

INTRODUCTION

Welcome to the world of divorce and *intimate conflict*.

Why “welcome,” you might ask? Well, good question! It’s the first of many I hope to answer in the course of this book.

You will find in these pages an invitation to shift perspective. My hope is that you will take up this invitation and, in doing so, view the struggles of intimate partnership in an entirely new light.

We have been stuck for many years thinking about conflict and divorce in a way that leads us in one direction—down. Yet the brick wall of fixed beliefs and fearful self-defense that millions keep slamming into as they try to fix a ragged bond, or surrender to the decision to divorce, is a mirage. What we see as a substantial and frustrating barrier to true connection—or, failing that, non-destructive dissolution—need not exist.

If people in relationship distress drew a mental path of their lives and how they expected (and hoped) it would unfold, that map would bear no resemblance to the jagged, disconnected road they find themselves now traveling. Worse yet, they are currently driving in a thick fog, so it’s hard to know if they are edging toward a 10,000-foot drop-off or an easy-to-manage sloping shoulder.

Immersed in this fog, the traveler will listen to just about anyone who says they know how to get safely to their destination. The old, wizened guide (with degrees on the wall) says he’s guided people on this path many times before. “It’s the route used by thousands *just this year!* And, hey—it’s pea soup out there. Are you going to try this on your own?” So, people trudge along this well-worn path, thinking, “It’s *got* to be the best way. Look how many people are on it.”

What these struggling people don’t realize is that, if the fog were to lift—if they could see clearly—the path they’d been on, with all those others, is a wreck, with well-worn grooves leading through swamps, potholes galore, and bridges with black ice warnings (ignored because of low visibility). You get the picture. They’d also see,

to their amazement and relief, that safe and steady alternate routes have been built. Upon examination, it is clear that these alternate routes have been around for a long time. Maybe it's the fog, maybe it's those experienced guides who insist we take the path learned when they were young, or maybe it's the fear of something different than the "norm," but darned few people are to be seen on these other paths.

So there you have it—the simple purpose of this book is *to lift the fog*.

There is a better way to work through the struggles of your intimate relationship and, if you can't manage it, then there is *definitely* a better way to divorce. Emotionally Focused Couples Therapy (EFT) and Collaborative Divorce are incredible creations. Both are worthy refinements of decades-old methods of supporting people who struggle with intimate relationship distress. I want you to know more about them. I want you to engage them. If your relationship is rough but not ruptured, I want you to consider EFT. If it is ruptured, I want you to explore mediation and collaborative law. It's as straightforward as that.

In the following pages, I'll not only be imparting what I hope to be helpful information, I will also introduce you to two couples, the more stable-seeming Adam and Beth, and the more overtly angry Cathy and Dennis, as they struggle, therapize, and lawyerize. Our chapters will usually begin with a part of their stories. In doing this, I seek to reveal them as living, breathing examples of the material that will follow. Finally, each chapter will conclude with practical summaries, check-lists, and exercises.

There's a lot packed in here. My hope is that you will come away with new ways to think about your partner and yourself, your relationship, lawyers, therapists, divorce, and unicorns. Okay, maybe *not* unicorns. That will be my next book.

A BRIEF PERSONAL STATEMENT

I became a lawyer in 1974. Seventeen years later, I was licensed as a marriage and family therapist. When I left full-time law practice to begin the master's program in marriage and family therapy, my Uncle Lennie, who was a wonderful guy, asked me, quizzically, "Why?" I couldn't answer him then in a way he—or even I—could understand. This book is my attempt, years later, to answer my dear uncle's question.

But first...I was a lawyer. The early years found me exploring various kinds of law and even leaving the practice for a while to become a bartender. Obviously, I hadn't found my fit. In the early eighties I was able to sink my teeth into an amazing kind of work. Even though many decades have passed since my involvement in what was known then as "DES Litigation," the experience remains pivotal in my professional life. It's actually a major reason I sat down to tap out this book on my computer. The story is worth recounting now. While it doesn't seem to have anything to do with divorce, please bear with me. The connection will unfold.

Back in the 1930s, Charles Dodds, a researcher in England, came up with the first synthetic estrogen, later known as "DES." In the dawning era of wonder drugs, it was considered a walloping breakthrough. Until then, women who needed estrogen replacement therapy had to endure a series of painful injections. Now, they simply had to swallow a pill each day.

Because DES was developed across the Atlantic, no one in America could slap a patent on it, so the drug was manufactured by more than 100 companies over the years. As still happens today, the drug companies kept looking for other medical problems that might respond to DES, in order to expand their markets. Physicians began to give this new wonder drug to pregnant women who had histories of miscarriage and others who were spotting or going into premature labor. DES saved many of these pregnancies, according to the doctors. A couple of researchers at Harvard ran a study that seemed to confirm these reports, thus opening the door for FDA approval. Thousands of

doctors started prescribing this drug to pregnant women in the late 1940s and early '50s.

While the estrogen replacement therapy for post-menopausal women recommended dosages of 5 mg or 10 mg, this pregnancy-preserving regimen had prospective moms taking an increasing dose of the drug, peaking at 125 mg a day.

