



PART 2.....ADDENDUMS

Addendums

1.a	Interview: Judy 1982 (audio, unedited).....	228
	First time viewing photographs - August 1982	
1.b	Interview: Judy 1983 (audio, unedited).....	240
	March 1983	
1.c	Interview: Judy 1983 (video, unedited).....	283
	Summer 1983	
1.d	Interview: Alan 1983 (video, unedited).....	288
	Summer 1983	
1.e	Interviews: Judy and Alan 1984 (video, unedited).....	294
	Judy Individually.....	294
	Judy and Alan Together.....	315
	Alan Individually.....	323
1.f	Interview: Judy 1985.....	337
	November 1985	
2.	Mediation Session Film Transcript 1983.....	349
3.a	Expert Opinion - Sample from Gilligan, Dranoff, and Wheeler.....	357
3.b	Expert Opinion - Michael Wheeler.....	359
3.c	Expert Opinion - Sanford Dranoff.....	371
3.d	Expert Opinion - Carol Gilligan.....	381
4.a	Mediation Role-Playing 1985 - Transcript Introduction to Session.....	396
4.b	The Alans Confer.....	403
4.c	The Mediators Confer.....	411
4.d	Group 1.....	417
	Group 2.....	443
	Group 3.....	462
	Group 4.....	479
4.e	Debriefing.....	496

Judy Hodson w/ photos Aug. 31, 1982 (First time seeing photographs of Alan)

Roz: get the photographs first and maybe talk about whether the photographs, if you think the photographs, reveal any truth about your role in a relationship, or of how you see Alan's role in it.

Judy: Well just looking at it I'm sort of amazed that since Alan and I had a fight moments before you arrived that he looked so appealing to me because I was so angry at him and so cold. And looking at these now for the first time, I've really felt him looking appealing it's amazing. Because neither one of us would even let our arms touch, it was just the kind of thing we just kept our total distance from one another.

Roz: He really looks good.

Judy: Amazed.

Roz: Had you been going through a period of time where the...

Judy: He's been looking awful to me, totally unappealing, and he looks good, it's a shock. Even last night that's the first night I was home for a week, and I was feeling so distant it was almost like I was just feeling totally turned off even as to looking at him as a human being, I just felt very far away.

Roz: What causes that?

Judy: I don't know, that's what I'm trying to figure out, that was really an awful day yesterday, I couldn't even look at him without feeling angry at him, at his presence.

Roz: Was that because of the ultimatum he gave you?

Judy: Not really, I don't know what it is, it's just a very strange feeling, but somehow extremely, I think that the pictures of me are really revealing, I'm not sure of what now, with the exception of this one, which I look pretty good in. I feel like I look very hard and very cold, old, not very appealing to me, not the way I'd like to look.

Roz: Compared to the photographs of you and Will?

Judy: Somehow I seem softer there, certainly more comfortable.

Roz: What's made you uncomfortable in your relationship? What do you think brings comfort in the relationship with Will that is not present at home, here?

Judy: Well, a certain kind of love. When I was with Will, it was

just like I was very comfortable with him and very loving, whereas with Alan and I, we've done so many painful things to one another. There's been so much anger and so much hurt that's passed between us that I don't know if you can come back, if you recover from that, those kinds of hurtful things that you say to one another. That's what I'm dealing with right now. I mean I'm really just supposedly, I say supposedly because I've just ended my relationship with Will, it was a sexual relationship, but my feelings are still with me. I slept on the couch last night and Alan woke me up about 5 o'clock this morning and wanted to talk to me. I think he was in the worst state he's ever been in through all of this. He told me some things that were very upsetting, but yet somehow or other emotionally I couldn't feel too moved by them. So I'm really worried from the kind of conversation we had. It was mostly his talking about his feelings in which he said for the last ten days since I had made the decision, to end my relationship with Will, that I was away for a week, he went through some major changes. Part of that major change was a lot of negative feelings about me. Before he had always felt loving and caring and desperately wanted it to work between us, he felt love and attraction for me, and was basically on his own without me for the last week. He said that he changed those feelings and that he feels so hurt and so devastated that he's not sure he even likes me. I can't even remember what he said, but just that he thinks that somewhere deep inside is still a reservoir of good feeling about me.

Roz: Can you say that about Alan?

Judy: He asked me if somewhere deep inside me I felt something toward him and I couldn't even answer. It just, it scared the hell out of me in a way because every time I thought of it, I thought of Will. I couldn't, I just couldn't separate those feelings from Will, and so I lay there just staring at him and not being able to comfort him when he was crying and desperate. He said, he's never been at this point in his life, ever, so desperate, so depressed, so completely unable to function, function at work, and I couldn't reach out to him.

Roz: And why do you suppose you couldn't?

Judy: I don't know. I don't know why. It doesn't have to do with him it has to do with me, I really don't understand it. I don't know if I'm afraid to reach out to him because maybe there's a feeling of betrayal of my love feelings for Will. That somehow or other of I reach out to him that means I love Will less. I don't know, it could be one of the things that Alan has been saying to me for a while. It has a certain element of truth to it, is that I've wanted it to fail for some reason, I've wanted my relationship with Alan to fail. I don't know if that's true. I think that it sounds like it strikes a familiar note to me. I think it's a pattern in my life, and I don't understand much about it. That's why I first started therapy because I wanted to

change some of those patterns of feeling - that I didn't deserve better than that, a feeling... a martyr kind of feeling. Not that I was meant to suffer, but that, I don't know, I'm really at a loss. At a point where Alan is saying to me I've been unhappy all along with this situation, but this is it, this is really it.

Roz: Isn't there any point at which you're both able to say things have to change. Can't you both try to help and understand each other, since you know each other so well?

Judy: Alan's able to do that and for some reason I'm, I don't know, I don't know if it's because of the pain of what I'm feeling about Will, and I just need time. I don't hate Alan, but yesterday when I came home I had a lot of feelings of hatred. I was very bitchy to him. When Lani and I were just talking about it, she said, you were just so bitchy to him. You were just so nasty. It's true, and maybe I blamed him that I had to come back, and that I had to give up my relationship with Will.

Roz: And you were unable to be direct?

Judy: You mean in speaking?

Roz: Yes. You were unable to say, to just get angry, and let it go?

Judy: Well, I have a hard time letting things go, I think that's part of it. I don't know. Really, I just don't know, but alan is in a very desperate place right now. If he doesn't even get from me some inkling that there is any spot in my being that feels any kind of love for him, he will just give up.

Roz: Why wouldn't you try to be more kind to Alan, given that you've spent so much time together and have kids together? Why do you suppose you can't be more kind to Alan, given that you both have children together, and a house together, and so much?

Judy: I don't know why. I don't know why. I don't know if it has something to do with what Alan says id my need to, or some need that I have to, like fail, or if I hold him responsible for having helped create this situation. Alan said this morning that grudges don't do anything to help people in any way, and I have to let go of that need to blame.

Roz: Because it's such a complicated circumstance, it can't be one thing?

Judy: No, I know that. I know that it isn't. I don't know why. Even this morning, when he was as pathetic and as tormented as I've ever seen him, and as he describes it, the most unhappy and depressed, and shaky to the very core he's ever been in his life, I could barely do anything to reach out and touch him. It

just made me feel so bizarre, and finally I just, all I could do was to take my fingers and gently stroke his cheek for maybe thirty seconds. That was all I felt I could do, and I don't know why. I think a lot of it has to do with the fact that I'm so wrapped up in Will.

Roz: Alan doesn't understand that? He doesn't understand those feelings?

Judy: I think he understands the feelings, but what he's saying is, I can't hold on any longer, I can't hold on any more.

Roz: What's his alternative?

Judy: His alternative at this point? In the past, the last three months since he knew about the situation, he was willing to hang on and give me the time I needed to work things out. At least he said he was willing to do that, and he was from time to time. Sometimes he wasn't capable of doing it, 'cause of what he was feeling, but now he's to the point where he can not function at work and that frightens him. He doesn't feel that he can deal with the children.

Roz: How could it be better without you here?

Judy: Because, what he's saying is what he can do then is try to start a new life.

Roz: That doesn't happen in two months. That could take two years or so.

Judy: I think what he's saying is that it's a mental outlook. That he would at least, if he wanted to seek someone else out, another partner, that he would at least be able to be dependent on himself. This is how he's describing it. He feels that he still does need me, although I think he also was saying that this time he's not sure he even likes me. I think that he's saying that he loves me in some way deep down inside, that he has some kind of need for me and a love for me that he still does have, but that on the surface he feels that I've hurt him tremendously, that I've been cruel.

Roz: Do you feel that before you were seeing Will he was being cruel to you in any way?

Judy: I don't think Alan has ever been cruel to me. I think that Alan, one of the problems was that he didn't take some of the things I was telling him were problems in our relationship seriously. He never took me seriously. It always took something as monumental as what happened in my relationship with Will to make him realize that I really was serious, and that there really were problems. When I told him for many years, over a period of many years, not really as a threat, more as a plea,

more as a warning, more in fright and pain on my part, that certain changes had to be made, that he had to consider my feelings, that he had to, mostly about sexual problems that we had, that I did not want to turn to someone else. I was afraid that I was going to need to turn to someone else unless he was able to meet some of those needs. Even a couple of months before I got involved with Will, even the very beginnings of my involvement with Will, I pleaded with him to go to therapy. I talked to his mother, I talked to his sister, about just saying that we have problems we've got to deal with. He just even at that point would say, well, yeh, I'm sure we have problems, but he never understood that it was so serious for me.

Roz: Do you think he just is a man that doesn't quite understand a woman's sexual prime?

Judy: I think intellectually that he understands that, I think one of alan's major problems that he's had was, at least according to some of the things his mother has said, is when his father was killed a plane crash when he was about ten years old, that there was a whole emotional side of himself that he completely turned off. And it became very important for Alan to be successful. Very very important for him to give people the image of great success and that everything is fine and that he, to many people, he always appeared the eternal optimist. Everything was always fine and just thinking good thoughts could cure problems.

Roz: Was this his first marriage?

Judy: No, this is his second marriage. His first marriage was to the girl next door who he'd gone to school with, literally the girl next door. I met Alan after they'd been married a few years, and we had an affair, him and I, when he was married. So he's been through it from a different point of view before.

Roz: So when you first were together he was how old? How old were the two of you when you met?

Judy: Oh, let's see, oh, I don't remember exactly, twenty-seven, twenty-eight. Something like that.

Roz: You are both about the same age?

Judy: Yes, I'm about six months older.

Roz: Was your sexual relationship and was your relationship based on passion or friendship?

Judy: Well, in the beginning it was, and this always amazes me now, very sexual relationship, it was, in the early days of our marriage. I would always describe it as love at first sight, it was very intense sexually. It has amazed me over the years that

Alan was so incredibly sexual at that point.

Roz: Do you think as he's grown older he's put his energy elsewhere?

Judy: I don't know if it's that, I really don't know. I think that sexually Alan does have some problems, and I think he's aware of it. He is very passive sexually, and that was something that was possible for me to deal with from the beginning, because I was very turned on by Alan. I was very excited, so it was much more of a mutual coming together of feelings. The over the years, for some reason, I'm sure it had a lot to do with what my needs were, where I came from, I needed to know, to have some kind of reassurance periodically that I was desirable, that I was someone that he wanted, some reinforcement of my sexuality with him. I've had a lot of sexual relationships, and it's always been very important to me, it's been necessary for me to feel sexually desirable. It's been a very strong need of mine. For the first few years of our relationship it was pretty sexual, and then I think a lot of it had to do with my needs changing and needing some kind of proof from Alan that I was still desirable.

Roz: By his making overtures rather than you?

Judy: Right, right, and Alan felt that he was, because he would, you know, we cuddled in bed a lot. We've always been big cuddlers, and he would feel that if he just had both hands on my thigh that was an indication that he wanted to make love. There were times, mostly when it was just not enough. I wanted to be told, I wanted to and, um, not necessarily all the time, but I needed that every once in a while to feel, particularly, when I was about 35, the major thing seemed to have taken place for me that my sexuality became very important to me, to feel desirable, and because I was feeling older. I think I've placed more importance on that than a lot of women have. I think that what I have to do also is to find my worth in other kinds of things within myself. One of the things that's come out in therapy is that I define myself in terms of my relationships and hung on to relationships and tried to get from relationships my sense of worth. One of the things that I think became a problem was that after a while I think I was looking for proof from Alan. That really it became a thing that I held out for him, and I started to understand really exactly how it worked, but not that it was a game. But it was a manipulative situation in which I would wait and see how, what kind of response I got, and that would be proof of something to me. But along with that also were genuine efforts to say, I'm not being satisfied here. I'm unhappy. I just need you to tell me what you want, even if you can't make love, just tell me that I'm desirable to you, tell me you need, tell me you want me.

Roz: Why didn't he go to counseling? Were there no sexual

counsellors in town? Is it an issue of privacy?

Judy: I don't know. I think the reality of, yes, I want to change this situation and we need help, didn't really come about until last year. That was after I'd had a few relationships.

Roz: Does he feel totally responsible?

Judy: No, he doesn't. I think that he feels that he had some problems but that he feels that he was also reacting to me. I can't really see it from that point of view. I have to accept the fact that I can't be ALL right, just because no one's ALL right, just as I have to accept the fact that he really can't be all to blame. But for all those years at least, I feel that I made some kind of attempt to say, I'm unhappy this way, you've got to do something, can't you give me this, I'm desperate. Can't you give this to me. And it would go, I mean, we, I'd spend an hour or two crying with him, and he'd finally come to some realization that he could understand where I was coming from. He would make an effort and so for the next couple of lovemaking sessions, or whatever, he would make some kind of effort as subtle as it was. So I had to become the initiator, and so in order to maintain, to have some kind of sexual relationship, I was able to do it for months at a time, be the initiator of sex. Then a point would come where I'd feel lost again and desperate again and unhappy. Then we'd go through the same thing again.

Roz: It's sort of ironic in the twentieth century, given the idea of women as being passive and men having to always initiate, for you to reverse roles. Maybe because of women being much more verbal about their emotions anyway, when a dissatisfaction occurs it gets voiced.

Judy: Alan's always been affectionate with me. He has a hard time reaching out to anyone else. But with me, he's always been affectionate, but somehow or other I guess it's partly because of what I needed, I needed more, I needed a richer sexual life. I needed some confirmation of my own sexuality. It just really was very important to me.

Roz: Well, is that something that you can negotiate, after talking to him? It occurs to me, sometimes you don't always get it all anyway. You might get a good lover, but it's no one you'd trust twenty years down the line.

Judy: Right. I trust Alan for twenty years down the line. Sexually, he says that he's changed, that he's willing to change, and I have seen some indications of that, but I think that he has changed incredibly in the last three months since he's known about the situation with Will. I think he's had some soul-shaking, whole being, shaking things that have happened to him. And as his sister put it, I think this is the best thing

that's ever happened to him. I hate to see him suffering the way he's been suffering, but it's the best thing that has ever happened. He needed to be shaken up, down to the very core.

Roz: So he could express some emotions?

Judy: So he could just get in touch with a part of himself that is totally unfamiliar. That's one of the things that Alan said to me this morning. He said that he just didn't know that he had this part of him existing. Right now it's terrifying to him. It's horribly frightening to him, that there's a part of him that maybe feels like he can't be totally dependable, he can't be reliable, and can't be totally positive about everything. And Alan, like I said, has always needed to paint that picture of complete reliability and stability. He didn't even want his sister to know the kind of problems we were having because, even with her, he needed this picture of all things being good.

Roz: What were your expectations of the relationship that you wanted?

Judy: With Alan?

Roz: Yes, where did it succeed and where did it fail? j: I guess I don't know. That's a hard question to answer. I think that one of the things that I've always needed is some kind of stability. With Alan I certainly have stability. I certainly have had, at least up until this point, the promise of forever with someone that deeply loved me. I have also been willing to throw that away, give it all up, for something very temporary, which is what the relationship with Will will probably be. A few months, a year, at the most, and yet the one thing, throughout this whole three months ordeal, that I've been sure about is my love for Will. The only thing that I have been sure of.

Roz: It's lasted for a year?

Judy: We've had an intense love relationship, Will and I, for the last year.

Roz: How many times were you able to see each other?

Judy: Certainly for the first eight months of it, until I told Alan that we were involved, we saw each other just about daily.

Roz: Sexually daily?

Judy: Sexually, daily, sexually. making love three, four times a day, every day, except for the weekends. It was during a period of time when Alan was away a lot, even overnight, so that we had an incredible contact with one another. I think during that period of time I really closed off all my feelings with Alan, and gave them all to Will.

Roz: Would it be a lasting relationship with Will?

Judy: I think a lot of that has to do with, almost all of it has to do with where Will is coming from. I mean he's fourteen years younger than I am, he's twenty-four. I'm thirty-eight, and he has certain needs that he needs to fulfill in his life and some of them have to do with having other kinds of relationships with women. I think that's a very important thing for him, too. This has been the first major relationship he's ever had with a woman. I think he needs to know that he can have other relationships and find out what they'd be like. He really needs to discover himself. He needs to have experiences that he doesn't feel he can have in a long-term relationship right now.

Roz: Do you believe that?

Judy: I do. I've thought about it like crazy.

Roz: What could he get out of other relationships?

Judy: I don't know, I think that his sexuality is a big part of it. Out of all the lovers I've had over the last twenty years, I guess that period of time when I've had a sexual life, he's the best lover I've ever had.

Roz: That's with him having almost no experience?

Judy: Yes, that's with him having almost no experience.

Roz: Does he act twenty-four, or, he also has no inhibitions? Is that what he brings to it?

Judy: Well, I don't think inhibitions are so much a part of it. I think that, well, when Will and I came together we'd known each other for a year. He had spent a great deal of time up in his house just as friends. We later learned that during the whole year he was enormously attracted to me and had a lot of love feelings for me which I was totally unaware of. But the point at which we came together I had not even thought about what I wanted from this relationship. I just became enormously attracted to him. I think it was partly his demands for a relationship that made it what it became. At least in the beginning, partly jealousy, partly just an enormous need to be with me, to share things with me, not have a shallow relationship. I think for Will a sexual relationship doesn't have that much meaning to him, I mean, well, I think he needs to have a relationship of really deep, involved, getting to know a person on all levels, touching on all levels, a respect, a love, a caring, a dialogue, a deep communication. He's really demanded that of me from the beginning, and then it just became something we demanded and needed from one another.

Roz: Did you realize what it would do to your marriage? B: No, I guess I didn't. Really, I didn't think about it. There was a point when things really weren't good with Alan, and I was willing to, I didn't think about the consequences that much. I was willing to do, to sacrifice it all not even knowing what that meant.

Roz: So this last year you haven't done a lot of your own art work?

Judy: I've given up a lot of my own work and I've given up pretty much my own independent life. I mean I have done some weaving, but I've given up a lot.

Roz: And just managed two households?

Judy: I've been extremely devoted to Will, he would come home from work and he would have a meal waiting from me, even though I didn't live with him. He'd have goodies, he'd have treats, he'd have a pie waiting on the table, or flowers, or something special almost all the time. I did feel totally devoted to him. Yet, I never felt, I haven't felt that devotion to Alan maybe since the very first years. I have had five or six affairs or slept with five or six different men in the last few years, and I never felt I was cheating on Alan. I, intellectually, I realized I was, but emotionally I didn't feel that I was giving something away, and yet, I would never even have considered sleeping with another man when I was with Will. Never even consider it. I felt so devoted to him. I was that in love with him.

Roz: Do you think after a few years with Will it could change?

Judy: I guess it could change though I have just refused to accept the fact that it could. Still, at least at this point, I feel that I could be devoted to him.

Roz: Forever?

Judy: Yes, and that's probably a certain amount of fantasy on my part. At this point I feel, and I'm not really sure, my sense of what's real is not, it's a little mixed up now. But I do feel that with Will, I've really felt it, if he were ready to have a long-term relationship with me, that I would go and devote myself to that. And I don't know if I'm saying that because it's not possible, it's safe to say. But I have a certain trust, that if I really felt he believed that that was what he wanted, then I think I would be able to do that.

Roz: Do you believe in the idea that there are mates that are kindred spirits, and one special person for you, and that other people just may be the wrong mate?

Judy: I don't know. Throughout all of this, I've still maintained the thought that Alan was very good for me. When I first met Alan, I was in a very confused mental state. I was having a lot of sexual relationships which were momentarily satisfying, but not ultimately satisfying, not satisfying in a deeper way. And there was something about his stability, his love, and his, it was a quality about him that I felt I needed. We talked about it, Alan and I then, and he said that he felt when we first met that I really needed him. That was one of the things that was such a great attraction. Even through all of this, there's a part of me that really does feel that I need Alan, that he would be good for me. And yet somehow or other I am fighting that. One of the things that's come out in therapy, and I'm not sure I totally accept this, but I think there's an element of truth, is that many of the men I've been with, well, that's not really true... that Alan, his ability, and his sort of his qualities, are very father-like, are very tied up with that. In therapy we've just began to touch upon that. So, I don't know that much about it, but there is certainly a familiar note to it. And one of the things that the therapist said to me was that my relationship with Will, out of all my relationships, is probably the most real relationship I've ever had. It seemed to be free of the need for a father. It was more filled with emotions and jealousies, real-life feelings between people, and less with my feelings of needing a father.

Roz: When you were a young girl, do you think you were brought up particularly dependent? Do you consider you should be more independent?

Judy: Well, I have almost no memories of my childhood. That makes it very difficult for me. Almost nothing. That was one of the reasons why I began therapy. I've blocked it all out, I guess.

Roz: Is your father still alive?

Judy: My father and mother are alive. They are divorced. My father has remarried. My mother hasn't.

Roz: When did they get a divorce?

Judy: My father left my mother on my eighteenth birthday, when legally I wasn't a custody problem. Things were miserable when I grew up. They were very unhappy, my father's a psychiatrist, and I think a very mixed-up person. I don't really know him very well.

Roz: Does he make any attempt to know you?

Judy: No, I don't think so. He appears to me to be cold. I'm a little frightened of him. I seem to need his approval to some extent. I don't know if it's a love - hate relationship, but I

don't feel love feelings for him.

Roz: Do you get love feelings from him?

Judy: No, I get analytical, concerned feelings. My mother, emotionally, I know, loves me deeply. She and I have had a very stormy relationship, wrought with emotion and feeling, and very volatile.

Roz: Do you blame one parent or another for the divorce?

Judy: Not really. I remember so little about any of it. I remember so little about growing up, I just know that I wasn't very happy.

Roz: You don't remember taking sides?

Judy: I remember when I was, when they began divorce proceedings, that I had to take sides. I mean, legally, both my parents were after me to testify.

Roz: Can you recall the most memorable positive experience with you and Alan?

Judy: That's a hard question. Not easily.

Roz: Any memorable experience?

Judy: No. (laughs)

Roz: Name a good time?

Judy: I couldn't tell.

Judy Hodson March 1983

Judy: I was born in Brooklyn in 1944 and lived there until I was nine years old and my family moved to Long Island. My father was a doctor and my mother helped him at least in the early years in his practice. I went to high school and grew up on Long Island until I went to college and left home. I graduated from high school in 1961 and spent one year at Boston University School of Fine Arts and switched to Windham College which is what brought me to Putney.

Roz: How old were you when you came to Windham?

Judy: I was eighteen. Within probably two or three months of being at Windham I met a man that I married. I probably only knew him three or four weeks... Oh dear, I was pregnant, and hardly knew the man. We tried to get an abortion, and it didn't work out. He was about to go into the peace corp.

Roz: Why didn't it work out?

Judy: Well, we went to Puerto Rico, and we were both very naive about doing that kind of thing and really didn't know anyone who could help us. It was more because we were unable to get an abortion for me that we got married.

Roz: It was still illegal in this country?

Judy: Right. And even though my father was a doctor, he was unwilling to put himself in any kind of position that might jeopardize his situation because he was going through a divorce. So Sam and I decided we would get married though we hardly knew one another. He was eleven years older. We got married and we moved out to California and had a very good life out there, lived off in the Redwoods, pretty isolated.

Roz: What was he doing?

Judy: Well, he was actually at the Experiment training for the Peace Corp, and it was a major disruption in his life and his dreams for himself. It was very hard for him. We had a lot of problems subsequent to that because he felt trapped by circumstance. But about three weeks before I gave birth, I decided that I wanted to give the baby up for adoption. It was something I had never contemplated before consciously, but one morning I woke up and said to myself, I'm going to give the baby up for adoption, and yet I had never consciously thought it out. It was as though my mind had been working on it subconsciously for quite a while, feeling that I was not in any way, shape, prepared to become a mother. I didn't even know what it all meant. I was very naive about it and I guess somewhat frightened and also had indeed, in many ways, trapped this man. It seemed

like the right answer when it popped into my head, never questioned it. I've also never regretted the decision. Although, in the last few years I've thought more I think out of curiosity, because now I would have a twenty-year-old daughter somewhere in this world. It's been more that I would just love to see what she is, who she is.

Roz: What did Sam say to that?

Judy: Well he came home from work and I told him. He was shocked but I think he was extremely relieved. He had some doubts as to whether or not he was the father because we had only been together a very short while. I still believe that he probably was. But without him feeling convinced that he was, it was very hard for him. During that period of time, we fell very much in love. After he was able to fulfill his dream of going overseas and working in some kind of economic development in another country, we worked out a lot of our problems, or his problems of being frustrated. We cared very much about one another. I guess a point came when I was living with him in South America and Chile that I felt I had to grow in ways I couldn't do with him. He was very out-going, very warm, friendly, affectionate. The kind of man after you meet once, he would give you a big hug and a kiss. He was very demonstrative and very expressive of his ideas and feelings. I tended to be very shy and unaggressive and always shrank to the background and not because he overpowered me in any way, but because I felt that I found it hard. I allowed him to do my thinking for me. Not that he chose to do it. It was a pattern that I established more than anything else. It wasn't that it was his fault. I had just come back to the States for just a couple of months to visit my family after a year and a half, two years. It was the first time I had ever been on my own and developed friendships with people. I found myself relating to people. People were listening to me, people liked me. That was such a shock that I could function. That was in 1966-67, twenty-two years old. I felt that I had, well, the first time that I was on my own and it felt very good. I went back to South America and with every intention of staying, but very protective of my new-found self. Sam was very defensive and very frightened 'cause he thought that this might happen to me. I wound up staying only about a week. It was partly that I gave up without really trying. I think that probably if I had put the effort into it, or if we both had, I would have been able to find my own identity, if you want to call it that, in that relationship. I chose not to do that.

Roz: Do you know why you felt free to leave?

Judy: I don't really know. It was a very painful decision because we both loved one another. I would decide I was going to stay. We would look for a house together to live in. I had some real gripes. I'd lived out of a suitcase for almost two years and one of the things he said was, I would have some kind of

home even though I wasn't fussy what it was. When I came back, there would be someplace where I could grow my plants, do the things I would do, the things I wanted to do. He hadn't done it, so I felt disappointed. Rather than try to work it out, I decided that I would leave. Then we would become so unhappy with that decision, we would cry and make love and feel close. Then I would live with that decision for a day and change my mind. We did it with loving, caring, sharing and crying. He had a sense that I needed to be on my own to grow.

Roz: What were the things you envisioned would make you grow on your own? Did you have any sense of what you were going towards?

Judy: Not really, no. I think my sexuality, exploring the further had something to do with it, a real need to explore other sexual relationships was part of it. I don't know that I really thought too much about it. It was more that I acted on a feeling level, what felt right to do, and didn't really consider what the consequences would be. I came back to this country and got a job at Windham teaching which was wonderful for me. I taught art. I taught two courses. I had come up with the idea that maybe I could just model in the art department to make some kind of living but David offered me a nice job. After I got married to Sam and had the child and gave it up for adoption, we came back from California to Putney. I worked very hard doubling up on all of my courses and got my degree. Windham probably only offered a B.A., but I was an art major. I had never had any teaching experience and this was a thrill for me to be able to teach at a college.

Roz: Where did you know David from, were you his student?

Judy: Yes, so that worked out very well for me.

Roz: Can you recall what marriage meant to you in those days? What your definition of marriage had been? And what it might be now?

Judy: I don't think I thought very much about it. I think I chose a man - although part of that was just chance, (laughs) - who was a protector, a nurturer, something that was very comfortable to me. Although we had quite a number of problems, it was very comfortable. In some ways it was a very parental kind of relationship.

Roz: Was it anything like the kind of care you had gotten when you were younger at home?

Judy: I don't think so, really. I have very little memory of my childhood, so I don't know. In fact I have almost no memory of growing up. That's been a major problem for me. I have been recently working on trying to fill in a lot of gaps, so I don't know what to compare it to. I honestly don't think I thought too

much about it. Even that period of my life, while I do have stronger memories than of growing up, I was in many ways immature, confused, all of those things.

Roz: How has your definition of marriage changed over the years? What do you think of when you think of marriage?

Judy: That's a hard question to answer. When I married Alan, again, I think I was looking for a protector, a nurturer. Because I had been on my own for several years, and in and out of one heavy-duty relationship and many brief superficial relationships. I met Alan and my sense was that he was very good for me at a time when I was upset and confused and not satisfied. I was attracted to brief relationships with men, but not very satisfied. Alan was someone who would care for me, who would respect me, would nurture me, and who in retrospect, I see, I could be dependent on.

Roz: How would you characterize yourself? How long had you been on your own between the relationship with Sam and Alan?

Judy: Well, probably a good three years. I was teaching as Windham for the first year. I taught art in the public schools for a year. Then, I decided to go back to school and get my master's in teaching. I went to Antioch / Putney, which is where I met Alan. In that time I taught part-time as part of my internship and then I taught third and fourth grade for two years.

Roz: Would you characterize yourself as responsible for yourself in those few years?

Judy: Mostly.

Roz: Were you following any particular dream you had for yourself?

Judy: No. I think that is one of the problems I have in my life is that I haven't really thought out, until very recently, what I might want to do with my life. I responded more towards what felt good, an intuitive sense of what I should be doing, but not really even in the long term.

Roz: Do you recall as a little girl, having a dream?

Judy: Never. I may have had one but I don't have any recollection.

Roz: Do you remember what your first dreams for yourself were?

Judy: Not really. I think at the point at which I met Alan, I did want to get married. I'm not sure I thought about why or what it would mean. Family and children at that point wasn't

something that interested me. I also wasn't a very career-oriented person either, although my artistic, creative energies were important in things that I pursued. I don't think I consciously made, oh that's not right. I was going to say, I'm not sure I made too many conscious decisions about what I wanted for myself in my life and then set about to fulfill those.

Roz: When you were teaching art were you also creating? What kind of work were you doing?

Judy: I was doing a lot of paintings and woodcuts.

Roz: When did you start weaving?

Judy: After I met Alan. In fact, I got my first loom because he was interested in weaving but he never did weave. I totally gave up painting at that point.

Roz: How do you relate to the weaving? Is it employment, fun...?

Judy: It's not employment, that would be the lowest thing on my list of why I do it. Although, I would like to become more self-sufficient at it. As far as it being fun, sometimes, most of the time, it's not fun. It's very hard work. For some reason I have a need to do it. I love color. The kind of weaving I do now has a lot to do with the kind of painting I either did or was interested in doing. I am working a lot with color.

Roz: Do you know what satisfaction you get from the color?

Judy: Well, I think that I again relate to color, and the aesthetic things, on an intuitive, gut, feeling level, rather than be consciously aware of what kind of colors I'm using to create what kinds of effects on people, what kind of response and so on. It's almost a physical sensation with me. When I weave certain colors that I think look good together or create a certain impact, I can feel it in my gut. It would be hard for me to define in words, what and why. Much more of a feeling level.

Roz: How was it the first few months when you weren't doing any weaving?

Judy: I did do a little weaving occasionally. I was so obsessed with other things that it, well, it was frustrating not to be doing something creative.

Roz: What did the weaving fulfill in you?

Judy: That's a hard question to answer. I have a creative drive. I have creative energy that I have to be doing something with, but for me it isn't necessarily weaving. I am sure that I will paint again. Recently, I have been doing some drawing which I feel good about. And I have put lots of energy into doing

photography. In fact the past three or four months, photography has loomed very big for me.

Roz: Had you ever craved public recognition of the work that you were doing?

Judy: To some extent, it's nice on two levels. It's nice to sell work because it enables me in a practical sense to continue working because I can afford to. I need input, I need a response to my work. Making it in a big way isn't necessarily important to me.

Roz: That was never part of the motivation?

Judy: Not really. Oh, I would occasionally fantasize about being famous, but I don't think that's real important. I would like to be able to make more of a living doing the kind of weaving I enjoy. I would never become a production weaver because I would rather have another kind of job. It's very hard for me to do more than one of a kind pieces.

Roz: How would you characterize your priorities in a hierarchy, then? Consider a private life, a public life, a work life - socially responsible, individually responsible - those kind of terms. What are the things that are part of your values and what have you invested your time in?

Judy: Well, I think a private life or relationships with people would be at the top, as far as a priority. Part of that, a very important part of that, probably even higher up than relationships with people, though they are inextricably linked, would be my own understanding of myself and my own development. That really is at the top. That's crucial to me.

Roz: When did that priority emerge?

Judy: I think I've always had it, I've always had a need to find out who I was.

Roz: When you say, always, do you mean from high school?

Judy: Well, I don't know when it first began. When I became conscious of it, well that's hard to say. Let's put it this way. The point at which it became crucial to me was in the last three to four years, and especially in the last year, extremely crucial. I wanted to figure out who I was, why I didn't have much of a memory, how I related to my parents, what effect they've had on me, on my thinking, on my behavior, on my hangups, on my problems, on my hopes and dreams for myself, why I behave the way I did and why I got myself involved in what kinds of relationships. That's, I'd say, along about the time I met Will. And that really became very crucial to me.

Roz: Would you say that that emerged after you met Will or that was how you met Will?

Judy: When I met Will, I'd been married to Alan for twelve years and a lot of that time we had a very good relationship, but not a very communicative one about feelings, so that I don't know that I was able to put into words a lot of my frustrations. I had no one to share it with. I became restless. I had a couple of brief relationships with men and seemed to crave something crucial that I wasn't getting with Alan. When I met Will, I had known Will for almost a year, but hadn't had any kind of sexual relationship. He was almost a member of the family. Other than a strong physical attraction, there was also a need to explore some other kind of relationship. Because of the kind of person he is, he demanded from me that I talk about what I was thinking about and feeling and no one had ever done that. No one has ever confronted me with my actions and asked me to think about, Well, why did you do that, and, how did you feel? Well, Will has put it that I've made so many decisions and acted on the basis of feeling level almost exclusively and never, not never, but rarely did I think about what I was doing and why I was doing it. Also, not feeling real responsible for my actions, and sort of almost aimlessly drifting. Because of the kind of person Alan was, I could have drifted in and out of a couple of dozen affairs without either Alan knowing or being real concerned. I never thought about why was I doing this. What was I looking for?

Roz: did you ever think of what it would do to Alan if he found about it?

Judy: No, not really. Partly because Alan never demanded fidelity from me. He just assumed that that was what would take place. Even if I flirted blatantly in front of him with other men, he never questioned it. He may have felt something, but never said anything.

Roz: Were you asking for a response from him by your actions?

Judy: I don't know. Not on a conscious level, because I didn't want him to stop me from doing what I was doing. Yet there may have been another level, something that was saying, show me you really care. I don't know, because in many ways one of our biggest problems is that Alan has always been very passive. Occasionally I've said to him, don't you ever get jealous? He would say, No, I assume that if something was going on, you'd tell me about it.

Roz: So, what would you say his definition of marriage was? Sounds like fidelity was one of them.

Judy: Well, probably, yes, I think that's so. I think Alan has talked about needing someone to grow old with and share his life

and his dreams and his hopes and his ideas with, and someone to raise a family with.

Roz: And for you? What was marriage?

Judy: I really don't know. I think one of the problems was that I never really defined for myself what it meant to me. I don't really know.

Roz: What do you expect from a partnership? Or would you call a marriage a partnership? Would you call a lover a partnership?

Judy: I guess I would call marriage a partnership. Gosh, it's hard to really say. I know that, although Alan says that I've had an incredible independence and done lots of things on my own in this marriage, and yet, I think I let myself fall again into some kind of dependent relationship with Alan.

Roz: How would you characterize dependence and independence?

Judy: You ask some tough questions (laughter). I don't know, because these are things that I am just trying to deal with now. I'm not really sure because one of the things that Alan has said to me very recently is, why do you need to be off on your own to develop your independence? I'm perfectly willing to accept the idea that you want to be more independent. I'm perfectly willing to help you if that is what you want.

Roz: I'll help you be independent?

Judy: Yes, I'm perfectly willing to support you. I'm not talking financially, but support the idea. I think it's wonderful for you to be able to do that, to have either a career or something that is meaningful to you that you want to pursue.

Roz: Well, do you know what independence might mean? Why does Will represent independence?

Judy: That's a good question. Sometimes I say he does, and I think I fool myself into thinking that. Again, maybe I'm choosing another dependent relationship. I don't know. I think there is a lot of confusion about that. Probably even the words "dependence" and "independence" aren't really the right ones to use now.

Roz: When you say you were dependent upon Sam or Alan, what kind of dependence did you have besides a roof over your head? What did you depend on?

Judy: I don't think at that point, at least with Sam, I had any hopes and dreams of my own. I was fairly creative during that period of time, but I never ventured out. He was off working every day. I just stayed home and was a homebody and was lonely.

I was afraid. I was quite shy, and I was afraid to meet people, to talk to people, I was terrified that nobody would like me.

Roz: So independence meant friends of your own and an outside world of your own?

Judy: And a feeling that I could survive on my own, that I could... See, I think that is one of the reasons why, right now in my life, I have a better sense of well-being. I feel that if I leave Alan and live with Will, even if that doesn't work out, I've come to a place where I felt that that is all right. I can survive on my own and that I might very well even be happy. Whereas before, I felt that if it didn't work with Alan, and if it didn't work with Will, I would be devastated. I would be alone, I couldn't survive. I'm starting to realize you can be very involved with someone and be independent, and you can be on your own and be independent. Why I felt that I had to be out of a relationship with Alan to be independent, I think, is a little ridiculous, really.

Roz: Were you, at any point in the marriage with Alan, economically independent?

Judy: No, never. I've either been dependent on my parents, my father, or on a man that I was with. Well, that's not true. There was a period of time when I partly supported myself, and my father helped me out with the rest of it.

Roz: It sounds like independence has something to do with feeling that you can be financially independent?

Judy: I think financially is part of it.

Roz: And emotionally?

Judy: Emotionally is part of it. Although relationships with people will always be important to me, even love, man / woman relationships will always be important. In my current predicament, in many ways Alan provides for me everything I need on a certain level. Yet, it's hard to explain. My therapist said something that was really interesting to me. I began to talk to him about all the reasons why I either should or it would be nice, to stay with Alan. I gave this list of things to him. Alan is this, and that. He nurtures me and supports me, and he's a very loving, caring, devoted man. We have a wonderful home, children, a social life, friends around us, so on and so forth. Then I talked about the plusses about my relationship with Will in which I said that we have a very very deep, incredibly intimate communication level and a growth level. I talked about that, and I talked about lovemaking with Will. I talked about how I could sit on his lap for an hour or two looking through an art book, and how we had a dialogue about paintings and creativity, and both our needs to express ourselves in that way,

and that was just a very wonderful sharing. Then when I was all done, one of the things that my therapist said to me was, I don't know if you are aware of it, but all of the things you listed in Alan's column had to do with things other than a man - woman relationship. All the other kinds of things that Alan could provide for you, or who he was, but not who you were together. Everything you listed for Will - he probably will not supply any of the other things, or very few of them, the security, etc - all had to do with man - woman relationship things. He just found that was kind of interesting to point out that I was talking about the relationship between the man and the woman with Will, and its importance to me. With Alan, reasons for staying were the fact that Alan loved me and was devoted to me, we had a good family life and that sort of thing, and not that I grew from Alan or that he grew from me, or with me. I thought that was kind of interesting.

Roz: One can't help but wonder, what is marriage? Is marriage an economic social partnership? Is marriage an intimate partnership? Should it be both?

Judy: I think it should be both, and I think it can be both. That's part of my dilemma and a little bit of my sadness because I think that if will were not in my life at this particular point in time - not three weeks ago, and I don't know about three weeks into the future - but I think that Alan and I, with a lot of work, might get to a point where we have more of those, the full picture working for us. And yet because of my need for will, I'm not going to give it that chance. That's really incredibly sad and confusing to me. Yet I can't seem to let go of Will long enough to really allow myself to explore.

Roz: Have you told that to Alan?

Judy: Yes. I think that last week in our therapy session, I said to him that I felt the potential sometimes. I qualified it, occasionally I feel the potential with Alan. The major block was my feeling for Will, and my inability, if you want to call it that, to let go of Will long enough to put more of myself into my relationship with Alan. That's a very strange thing for me. I don't know what to do with that information.

Roz: You don't know why?

Judy: I don't know what it is. I am terrified of, about letting go of Will. I know that it is hard to let go of anyone. I know that time would work on some of those things, but for some reason for me, there is even a bigger block. It's that I can't say to myself, even with a promise from Will that he will be there in a month, I will take this month and devote myself to seeing if there is anything left of Alan and I.

Roz: What comes to mind, not to play psychotherapist, if I think

about myself, I'm always full of dreams. I don't want to impose, but when I think about what a new affair represents, it's the unknown, it's the dream with all the accompanying excitement, and hope for new discoveries and growth. You don't know what might happen with Will and that, to some extent, after twelve years with somebody, you might sense the dream with Alan possibly fulfilled and growth no longer seems possible. Then the person comes along who offers growth and it's the exciting unknown. MIT, the Women's Yellow Pages, a film project, were unrealized and exciting dreams. For me, it's hope for growth and social contribution and the motivation for continuing. Learning from and about an unknown generates energy. In a new endeavor or a new relationship, I hope to understand new things about myself and other area of life. I know what may have created the bond I feel towards Bruce. Recently I thought I'm going to settle down in order to have stability in my personal life. I can grow but also continue to channel my energy into public works. I don't want to put energy into changing partners. That's not the kind of excitement I want. It lacks depth. Marriage represented the stability, a sense of security at home while I continue to feel challenged by a creative life, with a dialogue with the outside world. I gain strength from the caring and intimate personal relationship. Certainly excitement and personal frontiers can be experienced through both work and relationships. I can't help but think that Will is your exciting unknown, your future growth, and your dreams offer you a new hopefulness that you didn't have with Alan.

Judy: Which, in a way, I guess is real exciting and appealing to me. But what Alan keeps saying to me is that, I'm no longer a known quantity because I've changed, and I'm willing to change even more. You haven't given me a chance to see what it could be.

Roz: When Phil and I broke up, that was the way I felt. How can you end the relationship so abruptly without negotiating changes. I asked him to stick by me long enough to see what other exciting things would emerge. It had been wonderful learning about each other through tough times.

Judy: I think that Alan probably has changed and grown in some ways. Yet, at one point I think I felt so critical of Alan. He was this and he wasn't this and he wasn't that. Now, it's more that in order for me to grow, I feel that I have to be in a different set of circumstances. I think some people, especially my father who is a psychiatrist, and lots of people I know, would say that that is a cop-out. You're not just putting the energy into trying to do it within the context of the relationship, particularly since there were so many plusses in the relationship with Alan. It's not that it's a bad relationship, although it's been bad from time to time. So in a sense I think that I even agree with that, that I am copping out, that I am leaving something. Another way to put it, that

Gary said to me, when I said to him, why can't I make a decision? I've been in this position for over a year, why, what is it? And he said to me that the way he sees it, both relationships provide something very crucial to me, something of very great importance to me. Now, they are very different to me. With Will, it has a lot to do with my incredible romanticism; with Alan, it has to do with my incredible need for security and stability. And that no matter which decision I make, I lose something of utmost importance. On another level, the situations are equal I the sense that it would take just as much energy to make my relationship good with Alan as it will be to make a good relationship with Will. So that's also equal, which makes it hard to decide. So... I don't know, I just don't know. And it was really easier when I was not liking Alan and hating him. The nicer he is to me, the harder it is.

Roz: What triggered the change into liking Alan again?

Judy: Well, I think it happened, surprisingly, when Alan decided that it was over between us, because of my being truthful with him about why I came home. I admitted that I came home to protect myself legally. That unburdened him. It relieved him, and he was no longer under the false expectation that I came home because I really wanted things better, and a good relationship, though there were aspects of that. He just began to relax and when he did that, he was happier, less uptight. I didn't get that horrible tone of voice from him that used to just drive me up the wall. At the end of the week things were relaxed and nice enough so that again, he had his expectations, see, things can be nice. Then that set him up to be hurt again. So the next week, when we went into therapy together, he went in feeling that I was the one unwilling to give it hope, and he was the one that was sad. The whole thing beginning again.

Roz: I was approaching this project as a question of women's changing expectations in marriage. I can't help but think as you reflect on your past dependency of a relationship for security that you are at a point in which you are establishing new expectations. These expectations, which you exhibit for partnership, are to share what each other is about and to invest in what each other will become. It seems like that wasn't an expectation to start with. You may not have felt Alan invested in your growth and development.

Judy: I think that is true. One of the big problems, of course, was that I was very interested in talking about my feelings and expressing my feelings and being out front with my feelings, whereas Alan never was. He couldn't. He just didn't seem to have access to his feelings, and he didn't seem to know how to talk about them. I think that was one of the major reasons why we had a breakdown in our relationship. And I think that he realizes that now. He's trying very hard to be able to express himself. See, Alan had been married before, too.

Judy: How long had he been married?

Judy: Oh, three or four years, I think, about the same time that I was with my first marriage. He married the girl next door, he had had very few, if any, sexual relationships with women before he got married.

Roz: Was he single when you met him?

Judy: No, he was married. In fact, I was married, but only legally. I had been living with his wife, and they were both going through graduate school together. When I asked him, only fairly recently, what he felt the most important reason why he felt his relationship with her had broken up, he said that he thought a lot of it had to do with his lack of communication, and that she is a very verbal, very expressive, communicative, outgoing person. And Alan wasn't.

Roz: Alan wasn't communicating?

Judy: I think about feelings, maybe. I don't really know too much about it. Alan has really said very little. I know his ex-wife well enough to know that she is very intellectual.

Roz: What does she do now?

Judy: She has gotten married. She dances in a folk dance group that goes all over the world.

Roz: did they have children?

Judy: They never had children. She still doesn't have children. We just received a very long letter from her. She went to India. They have a guru, and she has gone to India for several months to live in an ashram. She is very verbal about expressing what importance it has in her life, how she has grown, and concepts of love and understanding, and reaching out to mankind. I see the same pattern with me. Alan would not have been the one to leave that relationship. She was the one to leave.

Roz: Subsequently you two had an affair?

Judy: No, we met while they were still married. When we first met it was extremely intense sexually, extremely intense. I can't even think that Alan is the Sam person now. He was a new student, and I was just finishing up at Antioch. We barely knew each other's name, and we slept together. I didn't even know he was married until the second time we were together. He had told me, which really I don't think was true, that he and his wife had an open relationship. They had decided that they should explore other kinds of relationships. But I felt really that that seemed to me to be indicative of a relationship that was

going to have a lot of problems. Ultimately I told him that I couldn't be involved in that until they worked out their situation. The way it worked out was that his wife decided to leave. She was involved with somebody else also. It seemed to me, at least in the beginning, that she encouraged Alan and I to be together. She was aware of it. Even when I've tried to press Alan for information on it, he has told me very little. So I don't know how she felt. I think she was very hurt, yet sometimes it seemed like she encouraged it. So I don't know, I'm very confused about what happened.

Roz: Were they wanting permission to get out of their marriage?

Judy: I think Alan would have hung on. I think he would have, he tends to be a real one-woman man.

Roz: Why doesn't that ethic apply to your own marriage? Of thinking that people should resolve their problems before one party leaves and goes into an affair.

Judy: Feeling that way served a dual purpose for me. It was a period in my life when I was very unhappy, going from brief relationship to brief relationship, and Alan seemed so very good. I think all my life, for some reason, certainly my dating life in high school, I was attracted to the guy that wasn't necessarily good for me, either the slight misfit, or the slightly unconventional, but not real wild.

Roz: Do you know why?

Judy: I don't know. I am sure that a lot of my behaviors and my needs with men are very tied up with my father. I'm only beginning to understand what they are now. My father was very passive in his relationship with my mother, which was a very bad relationship. He didn't stand up for what he wanted. Hard to explain really.

Roz: Do you think that you are working in reverse and standing up for what you want?

Judy: I don't really know. This is what I'm trying to find out. One of the things when I was going to marry Alan, my father wrote me a letter because he wasn't sure that Alan was the man for me, and one of the things he wrote in the letter was that he was worried about Alan's passive nature. I didn't know exactly what he meant by it at the time.

Roz: Maybe when you go home to break the news, you better bring that letter with you!

Judy: I don't know how much of it had to do with rebelliousness, how much of it had to do with looking for a man that was different than my father. I think I have always felt that my

father, how to put it, he wasn't there for me. Only very recently, when I told my father that I was having a lot of problems with Alan, I also told my father that... We never discuss personal things. My father doesn't like to discuss anything personal.

Roz: He's a psychiatrist.

Judy: That's right. He doesn't ever develop that kind of relationship with me. Sometimes, he would be very opinionated with me and give me what he would say, forgive me for acting like a father, but... But he never reached out to me, and never asked me what I felt, what I thought, never. I don't feel like he ever tried to get to know who I was. Recently I had a long conversation in which I told him that I didn't have much childhood memory, that I was dealing with all kinds of things about my mother. He assumed that most of what I was dealing with in therapy had to do with my mother, and I had to tell him that a lot of it has to do with him.

Roz: Now, you started this by saying that recently you spoke to him about your problems with Alan. What did he say?

Judy: Well, I think for the first time that I can recall, he wanted to know how I felt. He expressed to me, I understand, your mother has been this, that and the other thing, and I'm sure that is what you have to deal with in therapy. I said that that was true, but I said, to tell you the truth, I'm also dealing with my relationship with you. I said that, I don't feel that you've ever really been there for me. And this was like a horribly frightening thing to say to my father. I've never said anything like that. I said, when I was growing up, and in recent years, when I've reached out to you, when I've been in enormous need for something that only my father could give me, it was never convenient for me to come down and visit. It was never convenient. He was remarried to another woman who he had a half-way decent relationship with, but she was very threatened by me.

Roz: Why?

Judy: I don't really know. She had never had children. They had been married for almost twenty years.

Roz: What did you think that a father could give that a mother couldn't?

Judy: I don't know. I'm not really sure. I just felt that he had always stood in judgement of me. I don't know. I just needed him. I just know that I needed him. I needed to know that he cared. I still don't know quite what it was. It was never convenient for him. Well, I'm sorry, we've got a concert this weekend, etc, etc, it's not convenient for you to come down. I

finally, without a lot of anger, told him that, you weren't there for me when I needed you. I've often felt that he wasn't there when I needed him, and all the times that I've come down to visit with the kids and Alan or whatever, he has always created a situation in which we weren't alone. If we had a conversation, he never said to me, hey, how are you doing, are you happy, are things going well? It was never that. It was always either gardening, or weaving, or something. He totally avoided any kind of personal thing with me. I said to him, it's been a problem. And he admitted it. One of the things he said to me was that, one of the biggest regrets of my life was that I wasn't there for you.

Roz: Does he know why?

Judy: It had a lot to do with his unhappiness with my mother, and therefore he wasn't home a lot.

Roz: Do you know what went wrong with his relationship with your mother?

Judy: It's so complex. It was a very destructive relationship.

