

CHAPTER

9

*From Conflict to Resolution:
Building a Practice with
Referrals from
Divorce Lawyers*

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A therapist needs reliable referral sources to build a financially successful private practice. To my good fortune, a divorce lawyer in my city has sent me an ongoing stream of referrals over the past several years. These referrals have significantly augmented my practice, and I expect this referral stream to continue to flow, given the lawyer's strong reputation and replenishing practice.

In my estimation, many family law attorneys would be delighted to have a similar referring relationship with a mental health professional they could rely on to handle the emotional needs of their clients. Interestingly, while divorce lawyers offer the potential for virtually unlimited referrals, they seem to be a resource that has been relatively untapped by mental health practitioners. This chapter offers specific suggestions on how a therapist can go about accessing this referral source.

When I began to write this chapter, I could not remember when or how the lawyer began sending me cases. When I asked him, he informed me that:

[Our working relationship began when] friends of mine came to see you. The husband had children from another marriage. They loved your work because

you were helping them with "step-momming" issues. You gave them good advice. That was 18 years ago. I researched who you were then and we talked some. You said you worked with couples, and I referred my first case. You had this advanced collaborative-thinking methodology. So I started to pick and choose with my clients, thinking who would want a therapist who gets down to brass tacks. And I began thinking about which marriages could be saved, which people are desperate to try one last time even if I know there's nothing left to save, and where you could be helpful in the mediating.

Divorce lawyers and their clients have a myriad of needs and goals when a referral to a mental health professional is made. In some cases, lawyers need therapists who can perform psychological testing and custody evaluations (I personally do treatment only). Other frequent goals include resolving ambivalence about the divorce, easing excessive emotional distress during the divorce process, reducing angry fighting between the spouses during or after divorce negotiations, and facilitating post-divorce healing. However, the primary treatment goal in the majority of the referrals that I have received is to revive and revitalize the marriage.

PREREQUISITES FOR THIS STRATEGY

Any therapist has the potential to open a similar, career-long referral stream. Specific suggestions for how to do this are shared below; however, in my experience with the three populations involved (i.e., divorce lawyers, clients, and marital therapists), I have noticed a core set of factors that seem to be associated with the effectiveness of this practice-building strategy.

Divorce Lawyers

There are certain characteristics that allow for divorce lawyers to be effective and reliable referral sources. First, they should have an abundant caseload. The lawyers who have referred clients to me generally have had more clients requesting their services than they can handle. Obviously, lawyers with a full practice are least likely to feel threatened by the possibility that some of the clients they refer may end up terminating the divorce process (no longer needing to pay a lawyer) instead of terminating their marriage. While lawyers with surplus cases may not be the only attorneys who will refer their clients for emotional support services, they may be good targets for initial marketing efforts.

Second, they should have confidence in you, the therapist, and in therapy as a viable option for their clients. In order to refer their clients for therapy, lawyers need confidence in the specific therapist and that therapist's treatment methods. Of course, the most impressive confidence builder is for the lawyer to observe the successful treatment of initial case referrals. This can be very challenging but it is, realistically, the primary way in which therapists are judged by outside professionals.

Third, the lawyer needs to have strong favorable beliefs about marriage. Lawyers differ in the extent to which they believe in rescuing conflicted and separating couples. Some lawyers are like morticians; they regard their work as closing the casket on what they assume to be dead relationships. Others are more like caring priests who would rather see the dying marriage saved than issue last rites for the couple. These lawyers appreciate having a therapist to whom they can entrust the resuscitation of the marriages that appear salvageable. They also appreciate having a professional ally who can ease the pain for spouses who are suffering as they proceed through the divorce process.