Decades passed. Then in 1971, Dr. Arthur Herbst, a cancer specialist, was struck by the coincidence of eight young women in their late teens to early twenties all being admitted to Boston General Hospital with an incredibly rare form of cancer of the vagina called *clear cell adenocarcinoma*. This devastating cancer had been seen (rarely) in older women, but never in this much younger population...*Ever*. The alarm bells that went off were heard all the way to California. Herbst conducted a thorough history and found that the one thing linking these unfortunate young women was their mothers' use of DES when pregnant with them. DES was ultimately yanked from the market for pregnancy support and, a few years later, some of the young women whose lives had been so horribly impacted filed lawsuits against the drug companies.

I was working in the 1980s for a Los Angeles law firm that represented a number of these women. In a word, DES litigation was fascinating. Almost without exception, I bonded with my clients and enjoyed working with them. The legal issues were wide, varied, and super challenging. It was a lawyer's dream. I spent many engrossing days in medical libraries and law libraries, in strategy sessions and in court.

Yet, there was a part of the whole process that was deeply troubling.

Every woman who brings a lawsuit like this must sit for a deposition, in which the lawyers for the other side will have her sworn in and ask her questions—lots and lots of questions. Many was the time that I would sit next to a wonderful, brave, and vital person in her late twenties and defend her as she was asked an entire day's worth of

questions by a battery of a dozen lawyers (representing the major drug companies), almost all of whom were men. The women would be asked *everything*, from the most mundane elements of their personal history to a detailed exploration of their sexual history and even the kinds of menstrual periods they had. The rules of legal “discovery” allow these kinds of questions.

The process was absolutely brutal for the individuals who were sucked up into its gears. More and more, I observed that the only people who really won when lawsuits started were the lawyers. I saw that lawyers live in their own worlds when it came to litigation, and they were either unaware of, or didn’t care about, how that process affected the parties. I became extremely disenchanted by the litigation process and chose to leave the practice and return to school to study therapy. I had positive experiences of my own in counseling and the draw was natural, the fit excellent.

Not wanting to waste years of law training, I spent the next number of years shifting my practice focus to family law. I was able to blend my dual professions well. Counseling clients through the monumentally painful process of divorce was gratifying. However, if I thought personal injury litigation was hard on people, I was often stunned by the insensitivity and downright mean-spiritedness of divorce litigation. I came to believe that conventional divorce litigation was equivalent to torture, and I began using that word to describe what we family lawyers put people through. Over the years, my practice morphed naturally to performing divorce mediation services and also providing therapy to couples who wanted to preserve their relationships. Friends would joke with me that I’d try couples therapy and, if it failed, I’d take on the richer partner as a client in the divorce. Of course, that was impossible, and, in fact, I have long made it a firm policy to never wear more than one hat with any client. If I am a couples therapist and things don’t work out, I refer them to mediation or collaborative lawyers. It keeps things cleaner for me and less confusing for people who are already struggling.

Over more recent years, I was introduced to two burgeoning and incredibly elegant approaches to helping struggling couples. One was

an approach to couples therapy. The other was a form of legal divorce representation. Emotionally Focused Couples Therapy and Collaborative Divorce sprang from the minds of brilliant and compassionate professionals and arose in the early 1990s. Each captivated a vast swath of therapists and lawyers who hungered for a pathway to either heal a troubled relationship or guide people to a sane and decent outcome if the relationship did, in fact, rupture. While divorce lawyers frequently complain about the deep emotional toll their practices exact upon them, the collaborative lawyers I know *love* what they do. While most therapists either avoid couples work entirely or practice it with scant success, emotionally focused couples therapists find their work bearing the fruits of healed relationships and stronger intimate bonds again and again (and again).

Yet whenever I speak to people in the community, almost no one knows what collaborative law is and how radically it differs from the more conventional (and destructive) process of litigated divorce that's been practiced for decades. In the same way, relatively few people seek the assistance of marital therapists who are trained in the handful of approaches designed to help couples who are on the verge of blowing apart. EFT is just one of these approaches and, since it forms the basis of my own training (and I am most familiar with it), it will be a major focus of this book.

So, I have distilled the subjects I've been thinking long and hard about over the last forty years:

- It is absolutely possible to solidify, deepen, and enrich an intimate relationship that both people feel is hopeless.
- Conventional divorce is incredibly painful and destructive (and avoidable).
- If you can't save the relationship, you can proceed in a manner that provides support to both of you and leads to an outcome that permits each person to proceed with the next chapter(s) of their lives, relatively free of the natural trauma that comes with ending an intimate bond.

Joining relationship-saving therapy and divorce inside the same covers of a book? Some may find these an inconvenient fit. Yet, they seem inextricably bound in my mind. I believe it is almost always advisable to explore avenues of relationship restoration before severing the bond. Thus, my strong recommendation (in almost all cases) is to engage a couples therapist before calling it quits. I also believe that the emotional challenges of divorce can only be appreciated if we understand the intensity of the bonds that connected us.

A note on heterosexual and same-sex couples: I have been privileged to work in counseling and divorce mediation with both heterosexual and same-sex couples. My experience has been that the principles, cycles and issues described in these pages are universal. The gender of the person we love does not change our need for a secure adult attachment bond nor, for that matter, the degree of emotional challenge when that bond dissolves.

I hope you find helpful information, support, and a path to peace in these pages.

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