

Slides	Presentation outline
<div data-bbox="500 268 799 699" data-label="Image"> </div> <div data-bbox="212 703 773 997" data-label="Section-Header"> <p>The Custody Lawyer/Mediator/Evaluator as Storyteller: Shaping Narratives to Help Decisionmakers Craft Individualized Parenting Plans</p> </div> <div data-bbox="277 1045 711 1199" data-label="Text"> <p>Leslie Ellen Shear, J.D. (custodymatters@earthlink.net) Diane M. Goodman, J.D. (diane@goodmanmetz.com)</p> </div>	<div data-bbox="824 241 1437 275" data-label="Text"> <p>Introduce ourselves</p> </div> <div data-bbox="824 317 1437 510" data-label="Text"> <p>1st AFCC National in 1982 SF County with 47 family law courtrooms/judges State which is the biggest court system. (interrupting each other)</p> </div> <div data-bbox="824 552 1437 585" data-label="Text"> <p>What's in your handout?</p> </div> <div data-bbox="824 632 1437 665" data-label="Text"> <p>Materials to download.</p> </div> <div data-bbox="824 711 1437 745" data-label="Text"> <p>Tell 'em what you're gonna tell 'em</p> </div> <div data-bbox="824 791 1437 905" data-label="Text"> <p>Lots of disciplines looking at narrative – Linguistics, neuroscience, persuasion, law, divorce research.</p> </div> <div data-bbox="824 909 1437 1619" data-label="List-Group"> <ol style="list-style-type: none"> 1. Narratives and BIC 2. Role of the narrative of the divorce in uncoupling. 3. Role of the story of coparenting for coparenting. 4. What story needs telling – build it around the PPP 5. Interviewing and Eliciting Stories 6. Narrative mediation – the power of stories 7. Stories and decisionmaking 8. Stories and motivating judges to act 9. SUCCESS & the Curse of Knowledge: what sticks, and what motivates action. the power of narrative in our custody work – using the SUCCESS (simple, unexpected, concrete, credible, emotional, stories, stick) method. </div>

<p>“War stories is the phrase used by academic lawyers to disparage the ways practicing lawyers talk about their experiences. Still, much of what matters about law eludes most academic writings. Perhaps, as a consequence, legal scholarship is awash in new methodologies designed to illuminate how law shapes and is shaped by its enforcers, interpreters, and those it regulates.</p> <p>“The approach that particularly interests us in these new inquiries is best described as participant-narrative. Celebrating storytelling, books by lawyers and law review articles for more than a decade have featured autobiographical accounts by lawyers, law professors, and law students; tales of fiction, fantasy, or allegory; retelling of strategies and tactics in famous cases; and reflections on the role of storytelling in conventional law practice. But despite this flowering of such narratives, stories of the actual experiences of clients and lawyers in concrete legal contexts remain few and far between. ...[W]e believe that only such stories can convey how law is used and experienced by people enmeshed in its workings ...”</p> <p style="text-align: right;">Gary Bellow and Martha Minow, <i>Law Stories</i> (University of Michigan Press, 1996)</p>	<p>We’ve been eavesdropping all week – in the lobby, in the meeting rooms, in the restaurants, and wherever you’ve been we’ve been listening.</p> <p>And whenever we listened, you were telling stories ...</p> <p>We’ve been watching all week. Whenever we saw faces lit up, and genuine interest in what was being said – one of you was telling a story ...</p> <p>Some years ago I was invited to speak at a conference for lawyers. I got a handout for prospective speakers, with the “standards” expected for the speakers. To my dismay, it instructed presenters to avoid “war stories.”</p> <p>But stories are the most powerful tool for learning that humans have. And stories are what humans remember.</p> <p>Anglo-American legal system based upon stories – caselaw/precedent. What can we learn from this case and apply to the next?</p>
<p>“Telling stories and listening to stories are the activities that most distinguish our species ... Storytelling is in the genes. It follows, therefore, that the most effective structure for any argument will always be story.”</p> <p>Gerry Spence, <i>How to Argue and Win Every Time</i> (St. Martin’s Griffin, 1996)]</p>	<p>Our brains are built to understand narrative. Where there is no narrative, we impose one. Where information is unconnected, we project schemas and patterns. Many students of the brain believe that the pattern of narrative is intrinsic in the brain’s capacity for language. We are all storytellers. We all learn best through listening to stories.</p>

