responses | Too much detail
Behavioral Styles:
What you’ll see

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**These people are focused on facts and data**

**These people are focused on people and feelings**
Behavioral Styles:

What you’ll see

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These people are focused on facts and data
**Behavioral Styles:**

**What you’ll see**

These people are focused on facts and data

### Analyzer

Will pause frequently to think, ask you to explain or clarify, be specific, correct if you misspeak, want time to process

Looks for:
- Logic
- Organization
- Detail

To see it in writing
- Time to think

Resists:
- Shortcuts
- Informality
- Haste
- Over-personalizing

---

### Conductor

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- Action
- Competence

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- History or success

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---

### Listener

Will ask how you see it, wait for you to speak, make excuses for others, worry about how others are affected, laugh at your jokes, agree (when they don’t)

Looks for:
- Signs of caring
- One-to-one

Flexibility
- Team approach
- Sensitivity

Resists:
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- Analytical responses
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These people are focused on people and feelings
### Behavioral Styles:

#### Ranges of Behavior

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<thead>
<tr>
<th>Analyzer</th>
<th>Conductor</th>
<th>Listener</th>
<th>Promoter</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Ranges of Behavior</strong></td>
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<td><strong>Ranges of Behavior</strong></td>
</tr>
<tr>
<td>Makes cautious decisions</td>
<td>Makes quick, bold decisions</td>
<td>Involves others to make decisions</td>
<td>Makes impulsive decisions</td>
</tr>
<tr>
<td>Provides well thought out opinions</td>
<td>States strong opinions</td>
<td>Provides moderate opinions</td>
<td>States opinions based on emotions</td>
</tr>
<tr>
<td>Asks questions about tasks</td>
<td>Makes statements about tasks</td>
<td>Asks questions about people</td>
<td>Makes statements to motivate others</td>
</tr>
<tr>
<td>Withholds emotions</td>
<td>Exhibits limited emotions</td>
<td>Agrees readily</td>
<td>Expresses emotions easily</td>
</tr>
<tr>
<td>Follows rules and regulations</td>
<td>Limits socializing</td>
<td>Avoids confrontation</td>
<td>Talks fast</td>
</tr>
<tr>
<td>Does things in a step by step manner</td>
<td>States expectations</td>
<td>Is receptive to new ideas</td>
<td>Prefers to work without supervision</td>
</tr>
<tr>
<td>Wants facts and data</td>
<td>Wants immediate results</td>
<td>Wants to please others</td>
<td>Wants approval and praise</td>
</tr>
</tbody>
</table>
Behavioral Styles:

To put it in Potter terms

Analyzer = Ravenclaw

Conductor = Slytherin

Listener = Hufflepuff

Promoter = Gryffindor
Behavioral Styles:

The Analyzer Style

Characteristics
- Tends to need time to make decisions
- Likes to avoid personal confrontation
- Wants detailed explanations
- Responds to technical expertise in analyzing problems
- Requires precision and accuracy
- Looks for long-term benefits and stability

Expectation of Others
- To be specific and thorough
- To be an expert in your field
- To be thorough, precise, and use accurate facts in your personal work

Responds to:
- Punctuality, precision, and accuracy
- Detailed and precise explanations of questions
- A written analysis with documented evidence supported by principles and logic

When making decisions:
- Need to see evidence and expertise
- Require a significant amount of time to make decisions
- Expect accurate answers to questions; will accept a delay for the sake of precision
- Want to know why this action will work in their situation
- Want details and documentation
- Dislike emotional appeals
- Prefer a direct but low-pressure request for action, only after they are finished
Behavioral Styles:

The Promoter Style

Characteristics
- Tends to respond quickly
- Likes incentives and will take risks for them
- Tends to not check details
- Wants personal attention and to make a good impression
- Responds to recommendations of important people
- Dreams and used intuition

Expectation of Others
- To be open, friendly and enthusiastic
- To know who you are, what you think, who you know, and who your clients are
- To recognize and approve of their ideas, opinions, and beliefs
- To know that action will take place immediately

Responds to:
- A personal call
- Your taking time to know them
- Positive ideas and responses
- Personal recognition

When making decisions:
- Need to make their own decision
- Like personal credit for their ideas
- Want to know the opinions of people they perceive as important or successful
- Tend to respond to immediate benefits
- Expect immediate action
- Tend to be indecisive when offered too many options
- Appreciate an informal letter or call after business is completed
- Appreciate that you work out the details and provide a written summary
Behavioral Styles:

The Conductor Style

Characteristics

- Wants concise, documented evidence of your competency, qualifications and track record
- Doesn’t listen well to things not directly related to the issue at hand
- Tends to be decisive
- Likes options and knowing the results of each
- Responds to things that get results
- Needs to have control

Expectation of Others

- To be on time, businesslike and to the point
- To provide support for their ideas, objectives, and conclusions
- To be competent and efficient
- Adaptability to changes
- Prefer an answer now, not later
- Expect you to be on time, and to make efficient use of time
- Want support for their ideas, opinions and conclusions
- Expect specific information for their review
- Prefer a one-page summary, with supporting material attached

