



## *Transformation as a Lawyer*

My training as a lawyer and mediator—working primarily with people in conflict over family, employment, or business issues—led me to think that clients would negotiate rationally. But experience taught me that they were led more by emotion than logic, particularly in divorce cases. Unfortunately, my training did not equip me to understand those emotions, which I viewed with dismay as unwelcome obstacles to the resolution of conflict.

To get a better understanding of my clients' (and my own) psychology, I turned to the Diagnostic and Statistical Manual (DSM), behavioral economics, and research about cognitive biases. But each of these theories pathologized the people that I was working with and created distance between my clients and me, rather than empathic engagement.

The trailhead that led me to IFS came into view in 2010, when I was invited to speak at a symposium about *The Negotiation Within* where I had a eureka moment! Perhaps the IFS Model that my wife was using in her work as a psychotherapist could be adapted for use by lawyers and mediators.

I dove into the IFS literature, presented a paper on IFS as a conflict resolution tool (with input from Richard Schwartz, PhD), and—following the adage that we teach what we want to learn—began presenting workshops with Dick for lawyers and mediators. At the same time, my own practice as a lawyer and mediator became a laboratory for me to learn about how IFS techniques could help me and my clients. Through this Model I learned to unblend, be curious, calm, compassionate, and access my Self energy. Two short stories illustrate my experience in this regard.

**Case #1: Employment termination.** A fired employee, who had been a high-level manager in a pharmaceutical company, had a tough choice to make. The company's final offer of settlement was \$250,000USD, and she badly needed the money. But she believed strongly that her termination was discriminatory, based on her gender. I sat

with her and her lawyer while the company's representatives were in another room. "It sounds like there's a part of you that would like to fight the good fight here, and stand up for women's rights," I said to her. "Absolutely," she said. "And, I am also hearing that there's a part of you that is concerned about paying the bills and trying to be practical about the risks of a trial," I continued. "Yes, that too," she said. I softened my voice a bit and said, "I think we all have an 'inner mediator' that can listen to the various parts inside and help them arrive at a wise decision. Can you feel that mediator inside you?" Her voice softened too, as she said, "Yes... I know I need to settle this and move on."

As I look back on this settlement, two lessons stand out. First, the power of metaphor (in this instance, introducing the idea of Self energy as an 'inner mediator') and second, the way that IFS permits the mediator to step out of the role of 'problem solver' or 'advocate for settlement' and instead empower the parties to chart their own course.

**Case #2: Mediators are people too.** I have frequently found myself getting reactive when people interrupt me. Emotionally charged interruptions are common in mediation. In one unskillful moment, I stormed out of a mediation because one of the lawyers wouldn't stop interrupting me. After learning more about IFS, I became acquainted with a wounded seven-year old part of me that carried painful memories of being interrupted or ignored at the dinner table by my father, who seemed to believe that children should be seen and not heard. Bringing curiosity and compassion



“...my students have found it to be eye-opening to shift from thinking about people as inherently bigoted, to an awareness that we all have bigoted parts that received negative messages at an early age about people who are different from us, and that those parts need curiosity and compassion for healing.”

to my seven-year-old’s story and pain, I found it easier to manage my irritability about interruptions and give those trigger-ready protective parts other roles, such as being watchful managers of the anger arising in *other* people in the mediation when one of them was being interrupted.

I have recently completed a Level 1 IFS training. It has deepened my understanding of my clients’ complexities, and helped me see that my clients are more than the sum of their parts. I have also begun introducing the IFS Model to the law students whom I teach. For example, in a course on *Diversity and Dispute Resolution*, my students have found it to be eye-opening to shift from thinking about people as inherently bigoted, to an awareness that we all have bigoted parts that received negative messages at an early age about people who are different from us, and that those parts need curiosity and compassion for healing. My goal as a lawyer and mediator is to bring peace into the room, and IFS has transformed my practice—and my life—by giving me far better tools for doing that.

*David A. Hoffman, Esq., is a lawyer and mediator in Boston, MA and teaches at Harvard Law School. He can be contacted at [DHoffman@BLC.law](mailto:DHoffman@BLC.law).*