Fourth, divorce lawyers are most likely to refer their legal clients for relational or individual therapy when they have the ability and willingness to be emotionally sensitive to their clients' needs. Lawyers certainly vary in their degree of interest in their clients' emotional states. Some lawyers show little or no attunement to clients' emotional distress or ambivalent feelings about divorce. Turning away from the realm of emotions, they limit their focus to disentangling the couple's finances and apportioning parenting responsibilities. Divorce lawyers who immediately assume an adversarial stance toward their client's spouse may be particularly prone to screen out the emotional domain. If they expect the divorce process to be a fighting one, they are likely to have difficulty inquiring about tender personal subjects such as lingering love, anguish, or anger. They are probably less than ideal candidates for suggesting psychological evaluation or treatment to their clients.

In contrast, many divorce lawyers are strikingly emotionally attuned. They regard divorce as an emotional as well as a financial disengagement process. These lawyers tend to encourage their clients to explore a collaborative divorce path of shared decision-making and mediation, turning to court battles only as a last resort. Lawyers of this sort are likely to sense when a therapy referral is appropriate and appreciate having a therapist they can entrust their clients to for emotional healing and growth.

Clients

A number of factors seem to distinguish the clients referred to me by lawyers who clearly benefited from treatment compared to the smaller number who were resistant, terminated prematurely, or continued in treatment but did not seem to benefit from the experience. These clients should, first and foremost, have motivation to change. Divorcing spouses who, in their "heart of hearts," prefer to heal the marriage typically welcome the opportunity for one last reconciliation effort. Their motivation may stem from concerns such as finances, children, religious values, or lingering love. Motivation for therapy may also be related to guilt about contributing to a partner's suffering, pressure from extended family, or desire for a smoother and less expensive divorce.

Moreover, the motivation for psychotherapy treatment can be induced by the lawyer. For instance, to clients whose anger is propelling them

toward unnecessarily contentious litigation, a lawyer might say, "This much anger is going to make for a very expensive divorce. I'd recommend you go to therapy to see what you can do about coming to peace with your situation (or to help your spouse come to peace with the situation) before we move forward with more legal steps."

Second, certain personal strengths on the part of the clients are necessary for therapy to be successful. Like most therapy, divorce-related treatment is most likely to be successful when clients have capacity for insight and openness to growth. "Insight" here refers to the ability to explore one's own role in the relationship's demise. "Openness to growth" refers to a willingness to learn new ways of communicating and handling conflict.

Third, another important client factor associated with positive outcomes is whether the couple engages in paranoid or "blind" blaming. Sometimes one spouse becomes locked into a blaming stance toward the other, refusing to take personal responsibility, and exercising little insight into his or her own contributions to the marriage difficulties. These difficult reactions can be highly treatment resistant. Occasionally, a skilled, nurturing, and firm therapist can reverse this type of blaming posture; however, if the client's stance has become fixed and resistant to new information, treatment generally yields little change. Even if treatment is not helpful for these individuals, therapy can still be beneficial for the healthier spouse. Explaining the cognitive rigidity, projection, selective information uptake, and fixed-blaming stance manifested by their partner can lessen the extent to which the receiving spouse feels injured by the blaming spouse's accusations.

Fourth, when spousal fidelity is in question, this presents a more complicated treatment situation and oftentimes leads to near-impossibilities for all associated. When one spouse shows virtually no interest in therapy, an affair very frequently lurks behind the scene. The likelihood that such a marriage can be saved is very low. Nevertheless, therapy can play an important role. Therapist support for the betrayed spouse can facilitate movement through the stages of grief from denial to searching, to anger, and on to acceptance that the marriage is over. Without such support, some spouses remain in protracted grief reactions, often stuck in an angry, post-divorce reaction for many years. On the other hand, therapy can also enable a straying spouse to end the affair. In initial diagnostic sessions, if the therapist can renew both spouses' recollections of earlier good times in the marriage and can inspire a positive vision of the future, the betraying spouse's attachment to the new love may loosen. In these instances, therapist coaching on how to say a clear goodbye to the third party can prove helpful. Relative to these cases, I believe that it is important for therapists to adhere to one clear rule: No couples treatment beyond initial diagnostic sessions if a betraying spouse chooses to continue the affair. Couples treatment while a third party remains in the picture is almost always unproductive and inappropriate, while individual work with each spouse can sometimes bring the betraying spouse to terminate the affair

and at the same time strengthen the betrayed spouse's resilience. Couples treatment can then follow.

