



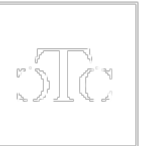
‘Wonky Windchimes’

ECFL Conference
12 September 2024



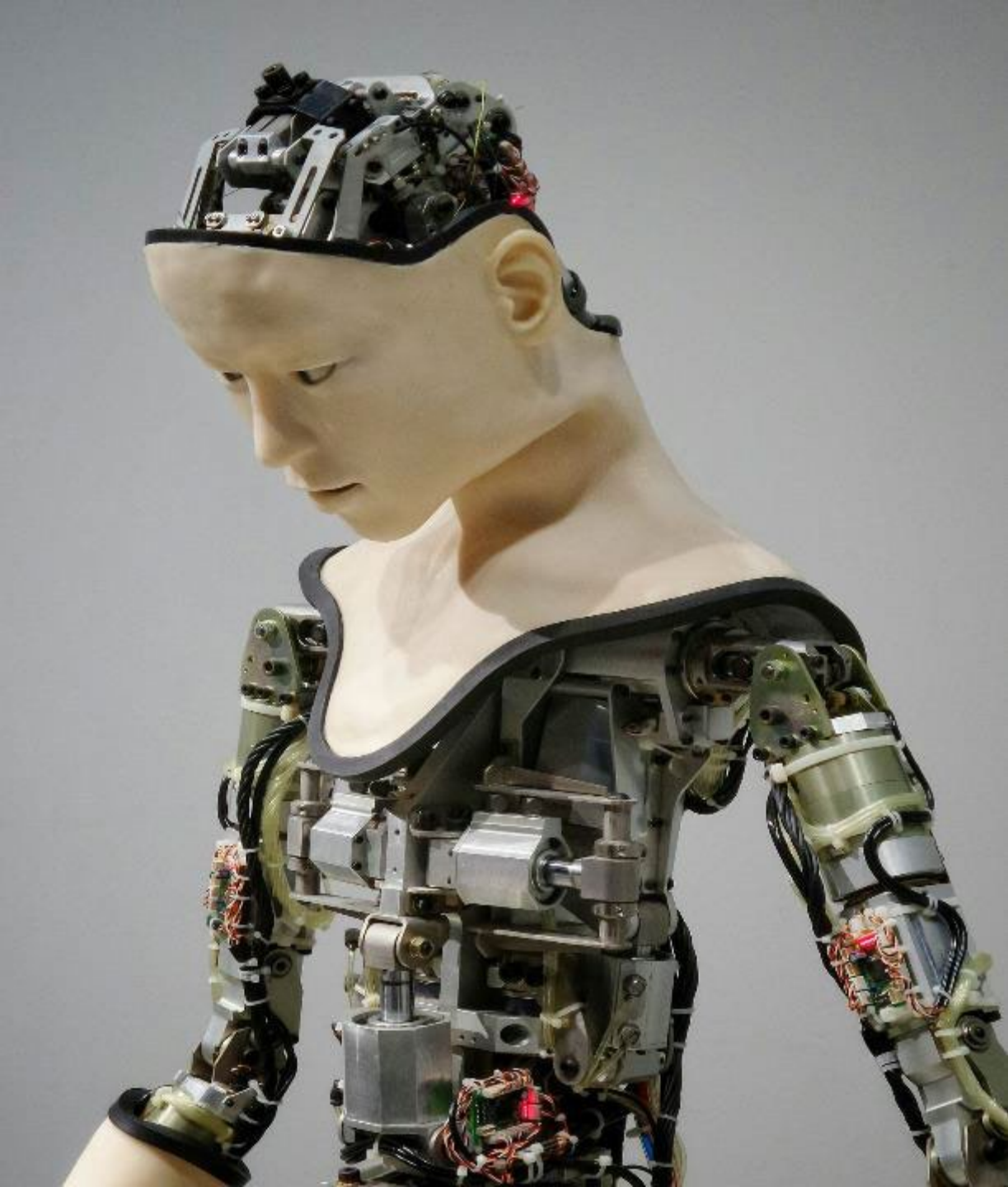


**You are not
objective**

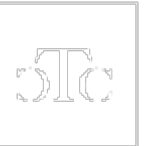




You are a wounded healer



Family law is
relational



The perfect storm...