<p>“It’s not what you say, it’s what people hear.”</p> <p>Frank Lutz, <i>Words That Work: It’s Not What You Say, It’s What People Hear</i> (Hyperion Books, 2007)</p>	<p>Whether we work as lawyers, mediators, child custody evaluators, consultants, parent educators or judges – our job is to hear stories, tell stories, and use stories to understand a particular child, and figure out what parenting plan will serve that child best.</p> <p>The best way to understand is to listen to stories.</p> <p>The best way to be heard and remembered, is to tell a story.</p> <p>The best way to help people get heard and understood is to teach them to tell stories.</p> <p>The best way to help parents in conflict move on, is to help them reframe their stories.</p>
<p>My Story: The best interests of THE child.</p>	<p>The genius of the best interests standard is that it calls for individualized determinations. To fulfill that promise, we need to tell each child’s individual story.</p> <p>Our audiences are each decisionmakers: the parents, child custody evaluators, lawyers, advisers and judges who must craft a parenting plan for Aiden and Madison.</p> <p>As custody professionals, we must listen to the stories of parents, children, and others who know the family, and we must tell stories to the decisionmakers.</p>

<p>“The account is of major psychological importance to the separated, not only because it settles the issue of who was responsible for what, but also because it imposes on the confused marital events that preceded the separation a plot structure... and so organizes the events into a conceptually manageable unity.”</p> <p>Robert S. Weiss, <i>Marital Separation</i> (Basic Books, 1975)</p>	<p>When I first began working with divorcing people, I found myself reading the studies of the psychological process of “uncoupling.” There was lots of talk in the late 70’s and early 80’s of the “psychological divorce.” That’s when I first learned about the importance of the “account” of the divorce in the uncoupling process.</p> <ul style="list-style-type: none"> • Resolve ambivalence and paralysis • Protect against narcissistic injury • Separating “me” from “us”
<p>“...[T]he extremely negative views parents have of one another are exaggerated and emanate from one spouse's humiliation at the rejection inherent in the divorce itself. The couple's enmeshment derives from their inability to separate and realistically grieve the loss of the marriage relationship. Traumatic separations, by which a divorcing partner's sense of trust and shared reality has been precipitously betrayed and shattered, have resulted in negatively revised views of one another that are often unwittingly confirmed by others within their split social world of new partners, kin and even professionals. [FN] Unable to settle their disputes with one another, these vulnerable people are then forced to enter the traditional legal system, which greatly increases their anxiety and defensiveness, and further undermines their parental competence. In the spirit of an adversarial culture, divorcing couples seek vindication through litigation by polarizing their respective positions and blaming the other parent.”</p> <p>Janet R. Johnston, <i>Building Multidisciplinary Professional Partnerships with the Court on Behalf of High-Conflict Divorcing Families and Their Children: Who Needs What Kind of Help?</i></p>	<p>Read quote.</p> <p>Matt and Patti story ...</p> <p>Thus there is a stark contrast in the periods book-ending separation between where the uncoupling partners are in the divorce process and the demands of co-parenting.</p> <p>In order to mitigate the damage and distortion of the uncoupling process, we need to pay close attention to the narratives, and to the impact of narratives.</p> <p>Leslie & I are family lawyers – here’s how Janet Johnston describes what family lawyers sometimes do at this stage of a case –</p> <p>“Needing to show evidence of neglect, abuse, physical violence, or emotional or mental incompetence to win their client’s case, attorneys compose documents that are a public record of charges and countercharges, citing the unhappy incidents and separation engendered desperate behaviors of the emotionally vulnerable, often out of context. The consequent public shame, guilt, and fury at being so misrepresented motivates the other party’s compelling need to set the record straight in costly litigation.”</p> <p>Johnston & Roseby</p> <p>Looking at Matt and Patty, this method takes what was a good coparenting relationship and turns it on it’s head -- which is harder to recover from.</p>