A fifth client factor associated with therapeutic outcomes is, not surprisingly, the absence or presence of psychopathology. Mental illnesses such as depression; anxiety; addictive habits; abusive anger; or paranoid, narcissistic, borderline, or bipolar disorders can torpedo a marriage. These conditions can cause and/or result from marital dysfunction. Effective treatment of the pathology may enable these marriages to become viable again. It is important to note whether a symptomatic spouse has been in individual therapy. Multiple research studies have found that when married people are treated individually, even if treatment resolves the presenting problem, the treatment has high odds of breaking up the marriage (Heitler, 1990, 2001). Consequently, if possible, both marriage partners should be included in the assessment and treatment phases of therapy (Heitler, 2001).

As a note of caution, when individual therapy has played a role in a marriage's demise and the couple then is referred for pre-divorce counseling, it is particularly vital to have both spouses temporarily discontinue treatment with their individual therapists. Otherwise, the individual therapists are likely to continue to exert influence in the direction of separation, inadvertently undermining the couple's possibilities for reunification. Obtaining a release of information and talking directly with the client's individual therapist generally smoothes this transition. I have had at least one pre-divorce referral, however, in which the therapist insisted that his individual work with the husband continue. In this case, discussing the situation openly with the client can assist the client in making an informed choice about therapy options.

Therapists

The following attributes seem to differentiate the therapists in my office suite who have succeeded with divorce lawyer referrals from those who either have not wanted the referrals or have not experienced success with them. Above all, a therapist for almost-divorced couples needs solid understanding of the skills with which healthy couples communicate collaboratively and deal cooperatively with their differences. Therapists who are clear about healthy dialogue and shared decision-making (Heitler, 1994, 1997; Heitler & Hirsch, 2003) and who possess a solid repertoire of techniques for teaching these skills (Heitler, 1990, 1992, 1995, 1998, 2001) are in a strong position to be able to make cooperative partnerships happen. Leading marriage skills workshops as a marriage educator is a good way for a therapist to strengthen these communication and conflict resolution skill sets. Marriage educators do not need therapist licensure, so this aspect of self-training can begin prior to completion of marriage therapy training.

Second, it is very helpful if the therapist has a great deal of experience. Divorcing couples generally have already tried couple treatment multiple times during their marriage and found it unhelpful. To make one last try at getting help, they and their referring lawyer are likely to want a therapist with a strong track record of marriage therapy successes. They are likely to want a therapist who radiates confidence that marriages can be fixed and competence in the skills to fix them. Newer therapists can still be successful, they just need to be sure to avail themselves of strong marriage education and couple treatment training, both to bolster their self-confidence and to be sure they have the requisite skill sets. In addition, it can help if they are by nature self-confident and optimistic. Personal experience in marriage can offer an additional confidence boost. Therapists who routinely use collaborative dialogue skills in their own relationships are likely to be able to guide and coach these skills with confidence in therapy sessions.

Third, clinicians should be comfortable maintaining a high level of activity and directiveness with clients. Therapists who work with divorcing couples need a highly active treatment approach in order to interrupt and modify the interactional patterns that undermined the marriage. Active therapists interrupt client dialogue to prompt good communication skills and intervene immediately to block even slight deviations from healthy communication. In addition, comfort with taking authority roles is vital. I used to teach junior high school, which taught me to take charge. Having developed a strictness persona for managing a classroom of feisty preteens, I find taming unruly couples fairly easy.