Wonky power dynamics

'The Saviour/Cavalry'

'The Rescuer'

'The hired help'

Impact?

PARENT

TEACHER



CHILD

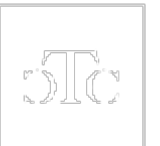


PUPIL

ADULT



ADULT





‘Ruinous
empathy’

Healthy
empathy

Dissociation



We do what we need to do to survive

Benefits of dissociation/roboticism

Difficult content, vicarious trauma & overwork

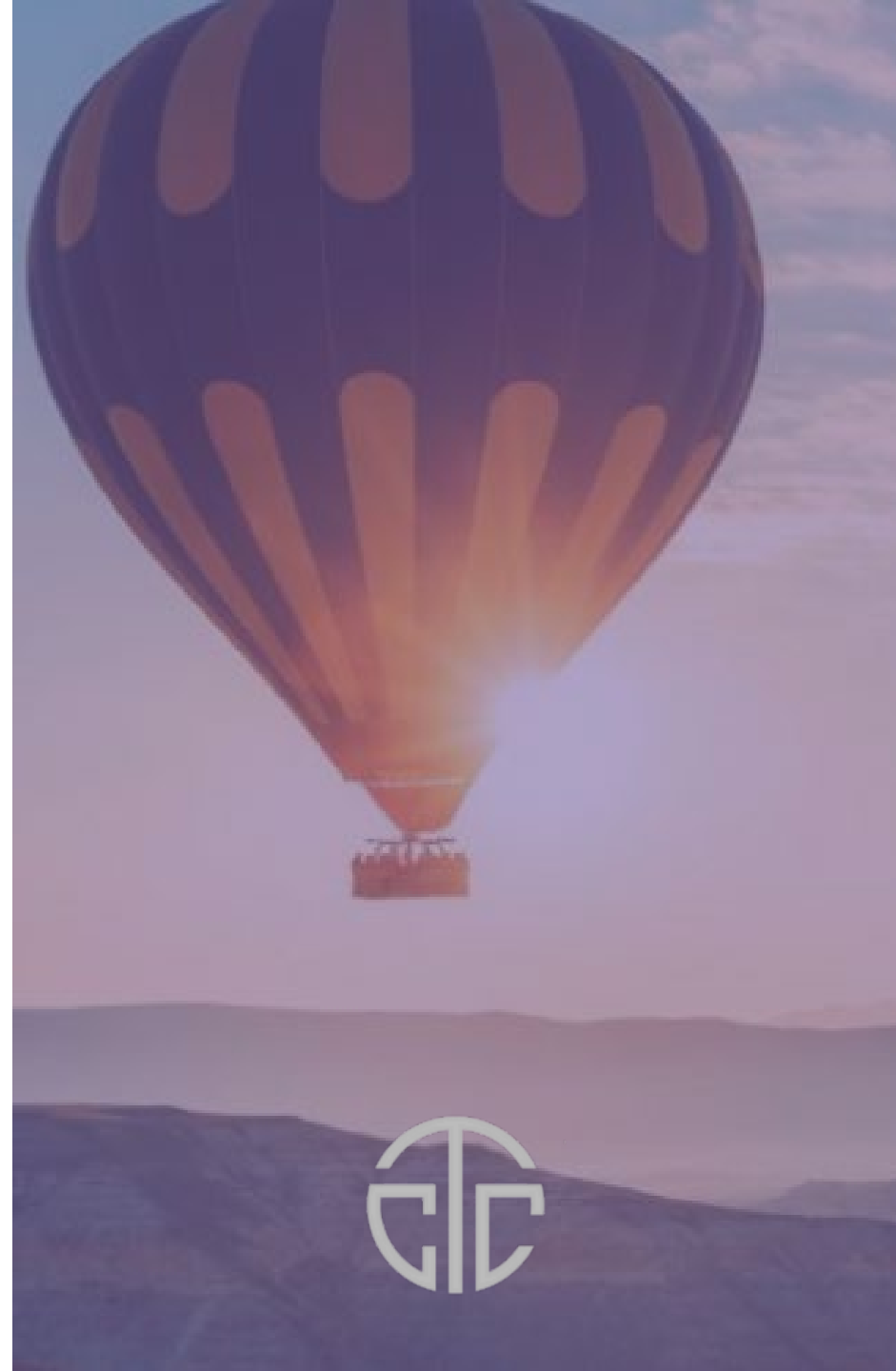
Stoicism & 'getting on with the job'

But, what comes out **'sideways'**?