	<p>Tensions for the professionals: 1. For Lawyers: Duty of zealous advocacy? Vs. need to protect people who are at risk and being aware of the distortion of the uncoupling process. Knowledge of separation process.</p> <p>2. For evaluators: Evaluations that parents can accept and use as basis for settlement reports minimizing the risks to kids and having decisionmakers make choices resulting from lack of understanding of the hard truths. Alternately, tell the hard truths bluntly, leads parents into seeking vindication, and makes it hard to settle.</p>
<p>“When people have truly uncoupled – established a life confirming their independent identity – they will again be free to see both the positive and negative qualities of the former partner and the relationship. Negative definitions are essential to transition, but they are often temporary. When people achieve a valid self identity, they no longer have to work at dissociating by focusing on negative attributes and displaying discontent. They are then able to reconstruct the history of the relationship to again include the good memories of time shared.</p> <p style="text-align: center;">Diane Vaughn, <i>Uncoupling: Turning Points in Intimate Relationships</i> (Oxford University Press, 1986)</p> <p>“I've been married three times— and each time I married the right person.” Margaret Mead</p>	<p>From the “account” of the relationship at separation (“He done me wrong” songs.) to the new narrative of co-parenthood.</p> <ul style="list-style-type: none"> • The separation narrative resolves ambivalence thru polarization. • Vulnerability, parental identity, and narratives of control and capitulation • Feeling heard – one’s day in court. • Shame and humiliation, parental identify, high-conflict litigation, compromise and capitulation. • John Gottman: love maps, shared success narratives, effective complaints and complaint resolution. • Teaching coparenting communication – ex-etiquette

<p>Legal Custody Information Exchange Communication & Civility Decisionmaking Authority</p> <p>Physical Custody Residential schedule Holidays, vacations and special days Exchanges/logistics Parent-child contact (internet, phone, etc.) Transportation</p> <p>Other Supportive services Review Sunset provisions</p>	<p>What story needs telling? (the facts for the parenting plan) What are we asking each decisionmakers to do?</p> <p>Bryan Garner & Justice Antonin Scalia's new book "Making Your Case ..." stress how critical it is to describe exactly what orders you want the court to make. Leslie's "Family Portraits" article on your CD encourages evaluators to organize the assessment and the report around the components of a parenting plan. The same is equally true in mediation, negotiation and litigation.</p> <p>What facts do everyone involved in the divorce process need to know to make these practical decisions?</p> <p>Legal Custody Information Exchange Communication & Civility Decisionmaking Authority</p> <p>Physical Custody Residential schedule Holidays, vacations and special days Exchanges/logistics Parent-child contact (internet, phone, etc.) Transportation</p> <p>Other Supportive services Review Sunset provisions</p> <ul style="list-style-type: none"> • Organize the facts and analysis around the components of a parenting plan. • Unique family v. fact patterns • The particular matters more than the general. (Hetherington & Ahrons each found in their longitudinal studies – same plan had different results for different children – even in the same family) <p>What do you need to know to make these practical decisions?</p>
<p>Parents' Stories Built Around Kids' Needs:</p> <ul style="list-style-type: none"> • Safety & Sustenance • Empathic Attunement 	<p>No generic children Children's Stories</p> <ul style="list-style-type: none"> • Age and Developmental status • Temperament

