WHAT MAKES PEOPLETICK?

A Divorce Professional's Guide to Our Multiple Parts

APFM / ADFP / MCFM Conference - Boston 2019

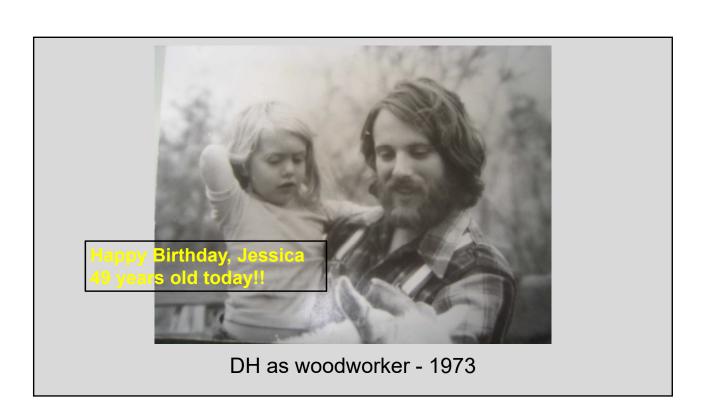
David A. Hoffman, Esq.
Lecturer on Law, Harvard Law School
Boston Law Collaborative, LLC
www.BLC.law

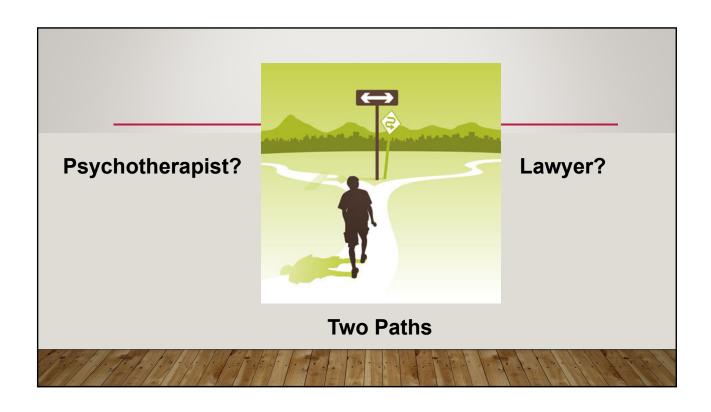
QUESTIONS

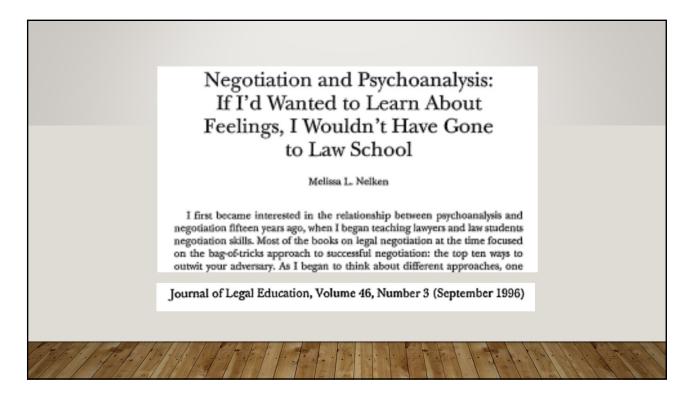
- How many mediators?
- How many engaged in Collaborative Practice?
- How many CP coaches?
- How many financial professionals?
- How many lawyers?
- How many therapists?
- · Familiar with the Internal Family Systems model?
- Trained in the Internal Family Systems model?

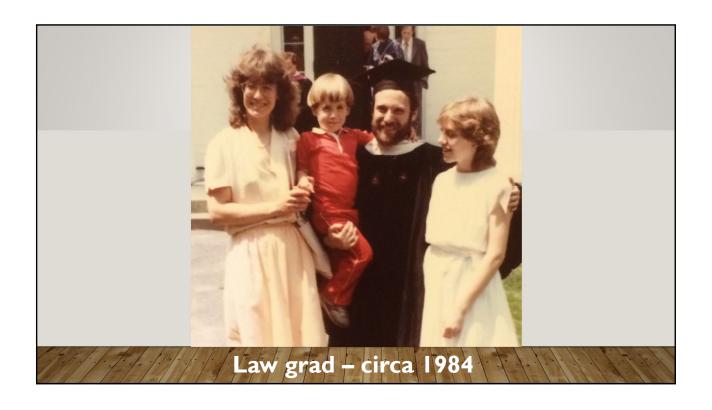
AGENDA

- A journey from the realm of reason to the realm of emotion
- The power of metaphor in divorce mediation
- The power of "parts" as a metaphor
- Introduction to the Internal Family Systems model for divorce mediators and other dispute resolvers
- Q & A





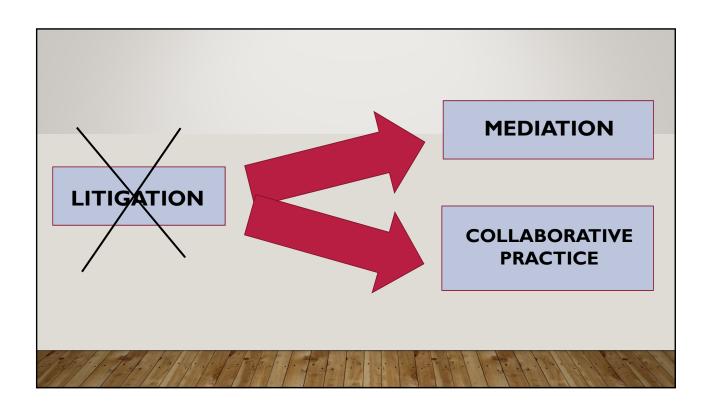


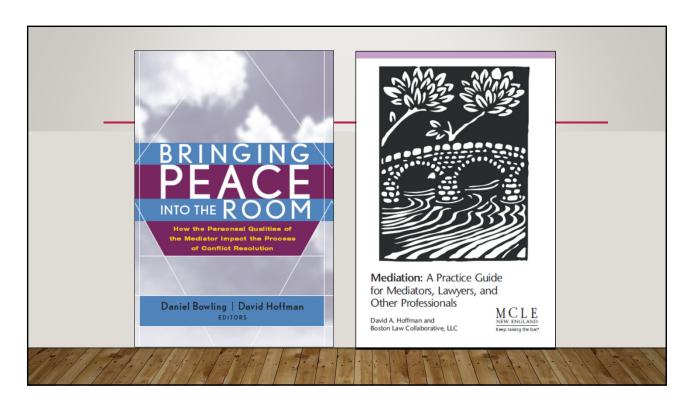




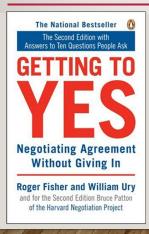




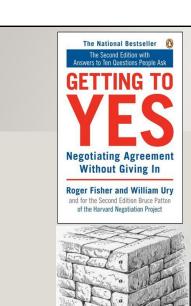




WHAT IS NEGOTIATION?