Fourth, therapists should have strong, favorable beliefs about marriage but also understand the associated limitations to some couple relationships. While some individuals do seem to prefer living on their own, research over the past several decades has confirmed that most people are happier and healthier if they live within the framework of a marital relationship (Medved, 1989; Waite & Gallagher, 2000). Of course, it is not appropriate or healthy for every couple to avoid divorce, because marital problems can lead to any number of psychosocial difficulties. Medved (1989) provides an excellent decision tree for understanding the appropriateness of divorce. Certainly, further pain, and even harm, can be experienced in situations when a spouse stays in a clearly destructive or incurably high-conflict relationship.

IMPLEMENTING THIS PRACTICE STRATEGY

Consistent with my approach, there are four main phases involved in building a referral base of divorce lawyers. Each phase is presented here along with specific steps and suggestions for therapists. In many ways, these same steps could be used when developing relationships with other potential referring professionals.

Initial Preparations

1. Solidify your skills in the areas of couple communication, conflict resolution, healing after affairs, and treating high-conflict couples. In terms of specialized training or a theoretical structure to guided treatment, I rely on the conflict resolution therapy model that I have set forth in a number of resources (Heitler, 1990, 1992, 1995). The skills necessary to work with this population can be gleaned from books, workbooks, articles, audiotapes, and videos (Heitler, 1990, 1992, 1995, 1997, 1998, 2001; Heitler & Hirsch, 2003); and from graduate school courses, continuing education workshops, Internet seminars, and clinical supervision. An excellent way for a therapist to solidify skills for handling pre-divorce referrals is to teach a marriage education program such as "Power of Two" marriage skills workshops (see <http://www.PowerofTwo.org>). In our clinical practice, my senior associates and I require new therapists to teach "Power of Two" workshops before we send married couples to them for treatment. The teaching significantly sharpens their quickness at recognizing departures from healthy interactions and enhances their effectiveness in coaching skill improvements.
2. Contact your local bar association or check the Internet or phone book for names, addresses, and e-mail addresses of attorneys who do family law or mediation. Find names of successful divorce lawyers in your community by asking friends who have been divorced. Ask these friends if you can use their names in contacting the lawyer(s).
3. Print business cards with your contact information for the lawyers to give to prospective referrals. If you have a Web site, feature the address in large letters.
4. Draft a letter introducing yourself and explaining the services you offer. State in your first paragraph why you are writing. Add supporting information in a subsequent brief paragraph or two. Conclude by saying you will follow up with a phone call to answer questions and to discuss scheduling a brief meeting (see Figure 9.1). Mail just a few letters per week, pacing the number you send out to the time you will have available for follow-up phone contacts and meetings. Sending the letters by e-mail may be easier; however, e-mailed letters run the risk of looking like spam. Posting a traditional letter on quality letterhead may create a stronger first impression.
5. Put together a handout packet that includes your business cards, a brochure regarding your clinical services, a list of the kind of cases that they can refer, and other educational or marketing materials (e.g., magnet or sticker with contact information, gifts). Gift ideas may include a book or CD that clarifies for the lawyer the kinds of marriage skills and treatment you are offering. Lawyers generally see themselves as professionals who help their clients to resolve their conflicts. Consequently, a book or audio on conflict resolution conveys that you speak the same language.

Dear (divorce/family law attorney),

I am a psychologist specializing in counseling people who are struggling with the process of divorce. Are you interested in considering referring clients for this kind of professional help?

Clients can benefit from psychotherapy consultation if they are ambivalent about moving forward with the divorce process. When both spouses still have lingering hopes that the marriage can be saved, one last attempt of couple therapy can accomplish their dreams. Couple treatment sessions can be beneficial also for couples in which one partner wants the divorce and the other still wants to save the marriage. In these cases, the treatment sessions can enable the spouses to arrive at a shared plan of action.

Clients who are harboring intense anger or who are suffering strong grief or hurt can benefit significantly from divorce therapy as well. Therapy can ease these intense feelings, enabling the spouses to proceed with calmer forward movement. Treatment in these cases may enable the divorce process to become less contentious, which is particularly important when the couple has children they will need to co-parent.