<ul style="list-style-type: none"> • Realistic Expectations • Emotional Intelligence/Social Skills • Moral Intelligence • Intellectual Development • Nurturing • Developing autonomy. Independence & mastery • Availability • Working with Other Parent • Working with others in the child's life 	<ul style="list-style-type: none"> • Abilities • Interests • Important People • Activities • Challenges
<p>“In deciding custody arrangements for a well-functioning 9-year-old boy with two loved and adequate parents who provide overlapping and unique contributions to the child's development, the decision maker may weigh the need for continuity in the child's relationship with both parents quite heavily and therefore consider a variety of shared parent arrangements. In contrast, with an angry and depressed 9-year-old boy with one adequate parent and one emotionally abusive parent, the decision maker will be more likely to weigh the child's need for relief from the corrosive effects of that abusive parent and recommend a parenting plan that limits the child's contact with that parent.”</p> <p>Joan B. Kelly</p>	<p>Parents' Stories Built Around Ability to Meet Kids' Needs:</p> <ul style="list-style-type: none"> • Safety & Sustenance • Empathic Attunement • Realistic Expectations • Emotional Intelligence/Social Skills • Moral Intelligence • Intellectual Development • Nurturing • Developing autonomy. Independence & mastery • Availability • Working with Other Parent • Working with others in the child's life
<p>“The Hmong have a phrase, hais cuaj txub kaum txub, which means ‘to speak of all kinds of things.’ It is often used at the beginning of an oral narrative as a way of reminding the listeners that the world is full of things that may not seem to be connected but actually, are; that no event occurs in isolation; that you can miss a lot by sticking to the point; and that the storyteller is likely to be rather longwinded.”</p> <p>Anne Fadiman, <i>The Spirit Catches You and You Fall Down: A Hmong Child, Her American</i></p>	<p>The first time I gave a version of this talk, I began with this quote.</p> <p>Interviewing = Listening to Stories</p> <ul style="list-style-type: none"> • Need to feel heard (Judge Jeri Borack story) • Inverted pyramid interviewing (even for kids & collaterals) - David Binder & Susan Price interdisciplinary collaboration • What does the interviewee think matters? Why? • Follow tangents • Request examples

<p><i>Doctors, and the Collision of Two Cultures</i> (Farrar, Straus and Giroux, 1997)</p>	<ul style="list-style-type: none"> • Open-ended questions • Risks of checklists and questionnaires (DV checklists, for example.). • Take your time. • Mirror back responses • What did you learn, what did you change, how did that work out? • What was it like for Aiden? For Madison?
<p>Narrative mediation: decoupling the problem from the people ...</p>	<p>Winslade and Monk, in "Narrative Mediation"</p> <p>Telling and listening to stories is one of the core elements of mediation – using the tools of I-messages and mirroring. The emotional power of being heard frees people to see multiple perspectives, and move on to information-gathering and brainstorming.</p> <p>When one is heard, problems no longer seem insoluble.</p> <p>Narrative mediation takes a cue from the narrative therapy movement, and teaches the parties how to make the decision an "it" – decoupling it from the personalities, and identities of the people.</p> <p>Narrative Mediation has the parties tell stories about their past to co-author a joint new story about their future.</p> <p>Talk about the problem as an "it" or give it a name "the affair".</p> <p>Externalizing helps people separate the person from the problem, and do problem-solving that isn't weighed down by blame and shame.</p> <p>The parties tell their stories from their respective perspectives but talk about the problem as the "it" instead of the other person as the problem.</p> <p>The mediator asks questions to explore the effects of the problem on the lives of</p>

the parties:

Talk about a time when distrust had an impact on your co-parenting ...

Use "the argument" as a noun in your questions: What did "the argument" lead you to do the next time Suzie's dad asked for a schedule change?

Use further questions to develop an alternative story:

Tell me about some decisions that the two of you have made together successfully?

What did you do that helped that work? What did she do that helped that work? How did that compare to what you each did that lead up to "the argument"?

Did either of you look at Suzie's face during the argument? How was she feeling?

What would your friends and family say if they saw you being more cooperative?