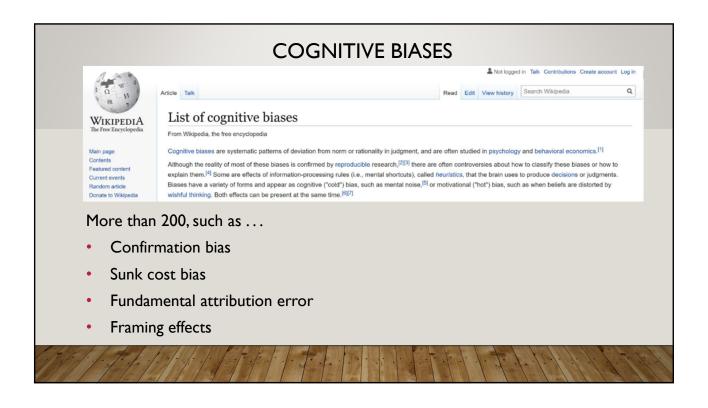


- Separate the people from the problem
- Shift focus from positions to interests
- Generate options to achieve joint gains
- Look for principled benchmarks to resolve disputed issues
- Consider BATNA (best alternative to a negotiated agreement)

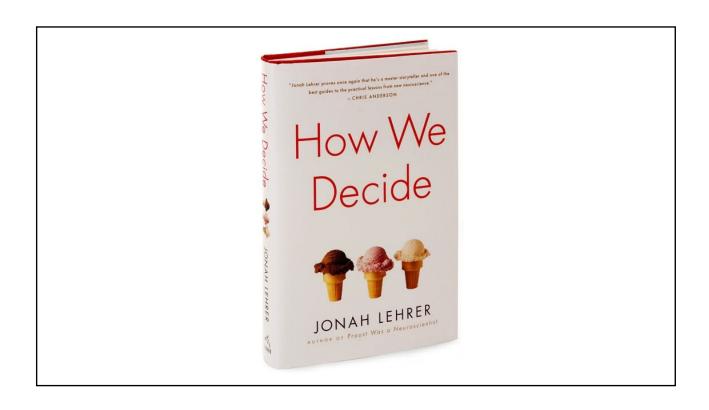


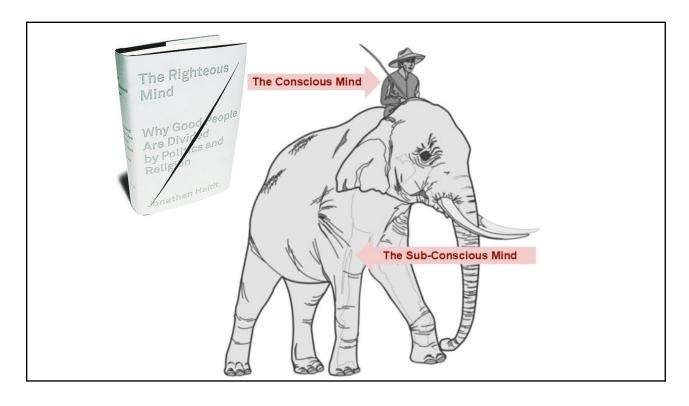
- Separate the people from the problem
- Shift focus from positions to interests
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- Look for principled benchmarks to resolve disputed issues
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Foundation = Rationality

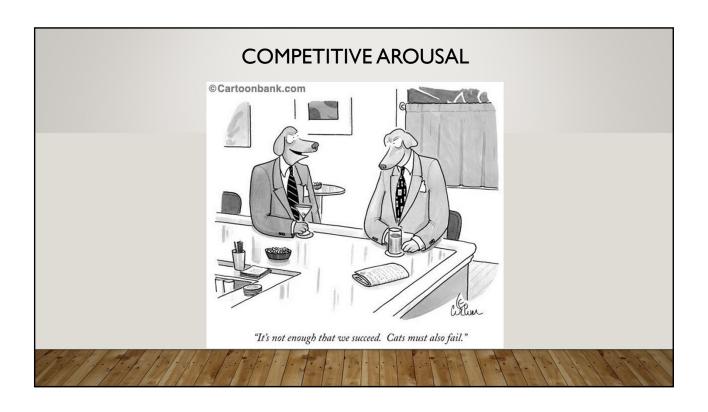


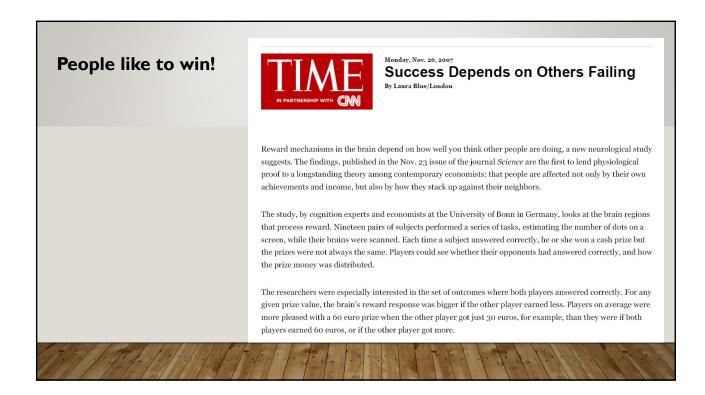


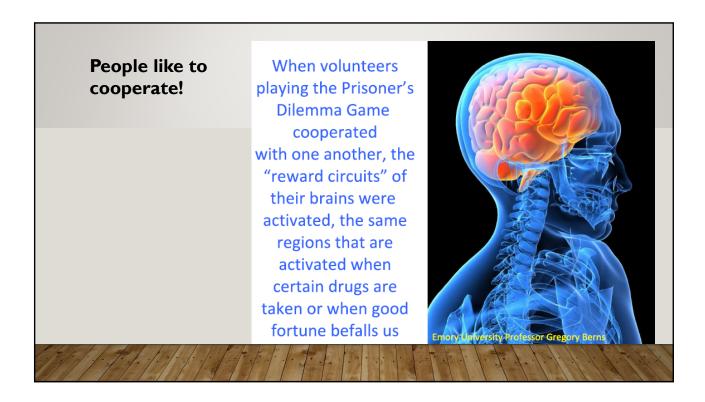


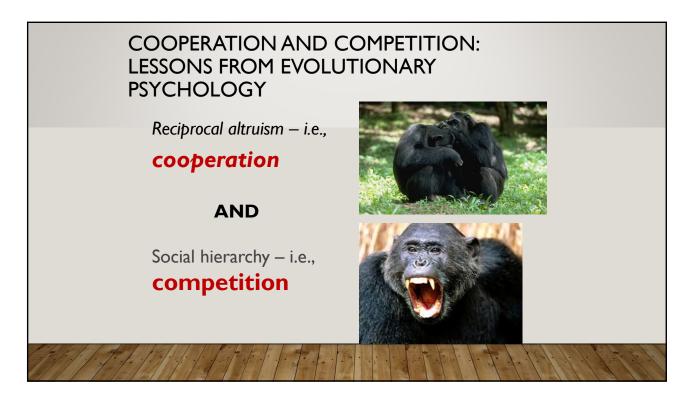


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Competitive vs. Cooperative Impulses ... in the same person





