

Managing Client Crises in Divorce

For most people, divorce is a time of crisis. Families in the process of divorce are met with a complicated series of emotions, concerns about their present and future well-being, significant changes in their environment, a reconfiguration of their finances, and a significant shift in each person's perspective regarding family relationships, marriage, one's personal identity, and sometimes life.

Divorce is a time of loss. The losses that each family member experiences include the loss of the family as he or she has known it, a loss of security that was previously associated with having a cohesive family, a loss of time that could be spent with other family members (especially the children), a loss of each person's previous standard of living, and a loss of hopes and dreams associated with the belief that marriages and families last forever.

Divorce is a time of great stress emotionally, physically, spiritually, and financially. In addition to the losses that family members experience, they must manage other stressors associated with making a living, taking care of the children, reworking relationships with friends and extended family members, and participating in the legal system. The changes come quickly and sometimes throw a person off balance.

The way that a person manages a crisis is largely dependent on his or her personality, level of maturity, resilience, past experience, state of health, and ability to use (but not misuse) relationships. People who are psychologically healthy usually manage crises without becoming overwhelmed. These people experience very intense emotion and manage their feelings by talking with people close to them, using their intellect to problem solve and manage their emotions, allowing themselves to grieve in a manner that promotes healing, and refraining from actions that would either worsen their individual situations and/or the life circumstances of those they love.

People who are unhealthy and/or under-developed tend to manage crises in a different way. These people tend to be fragile and are easily overwhelmed. The stresses with which they must contend get the better of them and cause a decline in that person's ability to function. When that occurs, the family member experiences what is known in the Diagnostic and Statistical Manual Fourth edition (DSM IV) as an Adjustment Disorder. (The DSM is published by the American Psychiatric Association.)

An Adjustment Disorder is defined as "The development of emotional or behavioral symptoms in response to an identifiable stressor(s) occurring within three months of the onset of the stressor(s). These symptoms or behaviors are clinically significant as evidenced by either of the following: 1) marked distress that is in excess of what would be expected from exposure to the stressor and 2) significant impairment in social or occupational (academic) functioning... The symptoms do not represent bereavement. Once the stressor (or its consequences) has terminated, the symptoms do not persist for more than an additional six months."

Stated in another way, an Adjustment Disorder is an intense emotional reaction to the combined effect of stressors with which a person must contend, leading to a decline in that person's ability to function in his or her usual manner.

If this sounds familiar, it is because most people who seek the counsel of a family law attorney are in crisis and many of them are emotionally overwhelmed to such an extent that the client (or prospective client) is unable to function appropriately in one or more important areas of his or her life.

Family law attorneys can be of great help when clients who are emotionally overwhelmed seek their assistance. Knowing about the nature of crises and crisis management can be of great help to the attorney whose client is suffering from an Adjustment Disorder. Although a comprehensive discussion of crisis management is well beyond the scope of this article, I would nonetheless like to provide a few tips that might help with the management of client crises.

First, it is important to listen to a client's feelings, fears, and concerns. It can be very comforting to a client to have an attorney who is willing to listen to his or her story even though much of it may not be of importance with regard to the legal decisions that must be made later on.

When a family law attorney resists the discussion of a client's emotional state, the client feels alone, much as a patient feels when a surgeon talks only about the surgery. On the other hand, when a family law attorney pays attention to the client's feelings, the client feels cared about and important enough to be helped. When things get tough, it is this discussion that serves as the emotional and relational foundation for stability in the storm.

Second, it is important that the attorney empathize with the client's feelings in a manner that is accurate and helpful. Accurate empathy on the part of the attorney will help build the attorney/client relationship (an important ingredient in the management of divorce-related crises) and make the client feel that there is someone on his or her side who understands what he or she is experiencing and cares enough to help. Even making the simple observation that the client is feeling overwhelmed can help him or her feel less anxious and more secure, and less overwhelmed.

Third, it is important that the client understand that crises are temporary. A crisis by definition always comes to an end. The goal when one is in crisis is to find a path that will lead to a good ending with the least stress possible. In other words, the goal should be for the client to identify what he or she needs to regain his or her balance, determine the actions that need to be taken to stabilize the client's situation, remove the obstacles that stand in the way of achieving stability, and take the steps needed to achieve balance and a sense of well-being.