Roz: What went on when you were growing up?

Judy: I don't remember.

Roz: Destructive in what way? Did they argue?

Judy: Yes, they argued. Again, I think I've blocked out an awful lot, because it was horribly unhappy. In fact, my father recently sent me something that he had used in his divorce case, and I have to read it with that in mind. But, at any rate, he talked about incidents in my childhood. He sent this to me hoping to jar some memories, but it was quite extraordinary. In fact, it was foreign to me. That I woke up one morning and found my mother on the kitchen floor, she had passed out there and slept all night there.

Roz: Did she drink?

Judy: No, she didn't drink, but apparently she was on lots of sedatives. She had lots of problems, migraine headaches, etc.

Roz: How is your relationship with your mother now?

Judy: Well, I had run away from home after my first year at college. I decided to come home and live with my mother for the summer. My father had just recently left and she was going through absolute hell. She demanded things from me that I wasn't able to give. She had just totally fallen to pieces, and I think she wanted me to be a mother to her. I had, I guess, some kind of a real love - hate relationship with my mother, because she,

and this is not necessarily from memory but because I've been told it, that she was very destructive with me. She was very hard on me for the most minor kinds of infractions, what her expectations were of me. My father told me things, this is after my first year in college, things that happened between my mother and I that I have no recollection of. Finally, I ran away from home at two or three in the morning, barefoot, and ran to a phone booth and called my father. He came all the way out from Brooklyn, and I lived with him for the summer. I had no contact whatsoever with my mother until I got married the first time. Our relationship has steadily gotten better.

Roz: Has she remarried?

Judy: She never remarried. I think one of the major problems I have with my mother now is that there are times when I really want to reach out to her and be able to say, mom, I love you. Or in any genuine way, kiss her and hug her. I can't do it. NOW, one of the things, one of the reasons is that when I was growing up, my father had told me, and this is one of my few memories, not to get close to my mother because she was crazy and she was destructive. Do not get too close to your mother, she will hurt you. so growing up with the idea of wanting to be close because mothers and daughters were in some ways, and also holding back because I had been told this, that and the other. Not only told, but my mother's actions to me were like that. I don't doubt that my mother loved me, but I think she was so confused and so unhappy in her life.

Roz: What made her unhappy?

Judy: She had a horrible childhood. I mean, this pattern repeats itself.

Roz: What happened?

Judy: Oh, she was the unwanted child. Her mother got pregnant again after having two sons, and she claimed that her husband never slept with her afterwards and it was my mother's fault. She had a mother who was very cruel to her, would do physically cruel things to her as well as constantly degrading her. In every family picture, my mother is always sitting way off in the background, and everyone else is there with the family. Or my mother, as a young girl, is sitting up in a tree and the rest of the family is together. I think she had been sexually abused by her uncle. There were a lot of things.

Roz: And how was her father?

Judy: I don't know that he ever stood up for her, or got involved. And so my mother entered into the relationship with my father very needy, very angry, very hurt, and my father tends to be a very cold individual.

Roz: Was it a marriage for love?

Judy: I think so. Only my father has recently said that she was a very attractive, vivacious woman. I don't know what my mother's need for my father was, what the attraction was there.

Roz: How old were they when they married?

Judy: I really don't know. My father was going through medical school, and my mother was a labor organizer.

Roz: College educated?

Judy: My mother was not, which was one of the major problems that she always had in her life. She never felt adequate, whereas my father was very well educated. She had such a poor self-image. She never felt adequate at all.

Roz: Did Sam and Alan make you feel adequate?

Judy: I think they could have. I think I inherited that, so to speak, from my mother, feeling a lack of self-worth.

Roz: How has your sense of self-worth changed within the context of these three relationships - Sam, Alan, and now Will? Is your self-worth a function of the relationship?

Judy: I think mostly me, really. I think certain things can act as catalysts to get you to reevaluate yourself and begin thinking about these things. I think it's happened to me over the last few years. I think Will certainly has had a lot to do with it because he's given me some kind of, I don't know what the right word is, arena or something, in which to even address these questions... because there was someone there that I could talk to, and who was extremely interested, obsessively interested almost, never letting it slip by, always questioning, always making me question, always asking me to think about it and to wonder. It was Will who encouraged me to go into therapy.

Judy: What is it about Will? It raises an interesting question about what good age-mates are. I reflect back to twenty-five, I was curious about who I was with and had endless time to ask. Is it a function of Will's age, or Will's character?

Roz: I think it's definitely a question of his character. I think it's also a question of having been alone a lot of his life, with a lot of things he's been struggling with. He hasn't gone through the same struggles that Alan has about being responsible, and having a job, and that kind of thing. We match on the personal level very well. I think that is a good way to put it. I think that is one of the most crucial ways in which we match, at least for me now. It seems that for my personal

growth, that is real important to me now.

Roz: Someone to grow old with seems to be important to Alan, his wanting to stay married, and isn't that important to you at this time, finding someone to grow old with?

Judy: I guess it's not quite so important, not to say that I wouldn't want that to happen at some point. I think that I still have a lot of unexplored area that I have to deal with before I can focus on other kinds of things. I know that part of what I have to deal with is relationships with men. Somehow or other not feeling satisfied with one relationship, always looking. In the past, I think it has just been an incredible need to be loved and to feel love by men, even more than the actual sex. The whole attraction thing, the whole desirability, the whole, as it's been put to me, power thing.

Roz: To have the power to make somebody love you?

Judy: Yes, and that is almost hard for me to accept and deal with.

Roz: If one goes to describe most men, one tends to say their power in the world is important. If I were to describe myself and my relationship with work, my preoccupation has been with my influence in the world. I come from a family where I've never had any doubt about how loved I was. My attention has been on a relationship with a larger social world, not a family. I wonder when I reflect on the obvious characterizations of women as passive, nurturers, non-assertive, and I think, no, that doesn't describe me. And I'm female. Men and women are capable of becoming any mix and all of those characteristics. It may have more to do with what influences they had as they grew.

Judy: What you just said is really interesting for me, because you felt you had no doubts about how loved you were at home, that you were able to concentrate. To seek love and to find proof all the time wasn't such a burning need. So you were able to direct your energies to other kinds of things. Most of my energies, or a good deal of my energies are directed toward finding that fulfillment of being loved.

Roz: With Bruce, and with my past relationship with my friend Paul, it's been tempting to stay in a relationship because of feeling so loved. Saying, my god, this is what it was like at home, I ought to hold onto this relationship... this feels wonderful to be loved... I understand what you mean by the incredible power of being loved. But most often, I haven't stayed for that reason alone, because I felt loved by my parents also. My family wasn't going to stop loving me. In this film I've just been doing with my mother, the one thing you noted was my mother saying that her mother was the same with her as my mother is with me. Her mother was very supportive of her. My

mother was going to be an artist and a writer, and she was going to go to college even though there wasn't much money. She couldn't do that because my grandmother became an invalid, and my mother took care of her. My mother passed on to me - well, you be what you want... I wanted to be these things, you're allowed to want to be those things.

Judy: Oh, that's wonderful.

Roz: It is interesting that there may, in fact, be just a passing on of good and bad fortunes. There were bad things that were passed on. But my mother and I didn't focus on those in this particular interview. That's what analysis is, an understanding that things are in fact passed on. What are those things?

Judy: Well, see, neither of my parents would ever question that they didn't love me, and love me incredibly and totally, especially my mother. I mean, my mother has gone on and on and on about her undying love for me, yet for some reason, I didn't have that sense. I heard the words, but didn't have the sense. I think that it was because she had so many problems, she was never able to make me feel that way. Also, I think that she never truly accepted me for who I was and my nature.

Roz: It was interesting to me that you also said your mother was hard on you for every infraction. When I interviewed my mother, she said they were just the opposite.

Judy: Although my mother would say now that she so lenient with me, and she would let me get away with murder, I think part of it was that there was no real consistency. I grew up with asthma. My father, a psychiatrist, has done a lot of research on asthma. He has pointed out to me that asthma is repressed crying, to a large extent. What you do is bottle up inside yourself instead of getting it out either with anger and tears, or hurt, or whatever. You keep it within. One of the things that would happen to me is that when I had asthma, when it was its worst, my mother would be angry with me, and it would always make it even worse.

Roz: Do you have asthma now?

Judy: I still do, and it's a drag.

Roz: As often?

Judy: Yes. Now it's triggered by different kinds of things, not necessarily emotional things, although I can usually tell what is triggering it. Sometimes just having these cats around, that will do it. Sometimes, almost always, I get asthma with a cold.

Roz: So how did your father deal with his knowledge of why you

might have asthma?

Judy: He never really dealt with it. One of the things that kind of upset me in later years was when I was married to Alan, he would say to me, you don't have to have asthma, you have asthma because of these psychological reasons, etc, etc. It used to just burn me up because he knew that first of all, I couldn't afford therapy, I had no money. So here he is, I would suffer horribly with asthma; not being able to breathe is one of the most horrible things you can possibly imagine. And yet he would say to me, you don't have to have it. Yet he never made it possible for me to try to get rid of it. That always struck me as being so strange.

Roz: He loaned you money for other things, when you needed money?

Judy: Yes, right. He's always been there with presents here and there, a couple hundred dollars. I never really asked. At one point I only went three times, and it was to look at a very specific problem that I had. I was having an immediate problem in a particular relationship, so I went for that. Again, that was a way in which I felt that he wasn't there for me. He knew there just wasn't the means. I suppose I could have taken the initiative and just said, I want therapy and I can't afford it and will you pay for it?

Roz: Why didn't you?

Judy: I don't know really. Partly, I wasn't ready for it, and partly I was rejecting my father's saying that to me... you don't have to have asthma, and here I am unable to breathe and taking all this medication and suffering.

Roz: Why did you allow me to take the portraits of you and Alan?

Judy: Well, I think a couple reasons. I think I was curious or interested in having this particular point in time recorded. Well, more than two reasons, but one is having a very poor memory even now. Photographs are important to me because they tie into something that I don't have real good access to. I'm a real visual person, extremely visual.

Roz: Meaning?

Judy: I think visually. In many ways, my visual memory is far better than my auditory memory. If I see something, I'm very apt to remember it. Also, I thought that I might see in the photograph that would give me a new insight.

Roz: What made you think that?

Judy: Well, I don't know if I can put it into words, really.

Looking into the mirror isn't the same, somehow, as having a photograph in front of you, in terms of what you might see in yourself or looking at your eyes. Or maybe because it's fixed in time, so it doesn't go away two seconds later. You're not preoccupied with something else. You can go and look at it again and again, no matter what your mood and maybe see something you hadn't seen before. So it's not so transient. Plus you might see some subtlety of how you stand in relation to other people around you. I've found that in photographs that I've looked at of yours, and these particular ones that you did of Alan and I, and Will and I, you seemed to have brought out things that I don't think that anyone else would have, in the same way. It's not mechanical shooting of what was there. I think that there was an awful lot of your input. I'm not quite sure if I could define it.

Roz: Could you try to characterize what you think you felt during the session? How I might have altered your situation and what I may have invested in the situation.

Judy: I know that I have a sense of that having happened. I don't know. That's something I'd have to think about for a while. I know that a lot of your photographs have a quality that are different from other people's. I'm not quite sure, in terms of specifics, what you said to direct us to pose for the pictures, or what it was. I don't know that I can state it from that basis. I can say that your photographs have a reality about them that is different from a lot of other photographs, not necessarily pretty photographs. I think for one thing, especially when you took the photographs with Will, the way you made us comfortable together had a lot to do with what we could show you in terms of the photograph, especially with Will, that really worked out.

[Judy Hodson March 1983 - tape 2]

Roz: Any photo can have the ability to make us reflect.

Judy: I think that is true, too.

Roz: Do you know what made you believe in photographs being able to do that? I mean if you allow me to take your picture, and you have an attitude of, well, maybe this photograph can show me something. Do you know where you came to believe that photographs could do that? I mean, is it tied immediately to having seen my photos, and my photos of what?

Judy: I have seen your photographs of people. They were real, I don't know how to put it, just kind of gutsy portraits that somehow or other seemed not superficial. I don't know how to describe it really.

Roz: What photographs do you remember historically? Think back about photographs that are part of your memory, in this day and age of ours, including family pictures.

Judy: Right, not a specific photograph, I guess. I think it's also that I'm so familiar with the medium because I take a lot of photographs.

Roz: What do you photograph?

Judy: I've rarely photographed people. Mostly I photograph things. What I'm attracted to is intimate situations, intimate landscapes, close-ups of certain kinds of things, well, I could show you some afterwards.

Roz: Well, I know when I was here one day you went up close to a plant.

Judy: Right. I do plants. Oh, I have a really nice photograph of a porch with beautiful light coming on it, and a clothesline. That just seems intimate. It's someone's personal place. One of the things I've become increasingly interested in, in terms of what I want to photograph - and this is something that is new for me because I used to just walk around and take photographs of what inspired me - but now I'm specifically interested in taking pictures of intimate scenes either through window, reflections of things, double images.

Roz: What's making you want to photograph those things?

Judy: I'm not sure.

Roz: Have you seen pictures like that before?

Judy: Yes, I've seen some pictures before Dorothy Hyakywa's photographs. I think she photographs a lot of intimate situations, what I would call intimate, not seeing the whole picture but part of the picture that gives you the feeling of a special place. Generally speaking, beautiful landscapes don't really appeal to me that much. I mean, sure, there are incredible landscape pictures, but it's the more mysterious pictures that appeal to me. The one that makes you think about it. I have a photograph that I really like of a close-up of a deer's head. Of a wet deer, and it's looking right in the eyeball and it's real personal, a real intimate kind of situation. Yet, I avoid people. It's not something that I feel comfortable with. Or even that appeals to me that much in terms of my wanting to take pictures of people.

Roz: So when you say intimate...

Judy: Intimate in terms maybe of, oh gee that's, ah, maybe it's

a place that was meaningful, or something that could be not necessarily dream-like, intimate in terms of a close-up of something, maybe. I have a photograph upstairs of wet sand, of glistening, just incredibly glistening, almost like mud, and I would consider that as intimate photograph. It's very sensual. It's very tactile. Like I have a photograph also that I'll show you which is a lock on a gate. I have a photograph that I took in moonlight which is two New York trucks side-by-side in a vacant lot. Another one that I did in moonlight which is very shadowed is a stairway, with beautiful shadows that lead to some unknown place. I consider that to be an intimate shot.

Roz: What kind of feeling did it conjure up, when you saw the trucks side-by-side?

Judy: Well, I think I, I don't know if this is the right word, anthropomorphised. They weren't necessarily trucks. Visually I liked it, it seemed slightly mysterious, and slightly playful, these two trucks together, as if they were lovers or whatever. Photographs have a great deal of appeal to me. I've seriously done photography since my last year in high school, I mean working in dark rooms. I was self-taught, teaching myself how to print properly and roaming all over the lower east side in New York all my myself, taking photographs.

Roz: What was the appeal?

Judy: In those days, it was more people photographs, curiosity, about people, liking the image, liking the process. In fact, when I think of it now, a lot of photographs, most of my first photographs were of people, and that's since changed. In fact, I just bought the biography of Steiglitz, because he's a very, I have a warm spot for him as a human being, and a photographer, and also Georgia O'Keefe. I admire and respect them, and am also interested in their incredible love affair.

Roz: How early on were you aware of other photographs?

Judy: Probably quite early, because I was what I would call a serious painter or artist in high school, where I was taking life-drawing classes with adults one or two nights a week, where I was as a junior in high school stretching five foot canvases and doing big attractions, this was in the late '50s and 1960 and that wasn't really done. You know, that often, studying privately.

Roz: What images do you remember historically, like on TV? How do you recall historical events? In your history, what was important?

Judy: How do I recall, you mean, in my own personal life?

Roz: What do you recall as the major historical events?

Judy: That's a hard one. I have no idea.

Roz: J. Edgar Hoover resigning from the FBI? Anything?

Judy: I don't know. I didn't have much of a consciousness. I must say that I only began to have any kind of consciousness when I went to college as to the world outside me.

Roz: And of that world outside?

Judy: The peace movement, probably when I went to college, was the first thing I got involved in, superficially and briefly.

Roz: What made you get involved in that?

Judy: It happened, I think in some ways, I think it was accidental. I'm not really even sure. I knew a bunch of people, or it was a way to get out of class. I don't really even know. Someone said, hey, do you want to go on this peace march? I decided, sure. I didn't know what it was. I didn't know what it all meant. I'd never thought about it, never thought about nuclear war. I went on this march. I didn't know it was between five and ten miles out from Cambridge, out to some other place carrying a placard about, stop nuclear war for the sake of the world's children, or something like that, and even felt, oh my god, I bet my parents will kill me for being involved in something like this. Then when I told them, they said, oh that's great, oh I'm so glad you did something like that. I was just shocked. It was one of the first decisions to do something that I wanted to explore. Again, I didn't get terribly involved in it but I was at least aware.

Roz: Did you watch TV as a kid?

Judy: Yes.

Roz: What shows did you watch?

Judy: Nothing that was outstanding. We would just watch TV. My parents always watched the news. The news was on, the six o'clock news and the eleven o'clock news, and they were very interested in what was going on in the world.

Roz: Do you remember anything in particular that came on over the news as being influential to your life?

Judy: No.

Roz: Do you have any fond memories of any particular show that you watched weekly?

Judy: I think I watched a lot of things weekly, but I don't even

remember what they would be.

Roz: Can you name some?

Judy: Oh, I probably watched, that, oh let's see...

Roz: Do you remember characters?

Judy: Characters?

Roz: A hero or a heroine?

Judy: I probably watched the Lone Ranger.

Roz: Do you remember it?

Judy: Probably a little bit, but I don't know if I've seen reruns that Bryce has watched.

Roz: Do you remember...

Judy: I was never a Leave it to Beaver fan. I can't remember some of the shows. Jerry Lewis...

Roz: Who were your favorite stars?

Judy: Stars? The sexy men. I had photographs on my wall and let's see, oh in those days it was Rory Calhoun. My father had a patient who had worked for some publicity, actually those were all original photographs now that I think of it. They'd be worth a fortune, of all those famous movie stars, and many of them were autographed to me and they were all eight-by-ten, Veronica Lake, and all these real famous. This is something I just remember now, for the first time since I left home, that I had this incredible, very precious to me, glossies.

Roz: What did you think about these?

Judy: I romanticized them incredibly, and on my wall I had photoplay magazines and so on. I had James Dean pictures, or what's his name, Elvis Presley, up on the wall.

Roz: How did you feel about those photos? Do you remember what you thought about those photos? Whether those were the real people or not, or whether you knew they were publicity?

Judy: I don't think I really thought too much about it. I just loved having them.

Roz: Were you an only child?

Judy: No, I have a brother who is four years older. We lived apart. There was almost a night and day difference almost to the

point where it was very hard to communicate. Because I think that all of the issues that I deal with consciously, unconsciously he has stuck them away in a closet and said, I'm going to get on with my life and what do I want all this shit for?

Roz: What does he do?

Judy: He's a very successful doctor, with a very successful marriage, really, so it seems, and I think probably is. He was determined I think to make his marriage work, not like my parent's marriage.

Roz: And what does that mean?

Judy: Well, I'm not really sure what it means except that it seems that they seem to have a good relationship. He's a very devoted family man, a very devoted husband, also they lead in many ways a very good life. I mean, they are physically active, they camp, they canoe, they have a social life, every moment in their life is planned, every moment is planned, their vacations, their outings, everything.

Roz: Did you ever want to be a doctor?

Judy: No, I think what appealed to me at one particular point was to be a medical artist because I really loved to do very fine drawings, pen and inks and so on, and so that interested me. But no, I never did.

Roz: It seems that he chose a career that would give him income. Did he make a conscious decision to go be a doctor?

Judy: Yes, I think so. Well, I don't know. My father was a doctor. I don't know exactly why he chose it, we've never really discussed it. I think it was probably, I don't know how early he came to that realization.

Roz: did you have to make any decisions based on how you were going to provide for yourself?

Judy: No. I think it was assumed. We never really talked about it. First of all it was assumed that I go to college. It was never even considered that there was any other possibility for me.

Roz: Go to college... to get a career, to make an income?

Judy: Money was never an issue with me in terms of what I ever thought about or what ever was impressed on me as being important, that you might have to be out on your own supporting yourself. I guess it was assumed that I would meet a man and get married and have a family, although it wasn't really consciously

a desire or drive to fulfill that. I don't think I ever really, that's one of the things that sometimes gets me. I know I must have thought about my life and what I wanted to do, but I really don't have any recollections of thinking about all those things. I think that I tended more to function on a daily basis or a weekly basis or a monthly basis, but not in terms of hopes and dreams for my life.

Roz: Well, except if you thought about being a medical artist, a medical illustrator?

Judy: But I didn't think seriously. Seriously, I never changed any action in my life so I could do that.

Roz: Your parents never brought to mind that you might have to make a living?

Judy: No. Or if they did I don't recall, but I don't recall most of everything that happened to me.

Roz: When you saw pictures of Veronica Lake what did you think? For example, when I saw pictures of Barbara Stanwyck, I remember imitating cowgirls, imitating their actions to some extent, like they were movie stars and they worked. They represented independence. I'd see a picture of Ginger Rogers, and I would think of the working woman. I would think I wanted to grow up to be Ginger Rogers. I wanted to dance like Fred Astaire.

Judy: See, I don't know, I may have had those thoughts. I don't remember any of it.

Roz: When you had pictures of Rory Calhoun and James Dean, do you remember thinking about them as mates?

Judy: Well, always part of a romantic fantasy is about falling in love. A real preoccupation, which it still is, falling in love, and being an artist. I guess that really was the driving force. But I never thought in terms of well, would I support myself? How can I do it, make a living, and still be an artist.

Roz: How was that nurtured?

Judy: My mother really nurtured that. That was something for which I gave her lots of credit. In some ways she pushed me.

Roz: Why?

Judy: Well, I think she thought I was very talented and that she felt that would be good for me. She wanted me to be successful with something. That would be a question to ask her. She took it upon herself to go to my art teacher at school and ask him if he would take me on as a student privately. My mother was so pushy. He didn't want to, probably because I hadn't exhibited any great

talent in school. So he was thinking, oh geez what am I getting involved in this for, this rich suburban kid, da-da-da-da. But it turned out, I mean after even the first time I was there, I did incredible work. He was most impressed, and it just began to blossom into something very serious for me.

Roz: How old were you?

Judy: I think I began at the beginning of my junior year, and one of the things I do recall is that I was supposed to be in bed at nine-thirty or ten or whatever it was. And my parents would be watching TV, and our studio was in the basement. I would sneak down and paint or draw until one in the morning and then go back to bed.

Roz: Without them ever knowing?

Judy: Without them knowing. Or, you know, maybe I would tell them after I had finished some incredible painting that I really liked. I was doing really gutsy paintings then.

Roz: That's incredible that you would be so involved.

Judy: I guess so, yes, I guess it was. I guess I don't know why I would give it such importance now, but I guess it really was.

Roz: And what kind of feedback did you get from the teacher?

Judy: Very good feedback. He was a real understated kind of guy. But I mean when he gave me a certain look, or said, yes I think you're coming along, that meant a lot. He was also a, quote, serious painter, at least at that point, but has given it up for real estate, which was one of the biggest crushing blows when I went back to see him years later. It was: oh no. That was a real burning urge in me. It's true. I don't know why I don't give it more importance. It's funny.

Roz: Did you expect then to be a painter? Did you expect to be married as well?

Judy: Yes, probably. I don't know that I thought a lot about homemaking. I thought a lot about men. But I don't know that I thought in terms of homemaking.

Roz: Do you remember when you were in high school, how you pictured your future?

Judy: No, not at all, no, nothing about it. I know that being an artist was an important part of it, but in what context I don't know.

Roz: Were you different from the other women in high school?

Roz: Did you understand her?

Judy: Well, there was something. I understood something. There was something about her that appealed to me. Then my social studies teacher said to me, what happened with - I don't even remember her first name - what happened with you and what's her name? And I said my mother didn't want me seeing her anymore. He wondered why, and I told him the full story of her being a kleptomaniac and so on and so forth. And this guy said to me, well, she probably needs you as a friend, can't you explain to your parents just because she is a kleptomaniac you're not going to become one? And that you have the need to reach out to this girl and to befriend her? And so forth. It was kind of a, I didn't have the courage to do it, and I always felt guilty about it. I always felt like I let this girl down.

Roz: She never knew why you stopped seeing her?

Judy: Oh, I may have told her, but basically it was like I was forbidden and that was it. Actually, when my mother discovered these things missing, I don't know, it was eight or nine at night. She and my father went and stormed over to this place and went into this house, and it was totally dark and almost no furniture.

Roz: So did you find the gloves there?

Judy: Yes, my mother found the things. It was an attitude of, look what this person did to me. Instead of, this poor girl, she needs, oh, let's help her. Nothing. It was like someone had done something to my mother. My mother was real strange that way sometimes, too. I remember sometimes going shopping with her. That was the one thing she was really good at doing with me. She'd take me out of the school for the day and say, let's go shopping. We'd go bargain hunting for all these clothes and often I'd feel so pressured into getting what she wanted me to get, and then I wouldn't wear it. She'd get really angry at me. Really angry, and how ungrateful I was, and this came out in this thing my father gave me. That was a major problem because she would buy me stuff I never wanted, and she would get angry at me when I couldn't wear it. And so she was like really freaked and be angry. But I remember being in this department store with my mother and she was buying something, and I remember just hanging around. She stepped back and stepped on my toe, which really didn't hurt very much, but then she got angry at me that I was in her way and yelled at me in front of the service people that were standing there. I felt that was a kind of injustice that frequently happened to me with my mother. I really grew to be mistrustful of her. Whether it actually happened that way or not, that's the impression I have.

Roz: Do you ever wonder, as you point out, why she didn't

understand this little girl, this kleptomaniac, did you ever think about your trying to understand why your mother was so...

Judy: I don't think I thought too much about it because I think for a lot of reasons it was just too painful. I blocked it all out, you know, and I just recently read in an autobiography how nighttime was so frightening to this author. He talked about his mother who also had enormous problems, psychological problems. So there was something about reading this that made me suddenly realize the desired. I've had a real problem with the nighttime. I'm terrified of being alone at night, obsessively so. I wouldn't do a lot of things. It restricted my activities. I was always afraid to walk down the driveway or to get out of the car when no one was home, and it was dark, and come in the house. If Alan would be away at night and I was alone, I would sit hovered in a corner just huddling unable to sleep. There was something about reading that, that made me realize that nighttime for me must have been terribly frightening, too. Because that's when all this stuff went on between my parents, all the stuff that I blocked out. And so nighttime is the time to be afraid. I'm sure there were other things, psychological things involved about it, just something that struck me about that because a lot of bad things happen at night it was a time to be feared.

Roz: In the photographs I gave you, do you recall whether having the photographs changed your subsequent behavior? Did any of your thinking change as a result of having the photographs, before and after, so to speak?

Judy: You mean just the process of being photographed, the experience of being photographed?

Roz: Actually, once it was a real object, and once you had the image of yourself, can you think of something, the experience, as well as having the image, that was interesting?

Judy: Well, I know it had, it was an experience that had a lot of effect on both Will and I, being photographed.

Roz: In what way?

Judy: Well, I think we both felt extremely close to one another. I think we felt because of the kind of undercover relationship that we had, that we would, with someone that we trusted, we cared to be able to express those feelings. The tenderness, the sadness, the intimacy, all the caring that went on, and that was a growth thing, I think that definitely had an effect.

Roz: When you were subjects, did you find yourself doing anything for the photo session?

Judy: No, I felt in a way that Will and I latched onto one another physically a little bit more, just like in this

photograph, really hanging on to him.

Roz: Do you know why?

Judy: Oh, I think a little bit of it had to do with the nervousness of being photographed, and also probably to some extent, desire to have those very passionate tender close moments captured.

Roz: So was there any sense that the experience of being photographed was a collaboration? Did you feel in control of what you were expressing.

Judy: I don't know, that's sort of vague, but I think I was in control. Yes.

Roz: And the time that you asked to be photographed, or did I ask you? I has asked to photograph you and Alan .

Judy: Right, and I asked if you'd be willing to photograph Will and I.

Roz: At that point, did you know what you were going to use the photographs for?

Judy: Well, I think in the back of my mind was the idea if, I wanted to capture a special moment in time that I could hang on to, that may not be there again because of the nature of our relationship. I couldn't count on him being there a week, two months, a year later.

Roz: Have you referred to the photographs since?

Judy: Yes, Will has them, because I just felt since Alan didn't know, it was unwise to keep them. I've looked at them a few times now.

Roz: Does it have any continuing effect?

Judy: Well, when I look at them, I feel I was going to say nostalgic, just for that moment, that was a very close moment for Will. We talked about it afterwards because, like I said, we felt comfortable with you, and we could be cozy together and feel right about it. It was a nice feeling, and when I look at the photographs the nice feeling comes back.

Roz: Are those photographs on display at Will's?

Judy: No, he has them in an envelope, a brown envelop.

Roz: How often have you looked at them?

Judy: Probably three times. I know he showed them to a few

people, and I've looked at them at least three times. I mean, I had them here for a while and I think I've looked at them quite a bit for the first week.

Roz: And each time, what did you think of? Was each time nostalgic, or what?

Judy: Well, yes, in some of them, how incredibly sad I looked. It just seemed like a lot of sadness. Although some of them, I'm smiling and happy. It was the ones I like the best actually, in terms of how I look, to put it that way, were the ones that looked the saddest.

Roz: Did they affect any of your behavior, any of your actions, because of what you thought of them?

Judy: Not really, directly. Nothing that really comes to mind, being strong.

Roz: And with the photographs of you and Alan ?

Judy: Oh, I never saw that.

Roz: You never saw this one? Those are the ones with a Polaroid. I guess I must not have processed it.

Judy: Right. Oh, there was a problem with the Polaroid. No, I never saw this. In all the ones with alan, of course, you arrived on a day on which Alan and I were having a very hard time. I think we'd had a big fight or something, some major thing, and I wanted to be as far away from him as I possibly could, to not want to touch anything. And until that last photograph that we had anything physical to do with one another. I looked so unbelievably sad in this. It's just incredible. In almost all of them, Alan looks relatively happy, in spite of everything. I noticed that about the others that are happy.

Roz: What did it make you think?

Judy: It definitely did make me think something. I'm just trying to put it into words. Oh, I felt like I was the problem in the relationship. I was the one who was not satisfied. I was the one who was so filled with sadness and anger or whatever. I was the one holding down.

Roz: Did those thoughts make you change any of your behavior?

Judy: I don't know if it made me change my behavior, it certainly made me aware of my behavior.

Roz: Had you not been aware of that in particular at that time?

Judy: Well, I think maybe we had a sense of it, but somehow

being able to see it, I'd say, geez, look at me. I really do look sad or really have put myself apart from the group, the family group.

Roz: Did you try consciously to set that up when I was photographing you. Do you recall?

Judy: Well, I don't really think that I did, but I think that I do remember feeling... because we had had a fight that I didn't want to go anywhere near Alan , really. And probably actually now that I think of it, I think that I did not want to appear close and intimate with Alan because I had been close and intimate with Will in the photographs, and I didn't want to appear that way with him.

Roz: Now in the last photograph, you put your head on Alan 's shoulder.

Judy: I think that was for several reasons. Probably it just seemed so absurd that is was just such a conscious thing that we were purposely not touching. It was like, oh boy, you know, this is ridiculous, and touching that little bit of a very tentative thing.

Roz: I remember that photo. I think I gave you that one as well. Now, did you talk to Alan about this photograph?

Judy: No, we never discussed this. Never.

Roz: Did you ever discuss the photographs with anyone?

Judy: I think Will looked at them. I don't think we really discussed them. No, I don't think so. I definitely did not want to discuss it with Alan .

Roz: Do you know why?

Judy: It probably had to do with the kind of dialogue we were, or were not having at the time. And to talk about my sadness, and to talk about what went on that day or whatever, or whatever it might be, was just something I didn't want to do. Because it all meant talking about the relationship. It wasn't just the photograph. We just couldn't say something about the photograph, because it was a statement about where we were at.

Roz: Did you do anything with that awareness that you got from the photograph? You finally put your head on his shoulder and then when you got the photograph, I remember you said, gee, I didn't know Alan was so attractive. That's what you said to me.

Judy: I know. (laughs) Oh, that's funny. Yes, I think I remember thinking that he looked attractive in most of the photographs. And that I looked unattractive. Old and tired.

Roz: Do you know what you did with those thoughts? Did you put them away? Did you act on them?

Judy: No, I stuck them away. I didn't want to think about his being attractive, at that point. I didn't want him to be attractive, at all. I tucked it away.

Roz: So you chose which photographs to use then, like you used the one of Will and you.

Judy: It's funny, because both kids in this family photograph are very much like me. And Alan 's the smiling - it's sort of a forced smile, but not all that forced. Bryce is hanging out in the back, looking kind of persnickity. He was totally uncooperative, but he had that kind of brooding look.

Roz: How would you read the photographs? Would you consider the photograph an accurate description of you? And everybody?

Judy: Probably. Certainly at that point in time.

Roz: So, how would you read...

Judy: I don't know. It's, well it's, you know, in terms of what I see in people as they were, or I see Alan as being... see, it's hard to know what I'm reading from the photographs, and what I know about Alan and think about him. You can't really separate the two because these aren't strangers. So I mean what I see there.

Roz: Well, let's describe it two ways. Describe what you think you know about the characters and how they're depicted. Then if you can, add on what you think it says.

Judy: Well, I guess it seems to me that alan, in spite of all the woes, remains somewhat optimistic, and has a residual happiness, peace or comfort or something. A lot of residual stuff works for me. Most of my residual stuff is not the positive stuff, but it's the pain and anger. And that just seems really apparent to me in that photograph of us. Alan has always described himself as being of a much more positive nature, me being a much more negative person, complaining a lot, and finding fault and not thinking of the good aspects of things, dwelling on the bad. For years that was a major problem and it still is for alan, though because of the way I've attacked him on those choice of words, he no longer uses them. But he gets the same idea across. It's that I'm so negative. I don't really see it that way. I can see how he sees it that way. I think I'm getting off the path here, but I feel that in the photograph, he has that residual positiveness, and I don't.

Roz: What do you think the photograph might say about culture,

our generation, a couple? In other words, if you were to look at this as an artifact not just a description of that reality, but as an object?

Judy: Oh, I don't know. When you told me what kind of questions you were going to ask I was having trouble with that one, then.

Roz: Like what made you move to Putney?

Judy: Well first, college. But what made me stay, which is probably more important, because it was chance that I wound up here, is the lifestyle, being close to the land. That's really what's kept me here is my enormous love of nature.

Roz: Did you have that growing up?

Judy: No, not in the slightest bit. No, I don't know where it came from and that was one of the things in myself that I felt I never got any recognition or appreciation for. I felt and I still do feel, although a little bit less because it doesn't concern me quite so much, that my parents never appreciated that more sensitive side of myself. A sensitive side that wanted to bring home a robin with a broken wing, but couldn't because my mother wouldn't have it in the house. The part of me that wanted more than anything to build a fire in the fireplace and just sit by it. But my mother said, oh, it would just make a mess in the house. You know that kind of thing, just a whole other part of me that was so very very real, that never, well, we never went on outings. We did go on a trip around the country and saw all the canyons and that whole business.

Roz: Was that the first time you felt like that about nature?

Judy: No, I think that I've always had a feeling for it. I don't know that I ever had real exposure. I don't feel like I've had the recognition of what it was I was feeling. It was feeling more that I was not satisfied with what I had. And it was kind of lonely, more another part of me that when I first came to Vermont. It was like I, oh, look at those cows and aren't they beautiful. And just feeling overwhelmed by the beauty of it, and feeling that finally, I had found the right place for me.

Roz: And the same for Alan ?

Judy: I think Alan was brought up - because his mother was artistic - with a whole different sense of things. I couldn't really answer that for him, but I think it was different for me. It was a much more caught-up-in-people kind of life, and competition and suburbia. The girl across the street dyeing her hair blonde, and she was in high school, and then my mother going out and getting my hair dyed blonde. You know that kind of thing, and dressing properly and shopping and not that whole other world. As soon as I knew that there was something else out

here, this is where I'll be. I wouldn't give it up for anything.

Roz: And that's still true?

Judy: Oh, very much so. I love the city and I go down to be inspired, and it really works. But in terms of what makes me happy and where I find myself at peace, it's very much in the country, nature and those kinds of worlds. It's not the world of people except on a very one-to-one basis.

Roz: Let's see, what else can we talk about?

Judy: The only thing I can really say about at least this last year of my life is it's been this enormous growing year for me, now that I feel mentally healthier or more stable. I can really look at it through all the pain and everything, a very good thing. It's been all and all, no matter what the outcome. something I had to do, and will continue to do, discovering who I am and where I've come from. What things I want to keep, what I've gotten from my parents, and what I want to keep and what isn't good for me to have around. And I think in the past, I've tended to keep the things around that weren't good for me. I don't know if that's, my father has again a psychiatric term, called me masochistic. That I've chosen or made decisions in my life, especially with men that weren't good for me, which is I'm sure immediately what he would say about Will. Without even questioning why he's so important, what does he mean to you, that kind of thing. And what woman in her right mind gives up what I'm giving up, a devoted, loving, caring husband, the nurturer, the good father?

Roz: Well, right now it seems to me I feel that life is for me growing personally, spiritually, in my development. Someone recently said something to me which I thought meant an awful lot. I just met him at the hardware store and he says, how's it going? And I said, well, you know, the same old stuff, same old men in my life and I don't know what to do. And he said, well, I'm not going to give you any real advice, but I'll just tell you one thing that has been important in my life is, it doesn't matter where on this earth I am, or who on earth I'm with, I ask myself in terms of why I want to be there, one question: can I grow from it spiritually? If I can answer yes, then that's where I'll be for that time. Because he said to me, growing spiritually is the most important thing in my life.

Roz: Don't you think that's saying we're responsible to ourselves first and foremost. It doesn't necessarily say that, it says that that's one of the questions. What do you think about responsibility to the larger community, the larger culture, the mate you're with? What is required of a person?

Judy: Well, I think that's a really good question, and one that I don't often think about. But I think for me at least, before I

can reach out to the larger community, or whatever, I often happened to be - even if it's a brief period of time - comfortable with myself in the immediate. I have to feel comfortable, because I tend to be, I don't know, I'm not expressing this well... but I tend to be introspective and not able to reach out when things aren't going that well for me. I do think that we have responsibility certainly to our mate, and to our children if we have them, and to people we relate to, to relate well and loving, in a caring way.

Roz: What are you like if you say you're responsible to your family? What are those responsibilities to yourself? Are they consistent?

Judy: Well, for my children at any rate, to give them a sense of being loved, to give them a sense of being important. Important to me and important to themselves. A sense of all things are possible and a sense of incredible well-being.

[Judy Hodson March 1983 (tape 3)]

Roz: I was reading this book by Elizabeth Janeway I got as a review copy. I guess there is a real curiosity on her part of why we don't learn from our history. In other words, you have a history and that life is very much your own making. It extends beyond your immediate family to your community, your friends. There are patterns we repeat. There are actions that are influenced by the society that we live in. I guess now more than ever, I want to know how women are going to do. I guess to some extent, I am bogged down in everybody else's detail. But when you talk about, in your relationship with Will, that you are able to grow and learn, I'd just always assumed that I'd learn and grow and change by knowing about people, a variety of things, not necessarily on a one-to-one basis. That may be some difference. I wonder how many people learn from a one-to-one relationship, how many people tend to learn from the big picture? Do men generally go out and learn from the big picture and women from intimacy? Do some women and some men? I guess I'm more concerned over the past generalizations made about women. I really want to know how true they are. We commented on the divorce issue as seeing it not necessarily as a failure, but as maybe an opportunity, one opportunity to grow. When it's not possible to grow any more the way you want, you move on to another relationship. That's probably a new way of thinking about coupled lives.

Judy: I think it is.

Roz: And maybe an important one.

Judy: Yes, just thinking of that made me suddenly flash on my

kids. One of the sad things that I think is that because of the emphasis placed on failure, that children have a real hard time. Well, they have a hard time with divorce often because there is so much hostility and fighting and anger involved. But if their parents are loving and caring about them and don't involve them in those kinds of situations, still, they are brought up with the sense of failure rather than of a new beginning. You know what I mean. There are so many negative connotations. The thing that worries me sometimes is that my kids, coming from an unsuccessful marriage, will hopefully not repeat that same pattern.

Roz: Well, one psychiatrist that I interviewed said something like, the effect was fifty-fifty. Some children repeat their parents, whatever they learned. And some children do the opposite. So you don't know.

Judy: Well, my brother and I certainly are fifty-fifty. He was determined not to repeat the pattern, and he is doing it very successfully.

Roz: My mother was from a broken home, and she was determined to have a successful marriage. I, in turn, haven't got married. So it is not necessarily that I will go and make the perfect marriage, even though I lived in what I perceived as a traditional successful home.

Judy: You're avoiding it... (laughter)

Roz: What I'm avoiding is what I think I perceived as a marriage in which there are endless compromises. And being rather uncompromising is my choice of art as a field. Well, you don't compromise a photograph. It's either good and may be better, but you never just make it acceptable. There is that striving for quality which could be described as uncompromising. I try not to do things half-well. I do it as well as I can. Now that is an ideal which may carry over to relationships. I don't want to be compromised. That is the way I often perceive my mother's situation with my father's. Rather than negotiate the marriage in which I am the one compromised, I stay away from such a relationship. On certain levels, I can see where I learned a certain meaning to marriage that wouldn't suit me. Rather than invent a new meaning, I stay clear of it until the point where maybe I am able to invent a new meaning for marriage which is satisfactory. Bruce is interesting to be with in the sense that he is young, which means negotiating a new definition might be possible. Might be.

Judy: Even being so conservative?

Roz: Certainly I'm set in my ways. I certainly recognize that. Somebody else my age might also be set in their ways. It may just be an interesting partnership right now because I'm in

school and he's fine. I want to move back into my house, fine. It doesn't seem an important thing for him to make an issue out of. Now, one wonders what it would be like with a traditional person ten years down the line. Whether I'd be very much like you.

Judy: Right. So he's not pressuring you into living together, or getting married, or why don't you want to? What about your sense of fidelity?

Roz: His attitude has been, he wouldn't ask that of me given that I'm in Boston. I don't ask it of him. But he has said that he would want to know. It's one thing if I slept with an old friend. It's another thing if I establish another relationship. He'd want to know right away, more because of ego than because of anything else.

Judy: So that he wouldn't be so bothered?

Roz: Well, because no commitment has been made. If a commitment is made, then yes, he is bothered. And I recognize that, because all the times that I've said, well sure you can sleep with somebody else because it's an interesting experience, I've later regretted it. I've been deeply hurt. It means that someone you love can transfer affections. By virtue of experience, I now know that if you have a second relationship, you share yourself. If you're not callous, you share yourself. Therefore, less is available to the first relationship. Therefore things can change for the worst. And if I need somebody to talk about work, then I better look for associates. But if I want to have a family and kids, then I have to protect that environment, because it obviously, in this day and age, needs protection. It can't exist without some real design. I certainly did everything possible to protect my book projects, my commitment to my work. I would never do anything that was going to jeopardize its being created, and it took eight years to develop and succeed. The same would be true of anything, and endeavor. I would assume that's true of any partnership and therefore any marriage. I was thinking that I was never in a position to share that much energy with much more than work and one loved one. I think, yes, with Bruce it would definitely be the case, you have to have fidelity in order to secure the relationship.

Judy: Would that be hard for you?

Roz: I don't know. I mean, given that I've been around, so to speak. So many kinds of people, some passionate, and some not so passionate. Some for this reason, and some for that reason. One guy's a mentor, one guy's a friend, one guy understands photography, one guy understands my business inclination. Nobody has ever been everything. Maybe knowing that, it means that I know I don't have to have a romantic relationship with everybody. Maybe, I can find the guy who nurtures my art, that

is my need for self-expression, and respects what I do and who I am. And I can do the same and care for their growth. I don't know whether that will be the case. I'll see. I don't know what ingredients are in a marriage that works and whether everybody else can tell me. But I assume the reason Bruce and I work on the relationship is because I think we're both assuming that each other has the character that would make a good marriage. Whether in fact we both decide we can be married to each other is the question. If I change my mind and I don't want kids, would I ever marry? I just might not marry. But the issue of children and having a child means making an environment for the child. On one level I look and say, well you've had your children and maybe now that is part of what is triggering wanting the other needs in your life met.

Judy: Oh, you mean for me?

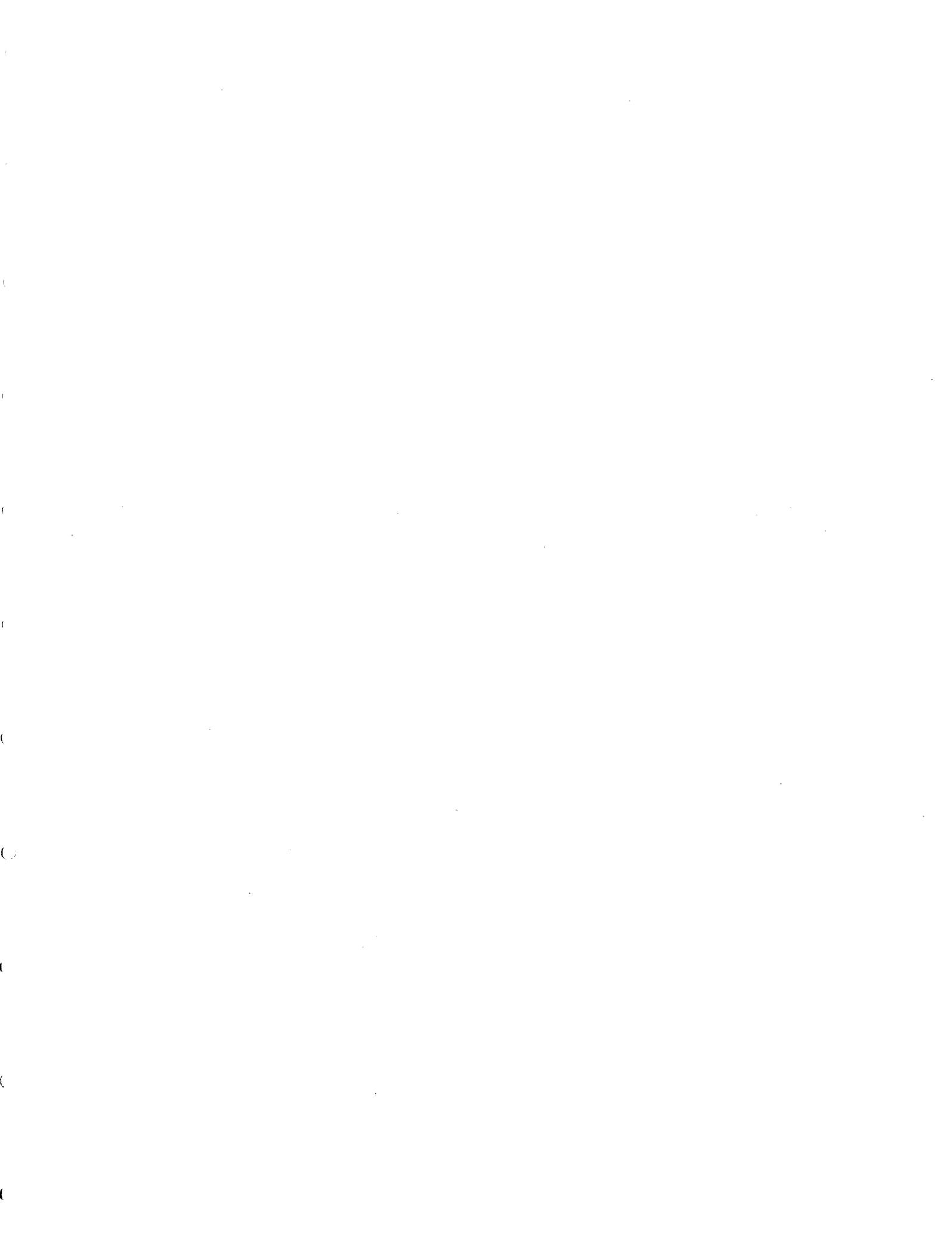
Roz: Yes. You are in a society where you know be example, kids grow up in households that break up and they live through it. You don't have to stay married just for the sake of the children any more.

Judy: Yes.

Roz: I mean, that was part of the reason many couple say, I'll stay together.

Judy: Well, that was what happened to my family. My father left the day I turned eighteen. It wears me out.

Roz: I hope I understand better at the end of this project what a good relationship is, and what I define as a good marriage.



Judy Interview 1983 (from video)

Judy: I get uncomfortable. I, when I think about staying here I start to get real antsy. You know, feeling trapped or feeling that I haven't completed something that I started out to do.

Roz: What do you mean...

Judy: Like leave.

Roz: And that, that you can't um...

Judy: I can't back down. It's almost like a stubbornness, partly. But it's also that there are real issues between Alan and I still.

Roz: That have just haven't been resolved...

Judy: Yeh, I mean I think... I don't know. I think that probably I don't, I'm not in love with him. I don't, I don't know. I mean I, I don't feel like I love him, but... I don't know. It's wierd. I mean I...

Roz: But do you remember when you first knew him?

Judy: Oh yeh, I was crazy for him.

Roz: Same as now, I mean same feelings that you have for Will, same kind of...

Judy: Yeh, except that's even changing because my relationship with Will isn't quite what it was. You see, I think one of the things that's happened is in this two years of having two relationships, and the one year of having Alan knowing and having it all out in the open, that the kinds of emotions and ordeals we've all had to go through have put such a strain on my relationship with Alan, that a lot has been lost, that I don't know that we can ever get back. And a lot has been lost with Will and I, just because of the... the confusion of our, my relationship. It's like Will doesn't get enough of me and he gets angry at me. He begins to feel like, well, I'm just ar-, here at your beck and call, you know. You just come when you can get away, when you used to come and see me three or four times a week, now you, if I see you once or twice a week it's a lot. What am I supposed to do, just sit around and wait for you? And then you come and say, I can't stay long, I only have an hour. Or, and so he's beginning to feel horrible And so, Will and I mostly spend our time hassling. So that's not what it was, although I'm still very very attached to him. It's become much more of a hassle situation. We fight and we argue and he yells at me and I cry and... you know, it's, it's not good. But yet... and sometimes I look at Alan and he looks handsome to me. And

then sometimes I, we have an orange juice at the (?) and then I get really pissed at him and say, why do I want this, you know, listening to him whining at me. I've got two kids whining at me. I don't need him whining at me.

Roz: Can you repeat the orange juice episode again? (?)...

Judy: (laughs)

Roz: It's a perfect example...

Judy: Sure. I don't care. Uh, it's funny, like I said yesterday there's still tenderness with Alan and I and I just overheard him talking to his mom. All I could overhear was one sentence... which was, it seems as though Judy and I really need to go through all this stuff. I never heard him say that to me. But he said it to his mom, and I was, it would have been... that's why it's so interesting. I'd really like to know what he says to other people and maybe doing the video would be an interesting way to learn something new, it's like, if I were to eavesdrop on Alan's conversation with his mom or with you or (?), maybe I would learn something that he wouldn't dare say to me. But all I hear is, you know, you mixed four plus containers of water with the orange juice instead of three, and I take it as an accusation and uh, instead of... It's very strange.

Kids: (noise)

Judy: What's wrong with you guys? Did you have fun swimming?

(child): Yes.

Judy: Yeh?

(child): No.

Judy: (?) Oh you, why are you so crazy about frogs?

(child): I found two (?), throw them in the water.