"We should stick to our guns"

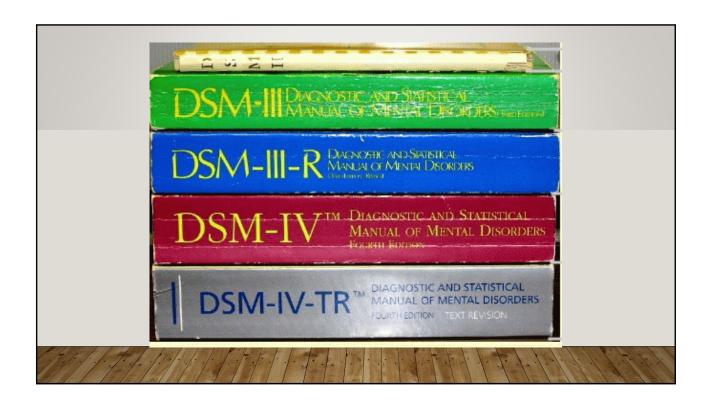
"We should settle"

PREVALENCE OF MENTAL ILLNESS IN THE U.S.

What percentage of adults in the U.S. suffer from a diagnosable mental illness in any given calendar year?

26.2%

<u>Source</u>: Kessler RC, Chiu WT, Demler O, Walters EE. Prevalence, severity, and comorbidity of twelve-month DSM-IV disorders in the National Comorbidity Survey Replication (NCS-R). <u>Archives of General Psychiatry</u>, 2005 Jun;62(6):617-27.



Narcissistic Personality Disorder

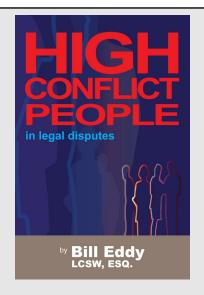
(DSM-IV-TR § 301.81)

A pervasive pattern of grandiosity (in fantasy or behavior), need for admiration, and lack of empathy, beginning by early adulthood and present in a variety of contexts, as indicated by five (or more) of the following:

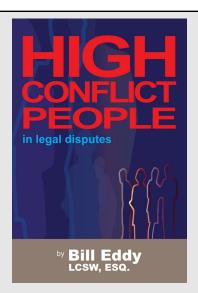
- Has a grandiose sense of self-importance (e.g., exaggerates achievements and talents, expects to be recognized as superior without commensurate achievements)
- Is preoccupied with fantasies of unlimited success, power, brilliance, beauty, or ideal love
- 3. Believes that he or she is "special" and unique and can only be understood by, or should associate with, other special or high-status people (or institutions)
- 4. Requires excessive admiration
- 5. Has a sense of entitlement, i.e., unreasonable expectations of especially favorable treatment or automatic compliance with his or her expectations
- Is interpersonally exploitative, i.e., takes advantage of others to achieve his or her own ends
- Lacks empathy: is unwilling to recognize or identify with the feelings and needs of others
- 8. Is often envious of others or believes others are envious of him or her
- 9. Shows arrogant, haughty behaviors or attitudes
- 10. Often mild to moderate paranoia, that others are out to do him in.
- 11. Predominant "name dropper" boasting or suggestion association with people or affiliations of importance.

 $@\ Boston\ Law\ Collaborative,\ LLC.\ David\ Hoffman\ for\ the\ ABA\ Section\ of\ Dispute\ Resolution.$

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<u>Tools</u>: Bonding, Structure, Reality Testing, Consequences



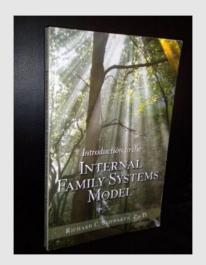
Does this model "pathologize" the parties in mediation?

One of my Teachers



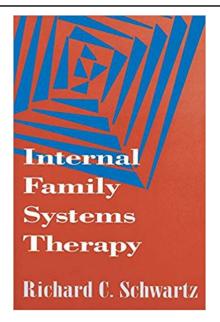
Beth Andrews – potter, psychotherapist, photographer

Internal Family Systems Model

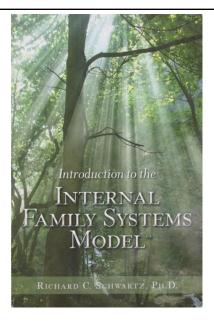




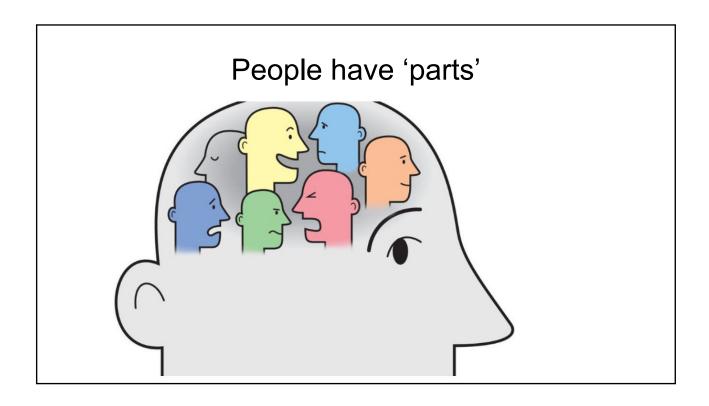
Dr. Richard Schwartz



Recommended by Diana Kierein, J.D., LICSW in 2003



Written for a lay audience



Internal Family Systems Model

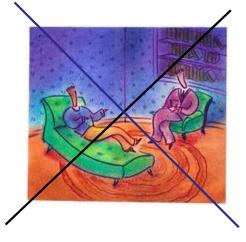
- . . . is a *misnomer*
- It's not about our "families"
- It's about **internal**, family-like relationships of our "parts"

Advantages of the IFS Model

- Intuitive
- Non-pathologizing
- Built on principle of empowerment (not a medical model)



Mediation is not therapy . . . but it can be therapeutic





Mediation and Psychotherapy: Distinguishing the Differences

Joan B. Kelly Mediation Quarterly, 1983

Family mediation is unique in the extent to which it has been derived and synthesized from diverse fields of practice. Theory, practice, and technique have been borrowed from the fields of labor mediation and negotiation, law, social psychology, and the psychological disciplines that provide psychotherapy and counseling. The richness and excitement of this newly emerging field are due both to the process of integrating these disparate elements and to the feeling of many mediators that mediation is truly better for its clients than any of the separate contributing parts. That is, in its best form, family or divorce mediation meets its clients' needs more completely and more coherently than either the traditional legal process or divorce counseling alone.

