

DIVORCE COACHES: A NEW RESOURCE FOR MATRIMONIAL LAWYERS

**by
Sanford M. Portnoy, Ph.D.**

Most divorce lawyers are familiar with the role of mental health professionals in providing therapy to their clients. Less known, and less prevalent, is a new intervention by those practitioners, divorce coaching. Nested primarily in the collaborative law model and encouraged by organizations such as the International Academy of Collaborative Professionals, this practice is more directly supportive of the efforts of the lawyer who wants to keep clients focused, calm, and goal-directed. Such support is reflected in the over-arching goals of the coach to help guide the client through the divorce in ways that reduce conflict, and to promote a post-divorce environment that will enhance the well-being of the children as well as the couple, all while reducing one of the primary sources of stress for lawyers, emotionally charged, misguided behavior by clients.

There are no formal training programs for divorce coaching, nor any licensing or certification for conducting this activity. Collaborative law or IACP conferences do offer trainings for the role, but the methodologies and techniques of the coach are mostly defined by individual practitioners. It can be anticipated that as the number of coaches increases more formal definitions and oversight will be developed. The model presented in this article is informed by collegial discussions and formal presentations, but in large part it reflects a single model that this author developed some years ago and has used to help individuals who are divorcing adversarially, through collaborative law, and during mediation. In most cases divorce is a very trying psychological experience no matter how the individuals pursue the marital dissolution. Coaching can be a valuable asset no matter what legal avenue is chosen.

Functions of the Divorce Coach

Generally, the coach attempts to reach the goals mentioned above by assuming several broad objectives.

Reduce Emotions. The processes of divorce, including the legal process, provide ample triggers for hurt, sadness, anger, and the myriad of other feelings that rise and fall with varying intensity, at times forming roadblocks to progress. As every matrimonial attorney knows, divorce is filled with psychological meanings that are set off by four-way meetings,

2

court orders, and any number of supposedly routine events. While the divorce coach does not attempt to dissuade clients from experiencing expected reactions and feelings, he does very directly address the role of those feelings in defeating the client's goals or in otherwise creating conflict or chaos. He then uses concrete tools such as scripting, role-plays, and guided imagery to help the client manage the intensity of the feelings and gain control over their expression. For many mental health professionals, this may be the one occasion in their work when they instruct a client not to feel!

Teach Communication Skills. The companion to emotional intensity is reduced ability to communicate effectively. With affect at a heightened state, thoughts are more apt to become less organized, to wander, and to show a more scattered pattern. The coach guides the client through past and prospective situations in which successful communication patterns can turn misunderstandings into productive verbal exchanges. This can be as concrete as helping the client break down verbalizations into smaller and more simple units and rehearsing potentially difficult discussions that are anticipated.

Educate. There is a very definite role for the coach to be a dispenser of information on a number of fronts. Mini-lectures, interactive discussions, printed materials, and bibliographies cover topics such as child development, the effects of divorce on children and adults, the psychological complications of the legal system and more. More than in most of their other work, coaching requires mental health professionals to become teachers with a specific curriculum to present.

Help Manage and Contain Conflicts. To accomplish this, the coach helps the client identify the types of situations, events, responses from the spouse, legal outcomes, and other eventualities that are likely to evoke a strong response or cause the client to want to become angry or aggressive. Exercises then lead the client to alternative responses.

Help Create Solutions. The coach helps the client to identify roadblocks and provocations not only to contain them, but also because, with

appropriate tools, those same moments become opportunities to learn how to resolve and cooperate. Even when the spouses cannot get along generally, there are types of interpersonal exchanges more easily managed than others. The coach will try to build on those to generalize skills.

Make the Legal Process Smoother. Many of the incendiary moments are the result of legal tasks or requirements. The four-way meeting will bring back the deepest hurts for some clients, rendering productive participation

3

futile. Asset searches can feel like a significant personal violation. Part of the focus in the coaching process is to identify for the client which parts of this process need work and then to give them heightened ability to cope and to become fuller working allies with their lawyers.

What Coaches Actually Do

Divorce coaches differ in foci and emphases. Some see the process as similar to or a variant of psychotherapy, citing goals such as enhancing self-esteem or offering support. While such efforts invariably take place in any enterprise involving a mental health professional and a client, it is in the opinion of this author a mistake to confuse coaching and treatment. We shall deal with this in detail shortly.

The process presented here is a focused educational intervention that gives the coach an active teaching role and enlists the client into a collaborative problem-solving effort. While no claims are made that this model encompasses all styles of divorce coaching, most of the techniques and stages will be used in some form or other by most coaches. There are usually several discreet steps.