Judy: Yeh, but you thow them gently?

(child): Yeh.

Judy: ...you don't hurt them.

(child): I just, I just put them in the water like that.

Judy: Why are frogs your favorite thing in the whole world?

(child): Because I like to keep them.

Judy: Are they cute?

(child): Yes. (?)

Judy: Did you go swimming?

(child): Yes.

Judy: Good. Take off your wet, your wet things...

(child): No big frogs...

Judy: No big frogs. You're soaking wet, get down. Ok. Bye. Goodbye.

(child): What?

Judy: Ok.

(child): (?)

Judy: Nicky, off the chair with your wet stuff and take 'em off! Yes.

(child): I didn't get my underpants wet.

Judy: Wonderful.

(child): I'm not, and I didn't poop in my pants...

Judy: Do I get a kiss today? Do I get a kiss?

(child): And I didn't poop in my my pants.

Judy: Lovely. Do I get a kiss?

(child): I didn't poop in my pants.

Judy: Ok. Come on, come on come on come on.

(child): I want to sit on...

Judy: No, take... (?), you're not going to sit on me because you're wet. Come on.

Roz: Being a nut(?) in the house for so long... I mean, did you ever have a job?

Judy: I've always, well I pretty much always worked. In fact, the first year that I was married to Alan, he kind of was a ski bum and I supported him. Which is funny to think back on, but he would drop me off at work when I was teaching school and he'd go off and ski for the day at Mt. Snow, and pick me up when he was done and um, and then I made him get a job. And the only time I

didn't work was when I was actively having kids or the first year or so, but I always either had a part time job, substitute teaching or I was managing a clothing store. (?) works, I've always... or if I wasn't doing that and I was at home, then I was doing my weaving. but this is the first real job-job I've had in a while, in which I, it's a real full-time job. And it's just done wonders for me. I mean I think of it as my salvation, really, but um... from thinking about my problems for twelve hours a day, day and night, now I, I think about other things and much more exciting things.

Roz: What's more exciting?

Judy: What's more exciting? Plants. I love being around plants. And I found that I really like dealing with people, uh, on the retail end. So that part has been really good and I, I can see my accomplishments readily and I don't get into feeling all kinds of feeling sorry for myself and constantly analyzing how I'm feeling about who at what particular moment and what am I going to do and my, oh poor me, and my predicament and... it just became an obsession that I, I couldn't do anything else but think about it for a while. And as soon as I got my job, my whole mental state changed and I just would get up and be excited and would just love to go to work and would almost be disappointed when I had a day off and, so it's been very uplifting. It's made me feel really good about myself and, I like being busy. And I like having all that responsibility and (?). And it's in a field that I just love. I love working with plants. I love being outdoors. I... And it's tapped all the things I kind of knew and little pieces of information that have been on my mind but I haven't had to pull all together for one specific job, so that's been really good.

Roz: How has it affected your relationship with (?), your having a job.

Judy: Well... he, well, I don't think I see him very often. And he thinks that I'm getting a little more independent and that's threatening. So it's... but also he's real proud of what I'm doing. And it makes me feel good.

Roz: Ta-da! Yeh?

Judy: I just was, as comfortable as could be. I mean I was almost not even making sense and talking, you know... But, that was, cause I didn't even know (?)...

Roz: That's (?) plants (?)...

Judy: I know it. It likes us. (pause) The ghost with the one black eye...

(child): Oh no!

Judy: Now, I don't know. He might know some ghost stories that I haven't heard. I'm not sure.

(child): I don't feel like (?) cause I don't like talking to him. It really all started when, when (?), and he goes, it probably started when I had um, two ghosts in my room.

Judy: You had two ghosts in your room?

(child): Yeh! I'm serious. Proud of it...

Judy: You're proud of it! Did anyone else see them, or just you?

(child): No, you don't see them!

Judy: Oh, you just know they're there...

(child): (?) here, and his mother there. I haven't told you yet, I know e.s.p.

Judy: So you have e.s.p...

Roz: Why don't we put the mike right there? Good.

Judy: How do you know you have e.s.p.?

(child): Well, cause I can predict things.

Judy: Well, that's a pretty special thing to have. I wouldn't mind having a little... I think everybody has a little bit of e.s.p.

(child): Yeh.

Judy: Some people a little more than others, right?

(child): (?)

Judy: Oh, you're a funny kid.

(child): (?) You know, this, this...

Judy: Hey Nick, you have no clothes on!

Nicky: I know. I don't care. See that (?) in the (?)? Someone left this for me.

(child): Oh, yeh, come on!

(child): Stop, you got these two glasses, just a second.

Nicky: No way!

(child): Just a second!

Judy: Hey!

(child): You don't have all (?)

(child): (?) take them so I can carry em outside.

Nicky: You said you were going to...

Judy: Nicky, get your own cup and you can...

Alan Interview

Roz: How would you characterize your priorities in life? The place of marriage, family, work, you know, sort of...

Alan: Well...

Roz: Well?

Alan: I guess, it's only recently I've thought about it in terms of, you know, a way of looking at, at the world, so to speak. But, I do tend to have a lot of continuity about the way I see myself and how, how I see myself being interrelated with, um, a lot of different things. I mean, I've always done a lot of different things, and I guess that, in a way that's how I define myself a lot, um, is through, you know, everything from work to, certainly to the kids now and to, um, relationship with Judy and, any number of other interests and things that I'm reading at the time or whatever. I tend to be very interconnected with all that.

Roz: What did you, um, when you were, sort of envisioning your life, or reflecting on it, when did you, sort of, um, get more committed to work, or less committed to work, I mean, like how did things happen for you, when did you get more involved in what you perceive as your, you work, your career, um, at what point in your life was family more important or less important...

Alan: Mm-hmm. That's real hard. Um, I'm still not sure I have a career, to tell you the truth. I mean, you know I'm doing something that I can, I can, to some extent, I can see a year or two ahead, you know, what I think I'm going to be doing, or want to be doing, but, um, I don't really have a, you know, five-year plan or anything like that. Maybe you don't have to have that to have a career, but, um...

Roz: Like when you were building this house, um, this environment reflects such a comfort, a sense of comfort?

Alan: Mm-hmm. Mm-hmm.

Roz: Um, when you chose to settle down in Putney and get married and start constructing all this, do you have a sense of what comfort meant to you, what you were building?

Alan: Yeh, I think I had a lot of visions about, about that. I think is a sense that that, that's probably the thread that's run through life since I can remember it. I can think, for example, when I was very small, of thinking that I would never let, you know, a job or, um, or what I was doing, you know, outside of, of, uh, my sort of immediate interests and

relationships, that I wouldn't let that become so important as I saw it be for other people, so that I, you know, I would always try to, to do things for myself and for other people that um, what as you say would be comfortable and would, and give a sense of, of uh, interest at the moment. Um, sort of the idea of, of um, I don't know, somebody said to me the other day that you should, you should dress according to where you want to be ten years from now, you know? And I just, I thought that was kind of interesting, but I knew I could never do that. Um...

Roz: Then you don't plan in a linear fashion?

Alan: No, not at all. Not at all. There are too many options, I guess, there's too many things that I'm interested in. I mean it's, it's also one of my sources of frustration, you know, that I, eh, you know one of the things I think a lot about is, is not doing one thing consistently and, and well or, or however you're going to put, you know, at one time. Um, that I tend to be doing a lot of different things.

Roz: Now has, has that, um, when you answer try to incorporate either a full sentence or a little bit of my question so that I can edit me out. But um, what do you think has differed in your values from Judy's, in the, either from the begin-, what, what held you together maybe from the beginning, and what maybe, what are the, what are the difference that maybe have um, proved to be a problem twelve years later? I mean...

Alan: Mm-hmm.

Roz: ...what's the difference in your priorities and construction of comfort compared to hers...

Alan: Mm-hmm.

Roz: Or how have you been similar up to now.

Alan: Yeh. Um, well, I guess in a lot of respects Judy and I are indeed very different, and I think that, that our relationship from, from the beginning was, was an attempt on each of our part to, uh, fulfill something that we couldn't get directly. You know, through our, through our selves. Um, and I think that that enriched both of our lives, uh, for any number of years, and I think still does, um, but it also had some very real differences in terms of the way we communicated, um, the kinds of things that, that Judy just couldn't understand, you know, about...

Roz: Like? Give an example?

Alan: Um, like if, you know... I mean I'll give you a classic example I guess for us, is, is that I would act in such a way, um, you know, to show that in a sense I respected her and her opinions and what she was saying and what she said she wanted

and all that kind of stuff, you know I would, I would act on what she was saying, but I wouldn't give her the verbal, you know, reinforcement, necessarily. I wouldn't say something like, yes, I think that's a great idea and, um, you know, get all excited about it at, at the time, uh, the same thing with um... I guess there was a lot of tradition in that respect, you know, of, in Judy's family or, or uh, the people that she's known, I guess, of sort of the immediate and, and sort of forceful expression of emotions that eh, is not necessarily, or wasn't a part of, of, of my family's traditions, so much.

Roz: Now when you first met, were you both more demonstrative, were you any different twelve years ago?

Alan: Well, sure, I, I think obviously when we first met we were each putting forth our best, not only our best sides, but also our best ears. I mean, I think we were, you know, much more tolerant and open and much more able to think the best and act accordingly, you know, of what the other person was thinking or feeling or, or what their intentions were, etcetera.

Roz: So, when, when um, when did things change?

Alan: I don't really know. Um, I suppose, in some ways, some of that changed, you know, a couple of years after we were married. Um, and we didn't know each other for a whole long time before we were married...

Roz: Ok. So, at what point does communication start to change, I mean could you tell when you were, when things might have ended up this way in the midst of sort of a crisis in how you communicated. (?)

Alan: Yeh, I, it's real hard for me to put my finger on any time or example or symbolic realization, um, I guess because of my sense of continuity and my sense of, you know, of having sort of a base which, which operates both in a broad sense, you know, across, across time and people and situations and also across time in a linear sense that, I guess I always felt that things, since I have that and since that was important to me and since I thought I was being consistent with that, um, that it was simply a matter of working things out and giving things time and, you know, trying to say as best I could that, to Judy, both verbally and otherwise that, you know, I'm always there for her (?), you know that I always, always tried to listen to her, you know sometimes obviously not successfully, but I always tried, I mean it was always a conscious thing that I would do, you know, it's just literally to try to listen and try to incorporate what she was saying she wanted and needed and felt and what-not...

Roz: So how do you think you two... differ from your sense of um, commitment to the marriage? I mean, how-, what's your definition of marriage?

Alan: Mm-hmm. I guess my definition is, is, you know, just some sort of long-term commitment and respect for each other as, as people and for some kind of common understanding of a, of the world. You know, a world which includes spiritual values and, and um, I guess a world-view, if you will, you know, just in terms of what is important in... what you value or don't value. Um, and that, you know, most of the day to day problems and conflicts and hassles that are inevitable in life, um, are just that. They are indeed more or less surface things that, and one of the ways that, that I deal with those is to be able to stop and say to myself, you know, this is indeed a something of a surface problem, I mean it's, it's either part of the personality or it's part of circumstance, or it's part of, you know, something which is not a threat to the long-term base, to the continuity. And I think Judy is very different in that respect. I think she's very much more immediate, um, in the way she sees reality or, or the way she feels about whether or not she's happy. You know, I mean that one of the things that would happen essentially without fail if we had an argument, and one of the things which always puzzled me and I, and I remarked on it very often, is that if we would have a disagreement, you know, one of the things Judy would do is was essentially to, to, to literally just say, you know, well, I've had it, this is it, I'm leaving, or you know, um, or you know, making inferences about, about, you know, the marriage being over with or, um, you know this being an example of how, uh, you know it could never work for us or something like that. But you know what I'm saying, that's just, essentially giving up, essentially saying, this is it, you know, and...

Roz: But why do you think, how do you think that different way... why do you think you're both so different, I mean that's a very different way of relating...

Alan: Mm. Certainly is.

Roz: And why, was it perceived as something that had to be talked about way back, I mean when you noticed those differences, what's your response to her throwing her hands in the air?

Alan: Well, usually my response was, you know, that I, you know, I thought we had, I thought we had something of a long-term understanding, uh, liking for each other, respect for each other, that kind of thing, and that, you know, why those what to me seems like a sort of a temporal surface problem, why does that, for you, why does that mean, uh, that the whole thing goes down the drain? I guess, eventually I stopped asking that question simply because I never got an answer, and...

Roz: And...

Alan: ...you know, it was just because, that's how I feel, which, you know, now especially I, I realize that that's her way of looking at the world is, you know, how do I feel? Not, not, you know, and so what she can do, which is kind of interesting, she can almost instaneately-, instantaneously create a vision for herself of how she wants to have things for herself tomorrow or five years from now. But that vision will change, you know, at the drop of a hat. Uh, whereas I don't have that ability to say how I want things in the future, except that I know that it'll be part of, you know, some part of a continuous uh, outgrowth of what I have and know and feel and think at this point. Um, but for her, it's not hard for her to flip a lot, about how and why and when it changed, you know, from, from in a sense thinking the best to um, to assuming the worst. Which I think is, is, certainly for Judy what, what happened. I mean, um, I think she would be the first to say that, you know, for years and years she was just real negative about, not only about our relationship but about a lot of the ways she saw life. Um, and that's one of the things that I guess that I'm real grateful for now that, you know, that she's been able to get out of that. But I think part of what happened is that she began to believe what, what she was saying, you know, about the relationship, I mean you know, how many times can you say that it's over or that you don't like it or that you don't believe in it or feel that it's right without sort of having to say to yourself, maybe that's true, you know. Um, and I think that, uh, Judy had a lot of things about herself which were unresolved, uh, a lot of issues, a lot of questions, a lot of self-doubts, um, I'm not saying I didn't I didn't have those, I'm just saying that for her they were, they were more on the surface and more, uh, that maybe my, my sense of continuity, my sense of that base that I've talked about, um... not that she was envious of that, that's not the right word, but, but that maybe she, I sensed that she began to say, um, for herself, well, where is that for me, you know, how come, how come I don't have that same sense of, of, of a base or a continuity of, of something I know i believe in from day to day? Um...

Roz: Why do you think it is...

Alan: Why did I think...

Roz: ... that Judy doesn't have that sense?

Alan: I think, partly she, she never had... I don't know why she doesn't have it, or didn't have it, I mean she has it more now than, than she ever has had. I think it's to a large extent because of a lot of unresolved questions and a lot of um, issues with, you know, with her family that, that um, and with earlier relationships where in a sense she really depended upon the relationship for her sense of who she was and a sense of, of worth. Um, and of course, uh... (phone rings)

Roz: Want to answer it?

Alan: I guess so...

Roz: Ok. Uh, it seems to me Judy didn't have that same sense of continuity and that same sense of a stable base, um, largely due to, to her own feelings of insecurity and, and her own um, lack of experience with, with, you know, who Judy is and, and what's important to her.

Judy and Alan Interviews 1984 (from video, unedited)

BB: Um, I guess, where we started yesterday was just with a rough chronology, of the, of your marriage. And I guess we can try and have you both talk, or whatever. I know you've already answered these questions...

Judy: Uh-huh...

BB: ...so this might be strange, but. What was your marriage together like, in the beginning?

Both: (nervous laughter)

Judy: I wonder if I can remember what I said yesterday. (laughs)

BB: That's good, if you'll say something good, we (?) (Judy laughs)

Alan: Pick and choose...

Judy: Um. Well, I think I described it yesterday, and I would still describe it today as, um, very nice and romantic. Um, very comfortable. (pause)

BB: Take a while. I understand...

Alan: Well, yeh, it was, you know, I guess, pretty intense in the beginning and, um, uh, each seemed to meet a lot of the needs that the other one had for expression, stability, (?). In many ways, we were quite different then. Um, but seemed to want what the other could give, it was very sort of complimentary-type relationship.

BB: You want to say more about that complimentary and personality, or complime-... If at any point either of you feel like qualifying what the other says, I think that come all right too..

Alan: Well, what would you say about that.

Judy: Well, I think that's a good way to put it, I think we... Certainly you had qualities that were things that I needed to be around, or, um, that I needed. And I think we, I guess it was you who described, um, when we met that, well not when we met, when we were beginning to have a relationship that you felt that I really needed you, which I think was really very true.

Alan: Mm. Well, uh, I think it was mutual.

Judy: Yeh, yeh, su-, yeh.

Alan: (?) thing about your expression and, you know, and emotionalism and artistic expression and all that.

Judy: (laughs)

BB: Sorry, I just have to laugh as I hear this...

Alan: Really...

Judy: Guttural sound...

BB: Right. Um, let me ask you... why did the two of you get married?

Alan: Um, I suppose in the immediate sense because Judy wanted to. Heh. Um, I mean, in the long, broader sense because, you know, because of the relationship, because of the value that we were both getting out of it. (?): I think we better not do all this.

BB: So again, the more you can talk to each other about it, or qualify what each pother's saying, the better it is. I'm just here to, you know, to talk about topics... I came from Boston to (?). Yeh, we were talking about why you guys got married, and it seems to me you both agree about it?

Judy: Yeh, I think that's pretty much the answer that I gave yesterday. We're agreed?

Roz: When you said that you filled needs that each other had that are different now, you said that you're different people now, something like that, like...

Alan: Mm.

Roz: ...you had needs and you do different now. What kind of needs do you think you fulfilled for each other then and how are you different now if you're not the same? I mean, how did you compliment each other?

Alan: Mm-hmm... Um, I mean, other than how I'd said, uh...

Roz: You know, how to anecdote...

Alan: I don't know how to put it; what would you say?

Roz: What were you doing in those days? I mean...

Judy: Well, I was teaching school. Uh, I had just finished graduate school when alan finished up shortly after I did, and he spent, oh, part of a year ski-bumming. And um, but we lived together, at least, somewhere along the line there before we got married. And I think I, I really needed to settle down because I

was very scattered and also very insecure. Um... I don't know... I don't know how to compare that really with my needs now. I think my needs now are probably to be more independent, before I think my needs were to be more dependent. And maybe to create something more on my own. Be part of a growing up that I never got to do because I went from my parents to my first marriage to, well, they were, I had a heavy relationship for a couple of years, and then to marrying Alan. And there were things that I never dealt with in my life about myself, that I'm doing now... and for some reason found it hard to do within a relationship, because I, I think that I have real, it's very easy for me to become dependent. It's something I have to fight... in myself.

Alan: Mm. Yeh, I guess some of the... development or the growing in terms of, um, you know, what a long-term relationship needs to have other, um, other reasons for being, you know, the, the base of, of the family and the, and the, um... I (?) but I mean the long-term support within, you know, changes in each other, um, which, you know, I guess were, I think, I was more settled and happy and content with that and Judy was still fighting with things within herself that, that didn't fit into that framework.

Roz: How come you, wasn't there anything you could do to help negotiate those changes? I mean, how come you...

Alan: Well, I guess, you know...

Roz: What could you have done?

Alan: I don't know, I mean, it's hard to say. I would, one of the things that, that, you know, one of the therapists said is that Judy chose, you know, to work out some stuff in another relationship rather than to try to work it out, you know, in therapy, as, you know, as a couple. You know, and, and what happened before that, uh, i cna't even begin to think of why or what, you know, how that could have owrked differently. I think is some ways, you know, some of what was complimentary in the beginning also turned into communication blocks, I mean uh, you know, in terms of not reading signals and not seeing what the other one was saying or needed or what have you?

Roz: But didn't, I mean I obviously know your history a little more, but when you both recollected an early problem, like you wanted to go to counseling, a long time ago, right, and you, then you guys didn't go, right?

Judy: Well, initially...

Roz: (?)

Judy: ...I felt that Alan was, you know, reluctant to go, or didn't, thought we could work things out, you know, with the two of us and I was interested in going.

Roz: How long ago?

Judy: Well, that was even before I had told Alan that I was involved in another relationship. I don't know,, how long ago it was.

Roz: What were those issues that you wanted to use a counselor for?

Judy: Initially?

Roz: Yeh. Way back, before the break-up.

Judy: Well, I think there were a lot of personal issues for me that I wanted to deal with, but I think also I felt that we had sexual problems that I, or at least that's how they manifested themselves, you know, the problems, and I just felt that we needed to work those things out, and that they were seeious problems that I felt needed to be tended to. And um, I don't think Alan felt that the need was as pressing as I did. Or maybe he didn't, I didn't explain well enough how seriously I felt about it or, how great a problem it was for me. I don't know.

Alan: Yeh, I mena, what I recall is essentially agreeing that, you know, it might be a good idea to talk to somebody else, but neither one of us (?). You know, that, I guess, it's prpbably what I was talking about before, you know, that essentially my, um, my needs were being met a lot more than Judy's were, you know by the family, by, by just having the nuclear family. Um, and I certainly recognized problems and we certainly talked about a lot of problems, um, but...

Judy: Well, I think the point came, and I don't know where it came, at what point it was that we just, the, the little communication we were doing about our feelings stopped happening.

Roz: Why?

Judy: Um, I don't know, I think in many ways I, I felt that Alan was unrepsonsive to, I mean because I think Alan doesn't voclaize his emotions the way I do, and so if I'm unhappy I say it, or I complain, or it comes out in some other way, either, you know, by just being pissed off and stomping around, or by being happy and jumping up and down or whatever it is, and I, I just think after a while I just stopped, I just kept a lot more inside. Because I think part of what I felt was that we weren't communicating, at least on the level that I wanted to. And so I think to some extent I just closed it all off.

Roz: Alan, can you remember how you were then? I mean, how you felt when Judy was complaining and bitching and...

Alan: Well...

Roz: Where were you?

Alan: Yeh, I guess... uh, essentially that, you know the history is so long and involved and I mean that, she was that way from the beginning, so that it wasn't, it wasn't much of a change of character, so to speak, um, you know, I, I've always been very accomodating in my personality. Um, you know, I was trying to work things out and make things better, smooth things over, um. You know you bend every which way, you're going to, you know, to make things better, and I guess to some extent that, that was probably a mistake. Um, you know, not to, not to sit back and take more stock of what I felt and wanted and needed and, and whatnot.

Roz: What were those things you didn't say that you wanted and needed and felt?

Alan: Um... Well, uh...

Judy: Maybe while Alan thinks for a second, I think one of the things that I felt is hard to respond to is the fact that he didn't tell me how he really felt and thought and, and to a large extent, that, except to describe me as a negative person. Um, which was a word that came up over and over and over again, that he was a more positive person and I was a negative person.

Roz: What did you mean by that?

Alan: Mm?

Judy: Well, I don't know, I think he mean that I saw the bleaker side of things, I don't know, maybe he can describe what he meant by it, but that sort of epitomized, at least for a period of time, how the feedback that I was getting from Alan, that I was being negative. And um, I think what I needed was not his, in retrospect, what I think I needed was not his being so accomodating but more, you know, having it all out, about how he felt and what he wanted, even if it was that he was pissed at me for this, or loved that, or whatever. I, I just feel like I needed some, a more dynamic interaction, an explanantion of feelings, even if it were battling it out for half an hour or an hour, but then something wouldn't be...

Roz: What would you battle about?

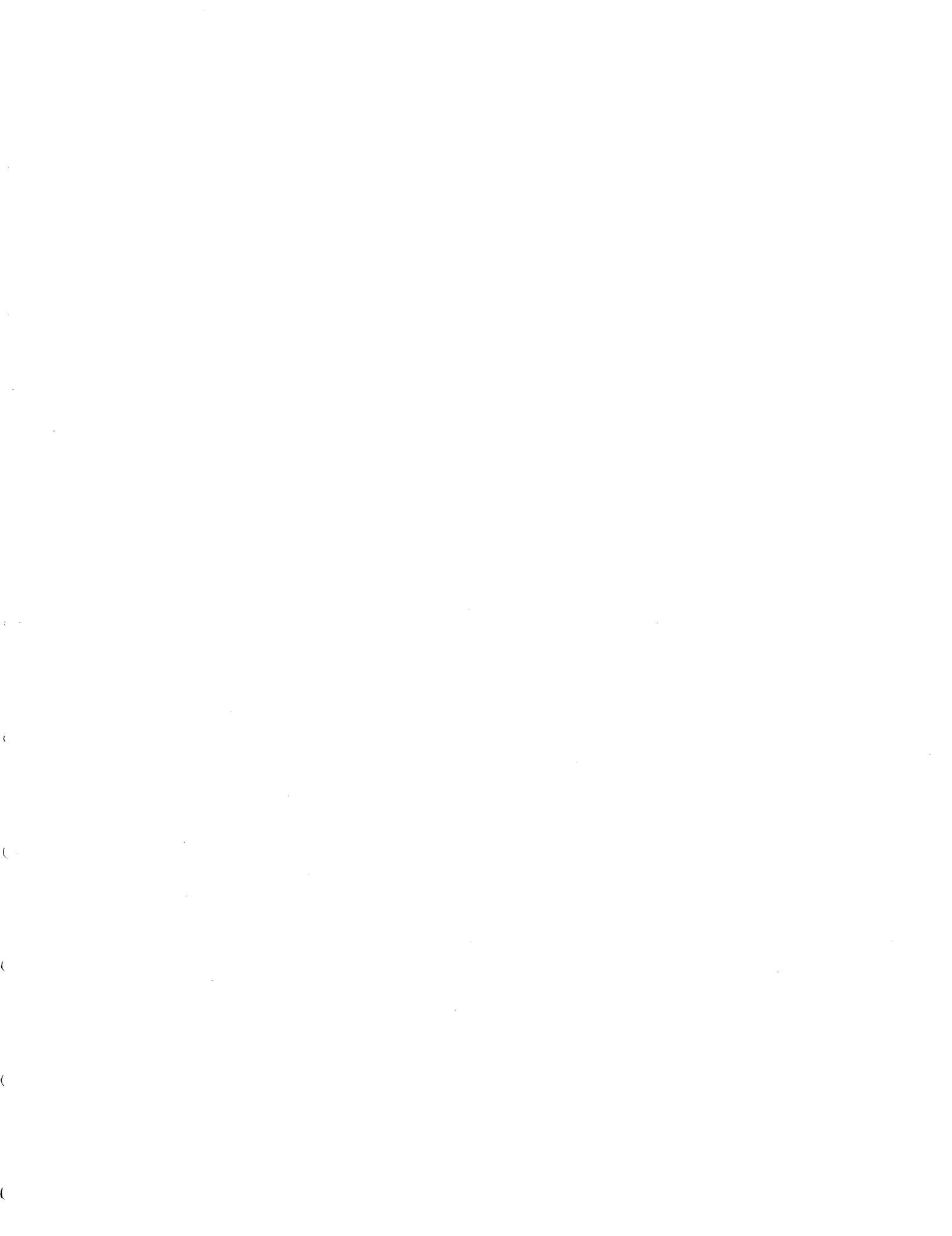
Judy: Well, just that he was annoyed at me for being a complainer all day, or for stomping around or doing this or, you know, I mena just, in other words, instead of smoothing things over and Alan being so accomodating, that maybe we would have had it out, whatever the incident was, or those feelings...

Roz: What did you complain about?

Judy: Well, I don't know, I mean I, maybe I complain about the weather, or feeling shitty, or, I don't know, but I mean that's how I feel that I got labeled. I feel that I had been labeled as a negative person and a complainer by Alan. And um, and that may be true in fact, but I also have been just as out front with my good emotions, with my enthusiasm, with my excitement, with my, sometimes just incredible bubbling over where, you know, in some ways I'd be hyper. I'd be happy and jumping around and dancing around and... I don't know...

BB: Do you agree with that, Alan, or, you...

Alan: Yes and no. (Alan and Judy laugh) I guess one of the things that I really felt frustrated about and voiced at that time was that, I felt I was being seriously misinterpreted, often, I mean that, that Judy was ascribing feelings to me that I didn't have and, and, you know, judging what I was saying or not saying, um, in a way that I would violently object to, and, and she simply wouldn't accept it. Um, and, and a lot of the feedback that she said she wanted, um, I would try to, to say, and point out that a lot of my way of expressing is just different from hers.



Interviews with Judy and Alan, 1984 (from unedited videotape)

BB: ...we'll need...

Judy: I mean, meeting with you (?) can be a problem...

Roz: ...(?) up here, right? No? Just through here..

BB: We'll just... Huh, so there's (?) two things.

Judy: Yeh.

BB: Intersting... Great! They'll, they'll be part of the background. Ok, so for this test, since we're, we're just...

Judy: Ok.

BB: We're just testing this, we're not really doing it.

Judy: This (?), this makes me nervous, I have, it's going to be a little hard.

BB: I'm sorry. It's very strange for me, too, because I don't know you at all.

Roz: But he will soon.
(Judy laughs)

BB: Uh, ok, why don't we start out. I, I thought what, what we would do, just because for the disk, it would, it's important to have real short replies, for, I mean, what we'll need, not that your reply has to be short, but we'll try and, and get very short statements, so just so you know...

Judy: Ok.

BB: ...about that. I don't want to (?) any more than...

Judy: (?) (laughs) No, that's, ok... I just think it might take me a while to get going because it's, I do feel real, inhibited.

BB: Yeh, yeh, sure, sure.

Roz: (?)

BB: Do you want something to drink, or...

Judy: (laughs) No, no it's just uh, I just feel inhibited, that's all. I'll see what happens.

BB: Um, so just for the sound (?), I'll ask you some just basic questions.

Judy: Ok.

BB: When did you get married?

Judy: Uh, let's see, I got married in 1971.

BB: When were you separated?

Judy: Oh, let's see, um, well the first time was about a year and a half ago, and then I went back home, and then the last time was seven months ago.

BB: So, you were living together for how many years?

Judy: You mean being married and living together?

BB: Yeh, yeh.

Judy: Oh, dear, let's see, this will be our fourteenth anniversary, so, thir-, basically, twelve and a half years. And then I did move back in for another six months or so.

BB: So you've been separated for seven months.

Judy: Yeh.

BB: Um, let me just play that back, and we can see...

Roz: You want it about three, right?

BB: (?) Actually, don't worry about it.

Roz: Ok.

BB: We'll just mess with what we have. Um, let's see. So... um, what made you decide to get married with Alan?

Judy: Whew! Heh. Well, when I first met Alan it was a kind of confused time in my life and I had been seeing a lot of different men, um, which I was enjoying, but also I was feeling a need for some kind of relationship. I think I have always been real needy in terms of having someone that I can depend upon, and someone that I could trust and fall in love with, and um, he just came at the right time. At a time when I needed him, and he was very gentle, and very sweet and very kind. And that, uh, that just seemed like the right ingredients at that point.

BB: Did, uh, he ask you to, proposals vary...

Judy: Well, I think at that point, we had lived together for a while, but I think that I felt the need to get married. I think to him, we had both been married before, marriage as such wasn't

very important, but I think that I stated that it was important for me, and he was willing to go along with that.

BB: So, you proposed.

Judy: Well, not as such. I think, it came about in a lot of different talks that we had and, um, and it was also that I was teaching school at the time in a little community that, at least ten or fifteen years ago, really frowned upon people living together, so I thought that might help, and we were thinking of having children.

BB: Ok. Um, I just wanted to check... oh, it is good. Um, um, when did you have your first child?

Judy: Oh, let's see, um 1973, that's when he was born, yeh.

BB: And so that was, I'm sorry, I, uh, I'm...

Judy: We got married in '71, and I had Bryce in '73. And then I quit teaching school after that.

BB: Um, how was the beginning of the marriage? How were the first few years?

Judy: Um, very romantic, we were loving and very close, uh, they ere good.

BB: Um, what, uh, when, when in the marriage did you start to feel that there was a problem?

Judy: Oh, boy, I at this point am still not sure. Um, I really can't, I don't know. Uh, probably, I didn't feel any pressure from problems, um, until maybe, my second child was, uh, maybe two years old. Um, let's see, I mean I think there had, had been problems throughout the marriage that never really got dealt with, but, um, to the point where I felt dissatisfaction. I mean, we were probably all set for eight years or so, I'm not sure.

BB: What were the problems?

Judy: Sigh. Let's see. Well, I think we had sexual problems. I think that I, um, it depends upon who you talk to and at what point in time. I think that when we started to have real severe problems I've looked upon them more as being sexual problems, now in retrospect I see that, uh, that was a symptom of lots of other problems, lack of communication, and, um, Alan's very different than I am and he keeps most of his feelings to himself and I think that, and I'm much more open about my feelings, and out front about them, whther they be happy feelings, or anger, or depression, I, I tend to let people know how I feel, and he keeps it all inside, and, um, I think that is the major area

that we had difficulty.

BB: I've noticed in, in, in my relationships, at least, that sometimes there are certain arguments that keep coming up again and again, is that something that you had, and did, did you argue at all?

Judy: Um... yeh. But, not in a big way until the last few years in which case we had horrible arguments and even violent arguments, um, in which we really did physically abuse each other to some extent. I mean, he more than me, but, uh, of course those circumstances were a little bit different because he realized that I was having another relationship, and...

BB: Was that mostly what you would argue about?

Judy: Um... I guess so, yeh. Well, we would argue about lots of little things, but I think it was partly that he was under a lot of stress and I was under a lot of stress, and so we'd argue about almost anything.

BB: So (?)

Judy: Um, well there were a few themes that always came up, and I'm sure that Alan could describe his point of view pretty well. He always described me as a very negative person and that he, that was the hardest thing he had to deal with with me, and um, I always felt that he in many ways was (?) too positive a person, didn't look realistically at what was happening.

BB: So you, he w-, you would argue about you being negative, I'm just trying to think thus out now. He would say, you're negative, and you'd say, you're...

Judy: Right, I'm always seeing the worst in everything, and um, oh, it, it's hard to, hard to say really what it was, but I mean we did argue quite a bit, and I think also we didn't tell each other an awful lot for many years, and that was one of the problems is, uh, we just stopped communicating, and I found my interest going elsewhere. And, a lot of my inter-, needs, or what have you, were sexual needs that he was not willing or interested in responding to, or uh, he was unable to, or, whatever, and so...

BB: So, uh, you, you got a, you got a lover, right? Do you want to describe how that happened a little bit, or, I mean, not in all the gory details. I don't mean how you, you know, how it happened...

Judy: Right. Um, well I think for, oh it's hard to pinpoint time, but for several years before I actually took a lover, I had a lot of interest in that area. I just felt sexually unsatisfied in my marriage. I felt kind of trapped by being in a

household and felt also that Alan wasn't responding to me as a sexual person, and um, I mean we had, sex was almost at a standstill, I mean we just, it wasn't part of our life, really. And I think a lot of my need were, you know, that kind of need, um, a need to feel desirable and wanted and attractive, which I, you know, I didn't feel. Um, so that I was ready for a relationship, or an affair, or a one night whatever for quite a while, and in fact I, I have had over the years, even being married, an occasional lover, um, I have someone that I've seen on and off for twenty years. And there are even more than that, and it's not an involved relationship, it just happens periodically without any, um, commitments or need for commitments. So I think that I was very needy and then the circumstances came about in which my needs were real great, and I just met someone that brought it into being.

BB: Uh, did Alan know about these affairs?

Judy: No, he didn't. It's partly that they really didn't in an obvious way intrude into our lives until uh, this other relationship I got involved in. Um, it was more a trip down to New York and, and meeting an old lover, an old friend, or meeting someone new and just having a, one nice evening. Um, but until, this happened, and actually, I had quite an intense affair with this person, uh, with Will...

BB: (?)

Judy: ...uh, for a whole year before I told Alan. And we spent almost every waking moment together, just because my life was such at that time that I did have a lot of free time. And then I told him.

BB: Can you describe that a little bit...

Judy: The telling him?

BB: ... or was that a traumatic moment...

Judy: It was very traumatic, yes. Um, well, I think it's partly that I suspected that Alan knew, and I think that was what made me realize I had to face it, finally. And um, I, even, I told him I had something to tell him but we had a major family thing that we had to do together, so I held off until that was taken care of and then I did tell him. And um, I think it came as a big shock, but not a shock. Um, I think he was real devastated and real hurt by it, and I was kind of terrified to tell him. I was afraid of what the consequences would be, and um, it was real scary. But, and I had been going to therapy for some time, which Alan at that point was not interested in going to, and I felt that, well, one of the ways my therapist had put it was that it, he called it the two-by-four technique, where in order to get Alan to realize yes, there were problems and, um, I

wasn't just talking, uh, that he had to be clobbered over the head, and this was what this information did, it clobbered him over the head, and then, suddenly he was really willing and ready to deal with a lot of the problems that we'd had, which before I felt that he was saying well, we can solve them ourselves, or, I'll try harder, but wasn't really willing to make that kind of commitment. But at that point, by the time I told Alan it was really too late for me to make that commitment to solving the problems.

BB: So that was a real turning point.

Judy: Well, I think the turning point for me came even before then, uh, because I was so emotionally involved with Will that I, uh, I mean, short of Will's getting married and leaving the country or, you know, some unfortunate acc-, you know, death, um, probably nothing would have kept me at home to work out my problems, even though I said that I was willing to make a commitment, I really in my heart was not.

BB: How long after you had your affair with Will did you separate?

Judy: Well, I left briefly that summer for just a couple of weeks, and then went back, and that was a very emotional time, because I really was still very attached to Alan, and um, was unwilling to say, well it is over and I'm sorry, and really, I sat on the fence for a long time, probably a year and a half going back and forth. And I would make a decision myself and talk to Will about it, and say, ok, I'm not going to see you for a couple of weeks, I've really got to go back and I've got to deal with this, and um, Alan and I would begin counseling and family therapy, or, you know, couples counseling, and then it would become clear after a couple of visits, that I wasn't willing to do what was necessary to heal our relationship, and that was to give up Will entirely. And um, because after a week or two I'd start seeing him again.

Roz: Why couldn't you give up Will? What was it?

Judy: I was unwilling to, I just needed him so bad.

Roz: What was it that you needed?

Judy: I don't know, I'm not really sure I, I'd, whew, that's, I'm not even sure I know the answer to that one after all this time. Um, I needed the love, I needed to be needed real bad, which I think that I felt from Will that he really needed me, and I'd like that feeling, whereas with Alan I guess I didn't feel that kind of need that he had for me, or desire for me. And plus it was very sexually satisfying and uplifting for me. Um, it was just something I was unwilling to give up. And uh...

BB: Did it become a secret again, after you...

Judy: Only periodically where I was supposedly not seeing Will, and we'd start counseling, and then I'd have lunch with Will. Or, you know, one day I'd sneak up there, and then that happened for a little while, and then, but I mean not a major secret like it had been before. But, um, I mean, even Will told me that, you've got to go deal with this, you know, you just have to go back and figure out what you want to do, and um, but easier said than done.

BB: Sounds like you had a difficult year and a half.

Judy: Well, it was a very difficult year and a half. It was incredible.

BB: Is there anything that made you finally decide to separate, or was that Alan's decision, or your decision, or both?

Judy: It was my decision. Um... well, the first time I left in a major way, I mean not the two weeks, um, Will had spent an evening with someone else, and we had been really exclusive in our relationship. I hadn't slept with anyone else besides Will and he hadn't either and that just blew me away, and I couldn't deal with it at all, and I just said, I don't want any of 'em. I've just got to get out of here, and I made a split-second decision, the next day I was out of the house, and living by myself. I had already rented a place, and uh, I didn't even deal with the children at that point, it was like I got to get out of here and, within three or four days I was seeing Will again, and we spent a great deal of time together. Well, we spent three months together, although we didn't really live together, we spent, was almost like living together. And the, in March my house, the house I was renting, was sold, and I had to make a decision as to what to do, and I was also feeling very guilty about the whole situation, very guilty about what I was doing to Alan, and so I moved back home. Again, not supposedly, not seeing Will, which I think I tried to do. And within a couple of weeks we saw each other again and then I told Alan about two months later, look, I've got to move out, this can't work, um, and uh, spent the next couple of months looking for a place to live, which was very difficult to find. And then just decided to move out, with the idea, I think originally, when, was, and Alan and I talked about it, that maybe I would rent a place that was a studio space and I would have my privacy and be able to work things out with Will, but also have family time, and I think as the time drew nearer to leave, that became clear to me that that really wouldn't work very well. And um, so I just moved out. And at that point, almost immediately after moving out, my relationship with Will started to have a lot of problems. Well, it had been having problems before, um, but it, you know, even more so, and that was a very scary time for me.

BB: Um, what happened vis-a-vis your, what were your thoughts vis-a-vis the children, did they, what happened to them throughout this process?

Judy: Well, they stayed with Alan, uh, partly because I, I mean I really felt that they needed the stability of the home, and the first time that I had left, I didn't see them, well, I saw them a fair bit, but not as much as I, now we have equal time with the children.

BB: No I meant, during the process of the, of the kind of separation before you actually left, were they, did the children feel some of this...

Judy: Oh, yeh, I think it was really difficult for the kids, um, because they couldn't help but hear Alan and I talk and argue and also see some pretty horrible situations with Alan and I, I mean just awful fights and, I mean they were very upset by it. Um, and I think that was one of the reasons why I also felt I had to get out, because I didn't want them to see that, and it seemed to me that...

BB: Ok, um, I wanted to back a little bit in time before we go forward in time.

Judy: Ok.

BB: Um, about the nature of the problem, it's interesting, there's a, did you ever see 'Scenes From A Marriage', Ingmar Bergman?

Judy: No.

BB: Anyway, one of the lines is that when the sex in the relationship goes bad, it's the first warning sign that, you know, the relationship is, is doomed, or, or whatever, and you mentioned that, as, as you talked about the problem that's the one thing that kind of came up was that the sex was uh, I guess, either bad or inexistent or, whatever. I...

Judy: Uh, right.

BB: I don't want to probe too deeply in a, in a sense that...

Judy: No, that's ok...

BB: I, I'm interested in your...

Judy: Well, it wasn't that it was bad, in fact, it was usually quite enjoyable, but it was very infrequent, I mean it was not unusual to go three or four months without making love, although very often we'd cuddled a lot, but in terms of love-making, um, there was very little of it. And I also felt that in order to

have love-making I had to be real aggressive, um, and Alan tends to be a lot more passive, and much more subtle. I mean he, he has since told me that he was always ready to make love, but I never got that feeling from him. And um, I needed to have that feeling, at least every once in a while. So I just gave up really trying, and replaced him sexually with someone else.

BB: Would you say that was a major problem, or that that was just a symbol of another problem?

Judy: Sigh. Well, it was a major problem, there's no doubt about it, but um, uh, I don't know if it was symbolic, like of other problems, or, that's hard to answer.

BB: Um, let's talk about the, the kids a little bit. Uh, as they went through this process, uh, maybe, maybe you can tell us a little bit about (?) each, each of your children, describe them to us, and then maybe we can talk a little bit about what their journey is.

Roz: And how was living with the kids when the marriage was fine, when the marriage wasn't fine, how, how'd the kids change?

Judy: Right. Well, Bryce was uh, the first child. He was the oldest. He was very easy to be with. Um, I could leave, I could do almost anything I wanted and he was real easy. Uh, Nicky, from day one, wasn't easy. Uh, he's real vocal, right out there, I think in many ways, Bryce is very much like Alan in terms of keeping his feelings to himself, and you never really know what he feels and how intently, um, whereas Nicky is very much like me. Emotionally, he's right out there. If he's, if he loves you, he will tell you, I love you, and if he hates you, he'll tell you, he hates you, and if he wants to hit you, he'll tell you, if not do it. I mean, he's, uh, real open about his feelings, which I respond very well to. Um, and most of his feeling are loving feeling, which is really nice. Whereas Bryce, he's a mystery to me. I don't really know what he thinks and feels, and he's very reluctant to express himself.

BB: Did, um, did the kids say anything during the uh, during the separation process, or, or, uh, did they make any comments that, that hit home, or didn't hit home, or say anything, or act in any way that...

Judy: Uh, not that much really. I think both the kids wanted to come with me, um...

Roz: Why?

Judy: Well, I don't know, I think Nicky is of the age where he's still very needy of his mother. I think, uh, Bryce maybe is going through a latency period where he also needs his mother.

BB: Latency period?

Judy: Well, I don't know, I think that's how I heard a therapist describe it, you know, before they reach their adolescence, uh, there's a period of time when they also need their, to be with their mothers. I may be wrong about that, I'm not sure, but, I think they both needed me quite a bit, um, also um, I feel a little awkward saying it, but I think that the kids, at least I don't want to put Alan down at all as a father, because in many ways he's a very, very good father, but I think that both the kids think that they have more fun with me, or that, um, I don't know, I, it, it's awkward even to talk about. I'm, I know that they need to be with me, and they tell me that, so, but they may tell Alan the same thing. I don't know.

Roz: How did they respond to some of the violence when it was going on?

Judy: Well, I think Nicky acted out his violence. He, um, became a lot more aggressive, and um, and angry and, he's um...

BB: Became aggressive after...

Judy: Well when Alan and I were going through a hard time and fighting a lot, and being real vocal about it, Nicky would be very aggressive and fight with, with Bryce, or even be belligerent or testy with Alan and I both. I mean, I did notice that it affected him.

Roz: What did he do at his worst?

Judy: Um...

Roz: Want to give some examples?

Judy: Nothing all that bad, just uncooperative, wouldn't listen, you'd ask him to do something, he would do just the opposite. Um, not a major problem, I mean nothing that got out of hand, but I could really see that it had some effect on him.

BB: When you and Alan, um, decided to separate, or when you told Alan you wanted to go off on your own, did you, um, talk with the kids together about it, or how did you cope with that problem?

Judy: Well, I thought it would be best if I talked to the kids separately, and um, I think I did. I really can't remember now how that worked out. I, I think there was a time, Alan wanted me to tell them, oh gosh, I can't remember, he wanted to make sure that he was around, or that the kids would be with him after I had told them, um, but I think I also felt that I thought the kids ought to be with me after I told them because I didn't want them to feel that they were being deserted, here I'd tell them

that and move out or leave. And I can't remember how it all worked out, um, I think that it was no great surprise, in fact, I had taken the kids with me to therapy, um, for a couple of sessions, uh, so that they could talk about some of their feelings.

BB: What were their feelings when you talked to them?

Judy: Well, Bryce wouldn't really talk about it other than to say that he felt that he wished I would spend more time alone with him, private time for the two of us, uh, because, when he's with Nicky, the two of them are real competitive and uh, neither of them get very good time from me, partly because I'm breaking up fights or uh, things are real hectic. Um, Nicky, at the first therapy session acted as though, um, well, he just colored in a coloring book, and drew pictures and looked at books and, while I was talking to the therapist, and acted, I thought that he hadn't heard a word that was being said, not in, a word, and it was clear by his behavior afterwards that he had heard everything, and that uh, in fact, he acted in ways I've never seen him act before. He started crumpling up paper, he started to poke holes in paper, like that, you know, just jabbing holes in paper, and uh, yet I, I mean I'm sure that was in response to what was being said, but he didn't talk about it. I mean it's, I don't know.

BB: How did you explain the, or how do you explain the separation to the kids.

Judy: Well, I told them that we weren't getting along, and that I didn't like fighting with, with Alan, and that I thought that wasn't good for them to be in a situation like that, and it wasn't good for me, and I wanted to live on my own, and um, it was very simple, I mean it wasn't very involved. They knew that I had been seeing Will. Um, Bryce, in fact, knew it way before Alan knew it, I think. He, one snowy morning I was out very early in the morning for a walk, which is one of the things I had done and Bryce got dressed and followed my footprints right down to Will's, which was very, very awkward. But I think he, he knew real early on, uh, not because he had actually seen anything, I think he really just picked up on the vi-, you know, just what was happening between us. But um, I think enough of Bryce's friends come from parents that are divorced and separated that he, uh, you know, that he can relate to the, it's not unfamiliar to him.

BB: Let's pause for a second.

Roz: Alan.

BB: Yeh, there's three statements about Alan here.
(Judy laughs)

Roz: Telling what Alan's like... let's get a (?)

Judy: Right, right, well, he does have a good memory, there's no doubt about that, but, um, he remembers different things than I remember.

[tape change]

Judy: I guess that's true of everyone, but, uh, in terms of accuracy, he, so it was always very hard to argue with...

(blank tape)

Judy: Often, I won't say usually, but...

(blank tape)

BB: The house, money, whatever...

Judy: Um, well, we decided that we would, um, share the children equally...

Roz: Not going to make it... see it flicker?

BB: Yeh; may be the battery.

BB: Which, um, I was asking which is, to just summarize what the separation agreement, uh, that, you know...

Judy: Uh huh. Well, we agreed upon joint custody of the children, um, so, what have we agreed upon. (laughs) I can't remember...

BB: Well, let me ask questions. What joint custody?

Judy: Uh, that we would share the, our time with the children, that he would take the chil- I don't know if we even arranged, uh, the specifics, I think it was just that we would each, um, share them.

BB: What about money? Was...

Judy: I haven't taken a cent from Alan since I left, and he hasn't offered any money, um. That he would maintain the house, um, and I would pay my own expenses. Um...

BB: Any expenses for child support or is that something you share...

Judy: No, that's something that we share; when the children were with me I paid the expenses, when they were with Alan, he did, um. I guess if there was any major work done on the house he would have to consult with me and we'd determine if that was necessary, and then I would, I guess, pay a percentage of that.

Um, it wasn't really clear to me if I was supposed to pay fifty percent of things like land taxes, you know, or, or taxes and insurance, um, Alan's keeping track of all that, and, um... I think that's the only part of the agreement that I've since had some second thoughts about is, I wish at the time that I had left that we'd had the house appraised, and at that particular point in time I would know what my equity was on the house. Um, rather than to keep it ongoing I think the idea was that if I paid fifty percent of expenses above and beyond what would be considered living expenses, that would maintain or keep my equity current, and I'm not sure that I think that w-, I think that was not a good idea to do that, partly because I don't have the income to be paying it and I'm not really, um, I don't know that it's doing me any good...

BB: What's the, um, the hardest part about the divorce issue. Or, but it's not a divorce, I'm sorry, it's a separation...

Judy: Um, the hardest...

BB: Is it a divorce...

Judy: Well, I think it will be. It's not a divorce yet. And we have that yet to negotiate. Um, the hardest part... whew... I don't know what the hardest part is...

BB: Maybe it's a dumb question.

Judy: Well, no, it's, I think having to rely upon myself is a very hard part, but it's also a part that I look forward to and know that I have to do. I think I've always had very dependent relationships and I think...

(blank tape)

Judy: I think I've always had very dependent relationships, and I think one of the things I'd like to do is be able to, um, be more independent, be able to know that I can rely upon myself, and um...

BB: I was going to ask if you were, if you thought you would ever get back together again with Alan.

Judy: I think I've thought that the whole time, a little bit, over this year and a half.

BB: You thought what exactly...

Judy: Well, that even up until a couple months ago, every once in a while thinking, gee, maybe things would work out, or maybe I could work things out, or maybe it wouldn't be so bad, or um, but that is, was almost always when I wasn't in alan's presence. Just being here alone at night, or just feeling nostalgic or

reminiscing or thinking of Alan's good qualities, uh, but then when ever I've been with him, it's always been a different story. It's always been, I know this is not what I want. I know that I couldn't deal with him in a relationship anymore.

BB: Do you think you'll get married again?

Judy: I've no idea. I can't see it in the foreseeable future.

BB: You mentioned a previous marriage, um, was that, the, that separation there in any way related to the separation here, or is that...

Judy: Um...

BB: ...was totally different.

Judy: It was...

BB: Not that I want to get into that.

Judy: No, it was very different. I think it's related only in the sense that I really needed, I had a very dependent relationship then, as well, and I really neede to be off on my own and grow up a little bit and I felt that I couldn't do it in that relationship.

BB: What are Alan's good qualities? Briefly...