Like any other emerging field, mediation is experiencing a continuing need for definition and increased clarity. As each practitioner brings his or her

Mediation, Multiple Minds, and Managing the Negotiation Within

David A. Hoffman*

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16 Harvard Negotiation Law Review 297 (2011) http://tinyurl.com/ /Hoffman-IFS

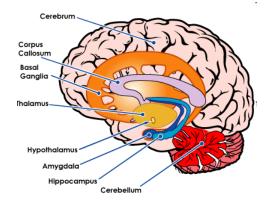
What do we know about our mind's "parts"?



Left brain and right brain

There **are** physical structures in the brain that help us explain our thinking and behavior

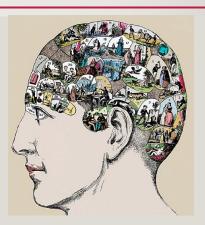
What do we know about our mind's "parts"?



There **are**physical
structures in
the brain that
help us explain
our thinking
and behavior

BUT THE IDEA OF 'MULTIPLE MINDS' IS NOT ABOUT SEPARATE **PHYSICAL** PARTS OF THE BRAIN ...

It's a metaphor to describe our various neural networks



THE POWER OF METAPHOR:

"The metaphor is the most powerful tool known to humankind"

- Ortega y Gasset



THE POWER OF METAPHOR: Divorced Parents As Co-pilots



- Co-pilots don't have to like each other
- They might even dislike each other
- But ... they have a job to do
 - Keep the passengers (the kids) out of the cockpit
 - Keep the intercom switched off...
 - ...except for reassuring messages
 - · Land the plane successfully





THE POWER OF METAPHOR: Mediation and white-water rafting



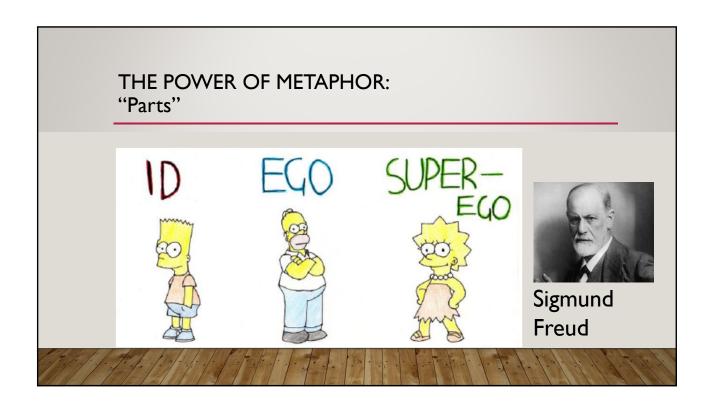
- Some parts of the river are calm
- Some are not
- The journey can be successful, if everyone ...
 - Stays in the boat
 - Allows the experienced river guide(s) to steer
 - · Refrains from panicking
 - Rows in the same direction
 - Refrains from striking other passengers with a paddle

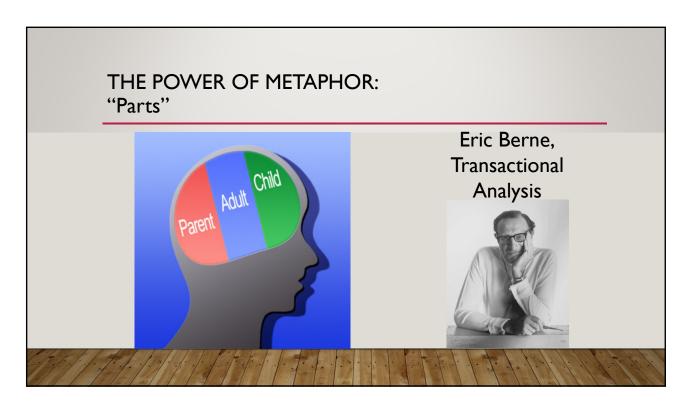
THE POWER OF METAPHOR: "Parts"



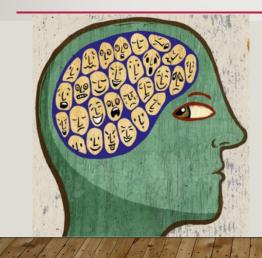


Plato: two horses and the charioteer





PEOPLE HAVE 'PARTS'



"Faust complained about having two souls in his breast, but I harbor a whole crowd of them and they quarrel. It is like being in a republic."

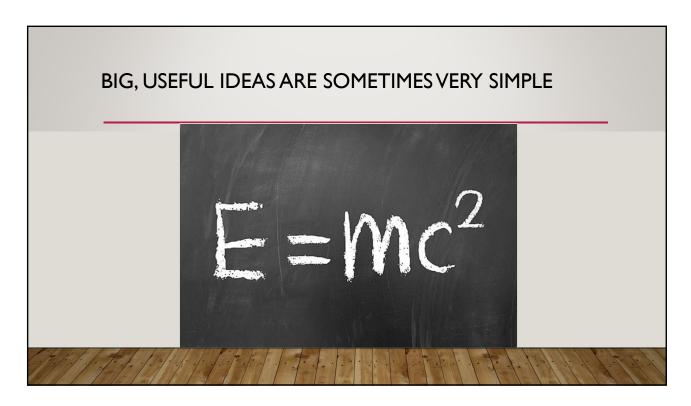
- Otto von Bismarck

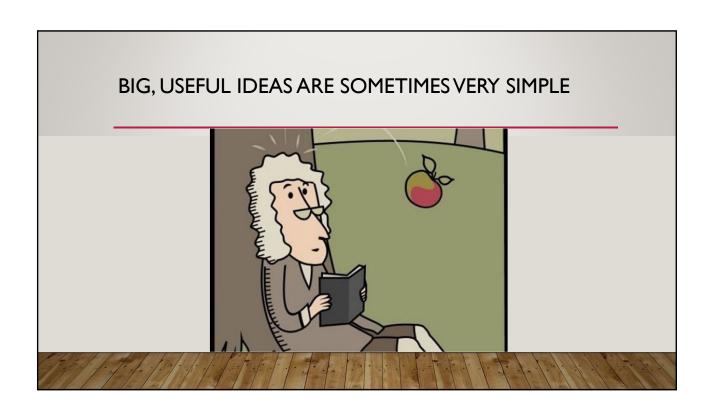
OUR "PARTS"