I do hope that referring the kinds of clients I have described above for therapy help appeals to you. Spouses, unfortunately, tend to handle divorce in the same manner in which they handled their marriage. If their marriage proved unworkable, they are likely to benefit from emotional guidance that helps them to handle their divorce in a different and more positive manner.

I will phone your office in the next several weeks to touch base with you and to answer any questions you might have about my work. In addition, if you would like me to visit you briefly at your office to discuss how therapy referrals can help you to best serve the psychological needs of your clients I would be delighted to arrange a time that works for both of us. Please feel free to give out the enclosed cards and/or if you would like, to phone or e-mail me about clients you would like to refer.

Figure 9.1. Sample letter to attorney.

6. Draft a one-paragraph explanation of your therapy method so that when you meet with lawyers you can explain your treatment methodology. Lawyers tend to be busy, so the explanation needs to be short.

The Marketing Meeting

1. In the follow-up phone call, introduce yourself in one sentence, corroborate that the lawyer practices domestic (divorce) law, mention the letter you sent recently, and then talk briefly about the work you do. Ask if he might be willing to schedule a brief time for you to visit his office to introduce yourself in person and discuss how your services might help his work and his clients. If he says yes, be flexible around his schedule but be aware that setting up a mutually agreeable time to meet can showcase your skill in win-win decision-making. If the request for a follow-up meeting is declined, thank the lawyer for taking your phone call. Close graciously with an offer to accept referrals of clients who seem ambivalent or distressed about their divorce. Another option is to skip the initial letter and phone call and instead to drop by each lawyer's office to introduce yourself.
2. At the in-person meeting, explain your purpose at the outset, bearing in mind that sales is about helping the people to whom you are selling obtain something they want (Johnson & Wilson, 2002). For example, "I am a therapist specializing in work with divorcing clients, and I'm here to discuss whether my skills could be helpful to you."
3. Ask what he currently does when he works with the following types of clients: (a) clients who seem ambivalent about obtaining a divorce, (b) clients who seem particularly emotionally distressed about the divorce, or (c) clients who appear extremely angry and headed for a needlessly long and contentious divorce process. A reminder of these types of difficult legal clients may help encourage him to refer these to you to help work out the emotional issues that complicate the legal proceedings.
4. Depending on the interest of the lawyer, it may also be helpful to be prepared to discuss the different emotional/logistical aspects involved in the divorce process. This can be done using a pie chart or other visual display that includes the following key components to divorce: (a) emotional disengagement, dissolution of the attachment bond, evidenced by loss of loving emotions; (b) transition to singles mentality, preference for aloneness over marital partnership; (c) sexual disengagement, cessation of sexual relations; (d) bereavement, grieving the loss of the marriage; (e) housing, separation of domiciles so the spouses live separately; (f) separation of belongings, division of furniture and other belongings; (g) estate division, separation of financial assets; (h) children, division of parenting responsibilities; (i) social disengagement, deciding which friends and family will stay connected with whom; and (j) legal, creation and signing of a written agreement that finalizes the termination of the marriage relationship and acceptance of this document by the court.

5. The divorce process chart can help lawyers to clarify which arenas clients can handle on their own, which will need the attorney's involvement (finances and children), and which might benefit from a therapy referral (e.g., emotional disengagement or reconnection, grieving the loss of the marriage, separate parenting issues). You may want to note on the chart that you give your permission for the lawyer to copy it to give to clients. If your contact information is on the chart, this handout makes it easy for clients to reach you to arrange for treatment.
6. If the lawyer is interested, offer a brief explanation of your treatment methods.
7. Give gifts as you leave (e.g., copies of your business cards, a handout packet, and/or a gift copy of a book or CD that resonates with your views of marriage or therapy). By accepting these tokens, the lawyer takes one more step toward building an ongoing relationship with you.
8. Thank the lawyer warmly for taking time to meet with you.