The Initial Assessment

The first stage of the coaching process tries to identify the information necessary to help the coach and client develop a comprehensive plan of the work that needs to be done. The coach will want a brief marital history, just enough to understand what led to the divorce and the reasons for whatever associated difficulties the client is experiencing. He will assess the status of both the legal and emotional divorce, what the client's dominant feelings tend to be and how they display themselves. The client will be asked to state his wishes regarding custody, visitation, assets, support, etc., and how they differ from what the spouse and the spouse's attorney want.

The coach will notice how the client processes information, what seem to be the triggers and important issues that will derail positive forward movement, the client's interpersonal skills and deficits, and how they will likely play out in settlement negotiations. Finally the coach will want to know the client's place in the various transitions that divorce necessitates, in the family, in career and other life circumstances, in relationships, as well as in the legal process.

4

Divorce Education

Shaped somewhat by the client's needs and circumstances the coach may provide education on the psychological effects of divorce on the children and on the adults, how parenting can be changed and challenged, and the interactions between psychological/emotional reactions and the legal process. In the last instance the emphasis will most often be on the range of common reactions to the legal work at each of its major junctures (e.g. filing, temporary orders, pre-trial hearings), and will include some description of how psychological and emotional difficulties play out in the relationship with the lawyer.

Personalize

Having provided a general fund of information, it is time to more concretely find the applications of this knowledge that are most salient for the client. A second assessment is thus conducted, now with a more informed client. The aim is to clarify and sharpen the goals of the coaching. The coach will help the client to select those aspects of the situation which are most difficult or personally meaningful, and then to establish specific, desired outcomes. Having the benefit of broad knowledge about how divorce affects people and their children or how the legal process typically plays out, the client is better able to see where he stands in relation to others, which of his moods may be dominant, whether the goals and motivations behind the divorce are likely to lead to success or to more distress. The coach helps the client to define as clearly as possible what tasks are to be undertaken that will help achieve healthy outcomes for the client.

Create Learning Opportunities

The coach will use a variety of techniques to help the client achieve her goals. The techniques chosen usually depend on the specific training, style, and preferences of the coach, but they generally tend to be concrete and action-oriented. Many of them come from solidly established social learning principles and include things such as the defining of scenarios which the client would find difficult, followed by the construction of scripts for how the client would handle the scenario more adroitly, and

5

some role-playing to give the client the opportunity to rehearse the new behaviors. Other techniques might include relaxation exercises for use in stressful situations, guided imagery, behavioral planning, comparing realistic future visions with those that are driven by emotions of the moment, and others.

The expected result of the above steps is to produce a more self-knowledgeable individual who can readily recognize his impending errors, understand the range of responses and the options available, plan more knowledgeably, and have a stable of tools at his disposal. It is anticipated that as a result of those achievements individuals will also gain in self-esteem, become less helpless and depressed, and be more emotionally healthy. It is those secondary outcomes that likely result in the confusion between psychotherapy and divorce coaching. We now turn our attention to the differences between them.

Coaching vs. Therapy

As indicated, while many of the same interventions may be used in therapy and in coaching (for example, many of the social learning based interventions just described are also tools of the therapist), the most crucial difference is in the goals. Therapy as traditionally defined seeks symptom amelioration or cure. At least as it exists within the current healthcare system, psychotherapy is a quasi-medical procedure. The reimbursement of therapy by insurers and managed care companies rests on the principle of “medical necessity.” Even the majority of those practitioners who work outside of third-party reimbursement, or who do “personal growth” work, have been trained in traditional ways that emphasize etiologies of client problems, insight, understanding, and some significant internal change within the individual as key elements of progress.

Such is not the intent of divorce coaching. It is intended to help individuals manage situations. They may be current or anticipated ones, but the emphasis is on helping the client manage in specific, delineated ways. It is skills training rather than healing. That healing may come of it should not be confused with its purpose.

Ethically practiced psychotherapy, as defined by almost all professional ethics codes and licensing boards, requires that the therapist make a complete and thoughtful assessment of the psychological problem or

6

disorder at the outset of treatment. While there is no requirement that this assessment follow any one theoretical or medical model, there is the presumption that appropriate diagnostic considerations are taken into account.

As a consultative rather than clinical service, divorce coaching contains no such diagnosing of mental disorders. The assessment phase, as described earlier, focuses on a brief marital history and understanding of the current *situation* and the client's behavior with regard to it. It does not seek to define disorders or problems within the client except as they pertain to the situations at hand, and then only in concrete, behavioral terms. This raises an interesting ethical question. Since divorce coaches are usually licensed mental health professionals (or should be), do they not have the obligation to practice according to those same standards defined by those ethics codes and scopes of practice? The answer is that of course they do. It is this author's practice to make a limited assessment of the presence of emotional disorders or psychological needs that go beyond the scope of the coaching, and to refer the client to a colleague who will undertake an appropriate clinical intervention with a more thorough diagnostic phase. The presence of personal distress or even psychological disorder in an individual caught in the throes of divorce is not difficult for an experienced clinician to determine. The wise, ethical coach will ask some questions about such conditions for the purpose of making appropriate referrals; and it is common for coaching clients to be in psychotherapy at the same time.