Judy: Let's see... I think he's very gentle, I think he's, um, generous. See I have to separate all these things from how he's been with me lately, or, because, then it gets into another thing, 'cause I've seen a lot of anger and violence from him, too, and I've also seen a lot of stinginess and holding back, but I think all-in-all that he is a, a knid, gentle person, very intelligent, um...

BB: What are your good qualities?

Judy: Huh, god... well, I think I'm a very caring person, and a loving person. I think I'm gentle, and responsive and, I think I'm pretty sensitive to people.

BB: I'm not going to ask you what your bad qualities are.

(laughter)

Roz: Well, I'd be curious to know what, what you thought where your quality, where each of your good qualities went...

Judy: What do you...

Roz: ... in the relationship.

Judy: What do you mean, went?

Roz: When you, when you talk about the breakdown in the relationship, and the violence, and the arguing and the pettiness and everything else, um, what happened to the generosity and the caring, and what made the caring go away.

Judy: I don't know what made it go away, but I think, um, fear...

Roz: Did what? What?

Judy: Fear has a lot to do with it. Um...

Roz: With...

Judy: Being unforgiving, laying guilt on people, um, makes...

Roz: (?)

Judy: Yeh, who did what...

Roz: And who did what?

Judy: Well, yeh, who did what to who, you know, um, the need that people have to lay guilt on someone else, uh...

BB: Like Alan on you, you mean, or...

Judy: Yeh, or me on him.

Roz: But can you think of an example, like of what's, I mean I remember of course the orange juice story of, he didn't put enough water in the orange juice and I, I mean when you talk about things changing, can you remember the...

Judy: Gosh, I didn't even remember the orange juice story...

(laughs)

Roz: ...the real things...

BB: (a real chronicle of the relationship...?)

Judy: In fact, didn't you get that...

BB: (?) ask which was whether you felt that you still love Alan?

Judy: Oh, boy, I mean there's so many different kinds of love I, I think I love him as a person, as a human being. I don't feel romantic love, or... I don't know what I feel towards him right

now, I mean, sometimes I'm very angry, could strangle him... (laughs). Um, sometimes I feel when he's hurting, then I, I feel love and tenderness towards him. But, um, I don't know. I think it varies.

BB: Does he love you, you think?

Judy: I think on one level I think he does, when he's not angry at me, or, feeling hurt or, by me, you know?

BB: I guess I was (?) that (?) were still in love (?)

Judy: I think he was for an awfully long time after I left, and um, I know he's had a relationship with someone else, uh, who's since gone away. Um, and I don't know anything about that relationship. But I've, I've often wondered if i were to say to him, Alan, I've really decided if you're ready and willing, that I've made a commitment to see what would would happen, I feel like, there's still a chance that he might go along with that. But I don't really know. We have not talked about our feelings about one another uh, in a long time.

Roz: Why?

Judy: Well, partly because there was almost no point, since my feelings were all still so tied up with Will. I mean, that was, didn't seem any reason, reason to, I don't know.

Roz: What... what was the marriage for? I mean, if you had to think about being married to Alan, and it ending in twelve years, um, and in a sense, you know, words like loyalty come to mind, or, I mean, you mentioned romantic love and the old story is, well how often does that stay?

Judy: Uh-huh.

Roz: So it's like I wonder if you've thought about what, what marriage was for, is for, why, what you thought about marriage that you left it. That you were able to leave a husband and two kids. And did you, I mean, is there such a sense of taking care of yourself...

[new tape: Alan and Judy]

BB: What I'm saying about hearing different statements from both of you is, um, that the style so far is you say, well this thing and then you demur, and then you say your thing and you, you demur and, I guess, um, that that's good, but to some extent it would be nice to see if you two would, um...

Judy: I'm not really disagreeing with Alan...

BB: Yeh, yeh, you both agree, I guess, uh. You're saying things

differently. I mean, in a sense, uh, the one thing that, uh, that I'd like to get a handle on is, uh, in terms of the problem, when it popped up, or the problem in your relationship, um, you seem to, you say, you're saying that you weren't communicating, or you felt that you weren't communicating.

Judy: Mm-hmm.

BB: And you're saying I think something a, a little different. That you felt that you were aware of the problem, but that, that it was a matter of, of style, or... is that...

Alan: Well...

BB: ...sort of right, or...

Alan: Yeh, I mean, in other words...

BB: ...I mean, it seems like you have different views on that, on that particular...

Judy: Uh-huh, yeh, that, I can see...

BB: Is that right, I, I don't know.

Alan: Yeh. I mean, heh, it is hard to, to put into a short, heh... dialog...

Judy: Well, I think for me one of the things I think that I do either in, in relationships with friends or lovers or whatever is having an active, ongoing, verbal dialog is what I need to grow, is what I need to be able to relate to the other person, and just the stability, um, really isn't enough, because I'm always questioning myself, I'm always wondering about myself and I guess I need real active feedback. Be, and that being not just that there is that base of love that I know I can always count on, or that stability, but more a sense that I can really communicate verbally in a, like I said, in a real active way about, you know, what are you feeling, how are, you know, um...

BB: Is this something that, that, does this communication happen in the, early on in the marriage and then it stopped happening, or was it just...

Judy: I don't think it ever really happened to that extent, to, you know, to the extent that I like it to happen, or need it to happen or want it to happen, no, I think that it was never really there, but there were enough other things that were things that I really needed, uh, (?) kinds of things...

Alan: Yeh, I just, I don't, I don't quite agree with that. Um, you know, in a sense that, uh, I can remember many times, you know, getting real excited about talking with you about, you

know, who I am and what I feel, and..

Judy: In the very beginning?

Alan: No, no, throughout, throughout, you know, the first five, six, seven years. Um...

Judy: But that's probably the, I mean I think things were pretty, I'm maybe not recalling that well, but I think that things probably, that was the better time in our relationship.

Alan: Right, but, but I, what I'm not agreeing with is that it wasn't there ever. I don't think that's true.

Judy: Oh, well, that's...

Alan: And I also don't think that it's, that it's true in the, in the sort of absolute way that you're saying it, you know, that, that I'm not able to do that at all. I don't think that's true.

Judy: I didn't say that you weren't able to do it at all...

Alan: Well, I heard you say that. I mean...

Judy: Well, I don't think I said it. I didn't mean to say it.

Alan: I mean, 'cause, 'cause it is a matter of, of difference of style, and especially in terms of, sort of the repetitive reinforcement, that I couldn't agree with more, you know, that, that I don't, um, I don't know, I'd, I guess I don't feel the need either to hear it or to say, um, you know, the continual what I'm feeling or thinking or, or doing, um...

Judy: Well I just remember many times where if I sense that you were feeling something, and I think, I mean, I, we, I even used these words, I just had to draw it out of you, it would just be I'd have a sense that you were feeling something that you weren't communicating, and sometimes it would go on for days and finally I think with just persistence, you know, I was able to get you to talk about what you felt. Um, you know, I mean I felt like I was like pulling teeth in a way to get you to say what was on your mind, whether it be worry about work, or, or, you know, my behavior or attitude, you know, about something, I just, I really felt that I had to work very hard at... I think you've...

Alan: Well I, I think...

Judy: ...really gotten better at it, but I think in the begin-, you know, for me it's always been a problem.

Alan: Yeh, and, and I think you're right, you know, that, and

that's partly just the way things take a long time for me to, to come to that conscious state, partly. Partly, it's a matter of habit, you know, of, uh...

(phone rings)

Judy: You want to get it?

Alan: I guess so...

Roz: Making believe you're listening?

(laughter)

Alan: (on phone) Oh... huh...

BB: I thought it might be good to jump ahead to the present a little bit, and then, we can cut back and forth instead of it being just a straight chronology, and, talk a little bit about um, something that I don't know too much about which is what, what your, what are the issues you're struggling with now in terms of just very practically. Um, you're separating. Um, there's a, I guess there's this house, there's custody of the children, and there's money. I guess those are the three things that people usually think about.

Alan: (And property?)?

BB: Yeh. So, um, what, what is the arrangement?

Alan: Well, we got, you know, we've got a, an essentially a, a, understanding about custody at this point which i think we'll carry through whatever else happens, just to, you know, try to share them. Heh. Right now, we're just doing a week here, a week there. Um. The house is, is probably the biggest hassle, if you will, um, we're talking to a realtor now about the possibility of selling some land, or possibly even refinancing the house, so that Judy could have some, some capital to, you know, have her place, have a place of, for herself. Um...

BB: Is, is the notion, then, that the house is both of yours?

Judy: Yes.

Alan: Uh, sure.

Judy: We share equity equally on the house. Yep.

BB: What, uh, was it, I'm just totally (?). I know you're presently living in the house, and not Judy. I was wondering...

Alan: How that happened, you mean?

BB: Yes, I just... it doesn't seem natural.

Alan: Well, she decided to leave.
(pause)

BB: Ok, I guess that make sense.
(laughter)

BB: You leave the house, you leave the house..

Judy: Right. No, I mean I think leaving the house was very difficult, is, was really the relationship that I wanted to leave, I mean I, I love the house. And I, it wasn't that I had to, I didn't want to be in this house. It was a question that, partly alan was unwilling to leave the house, and my...

Alan: I didn't have any reason to leave.

Judy: My need was to be away from the realtionship, and since..

Alan: Well, and to another relationship.

Judy: Yeh, but also the idea of developing my independence, which was stated over and over again that that was something I wanted to do, because when I left the house, I didn't lea-, live with Will, and so I wasn't lea-, livin-, moving to live with somebody else. I led, lived by myself. (pause) And, um, if Alan had said, you know, well I'll find a place for six months, I would have been happy to stay here. (pause)

BB: So is the, um, is that a thorny issue between you, or, or is that something that's... I, it looks like the children, the sharing the children doesn't seem to cause any, any tension that I see.

Judy: Well, minor tension, only about scheduling, I mean nothing, nothing major, uh, thank goodness.

BB: Yeh, that seems very good. But, but the house does seem like a thornier issue, or is that right, or I don't know...

Judy: Yeh, I think it is. (pause) Partly because I'm living in a place that's, doesn't accomodate me and the children, and I feel, that it's a real handicap for me and the kids to be where we are. I can't leave when the children are there. They have to sleep on the floor, and they have no privacy at all. And I think it puts a lot of stress on us, they really can't have their friends over for any extended period of time, to sleep over, or, whatever, and it's mostly that they, they have no place to put their toys, or, and when, I mean I think that it's a very pressing need.

Alan: There, but (?) which presumably we're doing something

about.

Judy: Well, yeh, now, um, yeh... what are we doing about it?

Alan: Trying to find a way to get you some money to get you another place.

Judy: But there is also the possibility which I wanted to talk about of um, which we had brought up when we talked with Roz the last time, was that I would move back into the house for a period of time, whether it be six months or two months if I were find a house to buy. And that you would rent a place for a period of time.

Alan: Yeh, regardless of how it happens, you still have to find another suitable place.

Judy: Who would have to find another suitable place?

Alan: Either or both.

Judy: Well, I'm, I have a constant search for a house, and um, what I would like to do is, unless I can find one in the next couple of months which is when I have to be out, I would like to move back here for a six-month period or, or whatever.

Alan: And what does that mean for me?

Judy: Well, then you would have to rent a place, I mean, that's what we had talked about.

(pause)

BB: So that doesn't, that does seem to make a major source of um, disagreement, I, I'm not acting as a mediator, so I'm not even going to try to jump in here, I'm just asking questions and I see that it is indeed...

Judy: It is.

BB: ...a source of, of um, tension. Uh, I don't know, is there anything more that you'd like to say about that?

Alan: I, all I can say is I don't like it. Uh.

Judy: But I also...

Alan: It doesn't seem right to me.

Judy: Well, but I also feel...

Roz: Why?

Judy: Oh, go ahead...

Alan: Why? Um, it's hard to explain, I guess, primarily because, I guess because of the base, you know, that's, that's what's important to me.

BB: The base? I'm sorry...

Alan: I, I mean, Judy has, um, you know, things that she wants to work out and do and be independent, and, and, um, however else you want to say it, you know, be on her own, and...

Judy: (?)

[blank tape]

Roz: Um, when you, I was just going to ask Judy if she understood what Alan meant.

Judy: Well, the last thing he was saying, I think what he was saying was that because of my needs to be independent and work a lot of things out and so on and so forth, I was not sure if he was then going to come to the conclusion that I didn't need this home, I mean that it was not, I mean I feel that I can do that as well here as living in an apartment somewhere. I mean why can't I find my independence and my, my self, and my...

Alan: Well...

Judy: Why can't I do it here? Because I'm living in an inadequate situation with our children half the time...

Alan: Sure, but, you know, ok, so it's e-, you know, it would be easier presumably for you to come back here than, than to find another place, maybe, but what I'm talking about is something quite different, you know, in the sense that, for whatever reason, for whatever needs, you know, for whatever, I'm not trying to lay blame or fault or cause or anything, but you chose to leave. You did not want to work it out here with me, you did not want to try to make a new beginning. You wanted to strike out on your own. You wanted to go to another relationship. Um, you know, what, so that's what you wanted to do, and what I still want to do is essentially to maintain a base for myself and for the kids. Um, and, you know, it would be extraordinarily difficult for me to do that, um, without being here.

Judy: I don't understand why it would be extraordinarily difficult to maintain a base somewhere else.

Alan: Because, this is, this is where, this is where that base has been for twelve, thirteen years, you know, and, you know, I don't have that need to, to strike out and, and do something different and be independent in that way. Um...

Judy: Well, then, maybe you're not understanding what my being independent means...

Alan: I have much more of a need to, to maintain some kind of, of stability, and for me to go out, you know, and find a new place to live and, and uh, you know, try to work out some other living arrangement and, and, the whole bit, uh, is just, isn't in keeping with what I want to do at this point. Um, you know, and I sort of also feel like, you know, because it's more convenient for you now to come back, that that's what you want to do, but that, you know, presumably if you'd found a really nice place, you know, a place that, that met your needs, you know, for another, for a good place to live, um, you know, that, that you wouldn't be coming back. I don't know, it's just, it's upsetting.

Judy: Well, I'm certainly not doing it or saying it or requesting it to be, to upset you, but i also am very attached to this home, and I also, you know, would like to be here for a lot of reasons, you know, which are very real reasons to me, and i also feel that just because I had to leave, it doesn't make this living here less important to me. I mean, I, I mean I understand what you're saying, but I also feel that I do still share the equity in the house, it's still as much my...

Alan: But nobody ever said you didn't...

Judy: No, but I feel that for a period of time that it's a fair thing to ask that we make a switch. And I want to, I would like to spend a spring here, a spr-, one more spring and summer, you know, to enjoy the gardens, to enjoy the things that mean a lot to me, that I've built over a twelve or thirteen year period of time that are very dear to me, and that I miss very much. And I don't think that that is contradictory to my needs to find my own independence because to me my own independence is from within, and my own feeling of my own sense of power and my own sense of self is, comes from within me. And I also feel that...

Alan: True, but, you know...

Judy: ...in a way that you're being a little punitive to say that because I left I've given up my... my right to be here, and that is what... that bothers me...

Alan: Only since you chose to leave rather than to work things out here, that's, you know, that's part of what I'm saying, yeh.

Judy: But I also feel when you're saying that, that you're putting some sort of blame on me, that...

Alan: No, I said that directly...

Judy: But then, but then what you're saying is...

Alan: ...I'm not putting any blame on you

Judy: ...then I feel like what you're saying then is that there are consequences, because I...

Alan: Of course there are consequences...

Judy: ...made that decision...

Alan: ...there are always consequences to anything you do.

Judy: But if you look at it strictly in terms of a home, that's owned by two people, uh...

Alan: Sure, and one person decides to leave decides to leave and go do something else...

[new tape]

Alan: That's part of what we talked about, you know, when you said, yes, I am willing to essentially bag the whole thing.

Judy: When did I say that?

Alan: Well, when I kept asking you, you know, you mean that it's more important for you to, you know, leave so that you can have a, your, your sexual freedom and whatnot, than, than to have a family and you said, yes, you know, that's, that is more important to me.

Judy: Well I think you can't use this occasion to...

Alan: So you can't now just come back and say, well, but, but, heh-heh...

Judy: But I don't think that has anything to do with the house; that has to do with the relationship...

Alan: Well, I do, I do.

Judy: No, I think it has to do with the relationship, and not the house. Because as I said, if you had...

Alan: Well, I don't think we're getting anywhere, so let's just stop this.

Judy: Well, but we have to, something we have to deal with and resolve...

Alan: Well, maybe, but not here and now.

Judy: Well, it's got to be dealt with, because I...

Alan: Not here and now.

Judy: All right, well, we'll have to find another time to do it.

BB: Um... yeh, at your request, maybe let's just talk about something, something else, if you still feel like talking at all.

[blank tape]

Alan: Mm-hmm.

BB: Is that ok, or...

Alan: Yeh, I guess so, sure... I'm not sure what...

BB: Oh, what the point is?

Alan: No, no, I, you know, how much I can, (laughs), spontaneously say.

BB: Uh-huh, yeh, ok. Um, when did you get married?

Alan: Uh, 1971.

BB: Why did you get married?

Alan: Oh. um, essentially because it seemed to be the next logical step in terms of what Judy wanted, and what she felt she needed and what, um, you know, the relationship was, was pretty intense, I mean it was sort of (?). It seemed to make sense and, and seemed to feel right, and we were both uh, you know, we didn't have any, any, uh, reason not to, so to speak, uh, we'd been living together for a while, and it seemed to work relatively well. Um...

BB: Were you, in, like, I, it's a dumb question but I assume you were, you were in love with each other and..

Alan: Sure. I mean, uh, a lot of our friends used to sort of complain about how lovey-dovey we were, you know... embarrassing, or whatever.

BB: Mm.

Alan: Uh, yeh, you know, it was definitely, uh, romantic and, and, you know, a loving relationship.

BB: Um, so how was the, how were the early years of , of the marriage? Did it work out well, or...

Alan: Yeh, I think so. Um, you know, in, we were certainly uh,

active and happy and, you know, involved in, uh, our separate and, and together things and, and um, was, I think I could say it was certainly very satisfying for both of us. Um, there certainly were, uh, the roots, I suppose of, of the later problems, I think were also there, uh. Retrospect is, is easy but, you know, there were many, many things about Judy and about myself that, uh, you know, made, made for some difficult incidents and, and, um...

BB: Do you mean arguments, or...

Alan: Well, yeh, arguments, but more, um, I suppose more uh, Judy blowing up essentially, not, not so much arguing as, as just her, heh, you know, flying off the handle type of thing because, um, I wouldn't, I mean, argument I think is relatively constructive, and, and what was even then bothersome to me was just, uh, well, what I used to call the one-to-ten syndrome, you know, where it seems like you're somewhere around one, one or two, in, in the way I looked at it and then all of a sudden it would be, you know, the whole ball of wax was down the drain essentially, it was, so that, you know, there, we couldn't even talk at that point.

BB: Whe, when did you, um, first start to feel that there was a, a problem with, with the relationship? I mean, a serious problem...

Alan: Um. Sigh, um... I'd, I'm not there's any answer to that, I, it, you know, because I think there were problems right from the beginning. Um, you know, when the balance shifted to more problems than not, or more problems than positive aspects, um, I, you know, I guess I would have to put some kind of about, maybe, maybe four years ago, or three, four years ago or something like that. Uh, just...

BB: If, uh, if you did, uh, did you argue about things, uh, or...

Alan: Oh sure, I mean, yeh, we had the normal, um, you know, arguments and, and trying to work things out as far as different tastes or different ideas about the house or, um, different ideas about the kids, or...

BB: Mm-hmm.

Roz: The battery light's flashing. Does that mean it's the end?

Alan: ...am I glad were getting towards the end of this, heh...

BB: Ok. Gee, I wonder why... Ok, um, I guess one of the major things in, in the relationship was, um, Judy's affair with Will...

Alan: Mm-hmm.

BB: What, um, when did you first find out... about... her... affair...

Alan: Um...

BB: Do you remember that, or...

Alan: Yeh, I'm just trying to remember what the date was, I think it was sometime May of '82, I guess. Something like that, hm, I think that was when it was. Just about two years ago.

BB: And, uh, what was that like, how did, how did you find out, I mean, can you describe the...

Alan: Well, um, I guess it was becoming somewhat obvious if not conscious to me, um, in spite of the fact that she would, you know, deny it and, and, uh, you know, reassure me, heh-hm. Uh, you know, and then, so she just, you know, it's, one, just one point said she had something to tell me, and, I essentially knew what she was going to say, um. What really surprised me was that, you know, she did, that didn't change anything for her. I mean, um, you know, she didn't, she didn't want to do anything different from what she was doing, I mean she didn't want to try to do counseling, she didn't want to try to, you know, uh, separate from that for a while, she, she just essentially, just wanted to keep on doing what she was doing. Um...

BB: Do you remember what, what she said exactly, or how she put it or, I mean I'm, not in her exact words, but do you know...

Alan: Well, something to the effect that, you know, that she had a, a, I don't know, yeh, I can't remember either, but I mean, what it amoun-, I mean, uh, she probably just said something like she, you know, that she'd, uh, had a relationship with Will. You know, I think just simply as that. Um, you know, and that, uh, it was very important to her and that she was, you know, very much involved and uh, uh, yeh, that, that she felt, uh, you know that she felt it was very difficult, and that she knew that, you know, it would, things would be very hard because of it. Um, you know, it felt, I was, I, I'm almost sure she, you know, she said that she felt, that she was sorry or, you know, that, um, didn't... that she was very uncomfortable, you know, with, with, uh, the uh...

BB: What were your reactions to that? I mean, jealousy, um...

Alan: Well I, um... yeh, I was obviously very upset, uh, you know, right, my immediate reactions, uh, were relatively positive in the sense of, of, you know, something which turned out not to be true, but I, I guess I felt that well at last it's out and, and, um, you know, there's, we can go from here, I mean

uh, that, that, uh, this means we can talk about it, work something out, you know, uh, uh, you know, see what can be done, make a new beginning, etcetera, etcetera, um, I, and that was essentially the conflict for the next year or so. Uh, you know, that, that, I guess again in retrospect if, you know, if I had to do it all over again I probably would have wanted to, to tell her to go, you know, do whatever she had to do, but, you know, uh, you know, not, I mean and then to, to come back if, if she wanted to come back at some later date, you know, and, and, you know, I, you know, uh, at that time at least I would have said, you know, that I hope I'm still there, you know, when you come back, but, but, you know, I kept trying to, again following my personality if you will, of trying to, you know, work it out and, and, be a base for both of us, um, and, you know, to try to, to find a way to, uh, make a new beginning. Uh...

BB: Mm-hmm. Um, so, what happened after that in terms of trying to make the new beginning and, and so on, and so forth...

Alan: Well, I mean we...

BB: There was a year, I guess, where, what happened, did the relationship continue, or...

Alan: Well, we did go to counseling, she was going to counseling before that. She started counseling about in April or so, and so by the end of May, you know, when she told me about the relationship, you know, formally, um, she'd been going to counseling, and then I started um, also seeing the same counselor and, and we started seeing that same counselor together for a little while. Um, you know, we tried all kinds of things, uh, in terms of, uh, you know, her having a night or two out and um, um, you know, unobtrusive time, and a few other things I can't even remember. Um, and, you know, I think Judy was indeed and still is, I suppose, going through some, some rela-, some growing up, if you will, uh, and, uh, but it just, it was never possible, I mean I think that again if somebody seeing it from outside could have seen that, um, I couldn't see that, and, and, or, if I could see it I always thought, you know, that it was the next step would, you know, would bring it back together or, you know, would be more effective or, or allow us to work stuff out. Um, but essentially, Judy just literally never, um, never wanted to make a choice either way, I mean she'd, you know, she would try for a week or, or sometimes maybe even two weeks, you know, not to see Will, but she essentially wasn't willing or able to make any kind of a, you know, a, a stab at a new beginning.

BB: What, um, what was the, what finally led to the separation, what, what was the actual circumstance of the second per-, separation, can you respond...

Alan: The second one?

BB: Um...

Alan: Um, 'cause she left once before...

BB: Describe both, I guess, I mean, what, what, I mean what...

Alan: I guess it was essentially the same that, that, um, you know, that, that, eh, our situation was intolerable essentially, I mean it was just full of uh, fighting [sic], fighting and bickering and, and, uh, disagreements about everything you could imagine and, uh, you know, real serious fights, I mean, just, um, unbelievably unpleasant, a-huh, circumstances, and uh, that coupled with, you know, the essence of it, I mean the essence of all our fights, I think, was, was just that she, um, you know, she felt more of an allegiance to Will than she did than she did to me or the family, and she said that point blank. Um, you know, that it was more important for her, as she put it, to have her sexual freedom than, than to try to, you know, work things out in therapy and I think, I mean that's the, the same thing came out in therapy all the time, I mean that, um, uh, that Gary and, and later Sam and later Dario, you know, would say to her, listen Judy, you realize that, you know, you're not going to be able to, to work, uh, out anything in terms of, you know, a, a relationship with Alan if you don't get off the fence, you know, if you don't uh, make a choice essentially...

BB: So, given the fact that she couldn't make her decision, what actually led to the actual separation, I mean what, when was there an event that, that finally...

Alan: Well, no, there was no particular event, I mean, I...

BB: What it your decision, her decision...

Alan: No, it was her decision, I mean, she said, you know, I can't take this any more, I, I, uh, you know, I have to have more time with Will, I need to strike out on my own and be independent, I need to, you know, my freedom, etcetera, etcetera, I'm leaving. And that was, heh, essentially it. Uh...

BB: Did you try and, and, and, and stop her, or, or tell her to stay or, tell me you reaction...

Alan: Well, no, not at that point, um, uh, I mean I had all along been, I mean she'd been, we'd been talking about that for months, I mean uh, so by, you know, when she's, both times when she'd stated that decision, um, and maybe was even somewhat of a relief to me, really, heh, uh, certainly turned out that way, I mean, you know it was, uh, I felt a lot better after that, I think that, that I, you know, um, i had a lot better time with the kids after that, um, you know, it just, it seemed better, uh, no question about it. Um, you know, so it was, no, I didn't,

there was no I mean, it was just sort of a culmination, I guess, it was just sort of her following through on things that she'd been saying for a long time.

BB: So you can't think of anything that might have triggered it, finally, or just...

Alan: Not that I know of, no, mm-mm, no, uh...

Roz: Over time, Alan, do you know what your part has been in, driving your relationship apart?

Alan: You mean in terms of responsibility, or in terms of uh...

Roz: There's two people living together. One decides to leave, but it's not just the behavior, I mean she's reacting to something.

Alan: Oh, sure, well, um, I think by that time that, that the possibility of communication was almost non-existent, I mean uh, yeh, I think you have to back up considerably in terms of what, you know, what the dynamics were in the relationship, and, um...

BB: Well, just to back up for, for a second, I guess Judy mentioned two things when she talked about the problem that she saw, one was communication, the other was sex...

Alan: Mm-hmm.

BB: Is it, uh, is that the way you see the problem also, or...

Alan: Well, I see them as much more connected, to tell you the truth. I also see another, I would add a third thing which is, um, heh, uh, I don't know how to say it, it's just the... the ability of either one of us to, uh, be supportive or, um, sympathetic if you will, uh, you know, disappeared. I don't know what huh-huh, category that comes into, but, uh...

BB: You felt like you were no longer supporting her-, being supportive of her, and that she was no longer being supportive of you, or...

Alan: Well... yes, yes, absolutely. Um, I mean she, she saw things very much in sexual terms, um, and she wanted me to, she was very clear about how she wanted me to behave, and it was like a prescription, huh. Um, but she, she sort of set it up so that no, no small step towards meeting her needs so to speak, was, was enough, I mean it was, uh, you know, I felt like I did try and I felt like, you know we did have times when things were better, and, uh, but they weren't good enough. I mean this, maybe things by that time had just gone too far and maybe it's partly unfortunately part of Judy's personality, you know, just that, um, it's either great or it's horrible, you know, it's,

there's kind of no in-between, uh, and I felt caught a lot of time in, in, like I said once before, of her ascribing to me things that I felt were totally untrue and unfair, uh, and, and, and a lot of times I would, I would explain to her, or, you know, just, just tell my side of the story, so to speak, and, and she would then agree with me, and she would say, well, yes, I guess you did try that, and I guess you did, you know, respond to me, but I, you know, it's enough, I, you know, I, I, and so it was, you know, huh, it was essentially nothing I could do, I ended up feeling like there was nothing I could do to, I mean that, that...

(blank tape)

BB: ...from you in a sense is that you were feeling that she was setting up a situation where no matter what you did it wasn't good enough. Is that...

Alan: Right, right. That wasn't just my opinion, that was also the therapist seemed to be saying the same thing, and, and she'd realize it, I think, and, and, but by that time, you know, her, you know, it was clear of what her ulterior motive was so to speak, not that it was so ulterior, but that, just that, um, things had gone too far or whatever, and, and plus, well, I think that, that, putting myself in her shoes I can see why and how that was true, you know, just that she really did, her allegiance really was someplace else at that point.

BB: Oh, I was, I was, actually, my question had to do with before her relationship with, with Will...

Alan: Oh, oh, oh... Um...

BB: That, that she meant towards, at, as, as she describes it...

Alan: Oh, I, yeh, ok, right, ok, yeh...

BB: ...you know, she was saying, there was a breakdown in communication, there was a kind of, uh, uh, a breakdown in, in sexual communication or whatever, and then she drifted, I don't, I don't know, I'm just presenting her stor-, side, I don't know if that coincides with your side of the story or not...

Alan: Well, yeh, I, uh, hmm... yeh, there was, I think the breakdown in communication is the essence of it, uh, you know, she, she's just, she's very sexual and the, yeh, that she expresses herself that way a lot, and, um, you know, she has a, an extraordinarily active, you know, sexual history. And Will was not the first affair she had by any means, I don't think.

BB: During your marriage...

Alan: Right.

BB: Oh.

Alan: No, she had several others, none of which I knew about, um, until after I knew about Will. Um, so you know, I mean, I, uh, I think for whatever reason she just needs that kind of sexual adventure, and, and, you know, maybe now she's just, she's coming to terms with it, not that it's any different, but that she sort of, you know, setting it up so that can be the way it is for her. Um...

Roz: But in the early part of your relationship you both had that same kind of sexual intensity, didn't you?

Alan: Sure, you mean together, yeh.

Roz: So, yeh, so where did it go from, like, your side. What, what made you back off? I mean, if there was sexual communication and she always stayed demanding, how did it change (?)...

Alan: Well, I think, I think that's what happens in any relationship wiht, with, you know, the sexual part of it. Um, it's the, it's not going to maintain that kind of excitement after a year of two year or three years, and I think that she wanted that to, to stay that exciting that same way.

BB: So was that...

Alan: I mean, it, the, eh, I mean in other words, I don't know, it sounds sort of silly to say, but I mean, you know, from my perspective, we were still talking, we were still, um, you know, it wasn't as if we had one set routine, or anything like that, uh, there was still give and take, there was still variation, there was still, um, you know, development of different fantasies and all kinds of stuff, uh, but it simply wasn't what Judy wanted, uh is what it comes down to, I think, um. Uh...

BB: And it, it sounds like you were saying also there's a side of you where just naturally it seems like it's, sort of like the honeymoon's over or something, and, and it, it...

Alan: Well, yeh, I mean I was, right, I was, I was, um, huh, how to say it, I guess I had shifted some of what was important to me in the relationship to more family, house, um, uh, job, um, etcetera, etcetera, and, and maybe that was part of Judy's liability in the sense that, you know, that she didn't have some of the same ways of being able to, to get positive feedback through work, because she was, um, you know, in the house with the kids a lot. And so, um, I'm sure that was a factor, you know, that, that, you know, this, that, that her world so to speak was, was not big or exciting or, or fulfilling enough for her. Um...

BB: Let me, let me shift over to the kids now, and, and uh, one of the things I'd like for you to do briefly is just, could you describe your two children and, and how you, just their characters?

Alan: You mean, as individuals?

BB: Yeh, yeh.

Alan: Well, Bryce is a, a super kid. Um, he's, he's uh, extremely imaginative and, and uh, smart and, fun to be with, uh, I think he's, he's got, um, he's got problems in, in that partly from his size, he's very, very small for his age and, and, you know, he gets a lot of, of teasing and, and unkind remarks that people don't even think about, you know, in terms of, adults included, or, a-heh, you know, people will say how old he is, he's ten, oh, my god, he's really small, isn't he, huh, and people don't even think when they say stuff like that, you know, um, so he, he's having to live that, and that's just one of the things he has to deal with and that's, that's a lot, he's also extremely sensitive, I mean he's, and he does tend to keep things inside himself, uh, he doesn't express his emotions, um, ver readily, um, and, uh, you know, but, and, and I guess still is very much, and I think he, he's concentrating on being socially accepted, maybe because of trying to get a, around, uh, the liability of being small and, and...

BB: Mm-hmm, mm-hmm...

Alan: ...and therefore not strong, as strong as his peers, either. I also think that he has certain kinds of, of, um, well, his, one of the things about Bryce is that he, he's, uh, he's delayed in many, many ways, he, uh, he's delayed physically, he's delayed intellectually, he's delayed, uh, um, socially to some extent, and, I mean I think I was, too, I mean I don't think there's anything wrong with that, it's just that, um, you know it's going to take him a while to catch up, so to speak, um, and it's hard, you know, that he does have a little more difficulty with school than a normal kid and, and whatnot, Um, but, you know, he's, he's a super kid and, huh-um, everybody who knows him, you know, likes him, and he's, I think he'll, I think he'll do just fine, um, I think, you know, he, there's just a few things he's got to learn, and, and, uh, it's actually one of the problems that I have with Judy, uh, you know, does relate to the kids, especially to Bryce, um, that, you know, it's, well, she's carrying on a pattern that, that, uh, was true for her that, that in an objective sense she can say she doesn't like, but it's, as she puts it, she just sort of can't help it, I mean, she, she um, she wants to make things easy for Bryce, essentially, and, and doesn't, uh, doesn't see what that does as far as him developing his own discipline, you know, self-discipline.

BB: Mm-hmm.

Alan: Um...

BB: What about Nicky?

Alan: Nicky's, uh, very different, huh, I mean he's also loveable, he's also, you know, uh, imaginative and, and, uh, fun to be with just like Bryce, um, but he, he, I don't know, he's just, he's the reverse of Bryce, I mean, the sen-, if Bryce is delayed, Nicky's advanced, huh, and maybe that's partly because he has Bryce, you know, to, to use as a role model, so to speak. I think he has tremendous advantage because of that, I just, I just, that has become so incredibly evident to me, at least between them, I don't know if it works for all siblings that way, but, 'cause I was the oldest to, so I don't, uh, I don't have any way of judging that personally. Uh, but he is just, he's very up front with his emotions, he's smart as a whip, I mean, you know, just intellectually, he's way, way ahead of his class and, and, uh, and emotionally very mature and, and um, uh, just very expressive and, and very easy with almost anything he wants to do, very, very perceptive, extraordinarily perceptive, um...

BB: Do you um, do you recall, uh, telling the, the kids, uh, about the separation and, and uh, how that was like, what that was like?

Alan: Well, sure, I mean, I, in different times or, or to some extent daily, you know, um, you mean personally rather than together, and...

BB: I mean at, at the very beginning of the separation, how, how did you, wh-, how did you deal with it...

Alan: Personally, how did I deal with it, rather that how did Judy and I deal with it...

BB: Or, either way, I mean how, did you tell them...

Alan: Well, yeh...

BB: What did you tell them?

Alan: ...uh, together we told them that, you know, Judy was going to live someplace else for a while, um that the kids would be going back and forth, that the reason for it was because, you know, we weren't getting along and, and, uh, um, you know, we, that, I don't know whether it was directly put, you know, to stop the fighting, but I mean that was the essence of it. Uh, you know, that we simply weren't, weren't able to, uh, live together, at least not for now, and that, uh, Judy was going to

go live someplace else, um, that, you know, they would, that, uh, it had nothing to do with them...

[new tape]

BB: What's, what's been their reaction to the separation, would you say, emotionally, you know, or...

Alan: That's really difficult...

BB: ... have they said anything, have they...

Alan: ...it's, it's, it seems crazy to say, but, uh, well first of all, I think it was a lot easier for the kids once the separation happened, you know it was just things were pleasanter, they had a better time with me, they had a better time with Judy, individually. Uh, and so in that respect, I think it was, it was kind of a relief for them as well, and it was, uh, to some extent, there was no surprise, either, uh, um, you know, it was sort of the next logical thing, uh, emotionally, for them, I think, as well. Uh, they both have, or especially Bryce has experience with some of his friends, you know, with mother and father living relatively close in separate, um, and as a matter of fact, one of his best friends, uh, is an extraordinarily well-adjusted, neat kid in that respect, you know, I don't know because of that, but I mean in spite of it, or however you want to put it. Um, I don't really see, other than, you know, some concern at points in time about, you know, what is set, what is the routine, what is the, uh, story so to speak, but, uh, I, I really don't see any, any strong, um, emotional reactions.

BB: Is there, uh, is it, does the question of allegiance come up, do they sometimes, do you feeling closer to one kid than to the other, or do they feel closer to you or to Judy or does that arise as an issue at all?

Alan: It hasn't arisen as an issue as far as I know, certainly not for me, uh, um... you know, I guess I've been working with Bryce because of, you know, his needs at this point, uh...

[blank tape]

BB: ...yeh, let's start with that, your previous marriage, or...

Alan: Oh, yeh, that, I mean I was married once before, uh, to a woman who in some respect was similar to Judy in that she was very up-front and open about her emotions and that that was very, very important for her, the, the whole thing of, of working things out and stating things verbally and getting feedback verbally was very, very strong for her as well. Um, and I guess what I'm realizing now, uh, especially um, you know, in, in, in seeking out other relationships now, um, is that the kind

of communication that, that I have and, or my mode, if you will, of communication, um, not that it can't be verbal, but that there is, there's just a, a lot of non-verbal, a lot of, of, uh, base, uh, base development, which is, which I rely on heavily. And I find that the people I communicate best with on a, on a very intense level, that the communication is, that, that, well, I just wrote a note to somebody in which I said, you know, um, we say very little so that much can happen. It, and I don't know how to, to put it otherwise, it's just, um, I guess, you know, I, heh, I think I'm, I'm, I think I must have been born (?) or at some other point in history because it, a lot of what I feel about communication and, and I must say a lot of the kind of communication that Judy wants and needs, to me, is just tremendously boring and repetitive. It's just like, you know, I said that yesterday, why do I have to say that again today, you know, nothing's changed, ah, you know, I still feel the same way, you know. Because I brought home a flower yesterday, today you're upset 'cause I didn't bring home a flower. It's, it's, I, you know, it's just, it's, it was mind-boggling to me and, and so that is the essence, for me, of the mis-communicatio, or the lack thereof, and just that, what, what to me I was able to, to, to, uh, rely on and go with and, and maintain, you know, a feeling, um, for Judy needs to be reinforced, you know, needs to be verbally reinforced...

BB: Would, um, this is kind of a s-, odd question, probably a dumb question, but uh, um, do you st-, are you in love with Judy still, or do you still love her?

Alan: I was for a long time, I mean I think I was in love still, very much in love with her um, you know, at least a year, maybe a year and a half after, you know, she told me about Will. Um, I still had the base. I don't, it's not clear to me whether Judy ever had this kind of base that I'm talking about in terms of our relationship. Uh...

BB: You mean it's not clear that she loved you as much as you loved her, or...

Alan: In the same way, in the same way. Uh, I mean her therapist once said something to her which I thought was rather shocking, actually, and, and, um, you know, that, he said to her that, maybe you're not capable of loving this way now, you know, of loving in a way that has that stable base to it, and um, it seems, you know, it seems to be true. Uh...

BB: So are you still...

Alan: But, I can, no, I think, I think what I'm, you know, the other answer to the question is that, no, I don't think I am in love with her at this point. Um, you know, there's just been too much, she hasn't come back, I mean, in any way shape or form, she hasn't, um, she hasn't made any effort, as far as I'm

concerned to, to start a new beginning, you know, that she hasn't said anything resembling that she wants to do that, and she hasn't, um, uh, she hasn't changed, as far as I know, she hasn't changed anything about what's important to her, and that seems to be mutually exclusive, to a, to a new beginning for us.

BB: Will you marry again?

Alan: I imagine I will, yeh, yeh, I imagine I will.

BB: How can I, how can I do anything but stop?

Judy Hodson November 1985

Roz: I brought you some up-dated, cleaned-up transcripts that are easier to read. I edited the ehs and uhs out of Gilligan so that it's readable. What did you think of her perceptions?

Judy: Well, like I said, I haven't even gone back to listen to the other half, unfortunately. I thought for sure I could do it before I saw you next. But I'm never here by myself, or rarely.

Roz: So what was your revelation about?

Judy: I wouldn't even call it a revelation. It's just that, when you listen to the tapes, Gilligan's perceptions, and when I read and listen to the things that I said, nowhere did I really pinpoint some of the things that were bothering me a lot. Maybe I did, but it just didn't come through as much as other things. There's this amorphous little, general lack of communication. But I never seem to go into the details. Nowhere is there a description of what I meant by problems in terms of Alan not listening to me, Alan not taking my needs and interests into account. And basically running a household and making a budget to give all appearance of living together.

(noise on tape)

Judy: Actually it was eleven thousand. Six thousand before the first of the year, and five thousand afterwards. And how - other than a trip to Mexico, which was our first trip in twelve years, and that was under two thousand dollars... sixteen hundred dollars or something for the trip - I never had a say in how the money is spent. Yet I had a few protests that were never seriously taken into account, and I didn't push it. Because Alan always had all these rational reasons for why we had to do certain things. And I know some of it went to his doctoral thing, but it was like the money disappeared. Not in any suspicious way, but it disappeared into bills, and it disappeared into things that I don't know where they went. And that's a lot of money in two months or three months to disappear. It wasn't just that. That was a big thing that brought it to mind the other day. I was thinking in terms of how little I actually had to say, or was listened to about, other financial matters. In many ways, I think I helped finance his work, run in a very screwy manner. We would be behind three mortgage payments, or two mortgage payments, or always behind two electric payments, always behind two telephone payments.

Roz: Where did the money go?

Judy: I don't really know where it went. Certainly the income at that point wasn't that fantastic.

Roz: What was it for him? You're talking like seven years ago? The tower was five years ago. Maybe two.

Judy: Whatever it was. But even my mother paid for the part of the tower. She invested in that.

Roz: Does he have any loans from college?

Judy: I can't remember what the situation was with his PhD.

Roz: So what time frame are you remembering back to?

Judy: Oh, the last few years. The last four years.

Roz: So your father's trying to give you money for fixing up the house, like around '82.

Judy: Yes, my father gave this money because he was away at his settling some of his financial situation, so he had a lump sum. I'd give anything to have it now. But I was also thinking about the other struggles that I had with Alan, especially in the latter years when he became kind of a fanatic about certain things, an energy fanatic. So it wasn't just, oh lack of communication. In some ways when I hear some of these things again I feel like, god, not that I'm a dumb cluck, but that, like Gilligan said, what am I actually saying? And some of the things were real specific. You can't take any one of those things and say, this is where the relationship (?). Things like, feeling powerless to make decisions, because Alan almost always made the decisions.

Roz: I think it needs to come out in a subtle way, like in the women's group, it's the first time that you get to see that fanaticism, playing with their gloves on.

Judy: Right. I talked to a therapist a few days ago because we were trying to decide what my concerns were if the kids were to live with Alan as a full-time parent. And I began to listen to these things, and basically what I was saying, I don't know that Alan is doing these same kinds of things with the kids. But I know that this is what the pattern was with me, and I've seen enough of it with the kids to be concerned about it. They were things like denying the other person's perceptions, such as, gee it's cold in here, or I'm cold, or however it was phrased, god I'm freezing. Oh, it's not cold in here, would be Alan's response. And then later when I attacked that, he would say, well if you're cold go put on another sweater. But basically the idea was put forth that if he wasn't uncomfortable then it wasn't as worthy of attention. The same thing happened with the hot water in the house. He decided to save money and turned the heat down, so the hot water wasn't so hot. I couldn't even take a bath without him boiling water on the stove. And that's not a way I chose to live. Part of it's my fault in the sense

that, instead of going down to the basement and figuring how to up the heat on the hot water heater, I complained and got upset with him. Because he said, oh I'll do it next weekend. Then he wouldn't. And that would be me nagging him to do it. Finally, he would turn it up a tiny bit, but not a lot. So I think it was a lot of things like that. And certain things that I know he was aware of that he put a certain effort into changing, like - and maybe I do mention this somewhere - my telling a story and not getting a fact or figure exactly right, but getting the point across... and right there while I was telling it, he interrupted me with the correct figures. Although it was the right population or the right number or whatever it was he would correct me, and that would stop the story. It would be enough to just get ticked off.

Roz: It's like being treated like a child.

Judy: Yes. I mean I made him at least think about it, that he, after a while, would catch himself doing it. But I began to think that whatever this lack of communication was, it really was a lot of other things.

Roz: Well, Gilligan says something interesting. She says, the problem with having it perceived as well, they obviously had sexual problems - when we have that piece with Will where it's not just the good sex, it's the communication - well, you have to imagine what it would be like for this woman to go back to that marriage when she's got a sense of engagement. That was the word she used. And I thought, that's right. There's somebody that engages you, and is engaged by what you say, at least at that point. So that why would you go back if you could compare and know that there wasn't any of that. That's what you're talking about. There's none of that. Maybe it's that after five years, people's true nature starts to come out.

Judy: That's probably partly true, too. But I think also, I was looking at some old photographs of Alan recently that I had here, and even looking at him, he really has changed. He changed over the years, I think, in a way that was much less appealing. Physically, although maybe not in a way that would be noticeable to someone else, but in a quality way he changed. Which probably I did too. But I reflected on it recently when I looked at this picture that was a favorite way that he looked me, and he's not like that any more. And that's not just romanticism.

Roz: Compare the two. What do you mean? How did he look compared to now?

Judy: Softer, less dogmatic. It would be hard to put it into words. Something that was much more appealing and less of a rational approach to everything.

Roz: A more sensual or feeling person? Sensitive?

Judy: Yes.

Roz: Responsive?

Judy: Probably. I'm not saying he doesn't still have those qualities. But I looked at the photograph with a little nostalgia about how I felt about him at that particular point in time. Because every once in a while, I sort of wonder, gee did I ever really feel these good feelings? I must have, but I don't remember. But looking at this one photograph it did bring back, yes I did use to feel that way, and it was different.

Roz: I made out this little chart. I made a little X, here's the divorce. Here's the separation. I was chronicling. You both talked about being infatuated and this and that. Then somewhere hidden on some tape is a line about after Nicky was born. Then you talk about the quality of your life changing. How much care-taking had to be invested. Also, Alan traveling a lot. I don't even feel like I know Alan well enough to even broach the subject, but I remembered from other sources when women have babies, women change. Women are no longer sexual creatures. They become the mothers of children. They take a year, two years to get back in shape. And on and on and on.

Judy: Although that didn't happen after having Bryce. I mean, I had Bryce after we were married only a year and a half or so.

Roz: So everything was fine the first five years, he says. Five to seven years. I just thought maybe the dynamics changed enough after Nick was born.

Judy: Maybe for him. My opinion would be that it probably didn't change that much because of having had another baby, other than the fact that time and expenses and pressures and so on, were different.

Roz: Because a lot of men, a lot of people get less sexual under pressure. Could you notice that it was at that point that sexuality changed?

Judy: I didn't notice it. I couldn't say that I tie anything directly to, or even probably to... not that would... I mean maybe it happened sort of at that particular point in time.

Roz: What was the year Nicky was born?

Judy: '78.

Roz: And what was the year Alan started his Phd program?

Judy: I don't know. Probably about that time. Maybe Alan was under lots of pressures with the PhD, I mean I have no idea.

Roz: I just think all the hype, he getting withdrawn into his intellectual life and this and that. And then he says something like, well I just changed what was important to me to my, quote-unquote, house, family, job. And it's like the whole consciousness of that relationship would have to be worked on the way every else was. It just didn't seem like it was part of his consciousness.

Judy: In many ways, Alan, even though he says that the family was the most important thing, in some ways I think he really tuned out.

Roz: You just made the family exist for him.

Judy: But arguments over the children was a major source of problem with us, which is another reflection I could talk about now. Let me just go back one second to say that up until maybe the last six months or so, that's an arbitrary figure, but recently the whole situation with Alan and I was still very much wrapped up with emotional observations. And most of the material on the tapes, the videos and the audios, have to do with those kinds of things. Not with the things that I've been thinking about more lately.

Roz: Examples...

Judy: ...Of a lot of the problems. This is one of the reasons why we have a problem. And this is. I mean those issues were just not talked about. Arguments over the kids were definitely increasing to the point where it was a real strain. Our approach was totally different, mine being more permissive, Alan's being more - I don't even know how to describe his approach.

Roz: Structured.

Judy: Except that it wasn't. It was very erratic. Mine might have been erratic, but that was by my own admission, because I'm an emotional person. So I can be in a rage at the kids over something they do, but I could also say to them, god what a jerk, I'm sorry I got so mad, I hope you're not mad at me, let's kiss and make up. Probably because of Alan's pressures - which he didn't share with me so I didn't know how bad they actually were - his general routine which I am sure I resented, was he would come home from work at five thirty. That was the time that all hell was breaking loose in the house because the kids were full of energy, eager to see him. I was trying to get supper going, so I was not able to give them what they needed. And Alan wasn't able to, because Alan would come and put his feet up. He would greet them, and that was that. And then he would go into his own world. Take his shoes off, put his feet on the coffee table, take out the paper, open it up, and then get mad at the kids if they were noisy. And this happened night

after night after night after night. At six o'clock the news would go on, and then no one was able to talk. If you talked, it had to be in a low voice. Otherwise it would be, shh! shh! shh! And someone would say, daddy, and it would be shh! shh! I'm trying to hear the news. It was like no time for them when they needed it the most. The news would be on till seven thirty. The news would be on throughout supper, sitting at the table. If one of the kids tried to say something, Alan would say to them, shh! Be quiet, I'm trying to hear her. Or god damn it Bryce, I'm trying to hear the news. Well, finally I put up enough of a stink so that the news didn't go on until it was six twenty-five, when the weather went on. When I really struggled with him over it, finally the news would go on at seven to seven thirty. Hopefully by then we had already eaten, otherwise the news was always on during dinner. Which meant you couldn't have a conversation. That's the way it was for several years. It was really when Annie started living with us - Alan's sister - that she began to see the same thing of Alan, and she would jump on Alan's case about it. And say, for god sakes, can't you just go up to the kids and give them a hug and just say I love you. And my mother would get so upset when she would visit because she could see it really clearly, and even though my mother has her own way of seeing things that I don't always agree with, her main things was that she could see exactly what was happening there. And she would get so frustrated and angry because as soon as Alan came home, yes he was very tired, but she felt the kids came first. Even before me, in a sense. She felt that if he came home, threw away his paper for half an hour, and just gave them... she would say to me, even if you gave them fifteen minutes of wrestling on the floor and total attention as soon as you came home, and then said, ok now I'm going to sit down and read the paper and you give me fifteen minutes. But he never gave it to them, so it was always them finding ways to get it, which were always ways that would annoy him. They were always intrusions that he would get angry about. I don't mean just that he would ignore, but he would get angry at them. Then there was the struggle of my yelling at Alan for yelling at the kids when the kids were trying to get attention from Alan. And so, that's what it was like.

Roz: And he's not being negotiable. Alan would never sit down and talk about it?