Responds to:

- Your competence and track record
- Your effectiveness in getting the job done
- Need to perceive immediate results
- Want to remain in control
- Want options and potential benefits of each option
- Expect documented evidence
- Negotiate
Behavioral Styles:
The Listener Style

Characteristics
- Tends to need agreement of others before deciding
- Likes support
- Wants conflict-free decisions and implementation
- Responds to dependability and reliability
- Requires assurances and guarantees
- Prefers a low-key, low-pressure relationship

Expectation of Others
- To do what you say you will do
- To provide support and an ongoing relationship
- To give patient and thorough explanations
- Someone who takes the time to know them, their specific situation and their personal concerns

Responds to:
- Trust and dependability
- Personal assurances and guarantees, especially in writing if trust has been violated
- Want to have assurances in writing if trust has been violated
- Prefer a low-pressure, indirect request for action
- Want personal involvement in follow-up
- Be inclined to seek advice from others before deciding
- Want assurances that this decision is the best available to solve the problem, now and in the future
Behavioral Styles:

What you’ll do

**Analyzer**
1. Take your **TIME**
2. **COMMUNICATE** clearly & concisely
3. **DON’T PRESSURE** for answers
4. **RESPECT** their processes
5. Ask directly for their **FEEDBACK**
6. Give them **SPACE**

**Conductor**
1. **RESPECT** their time
2. **STICK TO** the facts
3. Follow up on your **PROMISES**
4. Show your **COMPETENCE**
5. **EARN THEIR TRUST** before expecting it
6. Let them have some **CONTROL**

**Listener**
1. **APPROACH** conflict carefully
2. **GET TO** know them
3. Consider their **PERSPECTIVES**
4. Draw out their **OPINIONS**
5. Handle issues in **PRIVATE**
6. Always be **COURTEOUS**

**Promoter**
1. **LAUGH** with them
2. **LISTEN** to their opinions
3. **THINK** BIG picture
4. **RECOGNIZE** their contributions
5. **LIGHTEN UP**
6. Form a **FRIENDSHIP**
Problematic Communication Styles

Regardless of diagnosis, people with problematic parenting styles share the following traits:

• Emotional Logic
• Emotional Volatility
• Externalizing Blame
• Projection
• Projective Identification
• Lack of Insight
• Pathological Narcissism
Diagnosis Specific Problems

Borderline Personality Disorder
- Unmodulated Rage
- Lack of Insight

Narcissistic Personality Disorder
- Externalization of Blame
- Lack of Empathy

Sociopathic Personality Disorder
- Pathological lying
- “What’s in it for ME
How to Deal With Problematic Communications

• Boundaries, boundaries, boundaries
• Be specific/Avoid ambiguity
• Have client repeat what you’ve said, and correct them when wrong
• Put communications in writing
• Set reasonable expectations
• Demand reasonable expectations
Contact Information

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Scenario One

- Prospective client referred by a friend whose divorce MI handled three years ago
- 23 year marriage
- Twins in college
- Amicable relationship with spouse, but concerns it might change when they discuss money
- Not sure wants a divorce, but wants issues clarified
- Living apart for 20 months
- Three properties (home and two vacation properties)
- Husband entered marriage with an idea for a business, but they built it together
- She has “retired” from active participation, but still sits on the board
- Assets over $6M
Behavioral Styles:

**Working Example – Analyzer**

**Scenario Two**

- Prospective client found MI on Avvo
- Four year marriage, but lived together for six years before that
- One daughter who is seven
- Both work (both make about $60K)
- Purchased their home together before marriage
- Wife moved out and served him with papers “out of the blue” two days prior
- She took their daughter and says she wants full custody
- He says he’s been the primary caregiver
- He has suspected that she’s developed a relationship with a co-worker, and his primary concern is that she’ll disappear with daughter
Behavioral Styles:

Working Example – Promoter

Scenario Three

- Prospective client found MI on Internet
- Nineteen years old
- Parents came in with her
- They thought she was too young to marry
- She and husband wed “spur of the moment” for fun on a vacation to a Las Vegas the previous year
- Her husband is in the military
- They own no property
- Her parents have paid toward their living expenses and they’re paying MI fees
- Client is ambivalent about the whole thing, her parents are not
- Father does most of the talking, Mother is in tears
- Client has told them she thinks she’s pregnant
Behavioral Styles:

Working Example – Conductor

Scenario Four

- Prospective client saw MI attorney in court
- Fired current attorney and wants to hire MI
- Married for 11 years
- Second marriage for him (no children), first for his wife
- Three boys ages 7, 5, 3
- Self-employed in pyramid scheme, makes approx. $100K/year
- Wife is part-time child care provider
- He is having an affair with a family friend
- They have a house they purchased in 2007 and are under water on the mortgage
- Wife is trying to move out of state with their three boys
- He wants full custody of the kids
Behavioral Styles:

MI Results and Lessons Learned

- Increase in retention rates
- Increase in client satisfaction
- Increase in attorney production
Thank you!