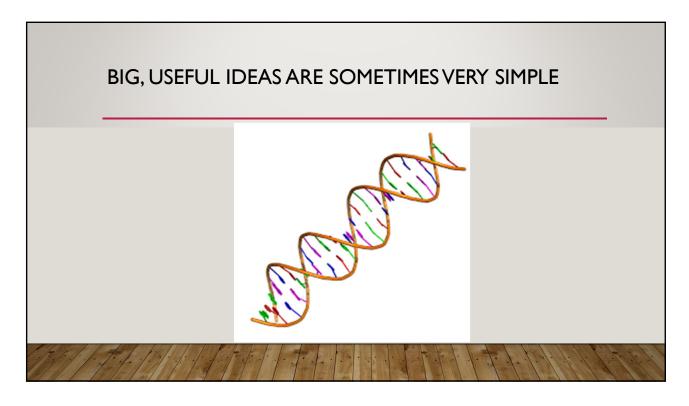


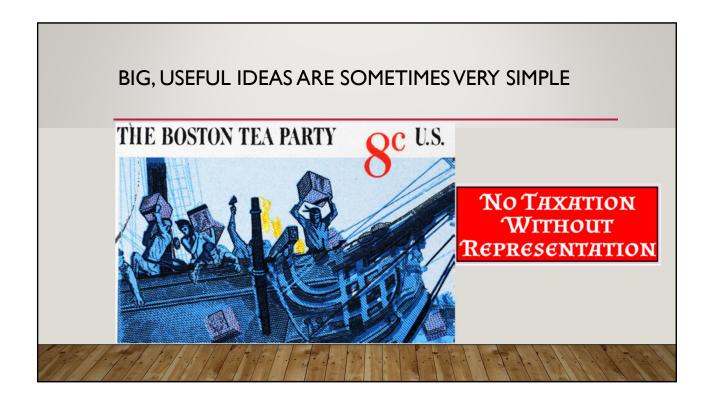
- Multiplicity of parts no predetermined number
- Each part serves us in some way
- There are no *bad* parts, but . . . they sometimes take on extreme roles
- Even parts that take on extreme roles can be healed and take on productive roles
- Parts sometimes take on opposite roles











BIG, USEFUL IDEAS ARE SOMETIMES VERY SIMPLE

Collaborative Practice

(Representation without Litigation)

BIG, USEFUL IDEAS ARE SOMETIMES VERY SIMPLE

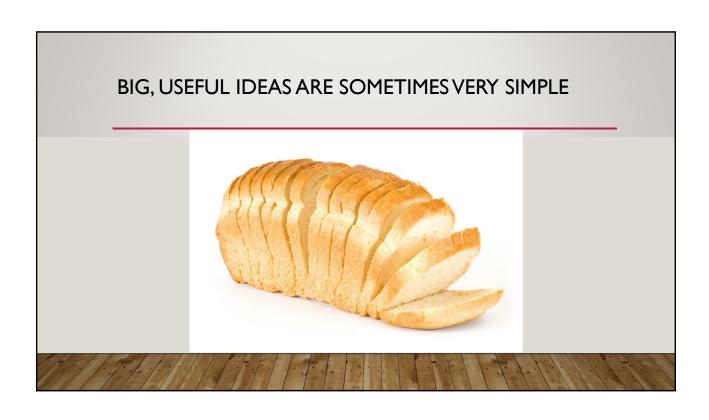
Mediation

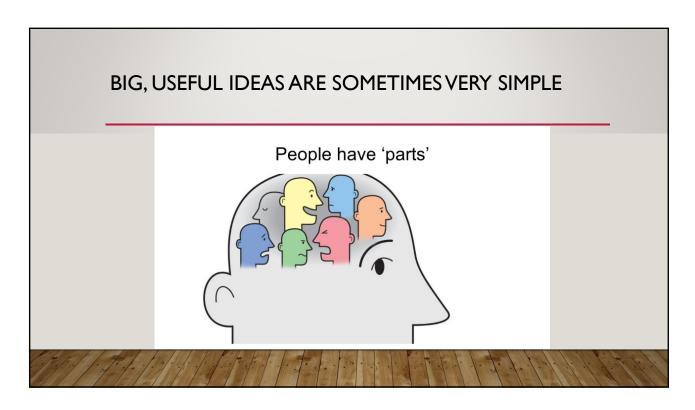
(Facilitated Negotiation)

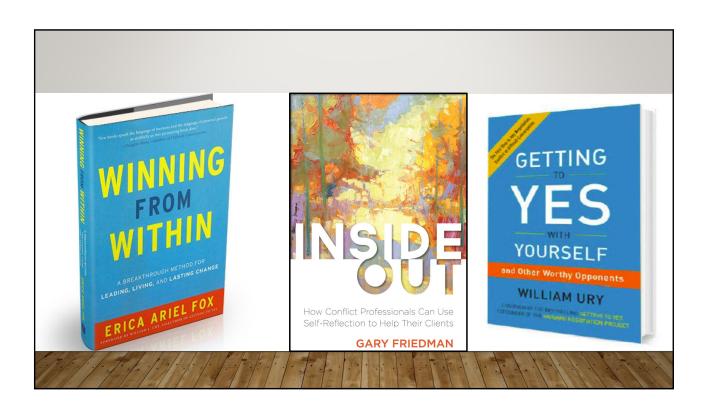
BIG, USEFUL IDEAS ARE SOMETIMES VERY SIMPLE

Mediation

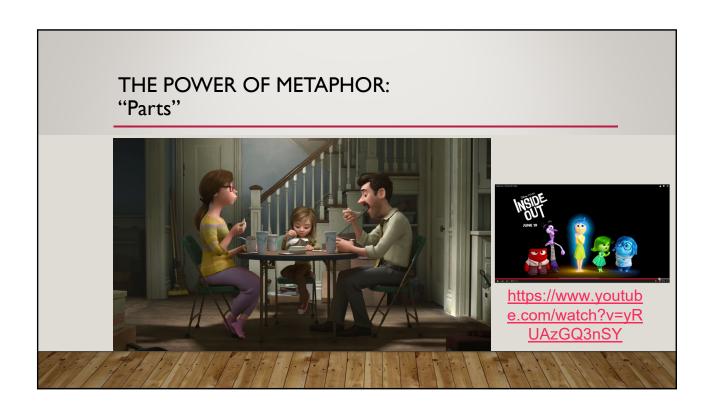
(Assisted Negotiation)