Judy: Well, if I would get angry enough, it would create an incident in which something like that happened. But it was mainly, I think, through Annie, because somehow or other if his sister's also saying it, that he would make more of an effort. But I see those as real undermining activities that really rocked the whole foundation. And maybe when I said, lack of communication, I almost object to that term because, what do you mean? And that's what Gilligan says in a way. I mean, I'm not sure what she's saying, I don't know what this quality is that she's talking about.

Roz: What's interesting is that you say lack of communication, Alan say's breakdown in communication, and Gilligan hits the mark by saying, I don't know if it ever existed. At the very end of her piece she says, you'd have to convince me that he ever was communicative and responsive. She says that he didn't show any of that quality as a person in the material.

Judy: What I'm saying now, I think it's important because it's not just this person, myself, who has this romantic whim of what a relationship should be and leaves something that on the surface appeared to be intact. There were real genuine reasons that were pretty hard to live with. I would be doing the dishes... I did all the dishes. Maybe Alan did dishes every month-and-a-half, two months. That was fine with me, that wasn't an issue. But I would be doing the dishes and Alan would come and turn down the volume of water coming out of the faucet because I was wasting water. If I had the water running too hard, he'd just come over while I was doing it and turn it down. And those are insidious little things. What I should have said is, you do the dishes. And just let them pile up, to make my point. But instead, it just used to bug the hell out of me. Or the lights being turned out. I think I mentioned that somewhere on the tape. I'd go in the bathroom to do something and I'd come out for a minute to get something, and he's go in the bathroom and turn off the light. Because I was wasting electricity. And believe me, I was real tuned in to that. I mean, I wasn't being blatant that way. I was tuned in to it. Who wants anyone doing that do him. Practically, there were a lot of reasons.

Roz: Were you ever able in the course of the problems to sit down and say, Alan, our relationship's being eroded. Don't turn off the water on me. Don't shut the light off on me.

Judy: Not that way, no. It was more like complaints when it happened, and maybe an occasional talk about it.

Roz: And after a talk, would anything change?

Judy: Well, yes it would, for a period of time. The talk that I had about being interrupted when I was telling a story, that did change. It happened lots of times after the initial conversation, until finally I was just so pissed off that he stopped himself from doing it. So he did change that.

Roz: If you knew somebody else was in the same situation - needless to say it's a story that rings so true, I must have heard it a hundred thousand times in my lifetime - what would you tell them?

How would you do things different?

Judy: I don't know. The thing is, way back at that point, when I was not involved with anyone else, one could make the case that

maybe it would have been savable had both people realized the seriousness and the repercussions. Being involved in an alternative relationship, I didn't even want to bother working that out. Working that out meant fighting continually, and I wasn't sure that there was much hope. Alan never gave me too much reason to believe that he was willing to change the things that were really bugging me. I don't mean change the kind of person he was, but to change the things that were intruding on me. I think I found that everyone's bad habits are hard to break. But his seemed a little harder to break. Like the issue over the wood going into the wood stove. It was only when I started to go a therapist and was already involved with Will that Alan cut the wood short enough to be noticeable, whereas the years before he always claimed he did, but never did. It was an issue. I'm home all day. I wasn't working full time. And I am the person who stokes the stove. And if the three-quarters of the wood is so long that you have to bash it in with another piece of wood, you get pissed off.

Roz: Life is just made harder for you.

Judy: Then you're baby-sitter comes, and you have to go out in the wood pile and pick out the pieces that you know the baby-sitter can easily get in, without having to hassle. Alan's arguing, well it's hard to cut it the right length. But I would say, well cut it so that it's too short and then we don't have to worry about it.

Roz: Did you recommend going to a therapist, after you had enough complaints, at any point?

Judy: Being honest, not in a way that was really pushing for it.

Roz: Did you already suspect you wanted out, when you were having problems?

Judy: I don't think I thought about that real consciously, like other women have.

Roz: So you just thought that it was an ordeal that you just kept experiencing?

Judy: Well, of course there were good moments, too.

Roz: At what point did you think about getting out of the marriage?

Judy: Oh, not until I was out.

Roz: So not in the tenth year, but maybe till the twelfth year after you started seeing Will?

Judy: Yes, I probably didn't really think about it until after

I'd been seeing Will for quite a while.

Roz: What did you think? That you were the one who had to just get used to it?

Judy: I didn't think about it that much. I would just get angry and pissed off. Maybe I entertained fantasies or thoughts of leaving, but I don't really think so.

Roz: You're comment about being a victim of circumstance...

Judy: Well, I made myself a victim.

Roz: Well, but up until that time you had accepted these were your circumstances?

Judy: I don't know if I would even put it that way.

Roz: I'm trying to think what your consciousness was like.

Judy: I'm not sure. Honestly. Except, you know, we had nice friends. We had people over a lot. There was still a lot of fun around us, that we involved ourselves with.

Roz: Was he your best friend?

Judy: No.

Roz: Was he ever you friend?

Judy: Probably.

Roz: Is Will a good friend?

Judy: Yes.

Roz: The way you describe him those first two years of knowing him, it sounded like a friendship.

Judy: Oh definitely. I don't know if I can answer that about Alan. I suppose he was. It wasn't the kind of communication, but there are all different kinds of friends. I'm sure Alan was a friend.

Roz: You mean you liked to share his company, you did stuff together, and all that. Would you suggest that people do therapy or counseling or bail out? If you had it to do over again, what would you do?

Judy: I don't know if there's a real answer to that question. Obviously if there had been another alternative I probably would have tried it. Given my state in that situation it was all I could do. Otherwise I would have tried something else probably. I

certainly was intelligent to know there were other alternatives to working out problems. I don't know at what point a person confronts himself [sic] and says, this is the point at which if you don't get help, it's all over. I don't know if you ever have that realization. Maybe you do.

Roz: I think Bruce did, and didn't say it. And I knew something was wrong for a couple of years and kept implying that counseling would let us find out what it was. So I understand that it's two people, but it seems to me I was real conscious that it needed an outside... that something was wrong that I had no influence over, because he couldn't say. And knew I wanted a third person. But yes, there has to be a sense that...

Judy: ...That two people say, look, we've got a problem here. And we've got to solve it one way or the other. Let's do what we need to do.

Roz: And if one person doesn't acknowledge the problem, (?).

Judy: That's right. But I also didn't articulate the problem in such a way that he was aware that I don't like the way things are going, this is what I'm feeling about it. I mean, I did do that about sexual problems. But we never resolved those. We just talked about it, and I made him aware of what my feelings were, and he said he would try.

Roz: When did he start changing?

Judy: I don't know.

(side two of tape:)

Judy: There should be one parent who has the primary residence for the kids. I wouldn't want to even hear Alan's reaction to this statement, but I noticed a change in his parenting. To the better. Which I'm glad for. But I did notice a change, and I noticed a change in the kids' attitude about being over there. They enjoy it more. So all of that is really good, except there's a part of me that resents it and doesn't trust it, because for one thing, well maybe he's frightened about losing control of the kids and he realizes he's got to get his shit together. And I really mean this, anything that will help him be a better parent I'm glad for. But I do resent the fact that when this issue has come up that he's suddenly becoming a better parent. I don't mean better than me, but better than he was. And I do object to that. It annoys me.

Roz: Because you don't know how sincere it is or how long it will last?

Judy: Plus, why did it take him so damn long to do it?

Roz: No one changes unless threatened.

Judy: Well, I feel like he felt threatened when we had our first talk about the possible change in living arrangements. It was a good talk. He listened to me, I listened to him. But one of the things I said to him, look, if the kids are going to live with you, you're going to have to make some changes. I said, because as far as I'm concerned you're too busy to be a good parent. You have too many meetings, too many commitments, too many extra people in your life that hang around. I don't know this personally, but I know it from the kids. That I'm not comfortable with it. I'm not going to have the kids picked up at seven o'clock at night, or forgotten to be picked up from camp because you spaced it out, or not taken for stitches that time because you don't have time to take them and mom can do it three hours later. That's how I feel about it. And now, I've noticed he picks the kids up on time, much more often than he used to. He does more things with them. Things have changed. And now they seem more interested in going there.

Roz: His girl friend lives there now. Do they like her?

Judy: Yes.

Roz: So do they feel taken care of by both of them?

Judy: I don't know. I asked Bryce the other day. I said, how much does Lisa do with you? He said, you know, sometimes she does, sometimes she doesn't. That's all fine.

Roz: They don't relate to her like a mother.

Judy: No. Which is more of a problem for Nick than it is for Bryce, probably. They still do enjoy being with me, and probably would still prefer to be here. But it's much more equal now. For Bryce, not for Nick. But I think it's a little more equal.

Roz: Would you consider splitting the kids up?

Judy: No. Definitely not. The therapist said he would think that would be a harmful thing to do at this point.

Roz: Does the therapist have a recommendation?

Judy: No. He doesn't. Alan recently asked him for one. He said what he would do is - after talking to Alan he talked to me - if it becomes clear that one way of doing it is better than another, he'll let that be known. But he wants us to work that out.

Roz: How do you feel about giving them up, if that were the case?

Judy: Not very good. I think what will probably happen is we'll come up with a compromise situation. That's what I would push

for. The therapist was thinking, a minimum of a year, a year-and-a-half with unlimited visitation by the other parent. Not just visitation, but weekends, weeks, it could be a fair amount of time. And I don't feel good about that. And Alan doesn't feel good about that. We're going to meet with the therapist in a few weeks, Alan and I. My point of view would be, I'd rather try it - even though this may not be what the therapist thinks is ideal - for a limited period of time, like three months. Two to three months.

Roz: Who would try it first?

Judy: I don't know, we'd have to decide that. But the kids would be with me for three months, two to three months, and with Alan two to three months. Because I don't want to lose the kind of influence that a loving parent has with their child, nor does Alan. Also, when the kids aren't living with you, you really have to make an effort to see them and spend time with them. It's not quite the same. You're not tied into, well how are they really doing? And what's really happening to them. For me, that's real important to know that. Those little things are important to me to know about the kids. So I think that we'll come up with a compromise that will be different than two weeks, for sure. But it may even be a couple of months.

Roz: And see how the kids like it, and all that?

Judy: And see what happens. I think I would fight any proposal - even if the kids were with me for a year - if Alan said... Well, if Alan didn't care that much and he said, let them be with you, that would be fine.

Roz: Could you afford to carry it?

Judy: No. He would have to pay. He would have to pay for certain child care, and however we got it we'd get it.

Roz: Be very careful about whatever agreement. Even if comes out of his paycheck, do it that way, the secretary writes two checks. Something extremely creative, because otherwise eighty percent of fathers do not care. So you would be so encumbered.

Judy: Oh, yes. I'd have to have something set up in the beginning. At any rate, that's where we're at.

Mediation

(This transcript is taken from assembled super 8 film footage shot during a mediation session between Judy and Alan and Roz. The couple had been separated for six months. There are gaps in the transcript because of reel changes. Forty minutes of film was shot during an hour-and-a-half mediation session.)

Roz: We're going to try to update each other on how the agreement worked out over the past six months, and talk about the quality of the custody arrangement, and the living arrangements. So how's it been the past six months?

Judy: I think it's better. It took some getting used to, particularly working out the situation for the children. At first, we started out every two, three days, and would get into hassles over that. We went onto one week on and one week off and that seems to work better.

Roz: It's fine with the kids?

Alan: Oh, yes. Sometimes we want to go one place or the other. I think in general it's worked out. I also think that just for me the quality of time is good with the kids.

Alan: We just see what needs to be done. I guess I feel that long-term, the house is obviously the biggest question mark. And potentially custody arrangements.

Roz: For a legal separation or for a final settlement agreement?

Alan: I'm just talking functionally. Just what we have to work out now and in the future. And if it comes to a formal agreement, the first thing has to be divorce.

Roz: Are you both thinking now that you want to go ahead with the divorce, or not? Is it the division of the property? That could be worked on. (film reel ends)

Roz: You can each alternately identify problems that you are experiencing and we can use the technique we used in the past. You can say, ok, here's a problem that I want solved. And we can jointly brainstorm the varied ways you could act on it in search for one that seems best. Do you want to do it that way? It's what we did last time.

Judy: For me it seems hard to work on this without deciding real specifically why we're here, other than just to talk about it. I feel like somehow or other we have to say, well, we want to get a divorce, or I want to get a divorce, or he wants to get a divorce. Or one of us has to say, I don't want to get a divorce right now but I want to work the specifics out again. Renew the agreement.

Alan: (to Judy) What would you suggest?

Roz: (to Judy) What do you want?

Judy: Most of the time I think we've got to finalize it, and I guess that means divorce. But I'm also reluctant to do that. I don't know that there's any point continuing the way it is.

Roz: Do you think it would help if, between this session and another session, you do see the counselor that you worked with to emotionally deal with divorce?

Judy: Part of what I feel is, I have no idea what Alan feels at all. I've tried to fill him in a little bit about my life and my situation, my thoughts, and a couple of conversations about what I was going through. But I have absolutely no idea whatsoever about anything that he feels or thinks.

Roz: (to Judy) How are you feeling about the marriage? The term, settling things, for you a lot has had to do with your expressing a need for having a place to live.

Judy: One of the prime reasons for getting on with something is that my living situation is very unsatisfactory. It's not good for me, it's not good for the kids. And whether or not Alan and I, even at a later date, got back together or had some kind of a different relationship, my living situation has to be changed. I think it's an unhealthy situation for the kids in any longer situation than six months. It's not good. So I feel that is a prime thing, whether or not we actually divorce, or make that decision right now to divorce. I thought we needed to discuss divorce and a settlement in order for me to make a change in my living situation. Let's say I wanted to buy a house. Somehow or other I connected divorce and being able to do that.

Roz: Well, we can separate those problems, though. We could say, there's two problems, that you've just mentioned. One is the emotional relationship of being married, and whether the two of you should proceed with a divorce. I feel that issue might be best addressed with the two of you talking to a counselor who's dealt with you emotional relationship. And that's not really something that I am qualified to do. I don't offer advice. All I'm prepared to do is facilitate your conversation with each other. (film reel ends)

Roz: If we talk about the Farmer's Home Administration mortgage in which Judy would qualify for a one percent mortgage because she's low income, the question comes up do you have to be a divorced single person to do that? Chances are that would be the case.

Judy: Rather than separated.

Roz: I don't think you could just be legally separated. I think you would have to be divorced when you got an FHA mortgage. Because I did pursue it with the director of FHA. I wanted to clarify what my previous clients did. So that's one avenue in which, yes, you'd have to divorce.

Judy: So even if we weren't emotionally ready to get a divorce, we would have to get a divorce if I wanted a low-interest loan.

Alan: Through FHA.

Roz: I believe so, because you, as a married couple, have a home. And they're not going to finance a second home. If you went another route, if Alan got money together, and Alan bought out your equity with a certain amount of cash so that you had a down-payment, you could get a bank loan. It means you're both saddled with higher mortgage payments because you both have commercial loan mortgages. It also means, if you talk to somebody who's a financial person, he'd say, well that's no problem. Because if Judy bought a place that had income-producing property on it, that would help in the mortgage payments or if you got back together, you just make sure that the income is higher than the expenses. Maybe it means that one of the ideas is she doesn't buy a single-family home, or just studio. That the only way Judy could do it is if a house could carry itself. So there are certain solutions, depending on if in fact you do or don't want a divorce, that we could come up with. For a divorce, there's marital property and you need to disclose what your assets are, and the division of the house is the major property and asset.

Judy: Emotionally, that (the divorce) is not a burning desire on my part.

Roz: The burning desire on your part is getting more satisfactory living accommodations.

Judy: There's no one I want to remarry. There's no relationship that is important, so that I get all this settled.

Roz: (to Alan) How does that affect you?

Alan: Is part of what you're saying the opposite as well? That you're not emotionally ready to get a divorce?

Judy: A little bit, yes. I thought in the last couple of weeks, this is it. I'm ready to get a divorce. I want it over and done with and da-da-da-da-da-da-da. But I'm not so sure that's true. I don't know.

Roz: (to Alan) How have you been feeling?

Alan: Somewhat the same. Not feeling the need to get a divorce, but on the other, feeling about as neutral as I've ever felt. Essentially, it not being a concern, literally, one way or the

other.

Judy: I'm pretty neutral.

Roz: So the only pressing problem is that you want to improve your living accommodations. And you're here because, am I correct in thinking that you want Alan's help in trying to figure out how you can do that?

Judy: I guess so. Although I did come assuming that we would say to one another, well we want a divorce and we want to settle everything. I can't quite account for my state of mind right now about it.

Alan: Is that something that's likely to change?

Judy: Why are you not asking for divorce?

Alan: Essentially for the same reasons. I don't have anything else. I suppose if there was something else pressing I wanted to do.

Roz: (to Alan) Have any problems surfaced for you that need addressing? You do have the one agreement standing.

Alan: I don't think so. Not really.

Judy: I think we have to get the situation with the kids a little bit better. I'm not quite sure how. At least that's what I feel. Not just the living situation. The only hassle Alan and I have had recently, the only fight that we've had recently was over: I took them this many days, you took them that many days, it's your turn, it's my turn, and Alan counts the days differently than I do. And it turned into sort of a mini-argument. It wasn't bad really, but I feel we have to talk about that a little bit.

Roz: So, exchange of the children.

Judy: Yes. And I'm not sure that a week on and a week off - while it's good for both of us in many ways - Alan seems like he's really busy, he has got lots of nights he has meetings or goes out or whatever, and the same with me. So it's nice to have that week without the kids, but I'm not sure that it might not be better to go to two weeks. Or even three weeks with one of us taking the kids on the weekend, I don't want to go three weeks without seeing the kids at all. And I don't think they want to. (film reel ends)

Alan: Part of the problem is going to be, meeting your needs in respect to what you want to do. To some extent, you have to know what you want to do.

Judy: I have some ideas about what I would want.

Roz: Why don't you talk about them.

Judy: I have been thinking of buying a house. I would like to have our house. I feel like it is a hard house for me to maintain.

Roz: When you say you'd like to have our house, do you mean keep it and not sell it?

Judy: No. I mean I sometimes feel like I should be living in the house. I just need a house, and we'll just have to hash that out. Right now, I suppose.

Roz: Let's say that one idea is, there are situations where people take turns having the house. Six months on, six months off. It means that the kids aren't inconvenienced. The kids stay in the one house. The parents move in and out.

Alan: They wouldn't stay in the house for six months.

Roz: Not literally, but in a sense, when they go to one parent, they visit the less-than-adequate quarters, but the majority of their toys and things ...

Judy: I think they consider it a home base, the house, very definitely. Even if they spend even more time with me than there. It's their home base. They've been there for many years.

Roz: So that's one idea. That instead of going off and buying a second house before you have resolved your married relationship...

Alan: Except that's also a temporary solution. That can't go on very long.

Alan: I've been playing with the idea of what it would mean not to be there, because it's not an easy house to maintain, it's not an easy house to get to and from, it would take a lot of money to get it to be finished in a way that probably either of us would want finished. And so, to some extent, quite frankly, it would be a relief not to have to deal with it, and to have some smaller, more natural, more finished place. Especially if it was part of your buying me out so that I have the resources to do that. But the other side of that is, yes, I still do feel extremely attached to it. I feel like it is my home, at this point, for years and years.

Roz: It's interesting in that this is the first time that the house doesn't seem to be a sore point, but in fact I hear you both saying, indirectly, that you'd consider a different residence ... well suppose you sold the house and each had enough money to get a smaller place, with easier access to and from it, possibilities of the kids feeling comfortable in each place... that's something we could pursue as another option.

Alan: But I'm not saying that. I said I've been toying with that idea. The last thing I said is that I am still very attached to it.

Roz: But we could throw it out here as idea number three.

Alan: I'm just saying, I don't quite agree with the way you put it. That that's an option.

Judy: You mean it's not an option, you're saying.

Alan: I haven't thought of it as one of two or three things that we could do at this point, no.

Roz: In other words, it came to you as an idea but it's not an idea that you're ready to act on?

Judy: If Alan wanted the house, let's say, then he would have to make it possible for me also to have a house. So either the house would have to be sold to someone else, and I would much rather Alan have it. Because I know what it means to him. But that would only be possible in my mind if I could have enough equity out of it, however he has to do it, to start all over again myself. I'm not going to rent. I refuse to continue renting on a long-term basis. I want a home. So, it's either sell the house, and we both come out of it with an equal share, or he will have to find some way to buy me out, so that I can start all over again somewhere else.

Roz: So that's another idea. Keep the house but buy out Judy.

Alan: I don't even know how I would feel about it, but this is an idea: that we could split the land and could easily build another house on that land. Either as a spec house, so to speak, that we would sell to somebody else, or that one or the other of us would have.

Roz: That's a very good idea, and consider that it's also one way - if only the land were sold - of having cash up front for you to walk away with without Alan necessarily going to a bank for a large fifteen percent mortgage. It could serve as a temporary measure to get you a place to live.

Alan: Well, we do still owe money on the land.

Judy: Well that comes as a big surprise to me.

Alan: No, I've said that before.

Roz: wait. Let's go over this one more time. The mortgage you have with the bank, how does that read? Does it say that it's a mortgage against the house and seventeen acres? How much is that

mortgage for?

Alan: Originally? Sixteen thousand.

Roz: How much have you paid on it?

Alan: Well, we paid twelve years, but on the principle we still owe about ten thousand.

Roz: So that's not a lot. Very often you could talk to your banker about - I'm not sure about this but you could check - whether they could release a certain amount of the land as lien-free, as having been paid for, or refinance the mortgage.

Alan: The trick of that is that it's a seven and one-half percent mortgage. And that a banker had made an offer previously to buy us out essentially, at ten percent off the principle.

Judy: What? I don't understand that.

Alan: You know, that we've gotten a couple of letters over the years - I'll show them to you - where they offered us ten percent off on the principle if we would somehow or other, settle the mortgage. Either refinancing it or paying for it ourselves, whatever. For them to come out from under it, in other words.

Roz: Great. One of the initial ideas you had meant that Judy could build a place on the land.

Judy: So wait, I don't quite understand it. How would I get that land?

Roz: You own the land together. Therefore, you could build on a piece of that land if you wanted separate accommodations from Alan. You wouldn't have to go out buying land.

Judy: But then, who would own it?

Roz: You would.

Judy: Just me?

Roz: Yes. You could work something out.

Judy: So we would still have to get some kind of settlement.

Roz: And maybe rather than Alan being burdened with a large bank mortgage, maybe that settlement could be that Alan gives you a certain amount of money every month, to keep buying you out. Instead of him paying a bank every month.

Alan: To some extent, part of your expenses in getting a new home would be the land as well as the house. So it's a way of using

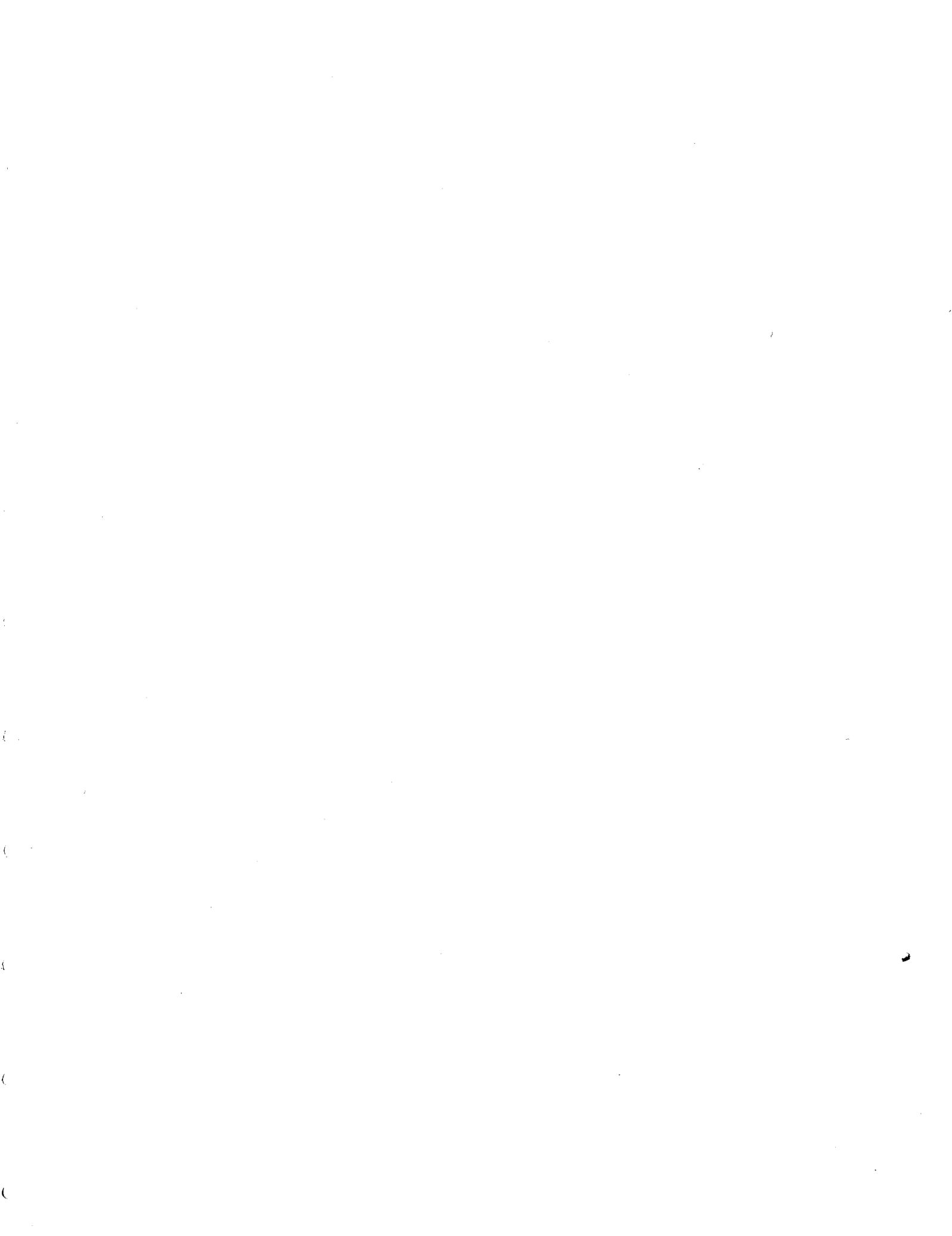
an asset that we have in common, to take care of a way to get you some of that up-front money. Some of the capital that you need to get a new place.

Roz: You'd need about twenty thousand dollars cash to buy a piece of land. At one point you talked about buying a nice piece of land. (film reel ends)

Roz: ...This means refinancing the balance of the loan, which the bank is dying to do since it's only a seven percent loan. The third option is Judy or Alan take that land and build a house. Alan's saying, well it doesn't bother him, because Alan can build himself. He doesn't have to worry about being intimidated by the labor of it. For you it may be a hardship. It means you have to contract somebody else to do it.

Judy: I should just say at this point that I'd be more interested in buying another house, building another house, but not keeping the existing house for myself.

Roz: A lot of the ideas that get put forth really have to be played out as a series of options.



Experts

Dranoff: A divorce is a death. That's what it is. And Judge (?) who was a former chief judge of the Court of Appeals, in the Jackie Gleason case, Gleason against Gleason, said, when the marriage is dead the kindest thing to do is to quickly bury it.

Gilligan: Well, you have a problem here. I mean the mediation would have been fine if you said, look this marriage just isn't working for either of you. There are obviously strong feelings between these two people, but also just immense anger and frustration.

Wheeler: In some ways, I think, being in divorce mediation is a little bit like practicing medicine in geriatrics. You know, it requires a person who is dedicated to trying to make the best of a bad thing.

Gilligan: So in some sense, look what you've done, inadvertently perhaps, or maybe even just use this as an example. We've taken the thing that his feelings are tied up with, i.e. the house, and agreed to put aside what her feelings are tied up with, i.e. the relationship.

Dranoff: They don't want to be, they don't want to share with this person. A woman puts on twelve pounds suddenly he doesn't love her any more. You hear the excuses. The top of the refrigerator is dusty. She made me a salami sandwich, I mean such crap!

Gilligan: You know, there's a house and you need some money, and we're just not going to talk about the marriage. Just talk about these issues. I think the problem is that there are children involved. And what that means is that the marriage will never dissolve. In a sense, the children are a living embodiment of the fact of the connection of these two people.

Wheeler: I haven't looked at the latest statistics, but something like one million two-hundred thousand couples divorce every year. It's something of that order.

Gilligan: Maybe when we're having difficulty understanding what we were needing, rather than rushing to the stereotypes that women are confused and they don't really know what they want, and they can't really say clearly, and that they're indecisive, you can ask, what is she trying to say?

Wheeler: The power of this tape, or this disk, comes from being able to see actual people at various points in their separation so that we understand, when we know that there are a million two-hundred thousand people who divorce that it's not just a raw statistic, these are actual people.

Gilligan: What is the study that you would have to do of males and females in this country, in other countries, that could possibly support a statement: women, men... and the other thing is why do you want to divide the world this way? But if you ask a different question, which is, whose experience has defined our understanding of human experience, marital problems, family relationships, as they are really worked into the formal interpretive systems in counseling, in law and so forth. Then you have to say, well, women's experience really has not been seriously considered. From my own point of view, you ask a very different question. You don't ask, are women different from men, unless you're about to embark on the study I suggested of millions of people. But you say, is there something we could learn by listening to women, that perhaps would give us new angles on how to think about these problems?

Wheeler Interview

Roz: Can a divorce mediator maintain neutrality?

Wheeler: The neutrality question isn't unique to divorce mediation. It's one that an environmental mediator asks. It's one, to a lesser extent, I suppose, that, labor mediators ask. In a divorce case you may well have people with different economic power, varying degrees of sophistication or responsibility in the family. I think it's an acute issue. There's ultimately a philosophical choice that the mediator has to make, and that is: one, do I leave the parties as I found them, do I play the hand as it has been dealt, or do I have a larger social responsibility to advance fairness? If you follow the first school, neutrality isn't a problem as long as you treat each side the same. That is a neutral principle. The people in the other school would say that if you treat people in inherently different positions of power equally, that is not neutral. That's why I say it's a philosophical question.

I guess I would have trouble being in the situation where I felt there was a great disparity of bargaining power. At least, I'd have trouble with situations where I felt that there was a disparity in sophistication, so that one person could manipulate the process, and the other didn't know how to respond to that. At that juncture, personally, I'm not comfortable being exploited by one side to his or her advantage. I'm not sure that there are any neat tricks that redress imbalances of that kind of power.

If the mediator feels that Judy, in that case, or anybody, male or female, is being too reasonable, is giving in too much, I don't believe that calls for advocacy on the mediator's part. But what I do believe is that it requires the mediator, in private consultation with the party, to make sure that the party understands that those trades are being made. Now there may be, in one instance or another, places where a person is willing to trade money for respect, or is willing to trade money for a certain deal, or is willing to pay for not being hassled. What you don't want to see is that trade being made unconsciously.

But it is ultimately for the party to determine how much piece of mind and how much respect is worth. Now there are some mediators who wouldn't even do that, who feel that we're dealing with consenting adults, and that as long as you make it clear that you're not the advocate for the other side, that it's the person's responsibility to make their choices. And if that elicits some skepticism, the mediator who takes that position would say, well, if you ask the party whether they're conceding too much, and trying to be too reasonable, you're working at cross purposes, because your goal is to reach an agreement.

Roz: What should a mediator do about power imbalances?



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Roz: What should a mediator do about power imbalances?

Wheeler: Let's talk about the imbalance issue, because it seems to me it can take different forms. Under old fault-based law, it could simply mean that there was somebody like Judy, who had committed adultery and as a consequence, who, if she went to court would be on the wrong end of the law. That's one kind of power imbalance. Another sort of power imbalance comes when a person has resources that the other side doesn't have. The resources might be financial, they might be intellectual. Another kind of imbalance, I think, can be of an emotional sort. And you're more likely to see that in a matrimonial setting than in other cases.

Now, in the first instance, where there's a disparity of position if you will, I don't have any great trouble with that. It seems to me that if we say that Alan's in a stronger position legally than she is, I don't think that mediation needs to correct that situation. One, I don't see how it does; second, I don't see why it should, in the same way as if we're talking about mediating between somebody who's the victim of a crime and a criminal. I don't know that they necessarily have to get to positions of parity. Much harder question, however, if you've got a mediation going on where there's a perhere there's a person in the position of dependency in an emotional context or a dependency on a financial basis. There, I think it is extremely difficult. And it's important when we talk about power imbalances to distinguish those three kinds.

I have trouble when I look at the tape here, of saying which way the power imbalance goes. Obviously, Judy feels disempowered in that she's no longer in the house. She feels that she is the one who has to justify her actions. But Alan on the other hand feels disempowered in that he has lost control over his family circumstances. I don't think it's unusual in a case for each person to assume that they're in the position of bargaining weakness. Bargaining power is an elusive concept, as I think that shows us. I don't see agreement as an end in itself. It seems to me that you're seeking to find if there is an agreement which both parties, if fully informed, chooses over not having an agreement. And I think that the mediator has some obligation to make sure that the parties are re fully informed and fully conscious of the choices that they're making. But once they make them, if she wants to renounce all her worldly goods, that is her decision.

Roz: Is there greater compliance to an agreement in mediated cases?

Wheeler: I am convinced that there are negotiated and mediated agreements that may be identical, provision to provision, to those that would have been ordered in court, and yet which are more likely to be honored, because the people have an investment in it, because they understand why their standard

of living has to go down. It's because, even if two can't live as cheaply as one, they can live more cheaply than two apart can. And as a consequence, having gone through that whole process of education about the other person's interests and needs, they have a better appreciation about what the agreement is, they have a better understanding of how fragile the agreement is. So I'm only half with the lawyer in that context. And as a consequence believe that you can be a superb litigator, that that doesn't per se make you a good negotiator.

There are some studies that indicate that there is a higher degree of compliance with mediated agreements than with those that are court-imposed. Those are preliminary, but there have been some serious studies. There's one in Denver that's been run by Jessica Pearson, looking at a large number of cases, where they've taken care not to compare apples and oranges. The notion is that these mediated cases really look quite the same as those that went to court, on every other dimension other than the fact that they were mediated. And there seems to be a higher degree of compliance in the mediated cases. There are also degrees of compliance, as well. So that it can be fairly subtle in terms of measuring effectiveness in this regard.

One thing that is striking is that there are studies that show that even in so-called uncontested cases... where after a period, perhaps a fight even, the negotiating people are able to submit a proposal to a court, and the court rubber-stamps it. Even in those cases, agreement frequently come unglued, typically in a form of non-payment of support. So that there's strong impulse here to find another way of doing business. I mean, any kind of objective look at what happens after people leave the courtroom, in an adjudicated setting, even when cases are uncontested, is pretty discouraging. The other side of the coin is that mediation doesn't have to be a panacea to be a significant improvement over what we've got.

Roz: It appears that Judy and Alan, without the aid of a mediator, are able to negotiate their continuing problems? Is that a positive result of the mediation experience?

Wheeler: I'm not sure that I'm as sanguine as you are about the way that they are negotiating. Perhaps the hostility has been brought down. They are more civil in terms of acknowledging that the other person has a point of view. But I see that as more a matter of courtesy than a matter of true acknowledgement. I haven't seen, as I watched the tapes, an awful lot of creativity on the parties' part, or a notion of, boy we really do have a problem here. We have very few resources that have to be put to an aw to be put to an awful lot of needs, let's think if we can come up with all different ways of solving it, and not be judgmental about them at this juncture, but let's throw them all out and see how we would rate them and on what sort of scale we would... They aren't at that point. It seems to me that they're

both quite defensive with one-another, and to my ear, the negotiation still sounds rather positional. Yeh, that is an advance from throwing pots and pans, but it's a long way from consensus.

Roz: What are the stages of divorce?

Wheeler: One thing to recognize in terms of the stages of divorce legally is that divorce litigation really is different from the kind of case that we see in the movies or on television. It is fractured into small pieces. There is seldom the three-week trial that is definitive. There are instance in contested cases where you have a beginning and an end of that litigation, but even there, it's been preceded, often by months if not years, of pre-trial activity that is in all likelihood more significant. Hearing on who gets temporary custody, subsequent hearings on modification, discovery in terms of who has what assets and where they are. So that there's not one discrete event where you start with everything that's unresolved, and you end with everything nailed down. It's much more (?). And to confuse matters further, in many states, those aspects of the case aren't necessarily heard before the same judge. They get handed from judge to judge, depending who is sitting and what kind of case in a given day. And as a consequence, there can be inconsistency as you wind your way through the litigation path.

I think that, and this isn't limited to divorce litigation, there's often an initial phase where the parties don't really appreciate the length of the journey that they're embarking upon. Where they assume that it's going to go faster, where they certainly assume it's going to be cheaper, both in terms of money and emotion, and it is only after a long period of time that they come to realize how expensive the process can be.

Roz: Is mediation less expensive than litigation?

Wheeler: Well, again, it depends how you count. I think that good mediation isn't cheap. I think that it's a cost-benefit equation. Investing a fair amount of money up front, and good mediation that produces an agreement that holds is in the long run a whole lot cheaper than a quickie divorce that comes unraveled. But I think those who are proponents of divorce mediation do a disservice by suggesting that it's cheaper somehow. I think that if it's done well, it's often as expensive as at least an uncontested divorce where there are lawyers on both sides.

Roz: What are the qualifications of a good mediator?

Wheeler: First and foremost, it almost goes without saying, but we shouldn't forget it, is that the mediator has to be acceptable to both parties. And the most highly-credentialed, ethical,

responsible mediator, who is chosen by one party over the opposition, or even with the skeptical approval of the other, will likely just crash and burn.

The parties must determine for themselves what they need and what sort of mediator they have to have. I think at the outset, in any preliminary discussion, it's a mediator's obligation to describe different forms of mediation, and what it is that this particular individual can provide, what the pros and cons of those other forms are, so that the people can make an informed choice about what it, what is appropriate for them. People who either aren't carrying a lot of emotional baggage, or don't choose to resolve it at that juncture, may want to have a lawyer or an accountant, or somebody who has those skills, who can very quickly come up with a workable agreement. People who recognize that they're part of a complex system, and that they've got to understand that system if they're going to function as whole individuals, will have to go to someone else. But I don't think that it's a matter of having one universal type of mediator who's appropriate for everybody.

I do think that think that the key is that people understand the range of mediation services are available, and then jointly choose what they need. This may change over time, too. You know, it may be that there is a need to have some kind of interim resolution and you do it on a quick-and-dirty basis, and that works out whatever separation arrangement has to be reached. Long-term, they may need something that is more therapeutic.

The choice that's made today doesn't necessarily constrain you in terms of what you're going to do tomorrow. Maybe the most important element, good judgement, in a mediator or a lawyer is the hardest for a perspective client to test. I think one thing that clients in both instances frequently forget, is that the lawyer or mediator is their employee. Sometimes if the relationship isn't working well, the best thing to do is to terminate it. Yes, you may regret that you wasted time, yes you may regret that there have been some fees that have been wasted, but there's no return in spending good money after bad.

There are two schools of thought as to what mediation is about. Whether it is a discreet, problem-solving process, or whether it's a larger process addressed at resolving inter-personal conflict. If it's the latter, than clearly you need somebody who has mental-health and therapeutic skills. If it's the former, having those skills I don't think gets in the way, but you could be a lawyer, an engineer, a teacher, but somebody who is perhaps above all else, a good listener and someone who is imaginative about seeing possible accords that just aren't apparent to the parties themselves.

There's also the question as to whether somebody in this

field needs to have specialized knowledge about the sum and substance of divorce. My view is that information has to come into the process someplace, whether it's through the mediator - and if the mediator is a lawyer or accountant, that information is provided that way - or whether it's as a consultant to the parties coming in. The parties have to feel some have to feel some measure of respect and understanding if they're going to establish trust with you, which will ultimately transfer to the mediation process, and finally to enough trust so that they can build an agreement on it. That, in some ways, may be the biggest challenge to people who are practicing in this field. To maintain that balance of interest and compassion. At the same time, to keep enough distance so you're not consumed. To be able to do that for a long period of time is a test both of character and emotional resilience.

Roz: For divorce counsel, in which expertise is needed in such varied areas as tax law and civil procedures, do you recommend an individual find a matrimonial firm ?

Wheeler: If you cast the choice between one young general practitioner and a matrimonial firm that has a host of experienced people, that's an easy choice. But I do think that you can get very good assistance from one experienced, responsible person. I don't think that it has to be in a law firm context. You do have to have expertise, from a legal point of view, on civil procedure and tax, real estate, those sorts of things. Those aren't subject that one learns in a week or two, but by the same token, we aren't talking about heart transplants here. You can be quite good at this and still be relatively young. Indeed, it's probably easier to assimilate the substance of this, than it is to develop the interpersonal sensitivity and judgement - there aren't any courses that I know about in good judgement - that's required to be good in this.

Roz: Describe the mediation process.

Wheeler: There are, to speak in gross terms, two quite different conceptions of divorce mediation. One comes from, if you will, the mental health professions, from the therapeutic tradition. The other comes from a legal tradition.

The therapist would say that, until you can work on the pathology of the couple, until you can get people to understand their own personal needs, that it's futile to be working through the nuts and bolts of an agreement.

To characterize the lawyer's point of view: these people have problems about where they're going to live, who's going to be responsible to be responsible for the kids, who pays what in the way of taxes and support, and the like... and that those specific problems can engender pathologies.

Roz: Are women generally at a financial disadvantage in divorce?

Wheeler: It's beyond doubt that women are at a financial disadvantage in divorce. I think that's true whether you're talking about divorce litigation, divorce negotiation or divorce mediation. The reason they're at that disadvantage is one: that their economic opportunities are less, in part because of gender, and that's compounded by being married in many instances. It also has to do, frequently, with who has had responsibility for the assets during the marriage. It's not always true, but it may be that the husband has been the one who's handled all the money matters and has a better sense of what is where, and how it can be managed.

Roz: An individual's concern may be who can get the best settlement, the mediator or the litigator?

Wheeler: I worry about people who cast the issue in terms of, is mediation better than litigation, which should we do? I don't think that we have to answer that. We've already seen that ninety percent of these cases are negotiated, are settled out of court, the parties attempt to reach resolution. There's a lot of encouraging evidence that negotiation, at least in some instances, can be facilitated by mediation. Let's work from that basis, as opposed to saying that we're going to change the world and move it entirely from litigation to mediation. We're most of the way there, already. So the question is, how we do something that we've done for a long time, how do we do it better? I certainly understand his (Drannoff's) argument, and that is that because I'm known - I'm paraphrasing it - to be a very good litigator, then people are more willing to talk settlement with me.

But I think that he (Drannoff) is saying, if I hear him correctly, that people are willing to concede more to me because they know what I can do to them in court. Ultimately what we don't know is whether those agreements, in which people have made concessions under the threat of a particularly brutal court experience, whether those agreements hold or whether they do not. Maybe they do. But it's also possible that they don't. And if they don't, then I'm not sure that we can give him the title of being the best negotiator.

Obviously there are instances where cases are non-negotiable and you have to go to court, and you want to be skillful when you do that. But the notion of holding that as a club which promotes a good settlement, no, I don't see that. A negotiator has to do far more than make it clear that they've got a good alternative. They have to be very creative about, not merely the substance of an agreement, but the manner in which it is reached.

Roz: Do lawyers escalate animosity?

Wheeler: There's an atrocious book, called *The Lion's Share*, where a divorce lawyer advises his male clients to deplete all of the bank accounts at the instant of separation, on the ground that you can always put the money back. Well, you can put the money back, but you can't put the trust back. That kind of action often precipitates not merely an opposite reaction, but an opposite and escalated reaction, and it's very easy to get in an arms race. It isn't necessarily lawyers who do this, or who feed this. People are at their worst in these cases, and even the best of lawyers sometimes have a hard time tempering the hostility that exists. It requires restraint on both the client's part and the lawyer's part to quoid that kind of legal arms race.

Roz: When is mediation appropriate?

Wheeler: Depending on which model you adhere to, or where in the spectrum between those poles you locate yourself, the decision about what case is appropriate for mediation is affected by your outlook. There clearly are cases that are non-negotiable, because people want radically different things. One wants a divorce and one does not. Or a situation where a person needs, or feels they need, some kind of public vindication that's going to come through a contested divorce. Those attitudes can change, of course, over time, and frequently they do.

But not all cases are negotiable and not all are amenable to mediation. I think in the last analysis, the parties tell you either directly or indirectly. Bear in mind, too, that even in the gray area case, where it's not clear that you can get complete resolution of every issue, there may be short-term things that can be worked out while the long-term battle is going on. It's the rare case where some kind of preliminary mediation is not worthwhile. But it may be that the gains there are quite modest.

Roz: Was mediation appropriate for Judy and Alan? After two years they have not finalized an agreement.

Wheeler: The negotiation goes on and on and on, even after an agreement is signed, because it has to be implemented and in some instances revised. The fact that discussion is continuing, I don't regard that as being bad. What is discouraging in that case is that there are still some rather large issues, both financial and emotional, that are clearly left hanging. I'm not ready to fault the mediator for that. As I said in an earlier context, not all of these cases are negotiable. You really have to ask the question that an economist would ask, and that is, as compared to what? Where would these people be without a mediator? And it's conceivable they'd be even further from a resolution than they are in this instance.

Roz: Can specialists help people with little assets and income?

Wheeler: There are some people who think that you only bring in the accountant or the tax specialist in cases where there's a lot of money at stake and you can play fancy games with trusts and the like. My view is that where you need that person the most is where the resources are small. If you can somehow or other save another ten or fifteen dollars a week, that may be critically important to the way in which people are living.

We're in a period where tax law is potentially going to be revised in Congress and possibly simplified. But at present there are enough wrinkles that you need some degree of expertise. Frankly, I don't think it's the most complex area of law. It is not like securities registration, or something of that sort. It is something that a non-lawyer can master in time. But it's not something that you do off-the-cuff. As I say, often it's very very hard to find those trades that will lead those parties to a position where they're a little better off, from their point of view, in agreeing than not agreeing. And you've got to squeeze out of every possible tax-saving and other kind of advantage, every possible benefit that's going to sweeten the pot enough to make it big enough to divide in two.

Roz: Compare mediation and litigation.

Wheeler: If your goals are to resolve the emotional issues, then for mediation to work it has to be a long-term and very serious commitment with a very good professional. Success is hard to come by on that score. But by the same token, it's hard to see how those issues are addressed in any constructive way in litigation. So any attempt in that direction is to the good. In terms of resolving the more narrow dispute... who gets the house, is the house sold, how is income going to be divided, it strikes me that mediation clearly has an advantage over litigation. No matter how well intended and how experienced a judge is, even on questions of tax law and the like, a judge can't know the preferences of the parties and the needs of the parties as well as the parties do themselves. The parties are the ultimate experts in terms of which they would rather have. All of the house with the mortgage in order to buy out the other person? Or whether they would rather live in a smaller house without that kind of burden? And in a quick hearing before a judge, it's hard for true preferences to get out. Mediation is vastly superior in terms of tailoring something that's going to be useful for the parties.

The plus on litigation is where somebody needs the seal of court approval in some way. Where there is, for emotional reasons, for personal reasons, the need to tell one story and to get it out. That really does exist in some instances. Lawyers have waved that flag too often, and lawyers have spoken about litigation as a cathartic process, where lawyers are self-interested in the propagation of law suits. I'd rather hear

that argument made by somebody who knew more about emotional catharsis than lawyers do.

Roz: What is the contradictory opinion on whether divorce mediation helps or hurts women.

Wheeler: There is a feminist argument that divorce mediation is bad for women because it's co-optive, that it tends to suppress conflict when there ought to be conflict. I understand that argument politically, but I worry in individual cases that it basically is predicated on the notion that a woman has to fight for a larger cause and has to be a martyr for a larger cause. If there really is a resolution that will improve her life in some way, she must make an election of whether she wants to make it a cause or not. I don't think that we should suppress divorce mediation because we're worried that it's co-optive in some sense. But I understand the nature of that argument. I'd rather see that feminist issue addressed through other means. To the extent that women in any kind of divorce situation or power-, in a position of power imbalance, because of economic factors, then those economic considerations ought to be addressed and it's better to do that directly, than try to do it through the wagging tail of mediation. I think you've got to go to the beast itself. There is that argument, however, and I think it should be acknowledged.

Whether women are at an emotional disadvantage in divorce mediation, I don't think so, but I can imagine that other people might. I don't have any doubt that women frequently negotiate differently from men do. There's a whole literature on this, that Carol Gilligan book, In A Different Voice. There are certain kinds of things that men often though not universally have an advantage in, analytically. There are things that women do in terms of listening that are, as a rule to which there are many exceptions, far superior to what men do. Whether these have anything to do with chromosomes, hormones or whether it's nature or nurture, no one knows at this juncture. I hesitate to characterize the difference that exists in the way that men and women negotiate as one which puts women in a position of weakness. I think that it may be that in those transactions, men often appear to be more aggressive and more certain.

If we think back to this thing between Judy and Alan, he sees himself as a person with strong analytic skills, and he refers to the memory that he has, and he knows where everything is. I have a feeling there's a little tape recorder there in which if Judy has said something today which contradicts what she had said last week, he is good at calling her on that contradiction. But is that a virtue? Even if it's true? It seems to me that if he were a very effective negotiator, rather than calling her on the contradiction and putting pressure on her that way, he would try to find in the contradiction some opportunity for choosing that part of the contradiction that

will lead to agreement and disregarding that which is not. It was just one small bit of that negotiation but there was something that was, I would ascribe in an intuitive way, as being male in his characterization. Now I may be in a double loop here, you see, by being smart about his smartness, but that was just a reaction to what I saw in that instance. If people are looking to mediation to cure something which is a much broader social phenomenon, they're asking far too much of it. Just can't be done.

Roz: Characterize a good mediated agreement.

Wheeler: There are to me, a number of dimensions of agreements that beyond efficiency, even beyond equity where we've been talking about power imbalances, you want an agreement that is going to be workable. There are some mediators in other fields who say that the sole goal of mediation is to get people to sign something, and if there are a hundred grievances that follow from it, that doesn't matter. I find that being rather short-sighted and disingenuous. It strikes me that a workable agreement is clearly better than one that is not. And in the divorce area, workable agreement means one that - and this is a little bit of as paradox - that is consistent and predictable enough that people can order their new lives. They know what their obligations are, they know what their rights are, and they can plan accordingly. But at the same time, circumstances tend to change so quickly after divorce, a good agreement is one also that is flexible enough to accommodate those changes. There's no right answer. But there's inherently a trade-off between that amount of certainty and that amount of flexibility that's going to serve the interests of the parties. I think that that's really a key element.

I think that if you compare what we're talking about here, negotiated agreements or mediated agreements, with what happens in court, in court you always get an order. You always get a resolution. But if you look at the studies of what happens to those court orders after a year or so, and you see the frequency with which those people are back in court, you can't give those court orders very high grades. It's very easy to have contingent agreements. It's in the same way that you can have an employment contract for a period of years, you can have a separation agreement that covers a specific term. You can also have an agreement that is long run, but which has flexible formulas in it. Or which in the case of a dispute, refers the people back to mediation or to binding arbitration as opposed to going to court. So there are a number of different ways that one could go.

I think it is common early in divorce negotiation for people to feel somehow that they have all these things that have to get settled, and they have to work out a life plan that's going to cover everything, and that they're uneasy with the notion that

they're going to work very very hard to create some kind of set of rules that are going to govern their relationship for the next twelve months. In time, living and perhaps a lot of uncertainty, twelve months of clarity begin to look better and better. And frequently a shorter-term perspective can have a salutary effect, because people feel that they can try things on experimental basis, that they're not committing for life, they're not signing off on custody one way or another for life. As a consequence it's easier to make concessions, and the concessions in turn elicit concessions the other way. But it takes (?) of people I think to assume that perspective of being more short term.