How Coaches Facilitate the Work of Attorneys

Having discussed the benefits of coaching for the client, it is useful to examine the positive effects on the legal work and on the attorney.

While coaching the client is the primary intervention, the coach can also occasionally act as an advisor to the attorney at pivotal moments or

decision points. Collaborative law recognizes the coach and lawyer as members of an interdisciplinary team, which encourages more mutual endeavors. But even if the coach and lawyer have little direct contact, the benefits to the attorney and the process accrue.

Coaching can:

- Assess the client's psychological readiness to participate in the legal process and to form a working alliance with the lawyer. Such readiness can fluctuate during the

7

course of the divorce and be particularly tested at those moments when the client is highly emotional.

- Help separate the client's psychological and emotional needs from the legal work, thus providing the lawyer with a more able client.
- Teach the client how to communicate more effectively with the lawyer.
- Teach the client how to problem solve more effectively.
- Prepare the client for court appearances, depositions, four-way meetings, and other stressful events. Again, this provides the attorney with a calmer and more skilled partner.
- Provide the lawyer and the client with expertise in specific areas of knowledge, such as the developmental needs of a child, understanding a psychologically compromised client, or serving as a process consultant.

As an attorney comes to represent numbers of clients who are coached during divorce, the lawyer is likely to become more comfortable with the emotionality of clients, perhaps even to become more skilled in making some of the same types of interventions in her office. An actively collegial relationship between the professionals will enhance that likelihood.

Preparing the Client for Divorce Coaching

The first question to be addressed at this point is how a lawyer might go about finding a divorce coach. The reality is that with this intervention still in its infancy, the number of practitioners is smaller and more unevenly distributed geographically than will be the case as

more mental health professionals come on board. Currently collaborative law organizations are the best source. Many states, counties, and cities have collaborative law membership associations much as they have bar associations. A visit to one of their websites may offer a directory of collaborative law professionals broken down by discipline. Mental health professionals are likely to fill either the role of child specialist or coach. If there is not a member directory there will at least be the opportunity to inquire how to locate a coach.

8

When mental health professionals are listed, they are likely to have undertaken training in the collaborative model as defined by the International Academy of Collaborative Professionals. The IACP website itself offers directories on a state-by-state basis. A quick perusal will reveal a sharp disparity in the numbers of member coaches from one state to the next, a reflection of the uneven adoption of the collaborative law model, and of a similarly differing acceptance of the interdisciplinary approach within collaborative law circles. Again, this should change in future as more mental health professionals embrace the coaching role both within and outside of collaborative law. The other avenue of pursuit is, of course, to ask collaborative lawyers and mental health professionals of one's acquaintance.

Preparing the client to use the services of a coach is not very different from referring someone for therapy except that the role of the coach will be unfamiliar to the client and will need to be explained. The best way to do so is to introduce the concept at the beginning of a representation. An important part of enabling a client to become a fully cooperative participant is to present her with broad enough information at the beginning of the representation to define all that she may encounter on her journey, including the emotional concomitants and the need of many clients for counseling help.^{i ii} The introduction of the role of coach is no different.

Much as the lawyer might say to a client early on, "Many of my clients have benefited from counseling during the divorce," the beginning is the time to indicate that the use of a coach can help keep the client be focused, better contained emotionally, and more goal-directed. The potential benefits to the client, the children, and the post-divorce family life can be pointed out. Having discussed it at the outset, it becomes easier to make the referral when the time comes. In

some collaborative law models, members of the team are brought into a meeting with the client and lawyer quite early along so that the client knows the individual enough to feel familiar with him when the coaching work later begins.

Regardless of whether this is done, referrals to collateral professionals are always best accomplished when the attorney makes the initial contact. Even that small of a personal effort by the lawyer helps the client to follow through. A statement by the lawyer that

9

such a contact was made and that the coach is expecting the client's call further increases the client's likelihood of acting on the referral.ⁱⁱⁱ

As changes in the legal process continue to evolve in directions that promote ease of transition from marriage to divorce, and that recognize the need to deal with the whole client, the cooperation between legal and mental health professions is likely to increase. New roles will develop and familiar ones will expand. Coaching is one that holds the promise of helping the divorce process become less stressful and more easily productive for clients and their families, and for lawyers.

ⁱ R. Moriarty, *Communicating with the Client*; G. Herman, 101 Practical Solutions for the Family Lawyer (Chicago, Section of Family Law, American Bar Association, 1996).

ⁱⁱ S. Portnoy, *The Family Lawyer's Guide to Building Successful Client Relationships* (Chicago, Section of Family Law, The American Bar Association, 2000).

ⁱⁱⁱ *Id.*