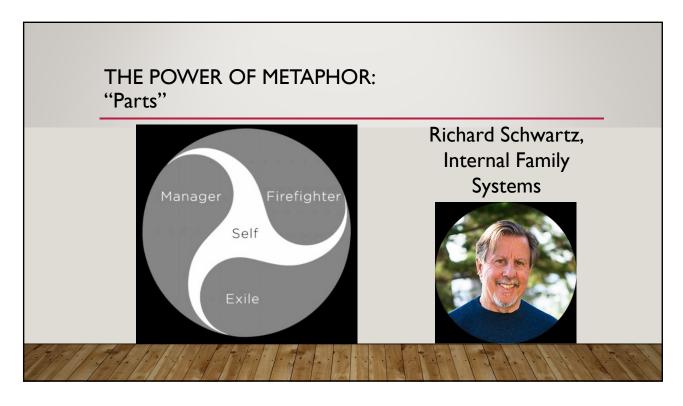






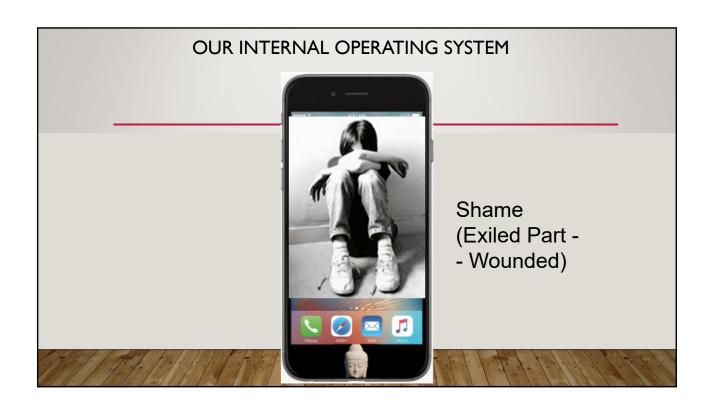


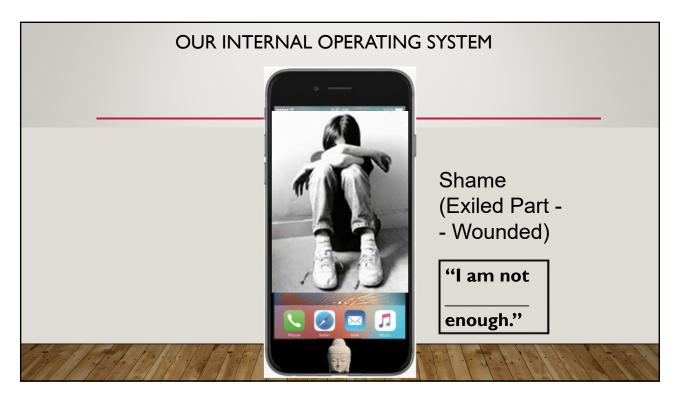




A TAXONOMY OF OUR PARTS • Exiles – carry our wounds and shame (feelings of inadequacy) • Managers – are proactive, try to prevent reinjury • Firefighters – are reactive, try to counteract the pain of reinjury Self Energy – the core of who we are (our heart, spirit, soul, etc.)



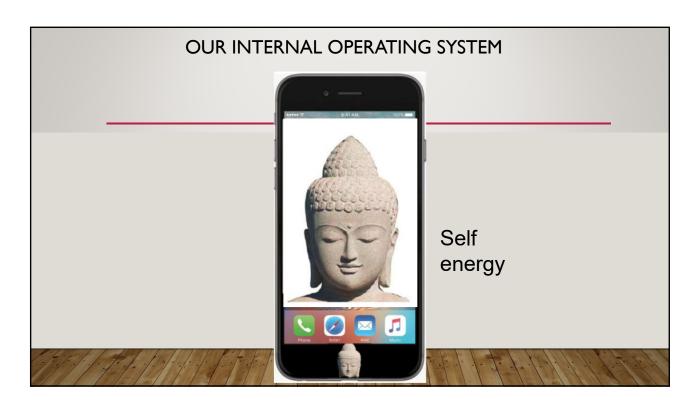




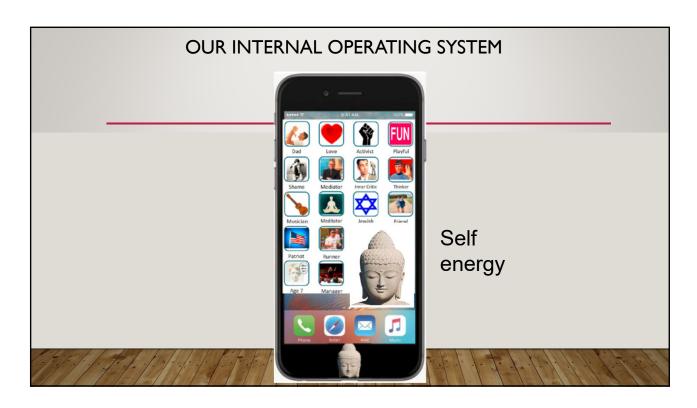




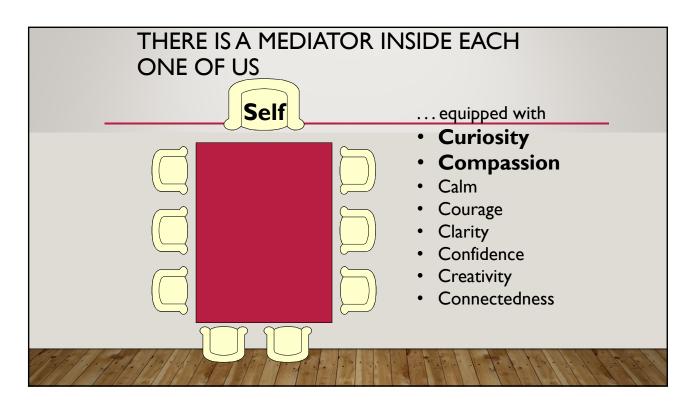












1. Coping with Complexity	Working with people's Parts – acknowledging their ambivalence and resistance
2. Accessing Client's "Self" Energy	Helping the Parties find and empower their inner mediator
3. Reassuring Exiles	Counteracting blame, and thereby letting firefighters relax a bit
4. Compassion for our Clients	Recognizing that they have many of the same parts that we do
5. Self-Compassion and Self Leadership	Becoming self-forgiving; practicing non-attachment to the outcome



I. COPING WITH COMPLEXITY

"It sounds like **part** of you wants to settle and **part** of you hates the idea of giving in."

Engaging the components of ambivalence/ resistance directly









2. Accessing Clients' Self Energy

Colloquy with a Plaintiff in an employment dispute

- "It sounds like there's a **part** of you that wants to go the distance because it feels you were treated unfairly."
 - · "Absolutely"
- "... and another **part** of you that's being very practical about the risks of going to trial?"
 - "Yes, that too."
- "I think we all have a mediator inside that helps us manage these different parts, and helps us make wise decisions. Can you feel that mediator inside you?"
 - "Yes, . . . [pause] I know that I need to settle this and move on."

3. REASSURING EXILES

Divorce (heterosexual) (stereotypical)

- Husband was the primary earner (very successful) became a workaholic
- Wife dialed back her career to raise the two kids, who are now in junior high school
- · Jet-lagged Husband became irritable and angry at home
- · Wife became depressed and withdrew from the marriage
- Husband had an affair, which the Wife discovered from a text message on the Husband's phone
- She wants to continue focusing on the kids and needs alimony/child support
- He wants 50/50 parenting time and wants her to go back to work

3. REASSURING EXILES

Divorce (heterosexual) (stereotypical)

- The Blame Messages:
 - Wife: "The only reason you want 50/50 parenting is to save money – money is all you care about."
 - Husband: "The only reason you don't want 50/50 parenting is to justify your leisurely life."