1. Show curiosity but don't cross exam
2. Look for unique outcomes
3. Focus on developing a story of cooperation and understanding
4. Creating exceptions to the conflict story readies the parties to reach possible settlements of substantive issues

<p>“...[E]very decision maker’s story begins before all the facts are in the record, and usually long before. (This is even more true of judges and mediators due to their early exposure to written references to the case story, and greater experience with the process.) The story each decision maker constructs controls the sorting of facts by significance within that story; it determines how much each fact will be emphasized, and even which facts have more perceived use within the story constructed.</p> <p style="text-align: center;">Eric Oliver, <i>Facts Can’t Speak for Themselves: Reveal the stories that give facts their meaning</i> (NITA, 2005)</p>	<p style="text-align: center;">Judge Judy’s courtroom day began at 8:30 and she finally recessed at 4:30. She looked at her calendar for the next day, and packed up 15 court files to review for the next morning, and several volumes of pleadings for the afternoon’s custody hearing. After she has dinner, and spends time with her family, she must get ready for tomorrow’s cases.</p> <p style="text-align: center;">After she reads through the hundreds of pages she brought home, what will she remember about the custody case?</p> <p>Read slide</p>
<p>SUCCESS Simple Unexpected Concrete Credible Emotional Stories Stick</p>	<p>What sticks in people’s minds? In <i>Made to Stick: Why Some Ideas Survive and Others Die</i>, Chip & Dan Heath present the SUCCESS method. We’ve found it extremely valuable in our legal writing.</p> <p>Here are the elements of SUCCESS:</p> <p>Organize the facts into a conceptually manageable unity to produce action: Simple (core + compact); Unexpected (surprise gets attention); Concrete (help deciders understand, remember, and coordinate); Credible (help people believe); Emotional (association, self-interest, identity); Stories (real people, not abstractions); Stickness (what gets remembered).</p> <p>Put a post-it with SUCCESS on your monitor, and read it as you begin to outline or write.</p> <p>Invitation story</p>
	<p>The SUCCESS method works whether you are drafting a party or witness declaration, helping people tell stories in mediation, writing a child custody evaluation report, or crafting a legal brief or argument.</p> <p style="text-align: center;">It dovetails with the key requirements for admissible evidence.</p> <p style="text-align: center;">It also lets each decisionmakers own the analysis, rather than putting each decisionmakers in the position of resisting “spin.”</p>

<p>“The Curse of Knowledge is the arch-villain in our book. The Curse of Knowledge happens because when we know something, it becomes hard for us to imagine not knowing it. As a result we become lousy communicators.”</p> <p>Dan Heath</p>	<p>Cracked windshield outside the Stanley Park Aquarium ...</p> <p>Recently I read a child custody evaluation report that was virtually impenetrable because of the curse of knowledge. The evaluator went on and on about methodology, avoidance of bias, etc. All that stuff belonged in appendices.</p> <p>What the reader really needed was the story of the child and his parents built around what would really make a difference in structuring their parenting plan.</p>
<p>Same slide</p>	<p>Using SUCCEsSs as a custody professional.</p> <ul style="list-style-type: none"> • Parent's declaration. <ul style="list-style-type: none"> i. Prefatory language ii. Overview iii. Details and history iv. Use examples v. Demonstrate parental judgment and decisionmaking vi. Hearsay to explain subsequent conduct and parental state of mind • Uses of narrative in mediation (and negotiation). • Evaluation Report • Judicial Statement of Decision • Parents’ emails and co-parenting communications
<p>SIMPLE</p> <p>Core + Compact</p>	<p>Simple = core + compact</p> <p>Find the core of the idea.</p> <p>Weed out the superfluous</p> <p>Weed out the less-important</p> <p>Core custody stories (most cases are variations on one of these 3 plots):</p> <ul style="list-style-type: none"> • We’re both great parents; our child needs both of us. • I’m a great parent; the other parent presents serious risks to our child. • We’re both great parents, but ...less involved in childrearing <ul style="list-style-type: none"> ○ less available for hands on parenting ○ too far away ○ [fill in the blank]