Meeting the Clients

1. Schedule the first session as a double session (1.5–2 hours) to ensure time to obtain a full diagnostic picture and to launch initial interventions. Arrange for both spouses to come to the first session. Start the session with both together, but set aside some time within the session to talk alone with each spouse, particularly if you sense the possibility of violence or infidelity. Conclude with both together.
2. Before meeting alone with each spouse, explain your confidentiality policies with regard to information discussed in individual versus couple treatment times.
3. Ask what each spouse wants to accomplish in treatment. These agendas may differ. For instance, one spouse may want to see if there is any possibility of saving the marriage, while the other may simply want therapy to help his/her partner to accept that the marriage is over.
4. Conclude by summarizing the agenda for treatment in a manner that includes both spouses' goals. For instance, "Looks like the goals of this treatment will be to make a final attempt to save the marriage, and if it becomes clear that the marriage is in fact over, to be sure both of you have reached closure."
5. Obtain a history of the marital difficulties, looking to identify (a) the situational stressors that overloaded the relationship and (b) the reciprocal interactions that led to the relationship's demise. As they recall this history, have the spouses talk with each other rather than to you.
6. Note any departures from effective communication skills. These glitches usually have played a key role in a couple's marital disintegration. Identifying and remedying the communication patterns generally stimulates marital healing.

7. Ask the spouses to recall earlier, more positive phases in their relationship in order to help them see their difficulties in the context of what was a positive relationship. Have them share these recollections with each other rather than tell them to you.
8. Clarify how therapy would proceed if they decide to move forward with treatment.
9. Begin subsequent sessions by asking what each spouse would like to focus on in that session so that treatment is consistently responsive to the immediate troubling issues.

After the First Session

1. Send a thank you note to the referring lawyer. For confidentiality reasons, refrain from writing any details of the case other than the name of the person they referred.
2. The lawyer may want to discuss the case with you. Include a form in your intake packet in order to obtain client permissions to speak with the referring lawyer. Even if permission to release information has been given in writing, use discretion, revealing only data that is essential for the lawyer to know. You may need to explain to the attorney that confidentiality ethics for therapists require that you refrain from excessive disclosure. Lawyers tend to be freer with information exchange than is appropriate for therapists.

TREATMENT OUTCOMES

I would estimate that between a one-half and two-thirds of my lawyer-referred clients end treatment with saved and well-functioning marriages. My primary referring lawyer came up independently with a similar estimate: "well over half." The remaining couples generally conclude treatment with clear gains such as: (a) a reduced ambivalence about the divorce, (b) the potential for a more cooperative divorce, (c) a more clarified understanding of how the once-hopeful marriage turned to disaffection, (d) lower levels of blame and anger, (e) a deeper understanding of the role that the family-of-origin experiences of both spouses played in how they handled the role of marriage partner, and (f) the communication and conflict resolution skills that improve both spouses' odds of success in subsequent relationships.

A small number of my lawyer-referred couples—less than a handful in over 10 years of this work—have left treatment with their anger at each other unabated and without significant personal growth. Within this small number of cases have been several individuals who chronically blame others for their distress. In two of these cases, I have been served

with grievances for being the cause of the divorce, but these grievances have been dismissed. Nevertheless, a therapist who works with divorcing couples needs to expect that a small percentage will turn out to be litigious. Screening carefully by asking in your initial intake materials if either spouse has ever been involved in or filed a lawsuit offers some precautionary protection. Asking referring lawyers to refrain from referring such individuals can also reduce the therapist's risk.

REFERRAL SOURCE FEEDBACK

I asked the referring lawyer if he would be willing to answer several questions for this book chapter to provide you with his perspective as well. He was happy to comply and answered as follows (these are direct quotes, excerpts from a lengthy conversation).

1. How do you decide whom to refer for psychological services?

Twenty years ago divorce lawyers were supposed to encourage people to stay together if at all possible. I still ask if they still love their spouse. If they say yes, I send them for therapy.