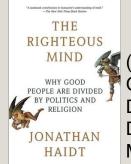


THE DIFFERENCE BETWEEN SHAME AND GUILT

- Guilt = "I did a bad thing"
- Shame = "I am a bad person"

"[P]eople are passionately concerned with 'the **praise** and **blame** of [other people]."

"Social Capital"



(quoting Charles Darwin, The Descent of Man)

3. REASSURING EXILES

Divorce (heterosexual) (stereotypical)

- The Blame Messages:
 - Wife: "The only reason you want 50/50 parenting is to save money – money is all you care about."
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THERAPIST MIKE ELKIN ON COUPLES COUNSELING

- I. When couples are in conflict, their relationship is conducted by their protective parts their armies. Armies are not known for their relational skills.
- 2. Armies focus solely on winning. They are the Good Guys, and the others are the Bad Guys.
- 3. They see any ambiguous stimulus as an attack unless conclusively proved otherwise.
- 4. They reject information that they perceive as inconsistent with their mission.
- 5. When their efforts to vanguish the other side fail, they try harder. They send in more troops.

THERAPIST MIKE ELKIN ON COUPLES COUNSELING

- 6. Protective, angry parts our armies see the problem as outside them, and see it as a moral problem. The solution is for the other person to stop being a Bad Person and work toward becoming a Good Person.
- 7. Protective, angry parts although very motivated to be helpful and effective, never are.
- 8. Protective parts never protect. Instead, they energize and attract that which they are trying to protect against namely, the other person's armies of protectors.

THERAPIST MIKE ELKIN ON COUPLES COUNSELING

- 9. When couples are in conflict, what each wants more than anything else is innocence the feeling of being a Good Person.
- 10. This is complicated (and motivated) by the fact that many of our most easily accessible parts (our Exiles) are convinced that we are worthless and unlovable, and that if we were fully and completely known, we would be despised and rejected.
- 11. Fights between members of a couple are usually about the same thing: who is the better person who is more loving, generous, flexible, intelligent, competent, forgiving, and truthful of the pair.
- 12. During a fight, each member of a couple tries to prove to the other that they are morally defective, bad, and wrong.





REASSURING EXILES

• Ken Cloke's story about Rose, the veteran teacher

3. REASSURING EXILES

Divorce (heterosexual) (stereotypical)

- Reassuring Exiles
 - "It sounds like in your division of labor you were each trying to do the right thing"
 - To the Husband: "You've been very clear about how it would be good for the kids to have strong connections with both of you."
 - To the Wife: "You've been really clear about how it would be good for the kids to have a stable home base."
- To both:
 - "You each have a part of you that is passionately concerned about what's best for your kids, and you also have a part that is concerned about money all of that is totally normal and understandable."

'GOODNESS' IS NOT A ZERO SUM GAME





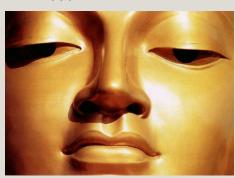




5. Self-Leadership

WHEN WE ARE SELF-LED ...

We can connect with the "Self" energy in others



5. Self-Leadership

CHAPTER 13

Releasing the Soul

Psychotherapy as a Spiritual Practice

RICHARD C. SCHWARTZ

5. Self-Leadership

Mediation as a Spiritual Practice

By David A. Hoffman and Richard N. Wolman

(Available at www.Mediate.com and at www.tinyurl.com/Hoffman-Wolman)

Can mediation be considered a spiritual practice? And what is a spiritual practice anyway?

We think the answers to these questions might explain, at least in part, why we and many other mediators find mediation to be so fulfilling – turning an occupation into a labor of love.

Both of us were initially attracted to mediation for pragmatic reasons. Helping people avoid court, and reach fair, cost-effective solutions to their conflicts, seemed socially useful and intellectually challenging. But, with each passing year, we find ourselves looking beyond fairness and efficiency to the parties' deeper objectives and our own.

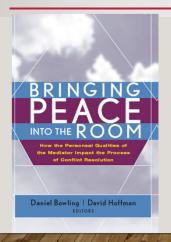
5. Self-Leadership

How can we focus on client objectives without being attached to the outcome (having an agenda)?

The story of the Buddhist priest litigator

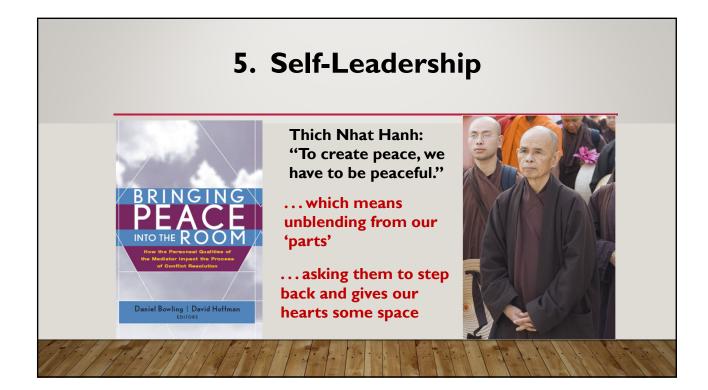






One of our 'super powers'

But how do we do it?





FINDING **SELF** ENERGY (ESP. COMPASSION AND CURIOSITY) FOR **DIFFICULT CLIENTS**



- Greed the heiress with the iron-clad prenup, a long-term marriage, and a homemaker husband
- Jealousy the dad who bad-mouthed his philandering wife to every corner of the town
- Sexual abuse a father who molested his daughter and was struggling to find remorse
- Cruelty a philandering husband who faked his own suicide to escape his marriage
- Hypocrisy husband who discovered he was gay, secretly had an affair with a man on whom he lavished expensive gifts while continuing to berate his wife and kids for their spending

APPLYING IFS PRINCIPLES TO CONFLICT STORIES

"What is truer than the truth?"

A: "The story"

- Isabelle Allende

APPLYING IFS PRINCIPLES TO CONFLICT STORIES

Why are stories truer than the truth?



Boston Globe: May 13, 2003 Page: C3 Section: Health Science

Bad news for diary enthusiasts and raconteurs: Accumulating evidence suggests that when it comes to preserving memories, certain things are better left

APPLYING IFS PRINCIPLES TO CONFLICT STORIES

Why are stories truer than the truth?

