Working Effectively with Clients with Personality Disorders for Family Law Professionals

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Lawyer – Client Frame and Agreements

Provide detailed information and agreement with clint about

i) frame, conditions and expectations for the litigation process

ii) frame and rules for lawyer - client alliance, i.e., conditions and communication (availability, type of communication, information and documentation needed, etc.)

iii) when needed, incorporate psychiatric and/or psychological evaluation

iv) financial and fee agreement and payment

v) strategies for handling potential miscommunication or disagreements

Forming a Working Alliance with a Client with Personality Disorder

- Build a task focused, relationship with the client based on agreed upon conditions, goals and limitations
- Maintain regular professional boundaries and focus on litigation related aims and strategies
- Engage the client's collaborative motivation and reflective ability
- Explore and get optimal information about the reality related to client's own functioning, vs estranged spouse's functioning
- Apply a calm, respectful, non-judgmental, validating, inquiring and collaborative approach

Interactive Strategy in Building an Alliance with Client with Personality Disorder

- Identify agreements about

  i) reality anchored focus and goals for litigation and court process

  ii) what can be in the clients and child's/children's best interest

- Explore and validate the client's concerns, frustration, fear, etc., related to the litigation, co-parenting and outcome in court process
- Engage the client's reflective ability regarding parenting, co-parenting, differences, and negotiations, and especially whether own perspectives, decisions and behavior can be detrimental, contributing to disagreements and challenges for the children
- Engage the client's motivation and realization of advantages with a proactive collaborative interpersonal behavior

Strategies to Maintain and Protect Attorney Professional Boundaries and Integrity

- Reality anchor co-parenting context, options and conditions
- Keep detailed fact-based documentation of interactions, meetings and decisions and recommendations
- Avoid arguments, battles and escalating , provocative disagreements
- If/when a client takes an oppositional, critical, or aggressive stand initiate a calm exploration of differences and consequences
- Validate client's concerns, fear, frustration
- Explore and maintain agreement about the client' and in the child's/children's best interest and what can be legally attainable

Strategies to Promote Realizations, Collaboration and Change in Clients with PD

- Invite client's reflective ability and curiosity related to consequences of own behavior, intentions, goals etc.
- Avoid authoritarian, critical or demanding attitude and reactions
- Apply an exploratory approach encouraging client's attentions and realizations in the moment
- Explore provocative aggressive behavior
- Validate client's experiences of challenges, fear, frustration and uncertainties
- Encourage the client to learn from real life experiences

Indications and Hints of a Client's Personality Pathology

In relationship to the attorney during litigation the client:

- Disrespects boundaries
- Requests special treatment, exceptions, or unusual conditions
- Escalates arguments and disagreements into conflicts of fights
- Blames, accuses or threatens the law professional
- Evokes strong reactions in the law professional, including
  i) feeling confused, irritated, frustrated, disrespected, overruled or powerless, enraged, afraid, etc., or alternatively
  ii) feeling unusual compassion, idealized and highly valued, making efforts to be exceptionally helpful with urges to bypass rules and envisions to overcome hindrances, etc.

Strategies in Critical Situations

- Seek consultation with colleague, legal expert or mental health/personality disorder expert,
- Recommend or require client to get mental health evaluation and/or consultation such as psychological testing, individual or group psychotherapy, couples therapy or mediation, or join divorce or problem focused support group
- Clarify conditions for continuing litigation and legal support
- Evaluate and decide necessity to terminate lawyer - clien contract

Comments to Case report #1

Range of Motivation in Custody Litigation

Is Mr. A primarily driven by :

i) avoiding humiliation or shame related to potential loss of custody, failing as a parent and facing social disgrace (narcissistic vulnerability)

ii) self-enhancement, standing out as the superior wining spouse (narcissistic grandiosity)

iii) more or les extreme self-protective intents escalated in context of divorce and litigations (narcissistic self-protection)

iv) own trauma related to experiences of fear, powerlessness, rage etc., when facing ow parent's disagreements, fights or divorce (narcissistic emotional trauma)

Spouses' Relationship and Potentials for Co-parenting

Differentiate between:

i) Actual and reality anchored aspects of Mr. A's accounts of his own and spouse's functioning, especially related to competence, reliability, shortcomings and problematic behavior

ii) Verbal exaggerations of differences in service of own advantages

iii) Systematic, competitive or self-serving behavior

iv) Intentional manipulative, degrading, critical behavior to prove own capability and spouse's incompetence

Parental Ability and Commitment

- Is Mr. A reality anchored in his evaluation of his estranged spouse and basing his determination and arguments on own efforts to protect and care for his children?

- Are Mr. A's strivings and demands signs of or related to his own deeper actual parental commitment and devoted investment in his children?

- Is Mr. A's single parent/non-co-parenting pursuit based on genuine intents and readiness for care, consistent reliability, empathy, support and protection, etc., of his children's wellbeing ?

- Are Mr. A's observed tendencies to distance himself, be overly directive, achievement focused and self-promoting indication of personality style, occasionally occurring personality traits or signs of personality disorder ?

How is Mr. A perceived by his children?

Comments to Case report #2

Range of Motivation in Custody Litigation

Is Ms. C primarily driven by

i) fear of her husband's power, i.e., abusiveness towards herself or towards the child, or both?

ii) using preoccupation with and protection of the child as an effort to punish or retaliate towards the husband

iii) pursuing independence. i.e., custody in the moment of antagonism and conflict, but facing difficulties or inability with independent reliable functioning (individual or parental) in regular life context.

Spouses' Relationship and Potentials for Co-parenting

Given Ms. C's functioning with rapid and sometimes extreme fluctuations in interpersonal behavior, emotional reactions and perspectives

- is she aware of or motivated to attend to the impact and consequences of her own behavior o n her child in co-parenting context
- are there solid evidence of the spouse's/father's mental functioning, reliability and behavior towards the child? Is psychiatric evaluation required? Would couples consultation be useful?

Parental Ability and Commitment

- Is Ms. C's devotion to and preoccupation with her child indication of her own reactions and separation-individuation problems facing the divorce from husband, rather than indication of ability for genuine care for and understanding of her child?
- Is Ms. C aware of the necessity of and motivated to engage in treatment of her behavioral and emotional fluctuations , i.e., borderline personality disorder to improve and stabilize her functioning and as a condition for her co-parenting?