I send them when a person isn't emotionally ready to get divorced, and is open to getting help. Some people need to explore a last chance at saving the marriage. Like that guy from E. County. He was so scared of divorce, and so depressed about it, but he needed a reality check. You could see it was an impossible marriage, and you worked with him. You started out seeing if there was something to salvage. You're very good at giving people a reality check so they can accept it's time to get divorced.

Sometimes people get frozen and can't go forward with the divorce. Like L, she wanted so much for her husband to love her.

When a marriage is broken from infidelity, the trust is broken. Sometimes it can be rebuilt and sometimes it can't. I'm thinking of L and R. I sent them to you in hopes the marriage could be rebuilt. They're still together.

I really look if there's something to save. If there is, I send them to you to save it. Or if there isn't something left to save, for you to be brutally honest with them. Then I want you to help them face what's to come and help them work collaboratively together to get it done.

I have occasionally sent people who are having difficulty communicating after the divorce. You help people communicate about their children. You help them talk and communicate about their children so they're not blaming each other. I've sent you a dozen of those at least and you've been very good at those.

If I know the person personally who's in a divorce, then I especially send them.

2. What do you look for in a therapist?

I look at the results. I'm really proud of how many marriages we've saved. We've saved a lot of marriages. We saved seven marriages in one year. I'd say of the ones I send, a larger percentage you save their marriage than that don't [sic]. I tell my clients that I refer to you because if anyone can save the marriage, you can.

I think you have a better approach because you don't waste time. You make them communicate with each other. You roll around in your chair [I do therapy in a chair with rollers so I can move in close when the patients need help, and pull back as they can talk together with less support] and get in their face [I think he's referring to how I roll in close to a spouse I want to work briefly with one on one] and get them to start doing things different. I sent one case, and a few days later I saw him in the gym reading your book [on marriage communication and conflict-resolution skills].

3. What about you, or about your ideas about law, do you think has led you to refer so many clients for therapy?

I'm careful not to try to become their therapist. In court this morning a lawyer was meeting with the children. I try to know my limits and keep boundaries. I'm not psychologically trained. Lawyers need to know their boundaries. Psychological issues need to go to a therapist; we take care of their legal issues. And the nice thing about having a therapist I trust is I can say "This is a psychological issue. You need to talk about it with your therapist."

4. What else might you add for the benefit of therapists who may be approaching lawyers for referrals?

I just hope you'll stay in business for a while, at least for the 8 years until I retire. If a marriage maybe can be saved, I send them to you. If it can't be saved, you'll be honest with them. And if it can, you'll work your butt off to save the marriage. That's what therapists should do.

BILLING AND PAYMENT LOGISTICS

Two practical billing policies, appropriate for any private practice, make a particular difference with potentially divorcing couples. First, collect payment at the end of each session. Do not allow an accumulation of balances which then could be left unpaid by a spouse who is angry or out of money from a divorce. Second, make the necessary arrangements to be able to accept credit cards. Most clients prefer payment by credit card to cash or checks. In addition, credit cards insure that you will have no problem with bad checks.

The most important billing issue is for the therapist to feel comfortable expecting to be paid full fees. I generally do not take insurance because the payments are lower than my standard fees. I have found that

divorcing spouses, accustomed to paying as much as \$250 or more per hour to their lawyer, seldom resist paying my full fee for therapy, which is only slightly less than what lawyers charge. In addition, most divorcing spouses are painfully aware that court battles consume major funds. Moreover, divorce will reduce the remainder of their net worth by half. From this perspective, therapy payments feel like a good financial as well as emotional investment. I rarely have had to explain these realities to clients, but if they were to resist the cost of treatment, I would remind them of the high costs of the alternatives.

ETHICAL CONSIDERATIONS

Three ethical considerations commonly arise in therapeutic work with divorcing couples: competency issues, managing confidentiality, and boundaries issues, particularly with respect to integrating individual and couples treatment modalities. A marriage therapist must have competency in the skills described above, but in my experience of leading marriage therapy workshops around the country, I have found that very few practicing therapists receive adequate training in these skill areas. Psychology and psychiatry programs seldom offer adequate couples therapy training, and while marriage and family therapy programs for social workers and other masters' level therapists generally offer more couples treatment training, most of these programs still underemphasize training in communication and conflict-resolution skills. This situation puts the onus on virtually all practicing therapists to find and utilize training options beyond what they have had access to in graduate school.