Fourth, the attorney should promote the development of a strong working alliance with the client by setting goals (legal and developmental), developing a strategy to reach those

goals, devising ways of measuring the client's progress in achieving those goals, defining the roles that the attorney and the client will play in the accomplishment of those goals, and establishing attorney/client boundaries. It is also important to define the roles that other people will play such as forensic experts, family members, and mental health professionals.

A comment about legal strategy. When devising a strategy to accomplish a legal goal, it is important that the attorney keep the client's emotional state in mind. Certain strategies require more of the client than do others. If a client is incapable of participating in a legal strategy because it is too much for him or her emotionally, the attorney should consider changing course and/or encourage the client to build up his or her emotional strength by consulting with a mental health professional. It is almost never in the best interest of a client to be put in a position that further overwhelms him or her, because being overwhelmed has a negative impact on a client's ability to function.

It is important to note that different attorneys are capable of providing different kinds of help. Certain attorneys are excellent litigators. Others are excellent negotiators. And still others are excellent counselors. Not all attorneys are excellent in all three areas. It is important for the attorney to know the areas in which he or she would be able to best help the client. If an attorney is not suited to provide the type of help that a client needs, such as emotional support, he or she should suggest that another professional be added to the team.

Fifth, the attorney can be of great help to the client by keeping his or her feet anchored in reality. If a client is to successfully traverse a terrain that leads to the successful end of a crisis, he or she must know how to stay on the path without getting sidetracked. The clearer the client's view of the reality with which he or she is contending, the better the client will be able to avoid pitfalls, energy-draining distractions, and paths that lead nowhere. And the better a client will be able to find solutions to the problems they encounter during the process of divorce.

For example, many clients who have been rejected by a spouse come to the attorney's office seeking revenge. The client believes that damaging the other party will help him or her heal the damage done to his or her self-esteem. In fact, getting revenge is usually a hollow victory that often decreases self-esteem. Since healthy self-esteem is based on mastery and nothing is mastered when one seeks revenge, it is no wonder that the client continues to feel bad about him or herself even after getting his or her pound of flesh.

Furthermore, seeking revenge takes the focus away from achieving what is truly in the client's long-term best interest, namely a fair settlement that allows the client to move forward in his or her post-divorce life with peace of mind and enough money to maintain a reasonable standard of living.

Sixth, a family law attorney can help a client through a crisis by providing stability that the client would not otherwise have. Living in the midst of a crisis often feels as though one is at sea in the midst of a storm. The attorney can help the client feel that he or she is

on solid ground by providing structure, behaving in a consistent manner, being honest in a sensitive manner, providing accurate information about the law as it pertains to the client's case, and sometimes by taking the oars while moving the client to a safe harbor.

Finally, it is important to support a client's self-esteem throughout the divorce process by 1) acknowledging the client's mastery of the goals set early in attorney/client relationship, 2) helping the client understand that attacks on his or her self-esteem by the divorcing spouse are inappropriate and a sign of a problem within the other person, 3) assisting the client in the development of a protective mechanism that allows for enough communication between the parents to address the needs of the children but keeps the client safe from further damage, and 4) selecting a conflict resolution process that minimizes the risk of a loss of self-esteem, for example a process that is likely to lead to resolution of the dispute(s) without the client feeling overwhelmed and inadequate.

In summary, crises are temporary states, difficult stretches of life that create imbalances that must be stabilized if a person is to keep moving forward without ending up in a ditch feeling ashamed. Having a supportive guide who is not in crisis, who can see the big picture, and who knows the terrain can be very helpful to clients who would otherwise act out their feelings in ways that are contrary to their self-interest and well-being.

The best guide when it comes to the journey through the legal process is obviously a family law attorney who can help not only with the legal divorce, but also with the intense feelings that clients experience when they are in crisis. Even if the attorney is not equipped to provide help with regard to the client's emotional state, he or she is usually in a good position to know who else to bring into the case to help the client achieve psychological stability. It is a "no lose" position for the attorney as long as he or she knows the basics of crisis management.

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