There's the cliché that most divorces end in marriage. And it really is true. The percentage of people who remarry after divorce is very very high. And that is a radical change in circumstance. It can have a bearing on a wage earner's capacity to support, it can have a bearing on somebody's need, it can open new custody options. No one at the moment of divorce, or few people at the moment of divorce, can be certain about what their marriage prospects are. And yet within one, two, three years, there can be somebody new on the scene. To try to plan in such a way that is blind to that likelihood, not merely that possibility but that likelihood, seems to me to be inviting problems down the line.

In the case like Judy and Alan's, where there's so much emotional baggage, where there's so little in the way of resources, you can almost say that any agreement that is minimally acceptable to both of the parties is a good agreement, because I think there's such a small area of potential resolution. I think that when you talk about efficient agreements in terms of maximizing joint benefit, you're in the case where there are more resources, where there are more imaginative things that can be done with the parties.

Dranoff

Dranoff: Step by step matrimonial: send a letter; response from the other lawyer; sending out an exchange of financial information between the attorneys; reviewing that; meeting between the attorneys to see if some basic understanding can be agreed upon; meeting between all four parties, two lawyers, two clients, to see if they can agree; cannot be done, starting litigation; go through all the processes of litigation, discovery, and depending on what happens, did he stop paying money, did he hit her, these are things that occur during the course; eventually trial; those are the steps of the case.

Dranoff: Most cases start with a letter from another attorney. A man comes in. He says, I got a letter from my wife's attorney, she wants a divorce. Or they'll come to you and say, I want a divorce, please start it. So the only difference between that is whether you're answering a lawyer's letter, or initiating by sending what's known as a lawyer's letter. The letter is a stock form-letter. "Dear Sir, or Dear Madam, please be advised this office has been retained by your spouse in connection with your marital difficulties. In order to reach some equitable solution, please have your attorney contact me as soon as possible. Very truly yours." You'll notice certain things in that letter that are very interesting. Number one, in no place in that letter do I set force the word divorce or separation. I just say marital difficulties, because sometimes you're able to put people together. When someone comes to you, and just from speaking to them you know this is an incident, a blow-up, you don't even want to get the case started. So I say we don't talk about anything other than a matrimonial dispute, and to please have your attorney contact me. I will not speak to the other side directly. (?) of ethics provide that you can not speak to a layman who's represented by an attorney. I won't even talk to them beforehand; first, because I don't need the screaming and shouting and yelling which usually takes place, or the threats they're going to come down and bop me in the nose... you'd be surprised what goes on over these ears. I say, go get yourself a lawyer, and I'll speak to the attorney. Generally, what will happen if I receive the letter, if I represent the party who received the letter, I will send the letter to the other side saying, I'm the attorney on the other side, and please contact me. Eventually, the two lawyers speak, and we exchange what's called Net Worth Statements, to see what property we're talking about.

Dranoff: ...most cases are settled some time before trial, but most cases are settled after litigation begins. Our position is this: we will give our adversaries anything they want, tax returns, we'll open up all the books... We have to litigate sometimes for two reasons: from the very nature of what the law is, and B, to get information. If the other side doesn't want to

give us the tax returns, I have to start a matrimonial action with divorce before I can get those papers. I can't just start an action to get those papers.

Other lawyer(?): As a matter of fact, recently, I think we're just about sending off the net worth statements filled out before we even serve a summons against...

Dranoff: Automatic. You see, one of the things that we deal with is the mores of society at a particular time. And what's going to happen, we're going through a tremendous revolution in matrimonial law. In ten years from now, you won't even recognize it. Mediation's going to be here, whether you like it or not, most...

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Dranoff: ...knowledge of taxation, a knowledge of basic accounting principles, he has to know the laws as it deals with pensions, he has to know the basis of matrimonial law and he has to know how to litigate. And those are the four, five basic qualities. You've got to speak to the people in the community and find the type of lawyer that you're interested in getting. Do you want a tough litigator; do you want someone who's a hand-holder, but who also knows how to go to court; or do you select the firm that has all of these? That's our position, where you have different people doing different things.

Judge(?): If you have an attorney who's afraid to litigate, who's afraid to get into the courtroom and cross swords, there's a good chance that you're not going to get your due, because the other side's going to pick up on that, and they're going to use that to their best advantage, and you're going to get a poor settlement.

Dranoff: Fifty, sixty, seventy percent of the applicants who want to go into matrimonial law are women. They talk more to the other women. Yet, when it comes to the courtroom, there are more men. Male attorneys.

Judge(?): Well, they want a female attorney who acts like a man in a courtroom.

Dranoff: Tough.

Dranoff: It's a matter of not being pushed around. You have to understand, you're dealing with high emotions. Court itself is a very tension-creating situation. Most people have no idea what a courtroom is. Most lawyers have no idea. Young kid lawyers walk into a courtroom, they turn purple...

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Dranoff: ...number one, he's got to understand that a lawyer is

not god. Nor does a lawyer walk on water. Nor can the lawyer change the law for them. They're stuck within the framework of what the law is. Also, you've got to deal with the economic situation. So what he should, or she should expect from an attorney is that the attorney will get the best possible deal for them, within the framework of the facts that are presented in a particular case. The way I put it to them, if the support is somewhere between a dollar a week and a dollar-twenty a week, my job when I represent the wife is to get her closer to the dollar-twenty; when I represent the husband, to get it closer to the dollar. But not to get, for when I represent the husband, thirty cents, or when I represent the wife, two and a half dollars. The biggest problem that I see amongst the clients is the misinformation that they get from the groups that they sit with... their coffee-clatches, and the discussions, or Cosmopolitan magazine: they're half-truths.

Dranoff(?): ...got to let your client know the realities of life. One of the biggest problems with lawyers is that they don't let the clients know realities. I have a lot of clients walk out. I tell them the truth right off the bat, what they're facing...

Dranoff: When I was a baby lawyer, I used to wonder why people went to the bigger firms and hire the more expensive lawyers, and I see it now after thirty years, because we're not pushing cases. Young lawyers have a tendency - without any rapping them, this is a learning process - of taking on cases that should not be taken on...

Dranoff: One of the advantages of using a matrimonial firm, you've got the gamut, you've got the best of all possible worlds. Judge, he has the patience of Job. He could sit for a client with hours and talk with them; I don't have that patience. My mind's going in seventy-two directions at once, because I am preparing for court, I am constantly in a war.

Dranoff: ...for the attributes that a good mediator should have, number one: must know the law. If you're dealing with the economic end of a divorce, they've got to know what they're doing. They can not be the physician who doesn't know how to diagnose. How do you prescribe medicine if you don't know what's wrong with someone? Well, how can you, Joe, just sit down at a table, and say, well, we're going to split everything up fifty-fifty, without knowing what's owned? And what's knowing what's owned, you got to dig into it...

Dranoff: ...New York still is a fault state; you cannot get a divorce in New York, unless someone is at fault. Except if you sign an agreement, and then a year later you convert that separation agreement into a divorce decree. But there's no such thing as no-fault in New York. But there's very little discussion today, regarding fault, because under the old law, fault would

be a bar to the woman getting support, and that was unbelievable. The man could have gone, and been beating the wife up on a daily basis, being a drunk, a pervert, slept with every woman from here to Timbuktu, and if the wife on one occasion committed adultery, and got caught, they both would get divorces against each other, and she could not get one cent of support, and was thrown out of the house.

Dranoff: Up until July in 1980, New York had a common-law situation with respect to property, which said in effect, anything that was in the husband's name belonged to the husband. And anything that was in the wife's name belonged to the wife. Anything that was in both names they shared equally. The husband had the obligation for supporting the wife for her entire life, unless she remarried, or resided with an unrelated male, and held him out as her husband; just living alone wasn't sufficient. The property was not divided unless it was in both names. And New York was a common-law state, and most states were common-law states. What happened in effect, was that the husband as a matter of course, would be accumulating the family wealth and putting everything under his name, particularly if he knew he started to plan a divorce a number of years before. So he would leave his wife, and own the business, and the wife had no claim to the business. He would have a pension if he worked for someplace, the wife would have no claim to the pension, and all she can get is support. He would leave the state, and half the people never collected the alimony that they were awarded in the first place. All these inequities then led to the Equitable Distribution Laws to be carried out in the various states: Illinois, Pennsylvania, New York, Connecticut had it for many years, Jersey has it for about sixteen years, and it gradually spread all over the country, and this is now the type of divorce that we have.

Dranoff: My function is to go to court, and to get from the husband, if I represent the wife, enough property to secure the wife. My job is to get her sufficient maintenance so that she could rehabilitate herself to get a job in the future other than being a typing secretary or working in Woolworth's. Because we have now what is in effect, rehabilitative maintenance. If we get her support for five years, at the end of five years, she's still where she is, she can go right back to court to extend it.

Dranoff: What happens today, is the woman is going to rehabilitate herself. But for a number of years the husband has the obligation to support her, and the court recognizes that. They said, very recent case, that where a woman put her husband through medical school - originally the lower court said she had an interest in his license - they said, no, not in his license, but now he has an obligation to support her, for her to train herself into something. That is what the law's obligation is, not to worry about the fact if she makes the wrong selection, that's

her choice, not the lawyer's problem. My job is to get her sufficient moneys, where she doesn't have to make that crazy choice to run to the first job and be tied up selling string in Woolworth's. Rather than going in, this may be a woman who graduated high school with a straight A average, but got married a year later and had babies. For that she's going to go to college, and she's going to go maybe for a master's, and maybe for a doctorate. And I've had them go the whole gamut, and make a life for themselves where they don't need the husband.

Judge(?): The problem is, Sandy, on a large percentage of the cases, in which their total income is forty thousand dollars a year, that just can't happen.

Dranoff: That's the problem.

Judge(?): Those are problems...

Dranoff: ...should I go to work during the pendency of the trial, and my answer's this: if you can get yourself a good position, or a good start, why not? So you get twenty-five dollars a week less than your husband. Are you in this only to be supported by your husband, or redo your life? I had that recently. A woman got a fantastic offer, something like thirty thousand dollars a year; based upon her education, she wouldn't get a job more than eighteen. She just got a break at the right place at the right time. Now, she said, what happens, I won't get any support from my husband? I said, so what? Are you here just to grab from your husband, here you're gonna have thirty thousand dollars, no question about it, you're not going to get any maintenance from your husband because you can support yourself, and your child support's going to be cut down, because you're going to have to help support your child. But she didn't know if she wanted to take this job, because she would get less from her husband. Now, your job as a lawyer is to say, hey, that's not that important thing. So what? See, years ago, when you spoke about support forever, it was a little different than you're talking now, and you're talking short term anyway.

Dranoff: ...you also have today, reconciliation agreements, where people go back together, and enter into agreements, and then if they split in the future they don't have to go through this battle. It's sort of like the old pre-nuptial agreement, except it's made after the marriage. We can do that today in New York.

Dranoff: ...I found out generally that many women in the middle class are being hurt by the Equitable Distribution Law. Let me explain to you why. Under the old system, women were able to be supported for life. Under the new system, they have, in effect, rehabilitative support. If people have a lot of money and a lot of property, in theory, you can divide it and everybody's happy. But when you have just a house in the suburbs, and a pension

that won't be due for eight or nine or ten or twenty years, what have you got to split? Before, even if she had to split the house fifty-fifty, in most cases as long as she was the innocent spouse, she wasn't called 'bad', she could live in that house until the child became eighteen, and then they'd sell the house and they'd split it and then the husband would have to support her. What's happening today, the amount of support has been reduced, the length of time has been reduced, and she's still winding up most times with fifty percent of the house and nothing else, because there's nothing else to divide. When you have a business, usually you're trading off a business for a house or a pension, what do you do with the people who own a fifty thousand, thirty thousand... Say it's a cop and fireman, they're making thirty-two thousand a year, all they've got is a house and a pension that's eighteen years down the road. Women are not doing that well under it, but that's inequities and you can't help that. Women have, over the last number of years, given up a lot, in exchange for the equality provisions.

Dranoff: Who is the best settler, the tough litigator, or someone who doesn't litigate. I feel that I get a lot of settlements that other people don't get because people don't want to go to court against me. My reputation is such that most people are told I'm very difficult to deal with. And they tell them that right off the bat, and I tell them that. But if you need someone to go to court for you, then I'm the one to go to court, so...

Dranoff: They say their lawyers cause many of the problems. Sometimes you get the easiest case that can be settled almost immediately, and because of the way that the clients are acting, whether it's your own, or the other side, they create a complete war. And what could have been settled inside of three months, becomes a dragged-out, one-year battle that requires court proceeding, that may take weeks and weeks. We have to do the proper job. How do I know if someone is getting a good settlement? A woman comes in to me and says, my husband has offered me a thousand dollars a week and the house, how do I know that's good or bad? You can take the best business man in America, who'll buy a shopping center without blinking an eye and spend three million dollars, and yet refuse to give his wife an extra twenty-seven cents a week, to buy wrapping paper.

Dranoff: My x-rays are network statements, income tax returns, and examinations of businesses, and I have to bring in accountants, pension evaluators, stock evaluators, real estate appraisers, possibly, depending on what property is owned.

Dranoff: Most people, or most women - they're the ones who generally don't want the divorce - will accept it after a while. One thing I can't do, and that's almost heartbreaking, is to get the husband back. That's not my function. I can't do that. I'm not a psychiatrist. I'm a...

Dranoff: Most lawyers push joint custody today. Joint custody's almost a norm today. Understand the position of joint custody. Very few judges say, and the court of appeal says that, you don't give joint custody after a court battle, you only give joint custody if people can work things out together. But from the very fact that they're in court fighting with each other, how are they going to agree on whether the kid's to go to ballet or football?

Dranoff: Most men, if they really care about their kids, want the wife to take care. They really feel the wife is the better one. And most men don't want to and wouldn't know how to take care of the kids.

Dranoff: It's interesting, most agreements are followed; it's when you litigate that they're not followed. People love to feel that they've made the decision, rather than some guy in a black robe who may not have any knowledge at all of matrimonial laws. The judge was in family court; you go into Supreme Court, you may have a judge who hasn't been in a matrimonial part in twelve years. Not in Rockland, but maybe in New York county.

Judge: You had decisions come down in those cases. We've had decisions, we had a decision came down recently on a (pendenti liti?) case, a temporary support order, which came in at six hundred odd dollars, which should have been maybe between three and four hundred dollars. A week. The result is our client, husband, that got that order; it's an impossible order to meet. He doesn't make enough money to pay that much; it just can't happen.

Dranoff: The judge was inexperienced.

Dranoff: The argument that the men give: I want to give what I want to give. Don't worry, I'll take care of my kids.

Roz: Do they?

Dranoff: No. But that's their argument, because at that moment they believe it. Understand that, when that split take place, the husband, the father takes the position that I'm the best father in America, the kids have nothing to do with the split. The mother and the father have their own problems, it doesn't have any effect upon the kid; maybe it doesn't at that moment. And then Shirley comes into the picture, and a new family develops. The attitudes gradually change...

Dranoff: Most attorneys feel that mediation has its place, but that the mediators are not qualified. Most attorneys feel that the mediators should be attorneys... because of the lack of knowledge of the mediator. It's a paradox. We want lawyers to be mediators, because you know the technical end of it. Yet I feel that most lawyers are not good at mediation because they're

advocates. However, most of the lawyers who are going into mediation are not trial lawyers. It is a very difficult thing for a lawyer who is used to being an advocate, to go in there, and to be non-advocate...

Dranoff: ...custody. And that has always been the blood-letting of the legal profession.

Dranoff: ...custody, sometimes I wonder about the advocacy system in the custody proceeding. Probably, mediation, when it's a proposal by the way, has its place in a custody situation. If it can be worked out by mediation, I'm all for it. If it can't then it has to go on to litigation, but I think there ought to be an attempt first to mediate through good, professional mediators. I don't care about lawyers now, because you're not dealing with property, but I don't want to have a shrew(?) make a final determination. I don't think that it should be, well, the psychiatrist says that the woman is better than the man. You know, it's very funny when you get someone who professes to be women's movement and she wants this and she wants that and equality. You say, well, you realize, you and your husband will have joint custody. What do you mean joint custody, I'm the mother. Suddenly she reverts to twenty years ago. Well, the mediator can point that out to her... quicker than a lawyer can. When a lawyer does it, we tell, we don't try to have them understand. And I think that's where the basis of mediation comes in. But there are times, you can mediate until you're blue in the face...

Dranoff: ...people have nothing, the best thing is mediation. Because you're not going to divide anything, what are you going to mediate? You're going to mediate custody. And a case like that should be mediated. The more money, the easier it is to settle. Because everybody's happy. You know, you may get into a point of contention of when you're going to get it, but the numbers that you start with are usually the number that is sufficient. If the husband is straight! It's when the husband suddenly becomes sick with instant poverty that you have the problem. But if he's straight, he has money, I'd rather have a case with people with money for the obvious reasons. But in addition to the obvious reason, I still think it's easier to settle that case.

Dranoff: ...what you're doing, you're trying to channel the people into a spot where they themselves can make a determination. A mediator doesn't tell them what to do, it's to make them realize, what are you fighting about?

Dranoff: Mediation is not a determination, so mediation, you can sit with a psychiatrist, or therapist who can communicate with both sides, make them feel at ease. Lawyers generally do not make people feel at ease. Particularly courtroom lawyers, from the very nature of what we are, we're gladiators, we're in a

courtroom, we're hired guns. That's our job. Someone was doing a much more subtle way, someone got a smile on a face, some of them are very charming. Others are very hard-nosed. And I'm known as a hard-nosed lawyer in a courtroom.

Roz: So, when you've had an opportunity to mediate, how do you switch hats?

Dranoff: I've only mediated once, in my whole life, and I won't mediate. I'm not equipped to be a mediator. I mean, I had two people come to me, they were not too apart. By the time I got to them, they were at each other's throats. I am an immediate advocate. I make a judgement on the side that I'm going to be with. I can't mediate. I don't want to mediate. That's not my function.

Dranoff: Are you going to eliminate animosity, for someone getting an inequitable distribution of the property, or a bad deal, that's where the measurement has to be. Yes, you can have peace and quiet, a la Chamberlain at Munich, "Peace in our time". Do you exchange that for the law of the courtroom, when you're going to get hurt financially? I don't know; mediation hasn't been around that long. I think if you have trained mediators, maybe a panel, two lawyers, but then the lawyers are in a position of giving advice, and a lawyer can't give advice to both sides. Because, then the purpose of mediation now has ended. You're now telling them, rather than asking them. So, I think, other than custody, I don't know enough about it, to go in to make a determination. I know I could not mediate.

Dranoff: Sometimes the expense of lawyers acts as a deterrent to litigation. And towards settlement. My wife and I got married, I got eleven dollars in the bank, and that's it. I got married and I went into the army three months later. I spent the first two years and came out of the army and my wife was pregnant. So, we never really had to save money. All the plans, my wife was gonna work, and she was working in television and things like that, and nothing ever materialized. But she went back to college after. She was nineteen years old, I was twenty-one when we got married. We were babies. I consider myself a man's man in one respect, I like fishing and I like going up to the woods, and I love football. Very macho, in every thing that I've done. I'm an ex-football player. All that is my way of existence. My wife, as I told you before, is an artist. Well, where do you think I was three weeks ago? In the Museum of Modern Art with my wife, looking at green paintings with little red dots. But I went, and I went with her. I mean, I don't know what she saw, and I sat there and once fell asleep, but I made no comments. At one time, I would have sulked in the corner, and ruined everybody's day. But yet, I'll drag my wife up to Indian Lake, New York with me, and she'll sit there, not being able to do anything. She doesn't want to go in the boat, but she'll try to participate to satisfy me. Or she'll say to me, go, and I'll go myself. Last

weekend I went myself. And she went to take photographs of flowers. And that's what I'm talking about. If you feel secure enough in your marriage, you can go away for your weekend, and leave your wife home, and you wife feels secure enough that you're up there, that's what marriage is all about. One of the problems of marriages of my generation, is there was a senior partner and a junior partner. And I think that is melting away with the kids. And I think you're going to find divorce rates going down. Because they're able to talk and there's no boss in the house. They're partners, in every sense of the word. The husband doesn't make these decisions. I can't visualize my younger son making a determination without clearing with his wife. All these things is, you can't lose thirty-one years of being together, there's a lot there. But it was stormy, it was an education to me, my fault, most of it. Any problems was caused by me. My wife was a very understanding person, and I was rigid, and I think in the last ten, twelve, fifteen years, I mellowed a great deal, I think, in direct relationship to the amount of success I have in law. And my frustrations and my hostility is taken out in the courtroom. I don't take my problems home. If I'm going to battle, I'll battle there. And I think that's where the change was. What keeps a good marriage together? Compromise.

Gilligan

Roz: Do you think divorce can be viewed as a situation of moral conflict and a choice between responsibility to one's self and responsibility to the other person?

Gilligan: I think divorce is a decision that can raise moral questions for people, about what are their responsibilities to other people. How can those responsibilities be fulfilled under certain circumstances of relationship. Particularly where there are children involved, how can they deal with the connection between them, represented by the child, in a way that's responsive to that relationship? I mean that obviously the relationship includes themselves, and their own needs as well as the needs of the other and the nature of the connection between them. But, when divorce decisions shape conflicts involving responsibilities to oneself and others, then divorce raises moral questions. How does one think about how that's to happen in such a situation?

Roz: When you look at the piece with Judy and Alan specifically, it seems that they both have very different definitions of marriage.

Gilligan: Yes, he defines marriage as respect, she defines it as dialogue. In a sense, those are such really different definitions of what marriage entails, that you could imagine precisely the kind of difficulty that they encounter in trying to speak to one another.

Roz: Do you think that's a problem specific to those two personalities, or do you think in some way they're generalizable to male/female?

Gilligan: Well, when you start talking about generalizable to male/female, you start to have to imagine, what is the study that you would have to do of males and females in this country, in other countries, that could possibly support a statement: women, men... and the other thing is why do you want to divide the world this way? But if you ask a different question, which is, whose experience has defined our understanding of human experience, marital problems, family relationships, as they are really worked into the formal interpretive systems in counseling, in law and so forth? Then you have to say, well, women's experience really has not been seriously considered. From my own point of view, you ask a very different question. You don't ask, are women different from men, unless you're about to embark on the study I suggested of millions of people. But you say, is there something we could learn by listening to women, that perhaps would give us new angles on how to think about these problems?

In that sense, Alan's description of the essence of marriage as respect, and family, and home, and so forth, that gives you one view of what marriage is about. And certainly the word respect keys in with central notions of what is morality, respect for persons. And to show respect for persons. And he says to Judy a lot of things that follow from that concept, which is, you must take the consequences of your action, you must see yourself as responsible for what you do. Facts are facts and this is what's happened: you wanted to leave, therefore, you must now pay the price for that decision. And you see her as, at once, coming in from a totally different angle and saying, marriage is a dialogue. Now, I think you have to stop and you have to try to say to yourself, what does she mean? Then you see her having a very difficult time speaking within a framework that he has set up. He says, you're unwilling to pay consequences, you're unwilling to be responsible. She's trying to say, or at least this would be my interpretation, that's not quite right. It doesn't quite get at what I'm saying.

To me, where the male/female question would come in is to say, maybe when we're having difficulty understanding what women mean, rather than rushing to the stereotypes that women are confused and they don't really know what they want and they can't really say clearly and that they're indecisive, you might ask, what is she trying to say? In other words, what is the logic of her position?

And now you talk about marriage as dialogue. Well, what is the morality of dialogue? If the morality of respect is to accord each person equal respect, what's the morality of dialogue? It's the morality of listening. And how do you listen? When we see Alan at his spiritual meeting, his face looks different at that point. For a moment, there's a whole different expression on his face. You have a sense that he has, at least in that context, started to listen differently to his experience perhaps, and others, I don't know. That's what I see. In that sense I think the notion of equal rights for men and women misses the point, because I think it is more difficult to listen to women, in a context where women's experience really has not been rendered articulate.

To me one of the most striking things was I saw Judy as someone speaking a different language, trying to be coherent within a framework where everything she said seemed to mean something different from what she started out to say. And then she says, well we could perhaps keep on talking. Alan says, no more talking. She says, we'll have to find some other time to talk. Because it's only through this process that she thinks they can work things out. And that may be true, but it's only possible if she can find a way to make coherent what she has to say, and transposes the framework so that it becomes understandable to Alan.

In some ways I think you could probably look at this film and say, Judy's setting a framework in which Alan can't speak coherently.... He says, I feel like (uoyr saying) I've screwed you. And she says, that's not really it... I feel like I lost something. I wouldn't say this is the prototypic... Alan represents all males, Judy represents all females. You couldn't possibly say that. I think that Judy exemplifies, in her difficulty to find a way to speak, problems that are experienced by many other women.

Roz: Why do you think it's so difficult for her to say what she means and for him to understand and vice-versa. I don't think she understands Alan any better than Alan understands her.

(pause)

Gilligan: Why do I think it's so difficult for her? Because I think behind his statement, for example, marriage entails respect, is a tradition that makes sense of that. Her statement, marriage is dialogue, I think that's very common now, too. Relationships are dialogue and da-da-da, how do you have communication in relationships? When she tries to enter that dialogue and talk about her own needs, I have a sense that in the portions of the film I saw, I knew her at any moment. I got a clear sense of her. Her inability to say to Alan what it was that she needed in this marriage or relationship that had any meaning to him. I think he was satisfied with the status quo. She had a clearer sense of what he meant, because he meant, the way things are is all right with me.

Roz: There is a definition of kinship in American culture in which marriage is defined as much by the conjugal relationship as it is by law. If Alan and Judy no longer have a satisfactory sexual relationship, one could say there is a marriage in jeopardy. I wonder whether, in that definition of intimacy then, Judy may have broken the legal rule of marriage, she had an affair, but Alan broke the marital relationship long before by not working on the sexual relationship with Judy or even the quality of their communication, either would have provided a sense of intimacy. She established a new relationship, and it was then hard to go back to the one that didn't have either satisfactory sex or communication.

Why couldn't Judy go back to Alan when he says he will change? My interpretation is she was in a relationship as meaningful as a marriage, and she found it difficult to betray Will. Alan's perception would be correct, she did feel more allegiance to Will.

Gilligan: Just to talk about Judy, when Alan says he'll change, I think unless she has a sense that he understands what kind of change, she couldn't see how this was going to happen. She couldn't see the change.

I think the discussion of sexuality is tendentious in this film. That's become the word for a feeling of connection and intimacy. But even when Judy describes her lover, it's not just the sex. It's a sense of involvement and engagement between them and, having found that, that may have defined for her what was not present with Alan. And she may really genuinely not know how it would be possible for her relationship with Alan to move from where it is as she has known, it to include that kind of interchange which she knows she likes, which gives her pleasure. You could turn around your question, why would she want to leave that? And you say, because Alan is the father of her children, and it would give her a house and a lot of other things. But I think that's the issue for her.

If you look at the quality of her relationship with the children, the sort of ease and frankness of dialogue with them. Then you can say that there's something very important at stake, not only for Judy, but for the children, too, and her ability to sustain this kind of relationship with other people, in the sense of impediment between Judy and Alan. And there's the anger between them. And finally, no way to get beyond it. Or even to make it productive rather than just corrosive. So when he says, come back, if I were to infer, that there must be a sort of blank in her mind as to: and then what would happen?

The other way you could ask your question, did she have to break a rule in order to leave? In other words, did she have to give him a way to condemn and reject her, so that she could have what she wanted, which was a relationship with somebody who... the only word that comes to my mind is simply engaged her, where there's a kind of back and forth. Alan's descriptions of marriage - I can imagine easily this could be reversed for men and women - his descriptions of marriage are very static. You have women who say, marriage is a house and children and it's defined by things, or a sort of state. But she's looking for a process. There are many who have the same feeling. What seems the impediment to this process here is the sense of two very different images of what the relationship is and consists of.

Roz: Do you think that in a relationship like this, mediation or therapy could have been an effective process for them?

Gilligan: Could mediation and therapy be effective?

Roz: Be effective in moving them along.

Gilligan: Moving them toward what goal?

Roz: Toward a relationship responsive to both their need. They couldn't seem to negotiate it by themselves.

Gilligan: That's right. They clearly had reached an impasse.

Roz: I wonder whether a third party can enter a relationship and restore it, or whether someone like myself as a mediator has to say, that's not my role, this relationship is not able to be restored, all I can do is help them separate their property.

Gilligan: Well, I would raise a question. You made that decision: I will help you separate your property and I'm going to separate the division of property from the emotional questions. And I thought, Judy, afterwards came back to that issue. And in the discussion of getting screwed, she said, I separated my property, but I lost something. And I think that what was lost for her in that discussion was the sense that the property issues and the emotional questions were in some sense inseparable.

I think that that's symbolized by the child. And by the ambivalence about the child as property to be divided, according to rules of fair and equitable division of property... which is clearly the case, and vividly shown in your film there were very strong feelings in focus for a lot of the feelings between the parents. If you talk about the house, even the property and his feelings about the house, she's very sensitive to those. You're talking about option one, option two, option three, he doesn't want to sell the house, and yet she needs a house to live in.

About mediation and therapy, the first question is, what is the goal? Secondly, what is the framework? Is her statement at the end: it's not that I was screwed but I lost something... was it because in the process of resolving this marital conflict or fracture she lost her own framework, and resolved it in a framework that really was alien to her? And so, what she lost was not money or property in that sense, though money has turned into a problem, but what she lost was some sense of herself and her own integrity, in terms of agreeing to a process that didn't fully represent her way of looking at it. And that that would be the question.

Roz: There are pros and cons, right now, regarding mediation. There are lawyers who say, use the legal process to separate property and use therapist/mediator to resolve custody. It seems there is a conflict over what skills are needed. If mediation doesn't represent Judy's interests, the mediator should not have separated emotional issues from property. And if it were to suit Alan, that might also be said to be the case. Does the mediator, if you're not trained in some kind of therapy, do a disservice?

Gilligan: Well, I guess I have another point of view, which is whether you're trained in mediation or therapy or law or whatever, the question is, what framework are you trained to cast these problems in? I would think that if Judy's going to deal with an alien framework, it would probably be better that it be labeled adversarial when it's not consensual. When she says, I wanted to be reasonable, whose terms are reason being defined on?

Carol S.: Why is the framework alien?

Gilligan: ... in one sense, all those things are true, she did all those things. So she goes down that road, and she keeps saying, but there's more to be said, there's something else that's not being said here about what happened. If you stay within that framework, that's the only way to look at her actions, and then she is, classically, a bad woman.

Carol S.: So what would be another framework? How should one look at it?

Gilligan: I think what she's saying is, marriage is a dialogue, and there was no dialogue here, this was her marriage. What are the consequences? Of no connection? In terms of the relationship, the family? What kind of family? Because that problem was invisible to Alan, he didn't see that something was missing or wrong. He had defined it as Judy had sexual needs which were excessive, and coercive, and in the absence of his meeting them, she decided to leave, and now she was going to pay the consequences, and he was going to be reasonable and so forth.

Roz: I wondered in this case, if you saw that she was at a distinct disadvantage at the mediation table, because of the way Alan defined her as the one who was wrong, and he was the wronged party.

Gilligan: Part of the issue, that is, when do you start the camera running? At the point where she has the love affair and decides to leave? Or at the point where she - and I hate to use the word relationship - she says relationship is dialogue and there's no dialogue here, so she's saying, this is no marriage, this is no relationship.

Roz: So she might define the fracture as being evidence by what Alan says, "I talked to you for the first five years," and when Alan stopped talking...

Gilligan: Look, The framework question is so clear. He says, these terribly boring discussions, over and over again the same thing. I mean he does not imagine that perhaps those were interesting discussions to her. And you have to say, from what point of view were those discussions interesting? If she is squeezed out of the marriage in the sense, that what's interesting to her, there's no room for it, then what does she do? She turns to somebody else. It was a way to deal with the problem. Then he says, this way has very serious consequences. And that fits with a lot of other notions.

But you have to play out the other script. What are the consequences of Judy staying in the marriage where there is no dialogue, to use her term. You see their life in her

relationship with the children, I mean, that's what I saw in this film. In her ability to talk with the children: the very sensitive discussion with the older child who didn't want to take the knapsack to the violin recital; her ability to talk about the feelings that he wasn't quite talking about, until he could say, yes, that was it; and then to work out a solution involving the younger child; then who should tell the father about the feelings and, saying to the child very subtle things, saying, statements said by two different people will be heard in one case and not the other. Well, I would think those are very valuable qualities in Judy. That those qualities are precisely what's at risk for her to stay in a relationship where her attempts to make that kind of connection keep falling into dead space. As though they didn't exist, as though they weren't interesting.

So, what's the consequences for Judy? One of the things you would want to talk about then is, depression in women, the effects on children, the cost to society, the cost to women, the cost to men. And an alternative is action, and Judy took action. So she's bad, rather than depressed. Now that's a very good example, in my mind, of two different frameworks. Within the framework I just outlined, Judy's actions start to make a lot of sense. You might still say, there might have been other things she could have done. Perhaps there weren't in those circumstances. Perhaps she did the best she could under the circumstances.

That's very different from the framework that says you have an enormous sense of entitlement, you think your sexual needs should be met, you think you should act without having any consequences. Do you see the transposition? That's what I see as going on. Now, if a therapy session and the mediation session and the courtroom session is not sensitive to that kind of transposition, the problem is not going to be adequately represented. And I would say that because of the nature of understanding different kinds of systems that I saw Judy through the course of this sequence becoming increasingly frustrated and angry in her dealings with Alan. Now maybe that's inescapable.

Roz: It would seem that it would be very crucial to the training of the mediators, then, to be able to transpose what someone's saying, and at least keep a dialogue going until somebody's able to grasp what the other party's saying.

Gilligan: I think that you have a nice film for doing that. You could show your initial sequence and then say, first of all, do you understand Alan's perspective on what Judy did? That's easy. From what perspective does Judy's actions make a different kind of sense? What would be needed for Alan to understand what Judy was doing, seen not as falling into stereotypes with women having a sense of entitlement? And so forth and so on. And then you would see the problem that you raised.

Why is it difficult for Judy to speak, in the sense almost everything she says seems to compound the accusation against her. I think you could see it if we looked at those initial frames with the struggle of someone who's not being understood in some way that's important to her, to try to make herself heard... trying to accommodate saying to him, yes-yes-yes-yes, this is all correct, but we really must keep talking, and he says, there's nothing to talk about. And she sees it's hopeless. After all, if her notion is dialogue, the avenue of resolution is called into question, jeopardized.

I think the same thing could be said about the mediation. We say, now we're going to talk about property, and we're not going to talk about feelings. And yet, even the discussion of property is infused with feelings because, it has to do with understanding Alan's feeling for the house. When he starts to talk about, well, it's a difficult house to maintain, that's not the issue. The issue is that the house has special meaning to him. She recognizes that, and says it. She says, but I also need a place to live. The mediator says, ok, we have three options and option three is you both lose, a lose/lose situation. You get a smaller house, you get a smaller house. But it's clear that there are a lot of feelings about the house. Where is this line now? I think that's the question. You've just agreed not to talk about emotional issues, and you're talking about a house, and he had said earlier, a marriage is a house.

Roz: His home and his children became the marriage. He says something like, "I shifted what was important to me from the relationship to the house, family, work."

Gilligan: It clearly had a lot of meaning to him. So in some sense, look what you've done, inadvertently perhaps, or maybe even just use this as an example. We've taken the thing that his feelings are tied up with, i.e. the house, and agreed to put aside what her feelings are tied up with, i.e. the relationship. Now this is the grounds for mediation. So, look at what she has agreed to do. And then she says, years later how ever many, I lost something in this process. The answer is, you sure did. You agreed to talk on the grounds that had meaning for him, where his feelings were, about the house, about money. And you agreed not to talk about where your feelings were, which is, what would be the relationship between you, that was going to be the glue, to work out this joint custody arrangement.

If that's the case, if that is the way in which the ground for mediation's defined, in the sense of both people's agendas are not included in the setting of those grounds, where the grounds are set on terms that are close to one person's terms and really more distant from another's, then I'd be inclined to say, let's call it an adversarial situation, and see if you can force your terms on the other person.

But that's not even part of what she's after. That wouldn't satisfy her either. She's not out to defeat him. She's out to find some way, as she says for the moment, "to resolve this... I can't see living together," or I want to settle this now, maybe later it will be possible. I think she needs to see the way. To say to her, things will change, I think it's meaningless, unless she sees the potential for change. And as long as he defines conversations as a waste of time, I think she doesn't see the avenue. And as long as he defines sexuality as something that she is coercing him, that her demands are really coercion, rather than her demands are her demands. Her wishes are her wishes. As long as that's true, I don't think she sees the avenue of change.

Roz: When Judy and Alan appear not to be ready for a divorce, but Judy expresses a real need for better living accommodations, and the mediator suggests taking turns in the house, Alan responds defensively, "but that's a temporary solution." There is definitely several impressions, that Alan isn't about to give up the house and also he is not looking for a temporary solution, but a permanent resolution.

Gilligan: Right.

Roz: And so, someone would have to be very careful to dig further, to find out what was behind every time she acquiesced, possibly private conversations with Judy. Because she gives in awfully easily to, well, Alan wants the house, he can have the house as long as I have a house.

Gilligan: See, I guess I'm not so sure that private sessions about her acquiescence are going to solve the problem. Because if you look at her acquiescences as I would look at it, which is the ground for mediation has been set on terms that are not hers, and in some sense, whether she acquiesces or not, it really almost doesn't matter. And her easy acquiescence is much more a sign that this is not really the issue that's important to her, rather than a tendency to acquiesce. Or, perhaps they believe that if she's responsive to his needs, even in this situation, he will be more responsive to her needs.

Now, it's clear to an observer watching, who's not involved in this marriage and doesn't live through its frustrations, that her way of approaching Alan is not going to work. She's going to push him, he'll become more and more and more reticent and quiet. And so you can see the frustration of this situation, for both of them.

Roz: What would work, hypothetically, with a personality-type like Alan, where dialogue is not what would work? It's very difficult to figure out what would work...

Gilligan: Even without going into Alan's personality, you want to say, can this marriage work? Where she's looking for a much more active interchange, and he's looking for a kind of stable framework that will be the structure of his life, house, family, wife and so forth. The answer may be, no.

So then you have the problem of divorce. Divorce may arise because two people are really looking for something that they can't find with one another.

Roz: That's as much the question when someone approaches mediation, someone who's having marital difficulty...the question becomes defining what they each want, and if it's impossible.

Gilligan: The mediation would have been fine if you said, look, this marriage just isn't working, not working for either of you. There are obviously strong feelings between these two people, but also just immense anger and frustration. You can see the tension on Alan's face, and you can see Judy. They both are kind of frustrating and enraging the other. So you say that this marriage isn't working, let's dissolve it. There's a house, and we need some money, and you're just not going to talk about the marriage. Just talk about these issues. I think the problem is that there are children involved. And that means the marriage will never dissolve, in the sense the children are a living embodiment of the fact of the connection of these two people.

The question may be the tension between Judy and Alan. I think Alan is saying, the marriage is over, you left. I didn't want it, you made the decision, the consequences of leaving are, maybe you could come back, but you've left. I think Judy may be saying, I can't leave this marriage, it's embodied in these two children, it's part of my life, I can't leave it, the question is I can't live in it at this moment, either. How do you work that out?

Roz: And it's evident from the last sequence, that even though a year has gone by, they still aren't addressing the fact that they cannot negotiate over a single difficulty effectively. In this case, it's the cost of the children.

I gave them a tape and I suggested that they go to therapy as divorced people, because they had an ongoing problematic relationship that they still hadn't addressed.

Gilligan: That's right. That strikes me as good suggestion. They have to deal with each other.

(pause)

Gilligan: ...and so the money is a real problem for her. His sort of casual way of addressing it may be concealing the

differences in power there. For her it's a matter of some urgency, and for him he can sit back. The literalness of the need for money, the real problems of raising children without adequate resources to care for them, is just immense. Clearly you have a problem that's faced by a lot of women in this society. One would need to have more information on this tape.

Roz: Do you think in a relationship like this or - a hundred others - in a relationship that's having trouble, at what point do you think therapy is useful? I think of Judy and Alan specifically where it didn't even occur to them until the problem was so far along, that they should see someone. But I wonder about the restorative qualities of therapy.

Gilligan: Well, I think it depends on what therapy and with whom. Clearly that relationship had to change or end, in terms of it had reached an impasse. You back up from the impasse, could it have been averted? What form of therapy could have helped it and how? Those are the issues. Clearly, if you could have avoided the impasse, it would have saved a lot of grief, in terms of seeing all the difficulties you people are going through. On the other hand, for them, they had reached a point where this difficulty was preferable to what they were living with.

Carol S.: It has to do with this idea of articulation, and how women in a relationship that's either thriving or crumbling or in any other situation, can begin to understand what their own individual frameworks might be, can come to grips with the facts that those frameworks may somehow differ from what society has defined for them. How that difference can even evolve. I really do think that articulation is the means through which those understandings can come about, and also the means through which some kind of change can come about, if that is what is in order, for an individual.

Gilligan: I would agree with you. The question, what do women want, can be a very facetious question, because it says tell me you want in my framework. A perfectly legitimate answer is, I cannot talk about my wants in the framework that you have set up for me to talk in. Because they are totally incoherent within that framework. The extent to which they tend to become stereotyped, and Judy's sexual needs begin to make her look like a stereotype of the bad woman, the nymphomaniac, the unfulfilled woman, the fisherman's wife, you know, all of these kind of images.

And yet, you begin to listen and you feel like, could she articulate a need for a certain kind of experience of relationship, with other people that to just talk very simply, gives her pleasure. By which I don't mean just sexual pleasure, but the pleasure of feeling in connection with another person, that one is able to have an effect on another person, that one

is moved by another person and moved them. And then the deadness of her relationship with Alan. And he says, tell me what's the problem, and then I will redefine it for you in my terms. Well, I would be very leery of encouraging Judy to talk within that framework, because she's going to experience that context as nullifying what she's saying. It's like talking in an echo chamber where the echo comes back distorted.

Carol: How does his side differ so dramatically from hers?

Gilligan: I have to pick up the couple of examples you give me in the film. To me, the person who says, what marriage is to me is respect, and the person who says, what marriage is to me is dialogue, I'll tell you a whole slew of words that will take on totally different meaning. Responsibility. Responsibility in terms of respect: as, I have a responsibility to treat you as equal to myself. I'm trying to give you how both of these can be expressed in very positively-valued terms: I will not have a double-standard; I will accord to you all the rights I claim for myself, because I respect you as a person, as an individual, whom I care about. Responsibility in terms of dialogue: I will not be silent when you want to speak to me; I will respond; I will try to articulate my own feelings and respond to yours and try to understand, so I don't define, I mean it becomes played out sexually here, which is a very dangerous ground for Judy to play it out because of all the stereotypes. She says, this is what I would like in sex, presumably, and he says, this is a series of demands and I feel coerced. Just, the word, what is responsiveness, what is responsibility? She says, he's not responsive to my needs. He says, I respect you as a person.

When I talk about different frameworks, it comes down to that kind of dialogue on an every day level. He says, you made a choice, everything was fine with me. Does he ever see his not wanting to talk as a choice? To cut off the dialogue that she seeks? Does she see her seeking closeness with somebody else as a choice that's going to cut off certain possibilities with Alan, and create feelings in him that will make it more difficult for him and her to reach...I mean, that kind of thing.

Her framework challenges some assumptions that tend to be taken for granted, such as that you can separate discussion of property from discussion of feelings. And that the therapist will deal with feelings and the lawyer will deal with property. Now, if you could say, I as a lawyer am unqualified to deal with feelings, then I would say, you shouldn't be dealing with houses, because people have tremendous feelings about houses, or you shouldn't be dealing with money, because people have intense feelings about money. So if you tell me as a lawyer, I'm not trained to deal with feelings, I would say stay out of the entire area. If you tell me as a therapist you're not prepared to deal with the consequences of unequal divisions or equal divisions of money and power, I'd say, stay out of divorce.

Because you talk about feelings without talking about where's the property and where's the money, and many women have gone down that road, only to realize that they talked about feelings for years, and in the end they're without money and without property and it's not easy to live.

The kind of understanding that's required for people to work in this area, I don't think we've really worked that out very well. How would you train somebody - well, I guess the usual term is to intervene, because all of these people are intraveners - in these kinds of situations where lives are at stake, families, children and so forth, in ways that will be minimally harmful and maximally beneficial, which I don't think has a programmatic ending. I don't mean that every couple that doesn't get divorced, that's a good outcome. It may be because the woman is finally and effectively and definitively silenced or so threatened, that she decides that it's better to stay within a marriage that is to her no marriage or a relationship which is no relationship, than to be punished by being ostracized and condemned and deprived of money and property. I see Judy in that sense.

If I talk more about Judy, it's not because I'm not sympathetic with Alan and don't feel that this misunderstanding goes both ways, but rather because I think Alan's position is more easily recognized, is more easily understood, and is more at one with the structures. Such as the assumption that guides the mediation, you're talking about houses, you're not talking about feelings. Alan's control: I have no feelings, I'm just going to talk about how to deal with this, is the assumption that guides everybody who deals with the situation.

In fact, to come close to this film is to be drawn in to the very kind of raw sense of feeling of the loss of these people, and then to be drawn in to the children and to realize this is, at best, a bad situation. And the question is not, what's the right thing to do, there's probably no right thing to do. The question is, how to act in the situation in a way that will be the least harmful. And of course you can't know, because any time you do one thing you don't do something else. So it's tremendously indeterminate, provisional... one has to feel one's way. Now, Judy, in some sense is trying to do that. The danger is that she will appear indecisive in the situation where decisiveness is valued and rewarded, but she may be revealing the fact that - when she says, I don't know what will happen in the future - feelings can change. She's right, they can. Anyway, that's why I focus on her, because I think that at least I hear in her the attempt to articulate a set of perceptions about the nature of relationships and life and so forth, that are not easily rendered coherent. She's in constant danger, to me, of becoming enraged and looking like a crazy woman.

Carol S.: How is it that it happens to so many women? I think

it's not only our culture in which that happens, but even if we look only in our culture, at what point...

Gilligan:...It's a truism that culture has been created by men. ...And it's particularly public structures which people come into if they're getting divorced. Do these public structures tend to reflect men's experience? I'm not prepared to talk about differences between men and women until I feel we understand women's experience better. Then, I think we can talk about differences, when we have a broader set of categories. My question constantly is, what can one learn from women, that one doesn't know already because women's experience really hasn't been looked at.

And here, I would say the first lesson from this film is what the attempt to separate property from feelings and deal with houses ignores. We bring a woman in and she'll show you very quickly that the issues about houses has to do with feelings. And if you tell her, suppose you told Judy, that Alan's feelings about the house were irrelevant. Now, I would see that would go against all her sense of how to think about people.

Roz: I wondered about, in the breakdown of this relationship, one of the qualities lacking is empathy.

Gilligan: For whom? To whom?

Roz: Well, in this case, it's mostly Alan exhibiting a lack of empathy for Judy. Judy does exhibit empathy when she acknowledges how much the house means to Alan. And that's the basis for her making a decision that there are enough problems with the house for her to just get another. But at no point, even towards the end, does Alan acknowledge what Judy gave up, the gardens for example.

Gilligan: Oh, now that's a perfect example, Roz, that's exactly right. When he says, I don't want you coming around here and bothering me. I don't think you want to generalize from this case. I don't think you want to make statements about Alan represents men and Judy represents women at large. I do think it's reasonable to say that women's experience, in general, has not been adequately represented, and therefore one has to be doubly cautious about rushing to interpret it, and doubly aware of the possibility you're talking about. I guess rather than empathy I would talk about responsiveness.

In retrospect, you have to go back and say, why wasn't there space in that discussion, or encouragement that brought forward that she also (?) to her. Her needs are defined as sexual needs. That's the only source of need that you really see clearly identified for her. And yet, her need to be connected to the things she (cares about?), was something very hard to articulate.

She can speak articulately about the children's needs, and her need for money and those needs. And she can speak defiantly about her sexual needs, because that's the discourse of bad women. To be free, and to be a bad woman in a structure where being a woman is so confining, that means having needs. But the other dimensions that make Judy three-dimensional, her weaving, her gardens, there's no room to speak about that. So you have to think back, to really ...(?) in detail.

Roz: In wondering about the breakdown in communication that took place...

Gilligan: I guess the question is, did communication ever take place? Before you talk about breakdown... Was this ever a marriage in her terms? Ever, from the beginning? Even the term, 'marital fracture,' in a sense you've taken his point of view. There was a marriage and one day it fractured. Judy had an affair and said she wanted to leave. Tell it from her point of view, there was never a marriage. There was never any dialogue. For five years, or how ever long, she tried to start a conversation with Alan, and finally she gave up. It didn't seem possible. You want to address her needs, you say, Judy, maybe it would be possible to have a conversation with this man, but first you have to start, what would make it possible for him to listen to what you're saying, and hear you? What would make it possible for him to see your needs as other than coercive demands? Or standards against which he feels he will fail, if it's sexual performance, and so forth? It's a whole different set of questions.

Roz: As they defined their own relationships, way back when, when they came together, Judy wanted stability and family. She had not developed a definition of marriage. In a state of infatuation, they Alan felt they communicated in the beginning.

Gilligan: Again, before I believe that Alan withdrew, I'd have to see him present, and I haven't seen it on the film. And before I believe that she wanted marriage, family and so forth, I have to believe that she didn't imagine that this relationship wouldn't have communication.

Introduction to Mediation Role-Playing Session

Hall: ...had started mediation back in 1982, and they had yet to divorce. From the facts that you've been given, as you can see, they've exchanged the children, initially on a fairly frequent basis. One week they would stay with Judy and with Alan, () back and forth. And that was extended to two weeks at a time. And now, on the recommendation of a therapist, they're considering having them stay with each parent for three months at a stretch. Or alternatively, for one or the other of the parents to have primary custody. And for the other to have very frequent visitation. In whatever role you have tonight, whether it's a mediator or Judy or Alan... Is anyone here now who was not here last week and so did not see the videotape? Ok, so that's three of you. It means that the fact patterns that you'll have then, will be considerably less rich. Because what we saw in the videotape - which was made by Roz Gerstein - is pretty much the history of this couple, a little bit of the circumstances surrounding the situation. And although the facts that we've given you are a lot drier than the tape, the facts as they're written are pretty much what we want you to be addressing now, remembering all the things that you've seen on the tape. And that kind of emotional view is not something you usually get from the fact patterns. I think it was Deb who said that unlike a lot of the problems we had, what she liked about it is that it went on and on and on, and you saw them saying the same thing many, many times over and then changing over the years in certain ways. That is what happens when you're dealing in this kind of mediation. But if you are a mediator, or if you are Judy or Alan, I'd like you to think about what Roger Fisher always calls giving the party the best advice, or acting in your best interests. So don't act merely as you think Alan would act, but as what would be in his best interests, and using the new skills, or the enhanced skills or whatever you have from here, in terms of negotiation techniques. That will be really helpful. And then, when it's over and we talk about the problem, we also have the transcripts of Carol Gilligan and Sandra Dranoff, and Mike Wheeler's views of the tape and the kind of advice that they gave. And you can take copies of those transcripts home with you to read. Any advice that you'd have on this problem would be really welcome, too, in terms of the case that we're just developing as a problem to be used both in courses, and one that's currently still going on in the real world. So it's a double challenge. Now the people who were not here last week should make sure to get into teams with people who were here, and maybe we will make you co-mediators in that case, so that you definitely have that role.