Regarding confidentiality, a therapist must establish a clear policy on secrets and explain this policy to both spouses at the outset of treatment (Heitler, 2001). Many therapists set a policy of no secrets, explaining that anything said to the therapist by either spouse, even in private, will be considered information that the therapist can share with the other spouse. My policy, on the other hand, is that anything said to me during individual treatment is protected by confidentiality. I am not at liberty to disclose this information to anyone, including the other spouse, without explicit consent. This policy enables treatment to address "elephant-in-the-room" situations such as affairs that the spouses are afraid to mention in front of their partner. Without a confidentiality arrangement that enables vital issues to be addressed privately in individual treatment, the treatment is unlikely to succeed.

Therapists may also experience ethical challenges regarding professional boundaries and conflicts of interest. Mental health professionals trained only in individual therapy methods tend to regard treatment of both spouses by one therapist as a violation of each spouse's boundaries and a conflict of interest for the therapist. However, from a family therapy perspective, treatment of one spouse without inclusion of the other in diagnosis and treatment is irresponsible and likely to lead to negative outcomes.

My experience has repeatedly validated the family therapy perspective. Both spouses need to be part of the initial evaluation and, when the problem is a couple problem, both spouses generally need to participate in most of the sessions together. On the other hand, when treatment gets stuck or when one spouse is symptomatic (depressed, excessively angry, etc.), adding individual treatment for one or multiple sessions can break impasses, heal individual pathology, and facilitate individual growth. Additional guidelines on the use of couple and individual sessions with this population can be found in the literature (e.g., Heitler, 2001).

In addition to clarifying who is the client (one spouse, the other, both, and/or also the marriage), the role of the therapist needs to be explicit and without conflicts. This role clarification generally means that the therapist, for instance, can either conduct therapy or perform a custody evaluation. The roles of therapist and evaluator are particularly inappropriate to combine.

HOW HAVE LAWYER REFERRALS CHANGED MY PRACTICE?

As I indicated earlier in this chapter, the vast majority of my lawyer referrals have come from just one lawyer. Other lawyers sometimes refer, but one lawyer can send enough cases that, along with referrals from other sources, my practice generally runs full. So while I have made no further attempts to network with lawyers, I take comfort in the knowledge that so many potential referring professionals are out there. That thought reassures me that my private practice is likely to be permanently financially secure. Furthermore, when my colleagues and I take new therapists into our group, we know that our new colleagues, as they become experienced with couples treatment, will also be able to access strong referral streams.

In addition, the referrals of all-but-divorced couples have provided a testing ground for my writing. I do not have access to university clinical research facilities, but I write on theory and techniques of marriage communication and therapy and do need ways to test the validity of what I write. The lawyer referrals give me case after case for testing my hypotheses. Divorcing couples come to treatment dramatizing all that my theories say couples should not do. In response to the therapy methods that I describe in my writing, audiotapes, and videos, most of the couples succeed in building the kind of loving marriage they had hoped for when they said "I do." These transformations have provided gratifying validation of the theories I present in my publications. At the same time, the ultimate gratification for me is to see antagonistic spouses convert their marriage into a strong and loving partnership.

There is one further outcome that I would enjoy from this practice strategy. I would be delighted to mentor other therapists as they launch into this arena. I welcome e-mails from readers who give me feedback

on how the strategy works for them, who fill me in on their experiences, or who want to ask brief questions, particularly about my therapy theory and methods. I love hearing from readers, and I do not charge for brief questions. To access regularly updated contact information for reaching me, as well as free downloadable articles on related issues and information about my books, audiotapes, workshops, and seminars, please visit my Web site at <http://www.TherapyHelp.com>.

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