

Soft skills are dead! Long live hard skills!

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TCC



Staying Sane in Family Law

Annmarie Carvalho

Staying Sane in Law

Go under the surface...

WITH
ANNMARIE CARVALHO





‘Stay in your lane’...

Do you?

Should you?

Can you?

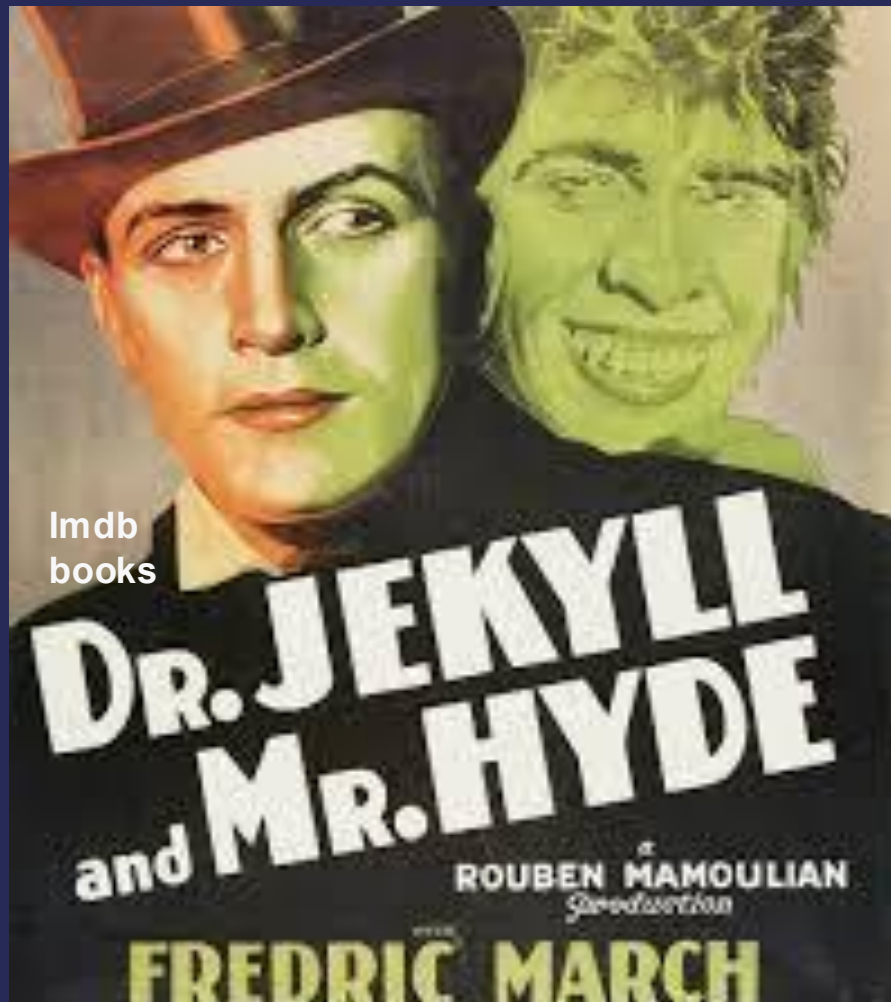


What has changed?

One couple, one lawyer
Child-inclusive mediation
Problem-solving courts

Do clients want a 'one
stop shop'?

What is left after AI?



The different faces of vulnerability...

1. People are angrier
2. I deal with more vulnerable people than ever before
3. There is more trauma
4. More people have personality disorders than previously
5. I deal with more neurodivergent people than in the past

What is empathy?

How do you show it?

When are you empathic?

How much is too much empathy?

When are you ***not*** empathic?

Intersection with burnout





What did you just hum to yourself...?

1. *“...in the name of love...”*
2. *“...collaborate and listen...”*
3. *“...right now, thank you very much”*



Acknowledge & Reflect

- Be present (momentarily) without trying to move things forward
- Soothing amygdala
- Statements not questions
- Don't sugarcoat
- Be with the pain

"I know this is really difficult..."

"This is very upsetting"

"It feels hopeless at the moment..."

"What I'm hearing is that you're really fed up..."

'The fixing reflex'

*"It'll all be OK
in the end..."*

“Reassurance doesn’t reassure”

Resist the urge to fix

Do not impose, sugarcoat or 'brightside'

Emotional wounds cannot be cured by legal action

*“At least you
still have...”*

“Think of your family...”



In the drivers' seat?

- Is being a 'good' FL practitioner about taking action for them or about giving them the tools to enable them to take action for themselves?
- How often are you in the driving seat?
- Culture of reactivity
- 'Noticing'



‘The reflective divorce’



Parallel process and mentalisation



WHAT DO
YOU
EXPECT?

Psychoeducation

“We’re dealing with an imperfect system...”

“I will provide you with guidance & support...”

“The legal process cannot resolve the emotional aspects. All our clients need other outlets to help them deal with those. **What** do you have in place?”

Affirm & validate

- Praise attributes
- Focuses minds on what is within their control
- Normalise feelings

"You've shown tenacity and perseverance."

"It must have been a difficult process"

"Of course you're finding this hard – how could you not?"



“How would you like to look back on how you handled this?”

“What’s likely to be triggering?
How might you navigate that?”

“How will you take care of yourself after today’s hearing?”

“What’s important to you about how we manage this process and how we communicate?”

The spirit of curiosity...

1 Ask



Listen
Acknowledge
What's their understanding?

2 Inform



Acknowledge

Normalise

Preambles - seek permission

Make suggestions, offer
feedback

3 Ask



What do you make of what
I've said?

How does that sit with you?

What doesn't make sense?

Open (ish) questions

Spirit of gentle inquiry & curiosity

***“Let’s explore** that a little further. If that’s OK for you?”*

***“What** would be the benefits of this approach?”*

***“What** do you think some possibilities might be?”*

***“How** might moving forward in this way help?”*

***“What** might a workable solution look like for you...?”*

Open (ish) questions

Addressing
roadblocks

*“**How** do you think it would be to continue to the hearing? **How** would it be to settle? **How** might you deal with that?”*

*“**If** we continue to fight on these fronts, **what** will that be like? **What** will that give you?”*

*“**If** we were to try and find a way through this, **what** might some possibilities be?”*

Clever summarising...

*“It feels almost impossible to reach agreement. **And yet** there are some small signs of hope...”*

*“He’s a nightmare to deal with. **Although, having said that,** there has been some progress.”*

*“You have reservations about settlement **AND** at the same time you can see that there might be some benefits...”*



Authoritative empathy

Being there for others whilst protecting yourself

Tenets of trauma-informed working – providing **structure** and **evoking autonomy**

Resisting **rescuing**





What does reflecting do for us?

Lessons learnt

Nuance

‘The sense of an ending’

Sugar coating does not protect us from pain

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Thank you



Ready for what's next?

Let's talk

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