Displacement

Addiction, anger, burnout

Neurodiversity?



How it
started...





‘When they go
hard, we go
harder...’

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Psychological Reactance

How it's
going...





‘It’s their life.’
‘All I do is present
the facts’

Influence

Persuasion



So, what
now?



The
'psychologically-
informed lawyer'

Healthily engaged

Influential

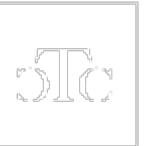
Building
'collaborative'
relationships





How to avoid
'hungry shopping'...

Our top 6...



1. 'Disappoint' them early?



“We are facilitators/guides rather than directors...”

“I will be honest & at times will tell you things you don't want to hear...”

“The best way to be effective is to be discerning...do not confuse that with inactivity”

“Much of our role is about helping you to sidestep more negative outcomes...”

“The legalities are not an end point but part of ongoing process (esp. in children cases) – our aim is to empower you...”

“In most cases, courts only provide guidance, we support you re legal aspects and how to communicate effectively”



2. Don't just tell – ask!

You don't want to go to court – it's an absolute nightmare.

There's huge delays.

The judge won't have read the papers.

The judge might not like your case.

It's hugely expensive...

...do you understand?

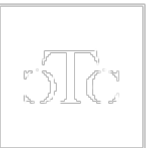
What do you think court might be like? What have you heard about it?

What do you think is likely to happen?

What would a good day look like?

What would a bad day look like? ...

....let me explain a little based on my experience...



3. Three steps

Ask

- Listen
- Acknowledge
- What's their understanding?

Inform

- Acknowledge
- Seek permission
- Make suggestions
- Offer feedback

Ask

- What do you make of it?
- How does that sit with you?
- What doesn't make sense?



4. Beware the 'fixing reflex' ...



Work 'with' them, not 'on' them

When our clients do something silly, we rush to tell them why it's a bad idea.

Result = they dig their heels in

Don't be afraid to work with **ambivalence**. There are reasons why they do what they do!

You are not condoning it! You are working with their psychology...

Let's think about it a little. What was helpful about it for you? What do you think might be the drawbacks?

May I provide some feedback? What do you think you might do?



5. Mentalisation

Persecutor/bad

guy

Attack!

Blame!

Criticise!

High standards

Feels like Victim so goes
on attack



Rescuer/Saviour

People pleasing

Guilt

Underquoting/
undercharging

Over-available

Resentful but unable to say
no

Difficulty being the 'bad
object'

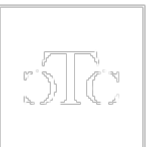
Victim/powerless

Over-compensates

Frozen

Takes blame readily

Dependent



6. Bring nuance

'And', not 'but...'

'At the same time...'

'There's also...'

*'Holding two things
at the same time...'*

"Sitting alongside that..."



FAMILY LAW BINGO!!!



“We’re always on the back foot. You’re not fighting my corner enough”

“We do make most of your points but we thought that some of them weren’t good...we can’t fight every point...”

“I understand it’s frustrating. We fight your corner where it’s important. And yet it’s most effective if we’re discerning in our points...”

FAMILY LAW BINGO!!!



“I think I could run this case better myself. I’ve been speaking to a friend and she got [x] in her divorce...”

*“I know you have strong views **but** we are the experts as we do this work day in day out...”*

*“I’m glad you’re honest with me. **Alongside that,** it’s important I share my views from our experience in practice....”*

FAMILY LAW BINGO!!!



“You said you’d be responsive but no one answers or gets back to me when I call ...”

*“It’s important we’re in close contact **but** we can’t make progress if you’re always calling us...”*

*“We want to hear from you. **At the same time** it’s important that we prioritise and focus on how we can help you best progress”*

TRIM TABS!!!



AND FINALLY....



Vs



Finalist
**FAMILY LAW
AWARDS 2024**

From  LexisNexis®

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THANK YOU

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