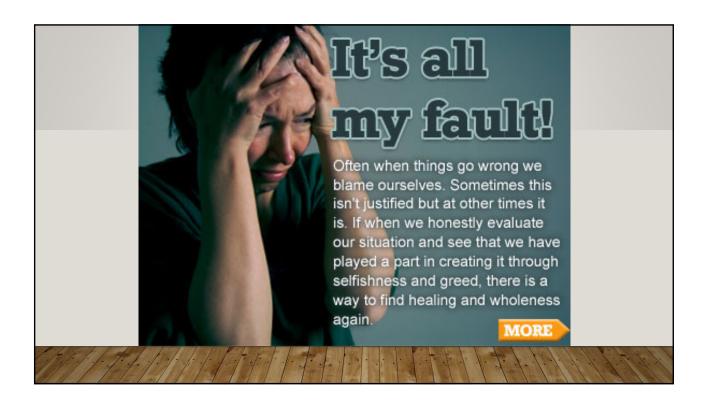
Why are conflict stories so powerful?

- Fusing fact with feeling
- The **moral** dimension



THE THREE CONFLICT STORIES

- I. The story of victimhood ("innocence")
- 2. The story of self-blame ("shame")



THE THREE CONFLICT STORIES

- I. The story of victimhood ("innocence")
- 2. The story of self-blame ("shame")
- 3. What's the third story?

THE THREE CONFLICT STORIES

- I. The story of victimhood ("innocence")
- 2. The story of self-blame ("shame")
- 3. The story that explains why we made up the other two **stories**

WHO'S TELLING THE STORIES?

• The Story of Innocence (Protector)



The Story of Self-Blame (Exile)



 The Story that Explains Why We Made up the Other Two Stories (Self)



A QUIZ SHOW: "NAME THOSE 'PARTS'"

- Husband was the primary earner (very successful) became a workaholic
- Wife dialed back her career to raise the two kids, who are now in junior high school
- Jet-lagged Husband became irritable and angry at home
- · Wife became depressed and withdrew from the marriage
- Husband had an affair, which the Wife discovered from a text message on the Husband's phone
- She wants to continue focusing on the kids and needs alimony/child support
- He wants 50/50 parenting time and wants her to go back to work

A QUIZ SHOW: "NAME THOSE 'PARTS'"

- Three Choices
 - Exile
 - Manager
 - Firefighter

A QUIZ SHOW: "NAME THOSE 'PARTS"

- · Wife: "A part of me wants to kill him"
- Wife: "Another part of me knows that would be a bad idea"
- · Wife: "I feel so alone"
- The Husband just bought a red sports car (after always owning Camrys)
- The Wife has been drinking too much since he left
- The Husband has recently been spending an unusual amount of money on the kids
- The Wife has been disparaging the Husband in her discussions with the kids
- "We need to resolve this before we spend all our money on lawyers."

WHAT **IFS** AND MEDIATION HAVE IN COMMON

- Each Part has a story
- Each Part needs to feel understood
- When Parts feel heard, they will listen
- In order for the Parts to succeed, the entire system must succeed

WHAT IFS AND **MEDIATION** HAVE IN COMMON

- Each Part / Party has a story
- Each Part / Party needs to feel understood
- · When Parts / Parties feel heard, they will listen
- In order for the Parts / Parties to succeed, the entire system / team must succeed

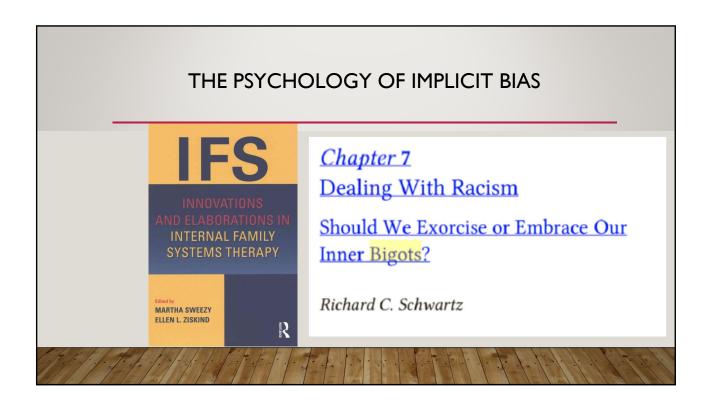
WHAT IFS AND MEDIATION HAVE IN COMMON

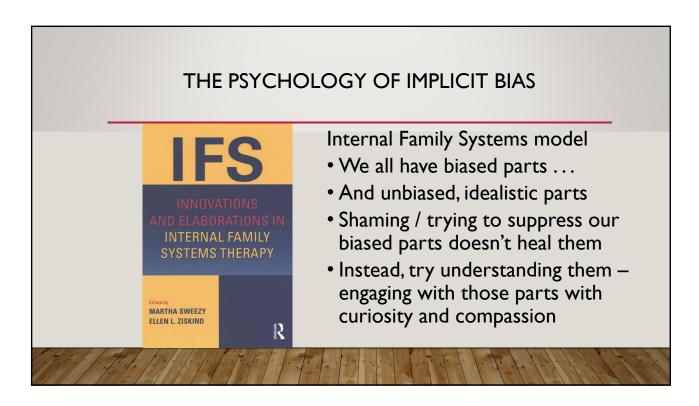
- Each Part / Party has a story
- Each Part / Party needs to feel understood
- When Parts / Parties feel heard, they will listen
- In order for the Parts / Parties to succeed, the entire system / team must succeed
- There are no 'bad' Parts / Parties

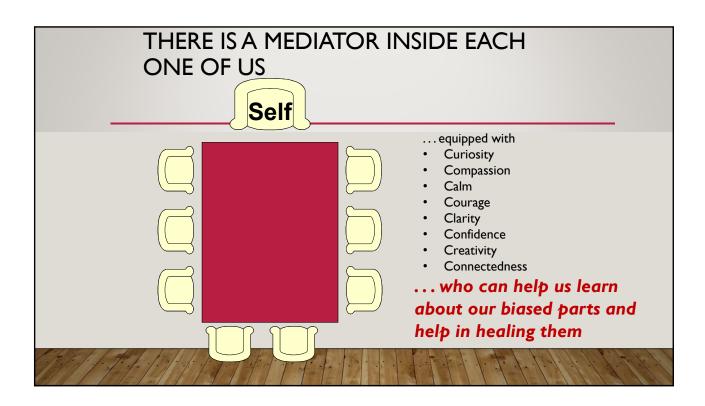
WHAT IFS AND MEDIATION HAVE IN COMMON

- Each Part / Party has a story
- · Each Part / Party needs to feel understood
- · When Parts / Parties feel heard, they will listen
- In order for the Parts / Parties to succeed, the entire system / team must succeed
- Curiosity and compassion can help the Parts / Parties find their way to peace

ONE MORE TOOL IN THE IFS TOOLBOX









A DEEPER DIVE ...

One-day workshop with Dr. Richard Schwartz and me

"Introduction to the IFS Model: A One-Day Workshop for Divorce and Family Professionals"

March 27, 2020 – Boston www.BLC.law