(Man): Are you going to assign roles, or do you have a preference? *

Hall: We're going to assign roles. Basically, if you could get

into groups of four, that would be good. A couple of you have asked whether you could be a mediator or whatever, and the reason why I'm saying that the co-mediator should be the ones who weren't here last week is that they won't have had the experience and all the material from the tapes. Very simply - and I guess that we still do need to develop further material for this case - but one of the things that you all do have is a budget, is a sense of what income is relative to the parties. There are two major questions that we'd like you to address. The property's been divided up already. You know what she got for the house. You know what the land was appraised at. You also know the post-agreement circumstances of the husband selling off an acre and a half of the fourteen acres for seven thousand dollars. And whether you are Judy or Alan or the co-mediator, you should have some sense of what each party would feel about that as benefit of the bargain and circumstances... remembering though, the situation is not over. There is still the issue of child support. And to date, basically, Judy and Alan have had this informal kind of agreement saying that they would divide things up with child support, he paying two thirds, she paying one third, because of the disparity in their incomes. And as you've seen from the facts, Judy's had a lot of trouble collecting that money. From the facts you've been given, you can also see that she's gotten an awful lot from her folks to keep things going, paying music lessons, various things. This is one of those messy, real-world situations that's probably all too common. But the two major areas that we want you to be thinking about is what kind of child support and ongoing arrangement can you have, again given that the children are now seven and twelve years of age, and what kind of custody arrangement can you think about in terms of shared custody or primary custody with one family. As far as custody goes, the trend in the law, for those of you who don't do this kind of work all the time, is to allow joint custody in an increasing number of situations. The traditional rule was that the mother usually got primary custody. But at least in a large number of states, even if one or the other parent has primary custody of the child, there is very, very frequent visitation privilege granted in most circumstances. And that's being defined as at least every other day where possible. So keep that in mind, too, as you're thinking about it. And also keep in mind, if you do this kind of work, the reality is often quite different from that. I hope you'll find it an interesting problem to work on. So maybe what we should do now is just divide up into groups of four. Deb?

Deb: I'm wondering about women feeling that they need to take Judy's role, men feeling like they shouldn't take Judy's role. Do you have any guidelines about that?

Hall: I'll tell you how it's been done - and () and I both took Roger Fisher's course last year - usually the roles were assigned pretty arbitrarily, so that a man could play a woman's role, a woman could play a man's role. And I would sort of prefer that

we just do that. And again, if you wind up in that role, that you try it on. If you feel real uncomfortable with it, under the circumstances of knowing that we could not assign everything before hand because we didn't know who would actually be here tonight, I can't feel that you have to take it. But I thought it was pretty interesting when you'd still be negotiating with a person who was the wife, or in the role of an advocate for the wife, even if it was a guy or vice-versa, and it was actually pretty interesting.

(Man): I would agree with that. I think it's pretty illuminating to try and play an alternative role. Doesn't mean you have to. The other question, just on people - I'd have to put myself in the category - like to practice mediation. I don't know whether that's going to be feasible, and everybody may want to do that, in which case...

Hall: How many of you would like to be the mediators? One, two, three, four, five, six, seven, eight, nine, ten, and you have to be because you (). So eleven people. Why don't we do this? That those of you who want to be mediators, just stand here, and we'll just take as many as we can.

(Woman): This never worked on the softball team...

Hall: Now you know that we'll make you a mediator. That's called () positional bargaining.

(Man): I have a couple of questions about just the financial information. Is now a good time to ask them?

Hall: Now is a good time to ask them, because then what we're going to do is let you caucus in your different roles for several minutes. And I'll meet with each of you. So you can ask me questions that way. But you want to ask me (), and Roz is really the person who put a lot of these facts together.

(Man): I'm not sure yet this is needed or not, but can you give us some idea of what tax brackets they're in? They're married, so they're probably still filing jointly.

Roz: No. They started filing separately after she moved out that first year. And they were advised to meet with an accountant, and then didn't. Alan's salary at the time was about twenty-two thousand dollars, and he just got a raise to twenty-two thousand eight hundred dollars just in the past two months. They each take one child as a deduction. Her salary has varied, but has generally been closer to six to eight thousand dollars a year, and only this year has it gone up to an expected twelve thousand. It's not a secure job. But she's paid weekly without withholding. So she will have to pay taxed.

(Man): Do they take FICA? Or nothing's taken out?

Roz: Alan has everything taken care of. He works for the Experiment in International...

(Man): But for her, they take out FICA, or...

Roz: Nothing.

(Man): Ok. So we're talking like a third () taxes.

(Man): What is it that he does?

Roz: You wanted to know what he did. He works for a college, teaching alternative energy technologies and strategies for developing countries.

(Hall: Tom, you didn't hand out all the yellow sheets to all those people, did you?)

Roz: And Judy is a craftsperson who does commissioned weavings and wall hangings, and gets work occasionally doing that, and now is doing telephone marketing for an agent who sells crafts.

(Man): Is Alan's salary likely to increase...

Roz: Over time. I asked him if he felt secure at the college, and he does. And so I assume he'll get incremental raises.

(Man): Are the housing costs you gave in here net of the money he gets from his friends living, or is that not figured in?

Roz: Those are expenses that do not include the friends' contributions.

(Man): So they are the total expenses of the house?

Roz: Yes. Those are the total expenses of the house that he bears.

(Man): Subtracting out what he gets from the other people...

Roz: No.

Hall: That's on top of that. Right?

Roz: The income from his friends is additional and not figured in.

(Man): So these are his expenses and he makes a salary, plus he gets the income from his friends which is not on this sheet.

Roz: Right. Because it's considered unreliable because he's sensitive to his friends' income.

(Man): Is that ()?

Roz: No.

Betty: Does he cover her medical and the children's medical expenses?

Roz: Yes. As long as they're married, he has agreed, since it's so inexpensive, to carry her with his policy. He's not sure what he would do once they're divorced.

Hall: But that should be a consideration. That's a very question, Betty's question... that would be a child support-style question. And there is also the issue of to what extent you should add this so-called unreliable income that seems to be coming in fairly consistently at the rate of fifteen hundred dollars a month, or a hundred fifty a month...

Roz: It's a male friend and a female friend. The male friend often does some bartering and does construction on Alan's house, so that the house is getting a new addition. The tower.

Hall: I see one of the lawyers here shaking his head.

Roz: The woman is his girlfriend. And it's a serious relationship. And she does some of the child care now, picking up the children. And her work varies. She's working as a waitress now. But she does have...

(Man): The girlfriend is Alan's girlfriend, not the friend's girlfriend.

Roz: Alan's girlfriend. Right. So Alan has the two friends.

Hall: Now are there any other immediate questions? Then I really want to start rushing you into groups, because otherwise we won't have time at the other end to do this and for us all to talk about it. Lydia?

Lydia: I just wanted to know who makes the judgement as to whether that marriage will have to end in divorce ought to be worked out? Does the mediator make a decision? Do the people make a decision?

Hall: I think on the facts on this case, and from the latest things that you've seen, there is a sense in which both partners are now living with other people, that things were not good for quite a while. And I think, taking the circumstances as they are, it's reasonable to assume that they are moving towards a divorce, some kind of separation. And one of the problems that they have had in making things more concrete than they are is that they did do things in this sort of vague, casual, we'll

just deal with this little issue at the moment. And one of the questions we've talked about in terms of fairness, efficiency, stability of agreements, is as a mediator using some of these techniques presuming that they are going towards divorce. That what you as a mediator are helping them to do is to define what it would be best... given the fact that she has now accepted twenty-two thousand dollars as her share of the property - and for those of you who are Judy, I think that's going to be an issue, for those of you who are Alan that's an issue - for property that in less than six months has been really dealt with or seen very differently by another buyer of land...

Roz: And also to mention, I think Alan knew the worth of the land prior to the settlement agreement. Judy was informed of it, but Judy's major concern was how am I going to have some finances to start a new life and new housing? She made that concession, but...

Hall: Yes. Cash discount. And then what you'd say is how much of a discount was this?

(Man): Did she receive no advice as to run that through with a professional?

Roz: Yes. She was told to do so. She did not. She had a consulting attorney. I was at the very early stages just trying to get them back to a table talking, at which point they had a consulting attorney. There's one attorney. Alan chose not to have an attorney, because the consulting attorney for Judy was their friend.

(Man): And was the attorney's field domestic relations?

Roz: In Vermont, I don't think you specialize. And he has done many divorces. And my advice was that they should get separate council, and also that she should consider a different attorney. And the reason she has not signed a divorce settlement, a final settlement, is she's had reservations. She thinks something's wrong. But she doesn't know what. That's why she's ()?

Hall: So as a mediator the interesting thing is what advice - given the fact that there have been these stages that have been passed through and that this is the situation - would you give as to two major areas that still have to be settled before a divorce can go into effect.

(Woman): There's something sort of murky about the way you people operate, () subdued. And I was just wondering if there's any information on substance abuse.

Hall: Alan's maybe a little laid back from hippie days. But neither one, I would say, has a substance abuse problem.

(Man): No alternative sources of income?

Roz: They've had a little alternative source of income. A little agriculture.

Hall: So Steve is Judy, and...

Roz: Does anybody object to my taping the groups?

(general hubbub)

Hall: I was just asked if you could () as you want, as many caucuses as you want. The answer is yes. You can. You have limited time. And what I'd like to do as soon as you're in your team and looked at each other and talked just for a minute, is to then ask you to go and have a chance to brainstorm with everybody in your role. And I'll come around and answer any () you may have...

(hubbub)

Hall: You're all seeing each other. What I'm going to try to do is just, with Tom, is figure out where you can go for a minute in your roles...

(hubbub)

Hall: Could all the Judys go in back by the xerox machine...

(Man): Alans will go into the hallway by the receptionist's desk.

Hall: The purpose of you being separated, I thought it was clear, was to give you all a chance to caucus in the role. All the Judys, all the Alans.

(hubbub)

(Woman): All of you, the mediators should all caucus together.

(Man): Not as teams, but as roles.

(hubbub)

TRANSCRIPT TAPE
Conference of 'Alan' Role-Players

(Man): ...so much the better for you. I doesn't sound like we're willing to say to her, all right I'll talk.

(Man): ...that we get from selling the land, which is obviously going to be a boon for Alan.

(Man): According to our confidential information, it seems like when we saw Alan it's not altogether clear that he feels that this fairness argument about her getting half the property and all of that is something that's been resolved in at all a satisfactory way. That it's going to recurring. That it's going to always be out there. And it's going to be the nickels and dimes for the child support. Or it's going to be big bucks whenever a piece of land is sold. Or whatever. So from Alan's point of view, I think that however we feel about what's gone on in the past, we have to try to come to some conclusion - and the sooner, the better - of this type of fairness argument that has to do with property. In other words, they get a fair settlement that both sides could agree, I think this is fair and I'm ready to sign on it now. And maybe give up some of what we have, might be a way of resolving this long-term uncertainty.

(Woman): It seems to me that if they have divided the land, and then at a subsequent point he is able to sell it for more, that that's just the way life is.

(Man): But apparently he knew before they made a settlement on the land that he could in fact do this. So he was sort of not being very honest.

(Woman): Well, on the other hand, she could have researched it herself. And there's nothing to say she couldn't have researched...

(Man): But we have to be careful. It's not who's right or wrong.

(Woman): We should come to a decision.

(Man): Yes. I think he would be willing to split the amount that he gets for the extra land, or give thirty percent to Judy, if he gets primary custody of the kids for a long time.

(Man): We also don't know how she is going to feel about a continuing relationship and all of that. There is a lot of information in the general packet that talks about his unreliability and everything. And there seems to be some feeling that it's best to tie this whole thing up and be done with it. There's a contingency in there that if in fact he gets ten thousand dollars more than he had anticipated, that she's going

to get X percentage of that. There's a need to monitor and watch what happens. And although the kids will be involved, I don't know if either of them are really going to be willing to use the kids to be the conduit between the two of them.

(Man): Also, as Alan, I can't help but feel in the back of my mind, that this fairness issue is going to come up again and again. Because I feel like I'm paying two thirds of the child support now because I can afford it. What if Judy's situation improves? What if Nelson Rockefeller Jr. comes along and her situation, her income, her family income changes drastically. That's the problem with the monitor and an ongoing thing. I think we need to be able to resolve this in a way now, so that these situations like the land I won't always feel open to renegotiation of an area that I thought was settled. So I can see that would be a very high priority to me, that if I could resolve that in a very clean or solid or fair or whatever way.

(Woman): The land.

(Man): Well, the issue with () that as situations and circumstances change - you can never forecast what's going to happen in the future - and yet it seems to open it up for renegotiation. And the land is just the latest example in that. So if we could find a way to keep that situation from arising over and over again, whether that's a fair settlement now with twenty-twenty hindsight where people agree, like with native land claims, that this is going to be it. If you agree to this, that's it.

(Woman): Are you also including the child support in this thing that you're talking about? Or just the land?

(Man): I looked at it as a separate issue. And I have a feeling that we'd probably then fight over custody of the kids. To the extent that we have differences over custody and primary custody and reliability and stuff, we may want to make some trades between those two. But keep them separate.

(Man): That's where I think they're tied in. To the extent that she comes back and says, well you know a change in situation might very well then mean a change in support, not necessarily custody. That's something that we can sort of play off of. If she is insisting that aspect be left open, or that aspect rather is closed now with the two third/one third split, then it seems to me that we can come back and say, well you know the land is a similar type of situation. That we have a value at this point in time. Is it not worth while for us to just close this now and move on. So in a sense, you're treating them separately, but you can play them off one another.

(Woman): A problem is, what if she says, no that doesn't work for me. And if we don't have something to fall back on, if that's our

only position, we're going to be in a deadlock.

(Woman): I see the difference between child support and child custody.

(Man): I do, too.

(Woman): Yes.

(Woman): Ok. I think that someone, the counselor, has recommended the children stay with one of the parents for a year and a half, or something.

(Man): That was a little confusing. That they stay with one of the parents for a year and a half, then it would mean that it would be ok to do it for three months. So I didn't...

(Woman): But it seemed to me that exchanging the children every two weeks is a bad idea to begin with.

(Man): We're trying to find a solution or an agreement now that is pretty much final. That won't be able to be opened up in the future.

(Woman): Except on child support.

(Man): Well, there's going to be things about the future that we can never anticipate. But to the extent that we could deal with some of these issues in a way that focuses on closure and give up further rights to reopen it or re-litigate it or whatever, I think we'd both be better off because it was pretty clear in our last little exchange that there's a lot of emotions that are continuing to get...

(Woman): It's better to finish that off than to keep raising that over and over again.

(Man): And frankly, I've had some questions all along about splitting the property in half. There's something about that that bothers me, even though I understand through the mediator that it's in both of our interests and we both got things...

(Woman): Are you speaking as Alan, or as Steve?

(Man): As Alan.

(Woman): You split the property. The property is split.

(Man): Right. But what I'm saying is I have some reservations about that, because if it would have been me to leave the family and shack up with somebody, then I wouldn't have expected to come back and get a reward for that type of behavior.

Hall: Do you have any questions that you want to ask me?

(Woman): What is the point of this meeting? Just everything or anything?

Hall: The caucus?

(Woman): No. The meeting that we're having. Are we supposed to discuss a particular issue?

Hall: Yes. The two issues that I defined for you. The custody and the support. And what you have as background is the fact that the property has been divided. That Judy basically had gotten twenty-two thousand dollars. And again, as Alan, you're going to have one view of it. Judy has another. And that's the basic exercise. If you're playing a role, to also be thinking about the mediator role, too, in terms of analysis. And the terms of the problem is what can be done now. And in terms of a final agreement, ideally a separation agreement that can be incorporated into a divorce decree, what kinds of criteria would you use. And again, in terms of objective criteria, you're Alan, and you have one standard of objective criteria that you're going to be using for property valuation, for what you're willing to pay in support, whatever your sense is about custody. And there well may be some give and take. I think ideally in this meeting, if you can, you'd like to come to some kind of agreement or at least principles of agreement.

(Woman): How do the Alans feel about Alan's lack of responsibility for paying bills?

(Man): I think it's partly a reaction to how I feel about paying bills. Paying bills that I know I've incurred, I pay right on time. But others, it's part probably my attitude. I have a problem being timely with things that I don't really have my heart in in the first place.

(Woman): So you would spend fifteen hundred dollars running off to Mexico, and...

(Woman): Well, Judy ran off with a man...

(Man): She also ran off to Mexico with him.

(Man): Aren't we missing the most important (). I would imagine the most important issue in this isn't really what's written on the paper in terms of money, but in the participant's satisfaction. Alan is probably very... if I were him, I would still be mad about what Judy did. And if I was Judy, I'd be mad at the way that Alan treated you with the land. So I think they both feel screwed in a way. And yet, to get a good agreement so they don't keep on doing this, I think it's in everyone's interest to have a fair agreement. Because then the kids won't

be happy enough to go. So if maybe we could both center on what's best for the kids... that's my own bias. Alan may, as soon as he has care of the kids, he'll ignore them again and read the newspaper and play somewhere else. I don't know.

(Man): Let me ask you something. Is it everyone's sense that Judy knew full well that the land was valued at sixty-four thousand dollars? And then settled for twenty-two?

(Man): Yes. She did settle for less, because she thought she'd get it in cash.

(Man): But that was for the house. And didn't really include any other value for...

(Man): She didn't know about selling off pieces. She didn't know about that.

(Woman): We checked that. I thought it was for the whole thing.

(Man): Ok. It was probably appraised at sixty-four for the whole thing.

(Woman): The house with the land was sixty-four. And it was appraised.

(Man): She'd get her cash quickly.

(Woman): Right. And an attorney gave her that advice.

(Woman): Judy has initiated this meeting. The one that you're in now. That's what Roz said.

(Woman): So she wants to come to an agreement about custody.

(Man): I have a feeling that what Judy wants, and what's bothering her, is more money. She goes for the money issue, and I go after things like the custody issue.

(Man): Who has custody now? What's the situation right now?

(Woman): Custody is joint. But the therapist has recommended a year and a half.

(Man): () that the kids don't have responsibility because they can be obnoxious, and then go to the other parent's house.

(Woman): But you certainly feel, that I have more money, and therefore since they're my children and I care about them, I don't mind really giving more than she does. Do you have a feeling like that?

(Man): It's like, I've been unreliable in paying the bills for

the kids' summer camp, because sometimes I don't have the extra money around. But if its' not that, if I was perfectly reliable and I paid twenty-five percent more, then I expect that the demands for that money would be twenty-five percent greater than what I was paying on time and stuff. So I don't see any end to it. Even though I think there's a lot of good qualities in being on time paying bills. I think that reflects this fundamental difference between Judy and I, that I'm still pissed that we're separated because she left me. And she's still pissed, so she wants a better economic deal.

(Man): This is the second time that Alan was left. Because he doesn't do well with communication?

(Man): Well, it's probably time for some self-reassessment.

(Man): As Alan, we should just give all our money and go to a commune and let the kids have a nice life.

(Woman): I don't have the sense of this, if you're a mediator and you feel, say in this situation that Alan needs counseling, has personality imbalances or problems... do you say, Alan, go get some counseling?

(Woman): As a mediator? I think this mediator did recommend counseling.

(Woman): How active should you be? I think you should be quite active about it.

(Man): I think Roz just said that she recommended that Judy get another attorney.

(Man): I think we should refuse to go separate. I think we should stay as groups and say, we only talk to the mediators as a group, and to the Judys as a group, and we'll have like four ()...

(Woman): Which Alan would you guys like? I mean, would you ladies like, would you women like?

(Man): The general information said that the therapist had recommended that the kids spend a year and a half at one place?

(Woman): And it might be - what the therapist also said - was that it should be done in at least three-month intervals. So for at least the next year and a half. In other words, for the next year and a half, there should be a longer-term agreement, so that would mean they would only switch back and forth six times in the eighteen-month period.

(Man): What bother me about that is I have a feeling as Alan that the future's uncertain, and that that's bothersome especially to

Judy because she... We don't know what's going to happen in the future. But for example, if the kids went and lived with her for a year, I don't know if they came back to live with me, whether that situation would work out.

(Woman): I think it would be better if they stayed with one of the two parents for a year and a half, and visited the other one once or twice a month for dinner or lunch or something like that.

(Woman): That's not a role we're supposed to play.

(Man): () you said, that what the therapist recommended is that in a year and a half period, instead of going two weeks/two weeks, you go three months/three months.

(Woman): That's also disruptive, though.

(Man): So the question is, in a year and a half, what's going to be the end result of three month/three month. The kids could very well say that after three months, they're just getting settled and they feel really good, and then they're uprooted and they go back...

(Woman): Would we be able to change those things in this role, or would we have to stick with it.

(Man): () information says that Alan is just unwilling to give up daily contact. It doesn't seem to me like he necessarily wants the kids for a year and a half in his lifestyle.

(Woman): Daily influence. Well, that isn't defined. Does that mean that he talks to them on the phone, or...

(Man): They say in principle they have agreed that there will be frequent visitation. Just because one has custody for three months doesn't necessarily mean that...

(Man): What's wrong with Judy having custody for the year and a half, and just Alan visiting, calling every night and visiting every weekend.

(Man): Well, first of all, I think Bryce is probably upset that Judy's living with Will. And so, I don't know if these problems that the kids have... I agree that one of the solutions is to provide more stability with the kids. And that's something we could probably both agree on, that we have a joint interest. But it's not clear that this three months on, three months off, is a solution to it. So maybe we need something that nobody's really thought about yet. This thing with daily influence might be the key to it. But it's that we're still harboring some ill feelings about what that situation is. And the kids aren't comfortable either. Because people know we're separated, or some

of their friends do. So the kids are going to be affected one way or another by this.

(Man): They were at the video last week. They were clearly upset by the whole thing...

(Woman): Well, they were caught in the middle.

(Man): ...going to school and having to deal with all this.

(Man): I think that a long-term...

(Woman): I do, too.

(Man): Even looking at it from a more selfish Alan, which is kind of hard to do, I think that for his lifestyle - maybe he wouldn't actually be this self-reflective - but with his lifestyle and what he really wants I don't think is really the responsibility of the kids for a year and a half. Or at least I don't think it would be best for ().

(Woman): It would even be a better arrangement if they were with one parent for the whole school year and maybe in the summer () vacation went with the other parent. (general agreement) That's a kind of natural break.

(Man): And as Alan, we might have some flexibility with the salary and the vacation we're accruing, to spend actually three or four weeks traveling with the kids or to help with the summer camp stuff.

(Woman): Which would be nice.

(Man): Because Alan wants security. And maybe knowing that he would have the summers...

(Woman): With the children...

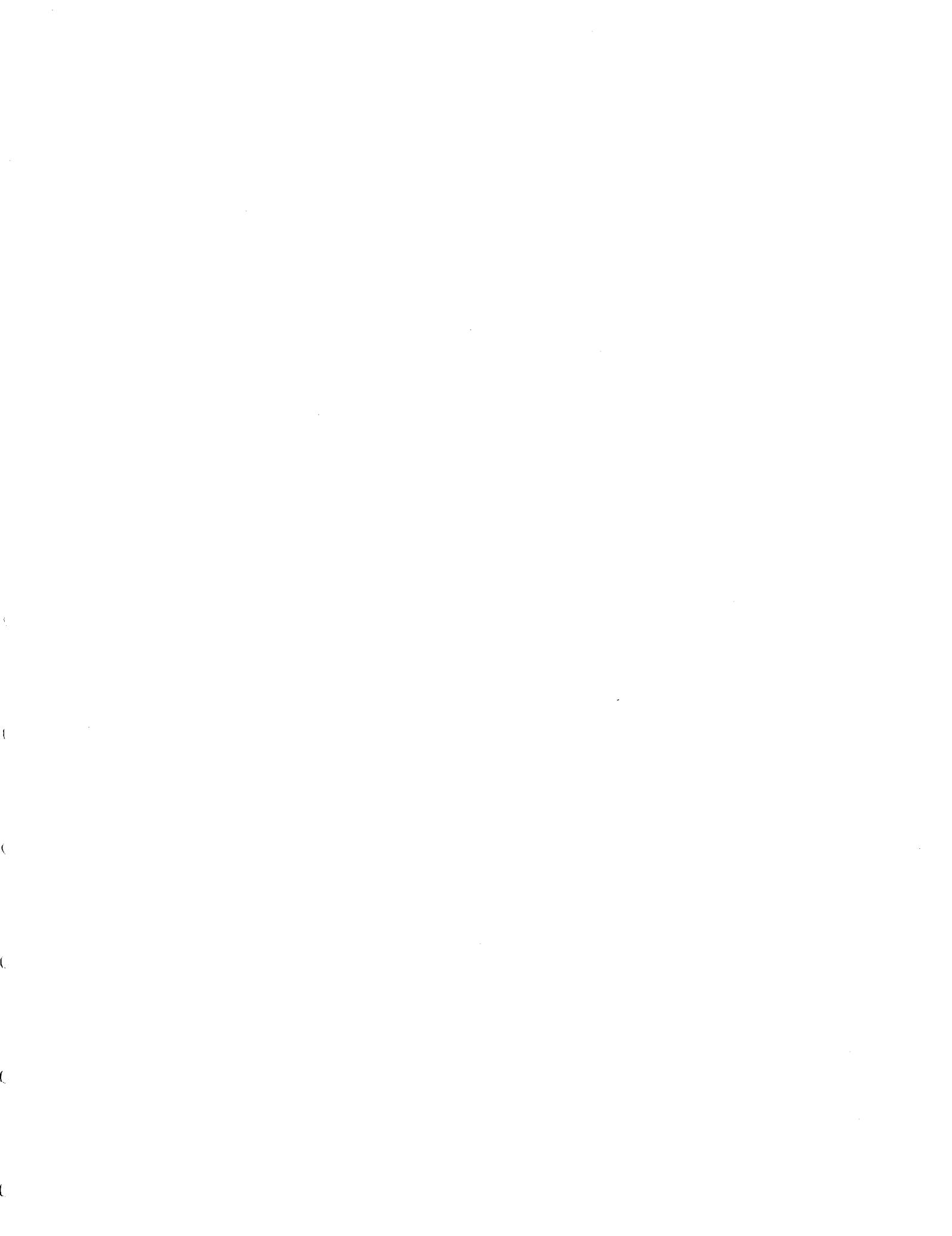
(Man): And that way he wouldn't have the day by day...

(Man): And not having them full time for long periods wouldn't really tax our ability to deal with the kids either.

(Man): That would save the expense, too.

(Woman): What about support, though?

(Man): Well, as I imagine, there's some problems with this two thirds/one third I have. I don't know how we'd keep from turning all these things into economic issues. That seems to me to just escalate.



'Mediator' Role-Players Conference

Hall: ...look at what has been done, at several layers at a time, over the past three years. And to try to think, given the circumstances and the agreements that have happened, what is the best advice and the best kind of agreement you can forge. And it may well be that in an hour you can't come up with any kind of real agreement. But what would be good is if you could at least come up with a set of principles, and a way of proceeding, that makes sense in this case. If you can come up with something that, in principle, the parties agree to - even if not in detail - that's great, too. But as you can see, this is complicated and not really unique, in the sense that this is a very common kind of situation. This is the couple without great assets, who are both quite educated people, who have been living - as I think Roz said - sort of a somewhat laid-back Vermont life. But they were both married. And they worked quite hard doing what they do. There are children whose lives are very messed up by the situation. And what as a mediator could you come up with as advice on these two main issues? Not wouldn't it be nice if they got back together again or whatever. It's really water under the bridge in a lot of ways. They are going towards a divorce, and the question is, how could you help them to do it as reasonably as possible.

(Man): Would it not make sense, from the mediator's standpoint, to deal with the custody issue first? Because the child support is potentially going to be based on that. Laying out the custody issue first?

Hall: And also you have a good frame to the custody issue, in the sense that the child care () as an issue. And if they go to court and litigate this, it will certainly come up and the advice of the therapist will be looked at very seriously.

(Man): You're talking about they're in a separated situation, but sort of rumbling towards divorce. And any agreement that you make, may have to be remade during divorce. The question is, is it advisable to try and get a provisional agreement for separation purposes, or do you want to ()?

Hall: They have in fact been separated for two and a half years. And I would say that the kind of agreement we'd ideally like to get would be one that would be integrated into the divorce decree. That's a trend that's increasing, which is that you try and find an agreement which incorporates all the terms that both parties agree is reasonable that can be integrated into the divorce decree itself. And that I think you can assume in this case, that's what we're talking about. And that might be a provision that we should recommend.

(Man): There's a tougher nut to crack than that one in a sense,

().

Hall: The real thing is that this is a situation where it seemed to be waffling around for three and a half years. And if you were a mediator, wouldn't you want to be helping them to get something that would be, at least in principle, (). Or something that () try for a couple of years and then dies. But it wouldn't just be, let's wait and see. The terms that would determine that, you would spell out.

(Man): Can you say what their tax () stance is?

Hall: Basically, what Roz has told us, is that since 1983 they have filed separately. Each claims one child (). It looks like in 1985, Alan's salary is twenty-two thousand, eight hundred. I am assuming he does not count the hundred fifty dollars a month as income, and doesn't pay taxes on it at all. And Judy is making a little over twelve thousand a year, but no taxes have been taken out of it. So neither of them is in a real high tax bracket. Probably what you'd want to do is talk about, again in principle, what would be better to do. And if it would be better for one party to take both kids as a deduction. Or if there is child support (). Again, you don't have to do it in pure dollars and cents.

(hubbub)

(Woman): I added it up on a yearly basis, the whole thing. And it's just over.

(Man): She is, but I don't think he is.

(Woman): No, he is. He's got seventeen thousand, nine hundred nineteen dollars if you just add up all his numbers.

(Man): That's very interesting. I get fourteen thousand, eight hundred sixty-seven dollars.

(hubbub)

(Man): The real () is that they have children. And that a judge is not going to give them a divorce if the best interests of the children are not taken care of. So that we as mediators could agree, but they can't agree on some things. The best interests of the children will decide that particular point. Basically, I think that's an approach that we could effectively carry.

(Woman): I went to the numbers because that's how much he can give for child support, the maximum child support for the benefit of the children (). She didn't have to worry about that. And he wouldn't have a (). But she had an income securing her children.

(Man): You're assuming she's got the kids.

(Woman): I think when you give money for support, there is a discount for that in the tax bracket.

(Man): But remember, they're not divorced.

(Woman): I know. But that's one of the things you're going to bargain with. Use that as a...

(Woman): If we didn't have that number, we can't establish the amount, which is very important. Because it depends on that.

(Man): One of the things we have to see is (). I don't know if () significant other relationship is divorced, singles, able to be married ().

(Man): Are all of us co-mediators?

(Man): Has anyone thought about procedurally how you're going to handle that?

(Woman): Why don't half of us do the numbers and half the custody.

(Man): I'm just wondering how others are going to handle that in terms of... it can make it very confusing if the two people are throwing out different ideas. How you're going to approach using two people for a single voice.

(Man): As mediators, it seems like we're primarily going to be listening. And asking key questions to draw them out. And then maybe after we build up enough information, we should caucus as the two mediators. And then say, ok we've got this information now, where do we go with this?

(Woman): But the base of everything's the money. And that's what we've got to get straightened out.

(Man): Not necessarily. I think the base of things is common interests and where the interests aren't common, trying to meet them. And some of those things are money. And some of those things are just the kids themselves, and security.

(Woman): The money doesn't seem to be primary.

(Woman): Well, you can't pay without it.

(Woman): Underneath money (). They're acting out all of () and there's a lot of other ().

(Man): One of the things that kind of concern me in terms of reaching an agreement is that in a curious way, the future may

be something they can agree about more easily than, in a sense, what is accountable for the past. Judy feels like she's been had. Not over the house, which is certainly an argument that she took in the way of getting jam today and jam tomorrow. But the () that Alan's, the money that the father gave them, eleven thousand dollars which disappeared in Mexico and some (). () you don't know what that's for, and I don't know what () this agenda, but some sense of redressing those assets I suspect is going to be sticky issue. And a way of trying to focus on that... Alan ().

(Man): Many people go to this. () drug dealing, something like that. Sometimes people go to mediation so that they both () in their mind ()

(Man): (). It's more like he might have used this money to pay off some school loans so that he doesn't have to pay them now. And there's a question of does she have any...

(Man): And they're also sort of happy-go-lucky, and they just spent it in different places. We don't know.

(Man): There's no proof of anything.

(Man): In a way she's earning interest off of (). While his land's appreciating, she's getting interest off the money she has.

(Man): They may have some vested interest in not going to court, in not having all the facts come out.

(Man): Both have a desire to mediate, as opposed to going to court.

(Man): I think they'd like to agree, if they can agree. From the tape, anyway, which is the backbone (), this doesn't seem like a couple that really want to agree on a lot of anything. It seemed that each had a point of view, and they're willing to see if they can agree, but I don't have a sense of that reservoir of desire. () to go to court and have it decided for them. Judy's very energetic in making demands, and Alan's very energetic in trying to tune her out.

(Man): The other question is, what do they think, or what do we think would happen if they did go to court. I think that's part of the process in terms of who would get the kid. What kind of custody arrangement is it that a judge might order? What kind of child support arrangement? That could cut either way.

(Man): Where I'm leading is this: what if we were mediators and we were just trying to anticipate them. These parties get an (), and they take it back and say, we're stuck you decide. () an informal adjudication. You're trained to give () to the

mediation. And we'll just see if (). What do you say in a situation like that?

(Woman): I think that's the idea. ().

(Man): It depends on your Alan and Judy, I would think.

(Man): Or maybe, if the focus is not the interest of either Alan or Judy, but the focus is on the children and what is best for the children, it becomes an outside problem that the three - the mediator and the two participants - are going to solve.

(Man): Really more of a process problem is the mediator () divisions of mediators as wholly facilitating an agreement that the parties (), as opposed to changing that into a helper model ().

(Woman): I think you could really model some kind of communication thing by giving (). And allowing them to see the thinking process, so that you don't have to give them the alternatives, but you could prime and pump. And model some kinds of communication (), but obviously he hasn't dusted off () not communicating. I also believe strongly that with these kind of people who (), that they have to state what they want to mediate. And unless they make that commitment to a statement that they want to work on either their money, their children, or the garden, or something, they're not committed to a mediation. And it's just a waste of their time. Also, I'd like to (), I like to tell them they're paying me. And therefore, I have an obligation ().

(Hall: I think what we're going to do is bring in the other people. What I'm going to suggest is that three teams work in here and two (), one in the back and one in the hall. Evidently, in some of our negotiations papers got moved around on people's desks. Understandably, they were upset about it. So we're just going to try...)

(Woman): ...Because one hundred is too little for a year.

(Man): Well, I don;t know. This is very cheap. It doesn't say, per year, I mean per month. My assumption is that it's right. Because there are other things they don't say.

(Man): Well, auto is certainly not twenty-five dollars a year in Vermont.

(Woman): That's it.

(Man): Can we just frame two questions for Roz or for you? The insurance premiums don't say per anything. They say a hundred dollars, seventy dollars, twenty-five dollars, they don't say per year...

(Woman): See, a hundred is what it costs (). What is it, a hundred dollars?

(Man): See, they say a hundred dollars for medical, seventy for life, and twenty-five for auto. When I see the numbers, since it didn't say per month or per... it was per year...

(Woman): It looks like auto is seventy.

(Man): It may be that Vermont doesn't require insurance. That makes a huge difference.

(Man): We're there to help them mediate a custody issue and the child support issue.

(Man): Right. But that might mean mediating other issues to get them () that point.

(Man): Medical, life, and auto...

Roz: That's monthly.

(hubbub)



Group Session
Lyle Baker and Jeremy Freeman
(mike 2)

Mediator: I'm Lyle Baker and this is my colleague, Jeremy Freeman. And you're Judy?

Alan: I'm Alan Smith.

Mediator: Alan Smith.

Judy: And I'm Judy Smith.

Mediator: We understand that you would like us to talk with you a little bit about your current situation to see what agreements you might come to in a more formal way, about your arrangements, financial as well as the children. And were here to be as useful as we possibly can. I thought it would be useful at the beginning, is there something that each of you would like to tell us that we could hear from you at the outset about you're circumstances?

Alan: I think Judy ()...

Judy: Well, I certainly would like something to change. Things just aren't going well at all. The children are in a state of turmoil. They go from one place to another. It's just awful. The burden on them to have to make these constant changes. If they don't get along with me sometimes, then they could just figure and wait till they go see their father. I just really think that they ought to stay in one place and I'm the one who can give them the care they need. I'm there at night, I'm there in the weekends, and I just, a mother knows how to do things for a child. And I think we would be a lot better off. The trouble is, I can never get money. We make these agreements about money, and I get shafted on the thing about the house. I got less than the fair-market value, and now he's sold just a little piece and making all kinds of money, And then there are little things on child support and he's always late, you don't get the whole thing. So I'm just getting desperate.

Mediator: Alan, do you have something you want to tell us?

Alan: Well, I agree with Judy that the children are in turmoil. And the counselor recommended that they, for at least a year and a half, they not have this merry-go-round. They're both boy children, and I don't want to not see them at all. So while I hear what you say, I'm wondering if we couldn't work out something so that they were with you during school year, and then during summer vacations they were with me. Maybe that would be a natural break, and that would mean once in the year, rather than every couple of weeks. I don't feel that I want to give up

custody completely, but I also don't think it's good for them to be running back and forth. They're difficult to get along with, they're not growing, so I agree with you on that. We just have to work out how that could be. Whether you'd be willing to let me have them in summer, ().

Mediator: Before we get there, just I hear both of you are telling me about, are concerned about the welfare of your children. There may be disagreements about how that welfare is best served, but you clearly, as I hear it, both of you are concerned about how the kids are adjusting to the difference in your relationship (), as well as how they will continue to adjust and grow in the future, around any new relationships you have either individually or outside this particular (). Is that a fair summary?

Judy and Alan: Yes.

Mediator: Well, let's focus on that, perhaps, for a minute. Just see where we go with the process. As I understand it, you have two children, one is seven, the other is twelve. Do you see any difference in how the kids are responding right now? Can you comment a little bit about what you see happening with each of the kids, respectively? Bryce is the older one, right?

Alan: As compared to what? As to the way they used to be?

Judy: Well, for a while, they were both having therapy. And now, (), who's not in therapy any more. So I think they're getting older, and maybe they're just getting used to this situation somewhat. It's still been very difficult for them. I certainly think they ought to be together.

Mediator: Would you both agree that it's best for both of them to be in the same household together.

Alan: I think they both should be in the same household, yes. And I think that we both should have a relationship with them. I just don't think they should move every couple of weeks. I think that they ought to stay with one parent.

Mediator: Right now your pattern is that every two weeks you take off?

Alan: Yes. I mean I couldn't live like that, every two weeks have to go somewhere else.

Judy: I'm glad he recognizes that these constant moves are not good for the children.

Alan: But I would like to, perhaps take them for dinner on a weekend now and then. I don't want to have them staying with me forever.

Judy: I never resisted visitation, and how you're coming over and spending time with them. That would be fine.

Mediator: So () find some utility in () the kids in a more stable locational situation. Whatever that is. You both agree that there's some utility in having a longer term rather than from one household to the other.

Judy and Alan: Oh, yes.

Mediator: So that is a starting point. As far as the kids' education, they're continuing to go to the same school. Is that right? () place, near the household? And Alan, refresh my recollection. What's your daytime work situation? What are your work hours?

Alan: Well, I tend to stay at the office sort of late. I often don't get home till seven or so. So they would be alone for a longer period of time.

Mediator: Isn't there somebody who helps take care of them...

Alan: Well, my girlfriend is around, but not all the time. Now, if I knew they were going to come for the summer, I could arrange my work hours so that I'd be home much earlier. I'd very much like to have them for the summer.

Mediator: I understand that. But you have some flexibility, with enough advance notice, to adjust your work schedule to be at home more than you currently normally are.

Alan: I couldn't do that all year round, but for part of the year.

Mediator: And how about your work schedule? How much flexibility do you have in designing your day?

Judy: Well I work pretty regular hours...

Alan: I was going to say, you didn't work regular hours.

Judy: I was usually stuck at the office until around five o'clock, and I get a phone call. They both go home from school and they call me as soon as they get home. And I take care of any little emergencies. Bryce is twelve now, and I think he's old enough to take care of himself and Nicholas. They're pretty well-behaved kids. They have good judgement.

Mediator: But your pattern has not been to have somebody in the house until you get home. Is that normal?

Judy: Well, now that it's getting kind of dark... it gets dark

earlier... but I would like to find somebody. The ideal situation. But I haven't really been able to find somebody.

Mediator: Now you have a friend, too. But does that friend stay with you? Will?

Judy: Yes. It's his house, really. Yes, he's there. And he has a good, he gets along well with the children.

Mediator: But he's not there during the... he works the same time you do.

Judy: Yes, he's not there during the afternoon.

Mediator: Now, your friend doesn't work during the same hours, so sometimes your friend is there, but not...

Alan: No, and she doesn't live there all the time.

Mediator: So it's a case where...

Alan: That sort of bothers me in a way, too. For the children to have the... I suppose I'm the father, and Judy is the mother, but then there are these other people who are sort of floating around. And I don't think that's very stable for the kids either.

Judy: Well it sounds to me as if the same kinds of things are going on in both the places where we live. We're both developing relationships, and I think the children just have to learn to adjust to that.

Mediator: So just to summarize where we are, you're both interested in a somewhat more stable situation for the kids for a longer term, however that works out. Now, Alan has mentioned the possibility of having the kids on a more regular basis in the summer school vacation period. Do you have any problem with that?

Judy: You know, Alan is so forgetful. He's really not reliable. He's getting a little better lately, especially...

Alan: What do you mean, I'm forgetful? I'm forgetful they're there?

Judy: The kids don't get picked up. There have been many, many occasions when they've had to wait. You forgot that you were supposed to go take care of them that day.

Mediator: That's at school. Now, in the summertime...

Alan: In the summer, they'll be there all the time, so it isn't a question...

Mediator: I'm not disagreeing with you, I'm just trying to find...

Judy: I just have... he's so hard on the kids. He really... I don't know why...

Alan: How am I hard on the kids?

Judy: You know, just, you seem to take things too seriously. You don't understand that kids need a chance to express themselves. I'm awfully... three... the whole summer... and to live regularly... I'd have to think about it. I don't know what more I can say. I'd just have to think about it.

Mediator: I just get a sense of your reaction...

Alan: I feel the same way with the reverse situation. I mean maybe we could come to that agreement... I'd like to come to some agreement about it for the kids sake.

Judy: I never really did focus on...

Alan: And we could maybe ask the mediator to monitor that, to see how that's working out. That I'm being responsible and not forgetting the kids. And that you're showing a little more discipline with them. They do whatever they want.

Mediator: Let me focus on this in a sort of curious kind of arbitrary, even-handed situation. Is it a situation where you both would feel that a six-month division, or the entire year, or three months at a stretch, but some interval longer but an equal division is good for the kids? Is that...

Alan: I feel that it's better not to send them places except for a natural division, like a summer vacation or winter school...

Mediator: Would you share that theory, or do you...

Judy: The winter and the summer? What I'd really like is to have them be with me. Obviously there could be joint custody in the sense that he could share in major decisions involving the children, but I'd much rather have them just have a stable permanent base year-round, if there's any way to do it. But I am... in view of... I never really thought very much about how his schedule changes in the summer, and maybe he could work out a better way of being responsible for the children during the summer. So I guess I'm willing to think about that.

Mediator: It certainly might be that, to date, some of the distractions and the lack of discipline that you talked about may be because of this every two weeks that you're changing routines, that you never get into a routine, and therefore never develop a pattern. And perhaps this, as one alternative, this summer vs.

school year...

Judy: Do you think that's a good idea? Do you think we should just divide up, nine months...

Mediator: Well you know your own kids better than we do.

Mediator: We're here just to give some help in thinking about the problem, but it's really your decision and your agreement. We're not a judge. We're not a ().

Alan: But I would like you to say... to take a more active role, and just say... You've talked to a lot of people, I assume, and you must have some sense about us, about the decision we're coming to. What is your sense? That it's sensible? That it's crazy? That we ought to try it? I want you to be less wishy-washy in your...

Mediator: As Lyle said, it has to be your decision in light of your circumstances, as you understand and perceive them. But what I think does make sense is that both of you recognize is that is in the best interest of the children that they have more of a routine, more of a solid foundation. So you should be looking for some natural, as opposed to unnatural sort of construct. And the one you posed is one alternative. The two of you should examine it, does it mean will your, Alan, schedule in the summer permit you to be able to develop the children in that period of time, to the extent that they should be using a summer? Or is your business such that your busier in the summer?

Alan: I'm going to arrange it for that. I think there probably ought to be a transition of a week or so between the time school is out and when they come to me. Because it won't be rushed and upset. And similarly, on the other end... I would schedule...

Judy: Well, there are some advantages to it. I have to say there are. Of course, it's November now, and it would be six months before we even get a chance to try it. I certainly think that having the children know they were going to be in one place for the next six months would be useful.

Alan: I do too.

Mediator: Well now, as far as just to respond to what (), I mean obviously you have the alternative of going to court and having a judge make an arbitrary decision. Our ability to recommend really is very limited, because we don't know your kids the way you do. And ultimately any agreement that you make is going to be more effective if you really both believe in it. And if we come out and say, wouldn't this be all right, and one of you said, well ok I'll go along with it, and the other said...

Alan: You want us to be very involved in the making...

Mediator: Yes, because you've got to live with this. We could propose something and say, you both say ok I'll sign here, but if it breaks up in two weeks, we haven't served you well. And so, if you don't mind, as a process, we'd rather defer sort of making suggestions completely or trying to resolve things like an arbitrator, as little as possible, and see how much agreement we can find that you already have or can have between yourselves. So it may mean that we won't be quite as active as you might prefer, but if you can just bear with that ambiguity for a stretch, and see what happens, then we can always retreat to more structure. Let's assume, for example, that you might find it attractive in an overall settlement - and nobody's doing it, obviously, at this stage we're just trying to get zones of opportunity - that you were to divide the residence, the children would have primary residence with one parent for a school year and with another parent for the school vacation. For an operating principle. With some visitation opportunity back and forth during whichever primary residence occurred. That's sort of a principle to start with. Is that principle a decision that you both think...

Alan: Yes!

Judy: I know we've got a lot of money things to talk about...

Mediator: Understood. None of that's locked up...

Judy: ...and we have to think of it in terms of some structure. So I don't mind... I suppose we could discuss it hypothetically, and get into the money and see how the money would work out. Because I'm awfully discouraged about the money.

Mediator: Sure, I understand. We've got to get into that. But the kids are obviously the players who are not party to this agreement. They're affected by it. And you both have obviously been concerned about it. Do you want to say anything about this part of the discussion?

Mediator: No, I think you laid out the parameters quite rightly, and given us a structure that, as we can best identify, help you identify where your joint interests are. And simply, at this point, () identify...

Mediator: Let's talk about the finances, because you raised that issue. It's obviously a concern to you for the kids. There is, with the primary residence, comes the burden of taking care of the kids, feeding and primary clothing and things like that, the daily living expenses of child care. And whatever lump of money you might decide is available for the children, would it be an operating principle that you would have that lump of money, again, allocated on the same basis as the children's residence is concerned? In other words, if you said that a child would

cost X dollars a week to maintain and care for, however that works out in terms of numbers, you might consider that as a basis for starting a discussion about dollar cost.

Judy: I'm afraid I don't understand quite what you're saying. You mean I'd have to, if I were going to have them nine months a year, that I'd have to pay three quarters of their cost?

Mediator: No, then we start by seeing what the kids cost to take care of. Then the question is that, once you've got some sense of that, just of the factual (), you worry about how it's allocated between you in terms of who bears the cost and () the ability to pay. But again, for both of your interests, regardless of what... what I guess I'm raising for you is... the principle that I articulated, one parent having custody during the school year, one parent having primary - not custody - but primary residence, the children's primary residence during the school year, and () the summer... hasn't made a decision yet about which parent it is. There's a tentative thought that you might be the summer parent, you might be the winter parent.

Judy: I'd say it's probably strong that's the only way I would even want to consider it.

Alan: I don't know that it's the only way, but it would be very difficult for me to do it the opposite way. Now. Maybe () it would be different.

Mediator: What I'm raising with you is that if you're trying to think through an agreement that you both can live with, you both want to be fair to the children and fair to each other as well. And so, one way to think about that is to think independently of how it comes out, what are principles that help you decide the situation. So just as a baseline question, how much does it cost to take care of each child ()?

Alan: I don't know, I'd feel much better if we could come up with some formula, so that I knew what I was going to contribute to that. And you weren't always picking at me that I'm not paying this and not paying that, and you forgot about this and you forgot about the other. I don't like that arrangement at all.

Mediator: I understand that. And you feel that you're not getting...

Judy: Well, it's always late and it doesn't seem to be enough and we have these arguments all the time.

Mediator: So you both have a common interest, as I hear it, in having some sort of predictability, both () and to the payment certainty.

Judy: I'd certainly like certainty of payment. I don't know what

in the world we could do about it, but I just wish there was some way I could count on the money.

Mediator: How much are we... how much does it cost to take care of the kids in a week?

Alan: I don't know, actually. Judy probably has to work out that more than I do.

Judy: Well, the food costs forty dollars a week, and then we have to...

?: () a long time ()

Mediator: So you got forty dollars of food...

Judy: It's at least that.

Alan: I don't even know how we should do these expenses. There's the daily stuff, food and rent. And there's the special stuff, school and medical things and camp. How is that sorted out?

Mediator: Rent is something that is... obviously you're going to both have space for the children. But let's just focus on the variable costs for a second, if we can, and then we can get to the fixed costs which might be allocated in one way or another. Specifically, if a child in residence costs forty dollars to somebody... right?

Mediator: Is that per child or is that for both of them?

Mediator: For both of them.

Judy: It seems to be total. It's about twenty a week. We really both... I know I scrimp a lot, at the supermarket.

Mediator: What else is...

Judy: Well, we got camps for the children. Bryce's camp costs two hundred and fifty dollars, and Nicholas' costs one hundred and fifty, and I () that. Clothing, gee... some months it's only fifty, but some months it might be a hundred and fifty dollars a week.

Mediator: Would a fair amount be a hundred dollars a week on the average?

Judy: Well, I suppose we could plan (). I suppose.

Alan: What is it that you said?

Mediator: I'm sorry. The clothing, as I heard Judy, was fifty to one hundred and fifty dollars a week, and I was just trying to

get an average...

Roz(?): Clothing is a hundred and fifty dollars a week?

Judy: No, not a week. Every month. Just a hundred a month.

Mediator: Judy, does that include your part of the year, or is that just the total?

Judy: Oh, I see. That's difficult to answer.

?: One way to do it would be to look at the variable costs, as you say, and so that would be food, and I don't know what. Allowances and things that occur. And then the other things would be, they probably need a bunch of summer clothes and a bunch of winter clothes. So there are things that are not necessarily by the month. There's the winter's wardrobe and the summer's wardrobe. Maybe we should have those up as hunks, and divide it in some way.

Mediator: That's fine with me.

?: What do you think, Judy?

Judy: Well, if I can afford it. I suppose if there's some way we can make it more systematic and something that we both consider to be fair, then I suppose it's good.

Mediator: Ok. Well, let's leave clothing as a discreet question separately. What other things are regular, ongoing expenses the child () in residence.

?: Babysitting.

Judy: Well, we drive more when the kids are... it costs twenty dollars a week in gas and oil, and certainly some of that, there's more activity when the kids are around, driving them around. And I guess the medical... that's probably... the drugs and things are probably not directly related to the children.