<p>UNEXPECTED</p> <p>Surprise + Interest</p>	<p>Surprise gets our attention Interest keeps our attention</p> <p>From the declaration of a private investigator who moved into an apartment complex in Armenia, where a child had been abducted. Frequently seen way: "Sevak was bored and neglected, left in the care of a nanny."</p> <p>[Objection: lay opinion testimony – these principles dovetail with the underlying principles of rules of evidence – use of written declarations and formal objections in L.A.]</p> <p>Effective way: or (after laying foundation about how PI has personal knowledge – under cover tenant)</p> <p style="padding-left: 40px;">"One afternoon, someone gave two-year old Sevak a broom, and I watched him sweeping the courtyard. Day after day, I watched this little boy wander listlessly around the dusty courtyard, supervised by a nanny. There were no other children around. Once he had exhausted the entertainment value of the swing set each day, there was nothing for him to do. On one such day, someone stepped in and handed him a broom. His mother usually stopped by the courtyard twice a day, and would spend about 20 minutes smiling and talking with him. He lived in one apartment with the nanny, and she lived in another."</p>
<p>CONCRETE</p> <p>What did you see with your eyes?</p> <p>What did you hear with your ears?</p>	<p>Peter Jaffe yesterday – "Family courts are restaurants without kitchens." Both unexpected & interesting – and expressed the core idea in a concrete image.</p> <p>"personal knowledge" "foundation" (how do you know?)</p> <p>concrete words and images stick, abstractions don't</p> <p>Moreover – what each decisionmakers</p>

actually have to do is come up with a detailed plan – and that requires concrete facts.

But what the Heath brothers call the “curse of knowledge” gets in our way. Experts think in terms of abstractions, novices think in terms of facts.” As custody professionals, we need to use the concrete facts for stickiness, and then help each decisionmaker understand the meaning thru analysis or argument about those facts.

Lets the audience own the conclusion ...

“She was angry.” v. “Her face was red, she stood close to my face and pointed her finger, she raised her voice, and she said”

“We intended that we would both be parents.”

[Objection: conclusion]

Or

“I bought the sperm, after Karen and I had spent hours pouring over the sperm bank donor biographies, discussing what our future son or daughter would be like, and sharing our visions of what we would be like as mothers. We went together to the fertility specialist’s office, and I held her hand while the doctor inseminated her with our chosen sperm. Three months later, our best friends threw us a shower. Sixth months after that, we sent out birth announcements, showing us both as newborn Olivia and Ella’s Mama and Mommy.”

	<p>“I’d like the kids with me for a week at Thanksgiving every year, and would agree that they spend a week at Easter with Joe.”</p> <p>“My family from all over the country gathers for Thanksgiving each year. We have many family traditions, including how we decorate the table, what special recipe each of us cooks, and how the kids put black olives on their fingers and use them as finger puppets. I still remember how much fun my cousins and I had with the olives as children, and we get a big kick out of watching our children do the same.</p> <p>Easter is not a big deal in my family. Joe spends weeks finding just the right things to put in the Easter basket. He organizes elaborate egg hunts with clues, and cooks Easter brunch for a group of friends and their children. I’d love to use Easter week for a grownups only vacation each year.”</p> <p>“Sam and Rose keep the Sabbath. They do not drive after sundown. Sabbath dinner is an important ritual every Friday at sundown. With the children attending school several hours from their father’s home, the parenting plan schedule must have a way to get the children to Sam’s house before sundown, that does not depend on Sam doing the driving.”</p> <p>So what else do I need to know?</p>
<p>CREDIBLE</p> <p>What makes people believe?</p> <p>Honesty</p> <p>Trustworthiness</p> <p>The power of the particular</p>	<p>Sources of credibility (Diane’s rabbi story.)</p> <p>Dubium incommodum est. Certum ridiculum est.</p> <p>Translated this means:</p> <p>Uncertainty is uncomfortable. Certainty is ridiculous.</p> <p>Authorities</p> <p>Use of expert witness</p> <p>Expert’s citation to authority</p>

	<p>Anti-authorities (ordinary person with powerful story speaking from experience)</p> <p>The power of the particular: Vivid details lend authority even where irrelevant (social worker account of home visit observed hygiene routine ~ mentally see the Darth Vader toothbrush)</p> <p>Statistics lend credibility when they illustrate a relationship are put in human scale, or presented with an analogy.</p> <p>Testable credentials (try it yourself, see for yourself) lend credibility</p> <p>The power of balance Discuss parental strengths, what works, etc. not just limitations and problems. Don't paint in black and white. Don't reduce folks to their worst moment. Protect parental identity.</p>
EMOTIONAL	<p>One thing about custody cases is that they are extremely emotional. In fact, the professionals work hard to distance ourselves from the emotion and function professionally.</p> <p>For people to take action, they have to care.</p> <p>If we want to make people care, we have to tap into the things they care about.</p> <p>Think about what <i>these</i> decisionmakers care about?</p> <ul style="list-style-type: none"> Parents Experts & Advisors Judges

<p>Persuading Judges:</p> <ul style="list-style-type: none"> • Appeal to justice and common sense. • Reason is paramount with judges and that overt appeal to their emotions is resented. • Assume a position of respectful intellectual equality with the bench; • Restrain your emotions, and don't accuse. • Control the semantic playing field. • Close powerfully - and say explicitly what you think the Court should do. <p style="text-align: center;">Justice Antonin Scalia & Bryan Garner</p>	<p><i>Making Your Case: The Art of Persuading Judges</i></p> <p>So the challenge is to keep the emotional connection, without losing objectivity and neutrality.</p> <p>Scalia & Garner tell us to focus on fairness, and note:</p> <p>“There is also a distinction between an overt appeal to emotion and the setting forth of facts that may engage the judge’s emotions uninvited.”</p> <p>[Read examples from p. 29, p. 34]</p>
<p>“If I look at the mass, I will never act. If I look at the one, I will.”</p> <p style="text-align: center;">Mother Teresa</p>	<p>The best way to do use emotion without compromising the professional decisionmaker’s senses of neutrality and objectivity, is to tell stories about individuals.</p> <p>No one cares about “the minor child” but they will care about 7-year-old Amy, who sat down in the middle of the sidewalk during a visit with her mom who had moved away and said, “you’re not my mommy, my mommy lives in California.”</p>
<p>Bases for an emotional connection</p> <p>Associations Self interest Identity</p> <p>Why? Why? Why?</p>	<p>1. Finding bases for making this decisionmaker care – Associations Self interest Identity</p> <p>2. Why, why, why? (finding the core underneath the curse of knowledge)</p> <p>3. Keep it particular Names Individual portraits Anecdotes to illustrate themes</p> <p>4. Get rid of the distancing, pretentious stuff: “I” of “this evaluator” instead “Ava” instead of “the minor” “told” instead of “informed” active and passive voice</p>

<p>STORIES</p> <p>“A story is powerful because it provides the context that is missing from abstract prose.”</p> <p>Chip & Dan Heath</p>	<p>Scalia and Garner talk about deliberately using abstract words to minimize the impact of some facts – Warren Christopher used “the incident” to refer to major oil spills.</p> <p>Stories inspire action ...</p> <p>Sequencing of the story’s plot when told with sensory details – simulates experience, and sets us up to act.</p>
	<p>5 w’s & h who, what, where, when, why, how</p> <p>Stories stick because they are almost always simple, unexpected, concrete, credible and emotional ...</p>
<p>Image of DV Victim</p>	<p>So, now that you know why stories matter, and some building blocks for using stories in our work, I want to tell you a story:</p> <p>DV story:</p> <p>Any DV in your marriage? No</p> <p>Inverted pyramid interview revealed:</p> <ol style="list-style-type: none"> 1. tapped her phone 2. interfered with opportunities to be with family and friends – actively isolated her 3. required her to account for every penny spent. 4. sabotaged community college by coming home late so she’d miss class 5. threw glassware at her 6. forced sex after gyno surgery 7. took her out to the back yard pool in winter fully clothed. Walked her into the pool, held her under water, brought her up and said now the marriage is saved; 7. after separation, brought a van with rope and duct tape to pick her up, telling the children we are bringing mommy home.

Download more materials at
www.custodymatters.com.

Tell us what you think:

Leslie (custodymatters@earthlink.net)

Diane (Diane@goodmanmetz.com)

Ask us a question or share a story.