Mediator: You got some pocket money for the kids, right?

Judy: Yes. Five dollars a week for that. The daycare's forty a week. That's in the summertime, isn't it?

Mediator: If you have Alan with custody of the children in the summer...

?: You might have some babysitting expenses, though.

Mediator: What do we have here for numbers so far?

Mediator: Under food, we have forty dollars a week. For the

children, camp is four hundred dollars a month. I guess it's for the duration of the summer.

Mediator: Do you both think that camp's a great idea for the kids?

Alan: It depends. I don't know. I don't think I can make a decision about that right now.

Alan: I'd want to make that decision on the basis of what's good for them, that particular year, for each of them.

Mediator: () one of those items that ought to be left that an agreement be made in principle, and () who would fund it or on what percentage he would fund it if and when it was decided that the children would go to camp.

Judy: Well, the trouble is then, chances are I'm the one who would, can see the benefit of the camp, and if he decides and doesn't see that benefit, I'm going to wind up...

Alan: Although the benefit would be... granted there may be some benefit to you, but I think that the decision should be made on the basis of the benefit to the child.

Mediator: We agree on that. It seems like a bit of an extraordinary item, and it's not regular () not knowing.

Alan: Well, it doesn't come up all the time.

Mediator: We're just trying to get the bare minimum that we're trying to... () move with the children, which is what we're really trying to identify. Food makes sense. Transportation shuttling costs make sense. Pocket money makes sense. These are all things that are going to fall depending on where the children are () sixty-five dollars a week. We've got food, we've got clothing.

Alan: What does a wardrobe cost for the fall? I mean, that's the way it works.

Mediator: Or do you buy clothes on an as-needed basis?

Judy: Well, just that's really the only thing () we can do.

Alan: Is what?

Judy: Is just pick things up from time to time and hope that some of the things that I wore last year will carry over.

Mediator: And the children are growing, so () needs...

Judy: Out of that hundred a month for the family, I think well

maybe a half of that is attributable to the two children.

Mediator: So at least fifty, you would say...

Judy: At least fifty a month. That would only give six hundred dollars for two children. That really seems very slight. As you can see, I don't spend very much on myself either.

Mediator: We're talking just about certain, what the () costs would go to a fifth. Does that mean that there might not be (). We looked at just the maintenance. Since we've been talking in weekly terms, if we looked at maybe fifteen dollars a week, would you feel comfortable with that? That would be sixty dollars a month. () for the year.

Alan: For a child.

Mediator: No, I think that's for both. Total.

Judy: Excuse me, how did you come to that figure?

Mediator: Well, it said a hundred dollars or so a month, right? And you felt that might be a little low. At this point you've been skimping a little bit. Let's face it. The kids are now getting at the age when clothes would perhaps be more important, and they're still growing. One of the kids is going to soon be in high school. () is going to () a little bit of a concern. So what I took was under the figure you asked for, fifty dollars a month. That's about twelve and a half dollars a week. So I rounded that up just a little bit, put on another, say, fifteen percent margin, () obviously needs, to set as a ballpark. Fifteen dollars a week, for the purposes of budgeting.

Judy: Is that for the two children?

Mediator: That's for the two. On the assumption that the number we have...

Mediator: You don't buy that every week. It's just that works out to six hundred, () four-week month.

Judy: I'm having trouble with these details. I'm very, very upset about the amount that I get paid for the house. He went out and got an appraisal...

Alan: That's another whole subject. Can we just stay on...

Judy: Well I don't really see how I can do that. How can I just... We've tried to stay out of court. We made what we thought was... I thought of as fair at the time I suppose in large part only because I was advised that I probably should take less than what was fair so that I could get it.

Alan: So we did that. Now what's the matter? This is what really bothers me.

Judy: I'm not so sure... I don't think that you can just do that. I just think that surely...

Mediator: May I just make a suggestion? I hear what you're saying. You feel that there is a potential () residual and fairness out of a settlement you made about your property.

Judy: That's right. You understand.

Mediator: But regardless of how that's resolved, you still got to worry about what happens to these kids. And you have an immediate need for predictability about payment...

Alan: I have a need for that too.

Mediator: ...just as an operating principle. Not that that's not an important issue that you're raising. But to defer that for a minute just so we can get through a sense of what this all turns out, and then go back to that.

Judy: As long as we're going to get to it.

Mediator: We're not taking it off the agenda. Whatever you want to talk about we'll talk about. But as a matter of process, it's sometimes useful to bring a few things through the gate and get them...

Judy: Oh, that's fine.

Mediator: As a matter of process, we could look at, first of all, identify the uses of cash. And then we could address the issue of sources of cash... where will the money come from (), whose responsibility. And that will raise the issue that you expressed.

Alan: So what have we come up with?

Mediator: At this point it looks like about ninety dollars a week...

Alan: Per child...

Mediator: No, that's total. That's for the two children, which, as I understand it, you both seem to feel that it's best that the two children be kept together.

Judy: Can you tell me what the elements of the ninety dollars are?

Mediator: Sure. Food at present is forty dollars per week. Clothing is fifteen dollars a week. Transportation and shuttling

costs are twenty dollars a week. Pocket money is five dollars a week.

Alan: And that comes to ninety?

Mediator: It does.

Mediator: We may want to put in a little bit. We've got drugstore, variety items, a few other things. There are certain miscellaneous categories that are...

Judy: I'll tell you actually (), that transportation's a little high. It was only twenty dollars (). I don't want...

Mediator: If you set another ten dollars a week just for miscellaneous accidentals, is that a fair number?

Judy: Ok.

Alan: Yes.

Mediator: So what does that work out to?

Mediator: That brings us to a hundred dollars a week as the sort of ongoing location costs of where the children are.

Mediator: So that whoever has the children can expect that they're going to...

Alan: A hundred dollars a week.

Mediator: ...() in variable costs.

Judy: So it will cost a hundred dollars more when the children are under the roof.

Mediator: Now that doesn't cover medical, and it also doesn't cover...

Alan: I pay for all the medical stuff. That's all under my...

Mediator: And it also doesn't cover the shelter costs attributable to the kids. You're both living by yourselves, without.... Would you change your residence if you didn't have the kids. Would you have a different situation?

Judy: I can't even consider that. Because I want to have a place where the children could be.

Mediator: So that the shelter costs are going to probably stay the same, regardless of how the kids are divided in terms of () rent. You're housing situation is pretty much stable regardless of the (). That's all I'm trying to get at. Now if that's the

case, then I think we need to focus on the problem on access to funds, and how that problem is handled. As we understand it, Judy, you've got a somewhat uncertain income, but currently running about twelve thousand dollars a year, or a thousand dollars a month, around that.

Judy: That's about what I get.

Mediator: But you have no deductions, I mean no withholding or any of that.

Judy: Well, they don't take it out, but I'm advised I'm going to have to pay a tremendous chunk of money in April.

Mediator: Have you paid any estimated taxes?

Judy: ().

Alan: Who advised you about that?

Judy: You know, I had a lawyer...

Mediator: You're both filing separate returns right now, even though you're still married.

Judy: We've been doing that for quite a while now.

Mediator: And Alan, your income is what? About twenty-two eight? Is that correct?

Alan: It's about thirteen hundred dollars a month. In other words, maybe about three hundred dollars more than Judy.

Judy: But he gets other money, too.

Mediator: But it's just as your earning right now. But yours is...

Alan: So do you.

(laughter)

Alan: Yes, I get thirteen hundred dollars a month. And then I might get a little more, because I have roommates who contribute a little something, not a whole lot. And I think Judy has a large amount of cash and some interest-bearing fund, and she gets extra money every month. I'm not sure how much that is.

Judy: That's from what I have invested. The money that my share of the house.

Alan: Yes, but you've got an income from that.

Judy: Well, I get about a thousand dollars a year.

Alan: So that's how much a month? That's about eighty dollars...

Mediator: Alan, are you getting any major tax refunds, or paying any extra taxes ()?

Alan: Not that I know about.

Mediator: I have to consult my co-mediator here. What would Judy's income factor out, with an allowance for deductions?

Mediator: For Judy, it seems to me she's getting two-fifty a week gross. But she's going to have to pay taxes. When you factor it down, it's probably going to be in the... let's see, twelve thousand with her personal deduction, and depending on the dependents, how that is going to be claimed...

Judy: Well, we've both been taking one. I suppose we can (). Does it make sense to continue just doing that the easiest way?

Mediator: One of the things is that here it is in September. You still have the opportunity to file a joint return for the entire year, right?

Alan: You think that's a better thing to do?

Mediator: You both may save some taxes. Indeed, the marginal costs... Alan may end up paying... Judy's concern is that she's got a big chunk of dough that hasn't been withheld for. (). You're concerned, as Judy is, that you've got a chunk of dough that you're going to have to cough up. On the other hand, Alan, you file a joint return, and maybe we could have the wrong numbers, but it may be that the...

Alan: We both...

Mediator: Well, that Judy might end up being () as far as her tax liability goes. In other words, you might unload some of that residual liability without Alan picking up any extra burden, simply by...

Judy: I agree.

Alan: Good. Let's look at that.

Mediator: We can't promise that. It may be that there is some extra that he would have to come up with, but it's at least worth thinking about. The second point is somewhat related to that. If you were to try and put both of your incomes on (), you're receiving, Judy, some income from the settlement that was made. Leaving aside your feeling about the validity of the settlement, you're getting a thousand dollars a year...

Judy: () just get an appreciation for the house.

Mediator: I understand. And he's got the use of the place in the sense that his friends are doing something and (). So you've got a little collateral income, both from the (). But normalized, Judy, your income would probably boil down to more on the order of about a hundred seventy-five a week equivalent, which would turn into nine thousand a year. So, roughly speaking, your income, Alan, is about the equivalent of two and a half times Judy's income.

Mediator: ()...

Alan: That's not the kind of figures that I have. Could I just look at them.

Mediator: Sure.

Mediator: ...take-home is fifteen six, right?

Mediator: He's got twenty-two eight.

Mediator: Right. But that's before tax. You'd have to compare that against this as twelve thousand. We're going to look at this nine as net, then this is net, fifteen six. So we're looking at Alan, your income is about forty percent higher on an after-tax basis, currently filing separate tax returns.

Alan: Forty percent higher...

Mediator: Yes. You're about fifteen six, after tax, and Judy, you're at about nine.

Mediator: Do you both agree with that? Does that make sense?

Alan: Well, I don't know. My figures are... I earned twenty-two eighty a year...

Mediator: And that's gross...

Alan: ...and I understand you, Judy, are earning twelve thousand.

Mediator: Right.

Alan: So your saying that your net...

Mediator: You're going to pay more tax.

Alan: Ok, and you figured that out, so that I get about fifteen...

Mediator: Let's round it to sixteen, and nine. So actually, you're getting seven thousand more on a base of sixteen. So that's sixty-two percent more, on an after-tax basis.

Alan: Sixty-two percent? Depends on how you do the percentages.

Mediator: Somewhere between fifty and less than one hundred difference between your () depending on how the taxes work out.

Alan: So what do those figures...

Mediator: What do they mean in terms of the settlement? You both have, assuming that we talk about the variable cost of the children, going with the children, you have different abilities to earn, to support the kids and take care of them in a situation, take care of their needs. And I guess the question is there a principle for allocating these agreed costs of a hundred dollars that appears fair to both of you. So that you can feel that each is contributing to the extent of his or her ability, to the welfare of the kids.

Judy: Well, he's been taking care of about two thirds of the expense of the children. And I think that's fair because the basic income that I have... I can really only cover the bare essentials...

Mediator: Oddly enough, that comes pretty close to the relative earning capacity that you both have vis-a-vis each other. Would it be a principle if you could find congenial to maintain that concept and say that the variable cost of taking care of the kids would be borne two thirds by you, Alan, and one third by you, Judy.

Judy: If we could work out some kind of sure system for paying, and I think I'd like to continue...

Alan: How would it work out if I pay two thirds and Judy pays one third. How would that work on a weekly basis?

Mediator: You've got a hundred dollars a week. Fifty-two hundred dollars a year.

Alan: How about doing it on a weekly basis?

Mediator: Sixty-seven dollars a week...

Alan: Is what I...

Mediator: ...by you, Alan, and thirty-three dollars a week by you, Judy.

Alan: Well, supposing I sent two weeks worth, can I use you as a... I don't like her calling me up all the time and moaning and

groaning about this, that and the other. I would rather just send the money and be through with it, and have her manage that.

Mediator: Who's your employer? Don't you work for the Amalgamated Cheese Company in Vermont?

Alan: The Amalgamated Cheese Company?

Mediator: Whoever your employer is.

Alan: I could have my employer do that for me?

Mediator: Sure.

Alan: I didn't know that.

Mediator: I'm sure that you're employer would be particularly happy to do that...

Alan: And my employer would send that to...

Mediator: You just ask the accounting office to send...

Judy: That would be great. And then every time he got paid I'd get my money?

Mediator: That's right.

Alan: Ok. Well, I'm willing to do that, but then I don't want to entertain any... you know, if my company, that the mail is late... I don't want any complaining from you about that. I want you to deal with the company about that.

Judy: I don't think that would be a big problem.

Alan: Ok.

Mediator: You don't have to worry about remembering to send it...

Alan: It's just done.

Mediator: It's just done.

Alan: And that's less painful for me. I feel that Judy doesn't appreciate what I contribute. Every time, there are certain hassles about it. She sort of puts me down in some way or another.

Judy: How are we going to do this? Are we going to have the same system in the winter that we have in the summer? If we're going to have the children in one place at different times?

Mediator: What might make sense is that those periods in which

the children remain with Alan, the variable cost be allocated... we would figure this out, we'd have to sit down with a piece of paper...

Alan: Couldn't Judy just send me the third?

Mediator: That would be a simple way to deal with it.

Judy: So when my kids, when they're with me, he sends me two thirds; when they're over there I send him one third.

Mediator: Is there a joint feeling? Is that simple enough? As an operating procedure. There's one other thing besides medical ()... you would continue to cover the family on your medical expenses...

Alan: Yes. I can do that.

Mediator: But related, there's an issue that occurs to me at least, that you may want to think about, and that is again, there may be extraordinary costs. The kids may have some particular costs. Would you all be agreeable to agree on a small fund to be allocated by you both jointly for emergencies?

Judy: We haven't even (). I thought we were...

Alan: What do you mean by a small fund.

Mediator: Five hundred dollars. Something like that. In other words, the problem that sometimes occurs is that you can take care of these day-to-day costs. And then, along comes an extraordinary expense. And as I hear you, you would like to have as much of this decided in advance. You could always agree to () any time you have to. But if there were a way to agree to create sort of an emergency reserve...

Alan: We'd still be having arguments about how you allocated money from that.

Mediator: You might.

Alan: But at least it would be there, is that what you're saying?

Mediator: Rather than having to worry about it, pay into it a third for you, and two thirds from you, so that there'd be a () fund there to protect the kids...

Judy: You mean about ten dollars a week?

Mediator: Something like that. Some modest...

Judy: Who would hold it?

Mediator: You can agree to talk again.

Judy: We're running out of time and we haven't come up to those issues that...

Mediator: Now let's go to your issues. But we've agreed on the child support situation...

Alan: That's, to me, the biggest issue, is the child custody and support in terms of important.

Mediator: Judy, can you be a little more specific now about what your concerns are about the past in terms of...

Judy: Yes, sure. We have a house. My family put in most of the equity in the house. It built up. It was about the only asset of our marriage. It was appraised. I was given the figure...

(Hall: I'm sorry. In about five minutes, you can wrap up and get yourself coffee and tea, so that at eight we can begin debriefing together as a group.)

Judy: So, a value was put on of sixty-four thousand dollars, and then take ten thousand off for the mortgage, leaves fifty-four thousand to be divided between us. And I didn't even get twenty-seven thousand, I got twenty-two thousand. The check bounced. The first check bounced. I finally got my twenty-two thousand dollars. And then, at the time we made this deal, he knew that he could sell one and a half acres for something like seventy-eight hundred dollars. And if he sells off little pieces of acreage, he's going to get back the whole fifty-four thousand and he's still going to have the house. And I just don't think that's fair at all. I really feel as if I've been taken.

Mediator: Alan, do you have something you want to say?

Alan: Well, I just think that's the way life is. We had the house appraised. I didn't make up the value of it. The house and the land were appraised at fifty-four thousand dollars. You had an attorney. Your attorney...

Judy: Do you really think that's fair?

Alan: I don't know what's fair. It's the agreement we came to. Now...

Judy: I agree we made an agreement and we're trying not to go to court. But I really just feel I was taken...

Alan: How would you feel if the taxes on the house were so large that I had to sell off an acre to pay the taxes. Would you feel that you needed to reimburse me?

Judy: What especially gets my goat is that you knew very well you could sell off this acre and a half at the time we were...

Alan: I didn't know that. Any more than you did.

Mediator: Let me suggest... Here you have an asset which you both have contributed to over time. As I understand it, Alan, most of the mortgage payments you had made. Right?

Alan: Yes, and I did all the building.

Judy: Well, I had a joint income.

Mediator: But in terms of relative incomes...

Judy: But our income... I was taking care of the children.

Mediator: Right. I understand that. And there was a portion of the funds that came in () from your side, as we understand it.

Alan: How much is that? I don't remember.

Judy: A lot. They kept giving us money. They gave us money for the one extra bedroom, and you built a four-story tower... you started.

Mediator: Well, it seems to me that, as I understand it, we understand it, my colleague here, you have divided the house based on an appraisal of what it's worth. And Judy, you took a little less than the appraised fifty percent value...

Judy: To get the cash.

Mediator: ...to get cash up front. On the other hand, that operated under an assumption that, at least as I hear you, that the property would remain intact.

Judy: Well, that's what I certainly had in mind at the time.

Mediator: And as I hear you, you had no anticipation at the time that the lot would be sold. Right?

Judy: No. I just needed money, which is why I sold it.

Mediator: I understand that. But at the time, you...

Alan: I mean I think I'd like to get away from this. It's this way now, what is it going to be like five years from now?

Mediator: Understood. But there's a point at which you would like to resolve... Obviously, you're still going to have a relationship with each other for a fair amount of time over the kids, regardless of what happens to your marital relationship

over time. And to the extent that there's a residual bitterness, that does make it difficult, more difficult perhaps than needs to be. You don't have to agree on anything today. But if there were a way that you could agree to put this issue to bed, you might be able to see a difference.

Alan: Now what is Judy saying? How do you think that ought to work out? What do you want?

Judy: I don't know. Maybe we should take a new appraisal. Maybe a new appraisal...

Alan: But that was two years ago.

Judy: Well, do some kind of an adjustment.

Alan: Should we include in that the interest on the cash that you have?

Judy: Well, maybe we should. Maybe that's fair. I don't know.

Mediator: Let me suggest this. It seems to me that the change in circumstance was that, as I indicated, you both made the deal on the assumption that the property would remain intact. You didn't expect to sell off a piece. You didn't expect a piece to be sold. Right? Now a piece has been sold...

Alan: I didn't think we really talked about it actually. I think that's what happened.

Mediator: I'm just repeating what I heard you say a minute ago. That's all. So part of the problem is that you feel that there should have been, or should be, some participation in the appreciation over time. Right?

Judy: Yes.

Mediator: You've essentially traded appreciation for cash, and cash less than the then-current value. And Alan, we understand your interest in having liquidity at times, because you had to borrow money, we understand, in order to pay Judy off. Correct?

Alan: Mm-hmm.

Mediator: And so you want to try and resolve some of that. Is it a possibility here, as a way of trying to put the issue to bed, is to say that as far as this past sale is concerned, that there would be a sharing of some of the proceeds of that sale. Would that make you feel whole now, Judy, if there was some sharing? I don't know, Alan, whether you'd agree to that.

Judy: I would certainly... that sounds fair to me that there should be some sharing.

Mediator: But Alan also has an interest in having this issue of the house and what happens to it in the future put to bed completely. Would you be willing to essentially say that if there were an equitable sharing of that past sale, that you would forego any claim to anything in the future, so that he can forget about this now?

Judy: I have some reservations about my lawyer. He told me to go ahead with this other deal. And lots of my friends have told me I should get a different lawyer. I can see a possibility that if a new arrangement were worked out, and I had more competent professional advice and was told, go ahead, this probably is fair under today's circumstances, I think I would feel an awful lot better.

Mediator: What we're trying to do is help see if there is a possibility of resolution. Now, granted you both jointly contributed. What I was wondering, and neither of you have an obligation to do this, but one way to resolve the question is to say that as far as the sale of the acreage - produced what, ten thousand?

Alan: I think it was seven thousand.

Mediator: One way to deal with that is again to deal with it on the basis of your relative contribution in a cash sense. Now, Judy, you of course have put in a lot of time in sweat equity () and everything. There's no gainsay there. On the other hand, on the advice you got so you had made a deal, that you really feel like you didn't get fair (). () as far as the future of the house is concerned, that one way of framing it is to think that one third of the settlement representing your contribution might be a way of making you whole. Is that a fair way to proceed, from your perspective?

Judy: So that I would get another two thousand, or twenty-three hundred dollars, or something like that? Gee, I don't know...

Alan: What I was going to suggest is I think he did have a crummy lawyer. You ought to get another lawyer. But then I want included in that the interest on the cash that you had in the bank.

Mediator: I don't think it would be fair to Judy, Alan. You've had an opportunity to use the property in a rental sense. You had the friends in there, right? I mean, there's equivalent earning capacity. We both had agreed that there's something...

Alan: I'd like to take a look at that.

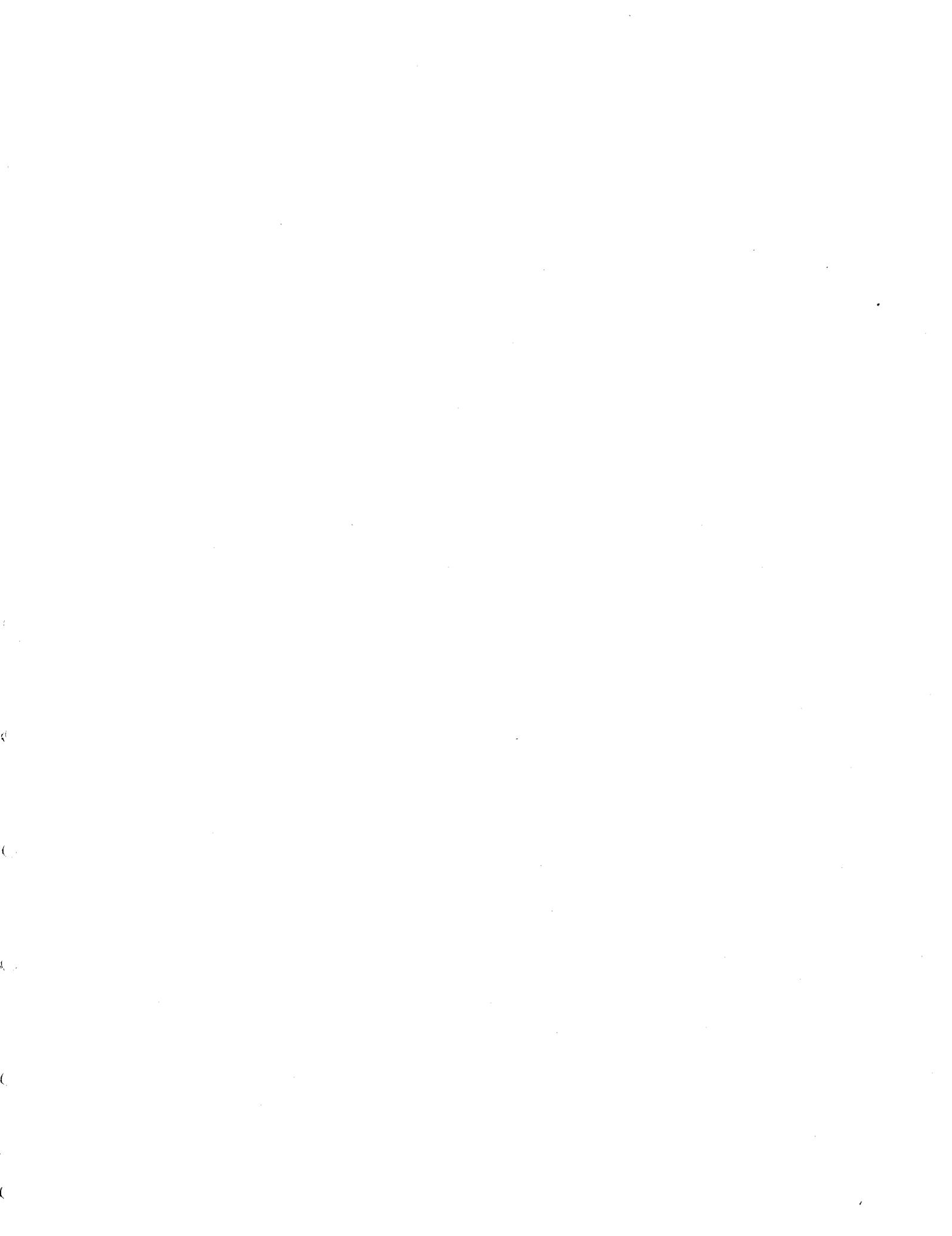
Judy: As long as we could agree to keep this issue open. I don't want to be foreclosed forever...

Alan: But I would like to take a look at it and come to...

(Hall: Let's get back together. And have one person who can talk about...)

Alan: ...a decision within the next three months.

Mediator: Maybe we should meet again on that issue.



Group Session #2
(Doug, Debbie, Greg, Eric)

Mediator: I'm glad that you've gotten here today. I understand you've got a bit of a problem. I would like to hear exactly for both of you what you'd like to accomplish here today.

Mediator: Judy, you asked for the mediation, so why don't you start?

(pause and smalltalk while waiting for Judy to come)

Judy: Well, first of all I would like to think that we both asked for this mediation. I think there are obviously problems in the agreements that need to be worked out. It hasn't really worked terrifically for either one of us individually. For us, in terms of maintaining any kind of relationship. And clearly, there are some problems for our children. So that I'd like to think that we both called this meeting and not just myself. But I'm happy to go first and sort of state some of the things that I'm most concerned about. And I think my concern clearly, first and foremost, is for our children. That they have been in therapy, and it's clear from the reports that we get from their therapist that... (tape ends)

Mediator: So your first concern, I hear you saying, is the custody issue. Do you have any others that you'd like to put out today?

Judy: My second concern, and one that I'm not sure that we will resolve today - although I'd like to set a framework for the resolution - is the financial situation. And it seems obvious to me that I have been bearing a greater financial burden than Alan has. For several reasons. One being that I earn less money. And Alan has been less than consistent in his payments. And therefore, I need to up-front lots of costs, and pay for, entirely for costs...

Alan: How much do I owe you now?

Judy: Right now?

Alan: Yes. Just eighty dollars.

Judy: A hundred and eighty or something?

Alan: No, I paid you. Not the exact date...

Judy: That's what I'm stating to you is an issue, is part of the financial problems for me, is that I earn less money, substantially less money than you do. And I have to front-end costs, because Alan is often not prompt in making his payments.

And Alan, I don't presume to say that you don't intend, or that you maliciously don't pay me on time. I just think that you haven't been responsible enough or consistent in your payments. And that has been and remains to be problematic for me.

Alan: I make twice as much as you do? And I pay two thirds.

Mediator: We can work on these facts and develop in the course of the mediation...

Judy: Thank you.

Mediator: ...but it's our understanding that you'd like to find a way of agreeing on what is owed. And whatever it turns out to be. And to be able to have both sides live up to that.

Alan: I just want to get the facts straight. That I make twice as much but I pay two thirds.

Mediator: When we get all of the income statements from both of you, when you fill out the 401 form, then we'll be able to be clearer as to what actually each of you are making. And we'll work on what the responsibilities are.

Judy: Alan, I think I started by saying I don't think that we will resolve the financial problems today. I hope that we begin to set a framework for the resolution of those problems in the future, Alan. Let me continue to state what I feel to be the problems in the financial settlement, or our financial agreements to date. And one is, as I mentioned, the lack of consistency in payments. The other issues are that, for me for income, I feel as though I have not gotten my equitable share in our property. And I would like to and intend to resolve that issue, with Alan.

Alan: What do you want?

Judy: Can I finish stating? This is why we're bringing in a mediator...

Alan: I was just asking...

Judy: I'd be happy to talk about that...

Alan: I tried to settle this...

Judy: I know you did. I think we attempted to do that. I think that it was incomplete and inequitable. And I would like to reopen that issue. It is my intention to reopen that issue.

Mediator: Any other financial problems?

Judy: No. We have this budget here that we could go through at some point (), and of course there are omissions and some

problems with that. But my main financial problems are the day-to-day problem of cash flow, and the long-term problem of equity in liquidating our property. Those are my really key problems. And I think that they are difficult to resolve. And again, I want to restate especially for Alan, that I think the custody of the children is foremost at this point.

Alan: I think not the custody, but the health and well-being are the best interests of the children. But it's another fact that we did come to an agreement about the property, in that I was under the impression that was settled.

Mediator: Did you live up to whatever the agreement was?

Alan: I think I was a couple of weeks late in payment, but it was paid. We had agreement...

Mediator: We can go though...

Alan: I'm not saying exactly dates. Sometimes things come up in everyone's life where they have to delay payment. But I've always paid what I was supposed to.

Mediator: What would you like to get out of the meeting today?

Alan: I think my concern's for our, the kids. I think some agreement (), some set pattern. Because apparently, the psychologist says one of our kids is still having some problems.

Mediator: Can we have an agreement from both of you, that custody of the children is something that you're both concerned about? And also we could leave today with some clear sense of the financial situation (), as you point out we can't solve today. But maybe starting on the first () discussion. And so it seems to me, we need to zero in on the custody issue in full.

Mediator: As we do that, would it seem reasonable that in areas where you might find it difficult to agree, that in the best interests of the kids, you both set as primary in your mind that a decision be based on the best interests of the kids? In areas where it is difficult to find agreement. Does that seem fair to you?

Alan: I want to get everything settled and get a divorce and...

Mediator: But being able to settle areas of difference, by using the standard of what's best for the kids...

Judy: Yes. I would personally say that I think both Alan and I set that as the standard. I think the difficulty is that...

Alan: () we each feel something, maybe not. I don't know. But apparently we each feel something, what's best for the kids is

different.

Judy: I think it's also, clearly Alan and I have in the past thought we knew what was best. And evidently, we were wrong in the evaluation. But anyways, let's move into it, and let's talk about the custody.

Mediator: Let's take turns (), and lay out what your desires are () and what would be the summer vs. school () is your preference.

Mediator: Can I ask a question? We're talking about criteria, and the definition ()... () sense of your ()

Alan: Not sure. Usually I think I'm right. What's most important here is that we get a resolution, and that Judy stops complaining to me about not getting a fair deal. And get a divorce and go on with (). I mean, I didn't ask for any of this.

Judy: Again, I really wish that you wouldn't say that. I really wish that you would say that you saw the need to resolve some of the emotional problems our children are having.

Alan: I do. ()

Mediator: So you're saying that you have reservations about being in mediation?

Alan: No. I think that it's time that we resolve this whole thing.

Mediator: May I ask, what brings you to mediation? ()

Judy: Hopefully it's to maintain a good relationship between us.

Alan: She just basically said it.

Judy: This has been always one of the problems...

Alan: () go to court, and the court will not necessarily do what's best for the kids. And I think that our problems are not really a right and a wrong, but merely different personalities. And I don't see why it would be better if we went to court. We can get a divorce with an agreement already stated, as opposed to having a judge tell us what to do.

Mediator: I'm just concerned, as we're getting involved in the mediation process, and that also you know that the mediation process involves fees, and that our general fees are a hundred dollars an hour for both.

Alan: So that's fifty dollars each?

Mediator: That's right. And that these would be () we continue to work together, that we will work out fee payments...

Alan: Are we going to pay that equally, or is she going to ask me for two thirds? Because let me just tell you something. I am tired of Judy's complaining that she isn't getting a fair deal. I wasn't the one who pushed for a separation, nor was I the one who had an affair. I'm not an emotional guy.

Mediator: It seems like we need to keep our focus on future and not the past. () and then in conversations for a couple of years. And I think we're all very clear on what precipitated this situation. I think (), trying to focus in on () custody issue. Alan, you said that () children's well-being, but as of right now, without (), you don't have a strong feeling one way or the other about custody as far as () visitation rights.

Alan: As long as I have daily contact, daily influence... and I'm not quite sure what that means.

Mediator: I was just going to ask you, what do you mean?

Alan: I just think that they should have a good father. And I think that the kids should not feel that I just went away. And they should always be able to feel free to talk to me. And I should feel free to see them. Just as I think that Judy would feel the same way.

Judy: Well, let me give you something to play off of, Alan, since you don't have a very clear emotion. I think I do. Let me state at the outset that I don't know what daily influence means either. But if it means, as I hear you state it, that you have the option of speaking to your children on a daily basis, of being spontaneous in your interaction with them, that I in principle have no problem with that at all. In fact, I want to see you continue to have an influence in their lives. But. I would like to structure the child custody in a certain way. And what I propose is that I have the children for nine months of the year, the school year as an example, and that Alan has the children for three months of the year. And during that time frame, as I just stated, Alan can come by and visit them and call them and interact with them in any way that seems natural to you. We've been doing this two week back-and-forth, and then we're thinking about three weeks, and the older son is saying, I don't want to take my backpack to school because I don't want to look like a fool. And clearly, he is having some severe problems right now. What he needs is to feel like he has a home, and to feel like he has some stability in his life. And I think that I'm the better person to provide that. That my life is much more stable. My schedule is not as erratic. And that's just how I live my life. So I would like to have the children full time, nine months of the year, with Alan having them full time three

months of the year, and during those nine months being able to interact in a way that seems natural to you.

Alan: Wouldn't it be a little odd if I just came over and knocked on the door and you were there with...

Judy: Will.

Alan: Oh, it's still Will? Ok. Wouldn't that be a little odd?

Judy: Yes. Of course it would. Of course it would be equally odd if I just popped in on you any time when you have a girlfriend that you live with, too. And I don't want to talk about your group home situation and what I personally think about that lifestyle. So let's not talk about my lifestyle.

Alan: What's wrong with my lifestyle?

Judy: I'm telling you that I'm not trying to interfere in your lifestyle, and I don't want to hear you make comments about mine.

Alan: I was talking about the kids, not about you.

Judy: But in terms of your just dropping...

Alan: She always does stuff like this. It drives me up the wall.

Mediator: What we need to do is to refocus. What you're saying, your interest is in settling things in the best interests of the kids. And that you have come to us to mediate this. I assume by the fact that you're here, that you want to reach an agreement, and that you're still not going to be fighting old issues of who did what wrong when. Because if so, we won't be able to work with you.

Judy: Ok. You're right. I just can't help sort of reacting at times.

Alan: That's perfectly natural to her.

Judy: Obviously dropping in at any point in time is a problem. But I think that working out how visitation - I don't like to call it that - but how you are able to be a parent... I like to think of it as parenting rather than visitation...

Alan: How about weekends?

Judy: During the nine months?

Alan: How about if I give you a week's notice, and it's not interrupting the kids - if they have the little league or

something, I fully understand - but if they want to, and I give you a week's notice, then I can take them on a camping trip or something? I wouldn't have to...

Judy: I would like you to take them on a regular basis on weekends during the nine months. I would like you to take them two out of the four. And I would do the same during the three months that you have them. I want that option to visit them, to take them on weekends when you have them full time.

Mediator: Let's back up just one step if we could, to your... we're getting down to discussing visitation on weekends. Are you in somewhat agreement with the nine- and three-month split?

Alan: Well, the therapist of the kids said that what we're doing now isn't working out. So what I'm looking for is the best situation for the kids. And I think I make just as good a parent as Judy. And I guess I'm a little schizophrenic about this, you know? Because part of me says, I make just as good a parent and I've been doing really well lately, and on the other hand something says, maybe having the kids really isn't what's best for the kids concerning my hours I work and things. So I have those two, almost like a split personality, like I'm trying to be somebody, and I'm trying to be somebody else.

Mediator: So you feel that you can live with a nine...

Alan: Like I'm playing a role, almost. You know how that is?

Mediator: It's scary.

Alan: It's scary!

Mediator: So you think you could live with a nine month and three month arrangement? Are we in agreement on this point?

Alan: I think whoever gets the kids, nine and three months does make a lot of sense. There's that summer. The kids get out of school. And it's a natural changing time. Are you bored? He's yawning. The mediator is yawning.

Mediator: Well, we've gone over this...

Judy: Well, I'm real happy to hear that. I'm real exited to hear that nine and three work.

Mediator: Yes, but specifically, are you agreeing to nine months for Judy and three months for you, with the three months being in the summertime?

Alan: With my having the thing about calling them every night? If they wanted to call me every night, that's fine? And if there's a problem at school I can interact? And if I want to go

on a weekend and I give you a week's notice, we can do that? I mean I want a secure, I want a predictable agreement. I don't like insecurity.

Mediator: It seems like we have some agreements. Let me just rewrite what these points are so that we're all clear. That Judy would have the children for nine months to be coinciding with the school. That Alan would have the children the other three months of the year, primarily in the summertime. That you have, Alan, the right to call the children, at reasonable hours, at any time during the week. And that on a week's notice, you can have access to the children at any time during that whole nine-month period.

Judy: I'd like something a little different on that piece of paper. I really would like us to exchange having the children on weekends twice a month. That I have the kids for twice a month, two weekends a month, and Alan has them two weeks a month.

Alan: Let's say we go away for a month, for the summer, me and the kids.

Judy: Well, then that would work out. I mean that would be ok. But in principle, I would like us to try to equitable divide weekends. Partly because I personally would like to - this is somewhat selfish - to have some weekends off, too. And I think that there needs to be some structure in your participation with them, some consistency and involvement during the nine months. And I would propose that alternate weekends be it. How does that sound to you?

Alan: But if the kids go with her for nine months, then I don't how she could complain about anything. I think that sounds like I'm giving her... and I think it's good for the kids, nine months and three months...

Mediator: So you both feel we've established a framework about custody at this point.

Judy: Yes, but I don't know what he means by complaining.

Alan: I mean it just sounds to me that there's this issue about the house. And I thought we had that settled.

Judy: These are separate issues. These are separate issues. The children and the financial part of our relationship are separate issues.

Alan: But don't they combine when we talk about it? I don't mind at all supporting the kids. I think it's fine. But if we involve this house, then money, my selling off...

Mediator: () the major asset which you have together ()...

Judy: Jointly. Thank you.

Alan: Didn't we already settle?

Mediator: We're really close here, it seems to having this banged out. It would be good to tie this down before we move on. So you're willing to accept dividing the weekends...

Alan: Yes. Except if I take them away to the Grand Canyon for a month, and she says she wants to go to the zoo in the middle of that, she would be able to complain about that.

Mediator: Do you want to consider () there, so that you have some lead time to know...

Judy: That's a great idea.

Alan: That's what I said. A week's notice.

Judy: We need more than that, right? Think about it first.

Alan: What do you mean? I wasn't thinking about it before?

Judy: Alan, lookit. If, for instance, I want to go away in the middle of the winter to go on a ski trip...

Alan: That's the school year, though.

Judy: Right, right.

Alan: And the kids are with you. And you're going to go on a ski trip?

Judy: This is what I'm saying. This is the same thing as what you're talking to me about taking the kids to the Grand Canyon for a month...

Alan: But they're not going to be going to school.

Judy: We need to be able to be flexible about living our lives. I may do that. () Our first vacation was Mexico. In eight years, we went on one. I don't go away a lot. So we're talking about the odd case, here. But, when the odd case does arise, I think that you might need more than a week notice.

Alan: In principle, I'm just saying that I want this to be best for the kids and have no... I don't want to end up being like it is now...

Mediator: We don't want to get rule-bound. You'd like to have a general agreement about how these will be handled. And the hard cases will be hard. But you would try to, if an emergency were to

happen or something like that, these would be worked out at that time.

Alan: I just want daily influence. I'm not quite sure what that means, still, but I just feel it's important that I have constant interaction with the kids.

Mediator: You would basically say, you want joint custody, but with the kids living time-wise in the framework that you've just set up. You'll jointly share the parenting responsibilities. And as part of that, you've determined how long the kids will spend at your house, and how long they'll spend at your house. Ok.

Judy: So it's nine months/three months. Alternate weekends throughout the year. And if one of us is going to take a vacation that involves the children, that's terrific. If one of us takes a vacation that doesn't involve the children, then we might need to work that out. But we're at least open to that possibility. And we'll try to give each other as much notice as we can. Great, Alan!

Mediator: We mentioned another issue, was the finances. And to see what the agreements that you had entered into before were, and to see whether they're really realistic ones as you face the future for both of your individual best interests, and ultimately for the best interests of the kids. You expressed that you thought an agreement was about the disposition of the house... the house has been sold?

Judy: No, the house wasn't sold.

Alan: I sold part of the land, for seven thousand.

Mediator: And there was an agreement made about...

Alan: Before that, we had agree that I gave her twenty-two - I had to borrow money to do it - and I gave her twenty-two thousand, and I got the house and land. Right?

Judy: No.

Alan: No?! That's what I was under... Are all our agreements going to be like this?

Judy: No, I hope not.

Mediator: But this is why you need to get into a formal agreement. I think part of the problem is that what you've reached what you thought were agreements between you, but they were not put into writing, or put into the formalized way that can be backed up and clearly understood by an outside person. And that's what we're trying to do here, is to reach that type of

agreement, and review what is was that you've agreed to in the past, and then try to measure how these agreements were lived up to. Or what areas need a bit of shoring up. Now you said that you felt that you lived up to your part of the agreement. And if you could talk about that a little bit, and then if Judy perhaps might say how she feels about that, we could () some of the areas of difference.

Alan: I gave her twenty-two thousand dollars for a settlement to the house and the land. And now, she's... I'm getting the impression that she didn't think that was reasonable.

Mediator: Is the deed still in your name, in both of your names?

Judy: Yes. That's my understanding that it is.

Alan: I didn't think we needed to get formal. That's the whole reason we're here. Trying to avoid a court, and everything.

Mediator: A court will have to ratify the agreement that you make that ends your marriage. A judge has to feel that it's fair. And we should let you know if you haven't been told before that you have the right to an attorney to go over that agreement to see if it's fair, as do you have right to separate counsel...

Alan: What do you mean by fair? I mean, if we both agreed on something... I didn't make her do any of this...

Judy: Alan, Alan, Alan, Alan, Alan...

Mediator: You do not want the judge, after you've worked out something that may not be fair to either one of you, to have the judge look at it and say, it's not fair, and then throw it out.

Alan: Are you saying that what we did wasn't fair?

Judy: Yes.

Mediator: I'm not saying that. But if indeed...

Judy: I would say it was. And we have to be willing to talk about reopening the issue of the property. Because if we're not, I'll go to court. Because clearly any judge will look at that and say, hey this is inequitable. She was under duress. I was under duress. I was under severe cash-flow problems. And I gave you a bargain on top of it all. In my opinion, I was acting hastily. I was ill-informed...

Alan: Who built this?

Judy: ...And I want to reopen this. Let me just tell you up front what I think. You gave me twenty-two thousand dollars for

the house. Right? And I gave you a three thousand dollar break on that, just to give you an incentive to pay me on time what you owed me anyways. So I did that. You go off, and then you sell this tiny parcel of land for three thousand, seven thousand, whatever it was. What I estimate is that the value of our land is seventy-nine thousand, three hundred dollars. To be split equally, by you and I. And that the twenty-two thousand dollars represents my share of the house, not of the property.

Mediator: Could we get these feelings out so we can deal with them?

Alan: Let me just get some (). Who pushed for the separation?

Judy: What does that matter?

Mediator: You have to answer that yourself. I don't know.

Alan: What I'm saying is, this whole thing... Judy said all right, twenty two. And I said ok. Right?

Judy: You said ok. How could you not say ok?

Alan: It was self-imposed. I didn't duress you. She left. She ran off with an American gigolo. And she needed cash.

Judy: Alan, I don't want to jump to your bait. So what?

Alan: I mean I'm just saying I did not put you in that situation.

Mediator: We can't litigate the...

Judy: I'm saying if we went to court, it would be emotional duress, would be my case. Lack of information would be my second case...

Alan: What did I do to you?

Judy: I'd rather not go that route. I'd rather resolve with you the problem.

Alan: I am the victim.

Judy: You are the victim? I am the financial victim. You may feel like you're the emotional victim, which you are not. But I am the financial victim.

Alan: You are the financial victim?

Mediator: Everyone's assigning blame here and not reaching a middle road. I know it's kind of hard to stop. But if we are to look at the situation, () a judge would only approve to end your marriage in an agreement that the judge, he or she, feels is

fair to both parties, that is would behoove us here to work out that agreement that is fair to both of you.

Alan: I have a great idea. I don't know what just came over me, but I just thought of a great idea. Why don't we do this? Why don't we say that if I sell more of the land, or we can agree that I will sell a certain amount of the land, that that money goes in a trust for our kids?

Judy: Excuse me. All of the money derived from the sale of property goes into a trust for the children. Is this what you just said to me?

Alan: Yes. What's wrong with that?

Judy: Well, nothing. It's a novel idea.

Alan: Well, I'm a novel kind of guy. I mean, that way, I will feel that the money is going towards a good cause. She will feel it's going towards a good cause. Because it's going to something that we both agree on, the well-being of the kids.

Mediator: I caution you. It sounds noble. I think that it's good that you're thinking in that way. But there may be some needs that you also might have of some of that money, yourself.

Alan: Well, I'll get half.

Judy: Excuse me?

Alan: I'll get half, and then the kids will get the other half in a trust.

Judy: Oh, Alan, Alan... You should be ashamed of yourself. Are you joking about that proposal?

Alan: What proposal? What? Why not?

Judy: That you get half and the children get the other half, and I get none?

Alan: All right. How much do you want to take away from the kids?

Judy: I want fifty percent of the share of the current value of the property.

Alan: How am I going to get that money? I don't have that money.

Judy: I don't know, Alan. I don't know. Be creative.

Alan: I can be creative? Who's the creative one here? I mean, you get in the situation and then you say, oh my gosh it's not

fair. Who created this? Now she's saying it's not fair. I didn't force you to take the twenty-two thousand. I mean now it worked out that I can sell off some of the land.

Mediator: What if we were to work out something in some other way? You received twenty-two thousand? What if you sell off the land and get twenty-two thousand, and then put the property in the name of the kids?

Alan: How could we sell off the land, then put the property in the name of the kids?

Mediator: Sell off twenty-two thousand dollars worth of land to somebody, and have the remainder so you're both equal.

Judy: The value of the property is closer to eighty thousand dollars.

Alan: Is that with the house and the land?

Judy: No. That's the land.

Mediator: But if you had twenty-two thousand dollars and you sold off twenty-two thousand dollars worth of the land, for example, just looking at the model, and then put what remains in trust for the children... put the house in the children's name, and then agree who gets to live there.

Judy: You know, I don't love it. I don't know about that. I'd like to keep it thrown out there, but it's just sticky. I don't want to necessarily kick Alan off the property, and I don't want Alan necessarily to be homeless. Necessarily. But I really am quite strong that I am owed my fair share of the property. And I consider that my fair share. And whatever we can...

Alan: What guarantee do I have if we come to some agreement of this, a year later she's not going to say...

Judy: Because we're going to get this agreement approved by a judge in court.

Alan: So what does that mean?

Judy: That means that it's a final agreement.

Mediator: You finalize it.

Mediator: But one of the things you need to do, and this is just a suggestion similar to what I made before... if she gets a certain amount of money that she feels she needs out of the property, and you get a certain amount of money that you need out of the property by land sales, that the remainder would go in trust to the children, which could be looked at in lieu of some

form of your other support. With words in the trust that you could live there until the property sold, and then once it's sold, the money would then go to the children. Or something along those lines.

Alan: I don't understand that.

Mediator: All right, it's too complicated to ().

Mediator: It seems to me that you're talking about an immediate situation and Alan is saying that over time the property might be sold. And then the money derived from that disposed of in some fashion, via a trust or whatever. There may be some common ground here that rather than demanding all this money up front, whatever amount that may turn out to be, that it basically comes in increments somewhat along the plan that you propose as property is sold, money goes into trust...

Judy: That's not what you proposed, though. Is that what you proposed? You propose that fifty percent goes into trust, and fifty percent goes to him. That's what I can't understand.

Mediator: Well, I'm not getting into that detail. I'm talking about the idea of, as property is sold, the money is dealt with. As opposed to dealing with the whole parcel of land now.

Alan: Just to ask for half of what she says the value of it is, that would force me to sell all the land to pay off her... That's crazy.

Mediator: So if in fact you structured it such that we would somehow... we've got two different issues, it seems like. We've got the house and the property the house is on, that at one point was appraised at sixty-four thousand, I believe. And then we have the land, which one and a half acres have sold for seven thousand.

Alan: How many acres do we have?

Mediator: You've got seventeen. Which means that this latter value would be a good bit more than the initial appraisal.

Alan: How about this? Just because I want a settlement. I want this resolved. I want to get a divorce. It looks like we got the children thing worked out. How about this? What I sell - if I sell, and I don't have to - if I sell any more of the land, I'll get a third. A third will go into - it doesn't even have to be a trust - but money for the kids, whatever their needs are, or if there are no immediate needs then we'll put it in the bank. And a third can go to you. I can't be more ().

Judy: Alan, honest to god, I really want to think about this.

Alan: Oh, if you don't accept that. I mean...

Judy: Well, it depends on lots of other things...

Alan: I'm not a real sensitive guy, but I think that's a fair deal.

Judy: Alan, it is, but it's sort of fair. Certainly it gives you the advantage of being able to live on a piece of property with seventeen acres of land, which I don't live on. Now that is a wonderful living.

Alan: So I'll leave.

Judy: Alan, let me finish. Alan, I'm telling you I don't want you to be thrown off the property.

Alan: I was being very reasonable. I even was giving in in a spot, for the benefit of getting a settlement. But I feel now that I am being violated.

Judy: Alan, let me finish. I'm saying one third, one third, one third could be a very workable solution for me. That could be just fine. Depending upon some of the other financial problems that we have to work out. And that has to do with cash flow on a regular basis. That is, custody payment... child care... child support payments.

Alan: What's wrong with the child support payments?

Judy: We jointly own the property. And when property gets sold off, the funds get divided one third, one third, one third... is possible a very good idea.

Alan: I'm giving you half. Because when I sell any piece of the property, excluding the kids, you get a third, but I get a third and you get a third... we get equal amounts. Under our previous agreement I don't have to give you anything.

Judy: That's not true at all, Alan. Because if we go to court, you can believe...

Alan: Do you care so little about the kids? Do you know what will happen if we go to court regarding the kids?

Judy: I don't want to go to court, either, Alan...

Alan: So don't threaten me. I keep being threatened.

Judy: Let me just finish. I'd like to continue working out the rest of the financial problems that we have. If they can be worked out, fine. And that means I have adequate cash flow to live on, to count on, now and in the near future, so that that

arrangement might work out. I don't need cash flow right now, because we've worked out the rest of the financial problems ok. I could probably live with the one third, one third, one third..

Alan: Let me just get this straight. We walked in here. And it's ended up she's getting the kids for nine months, she's getting a third of the property, the value that I sell off... right? I mean, I'm doing this for the kids, right? I thought maybe I was wrong. I have the feeling once in a while. Usually I'm right, but once in a while I'm wrong. But this seems to me like I'm being taken advantage of. And I think maybe you two should... what do you think? I think I'm being taken advantage of.

Judy: I don't think you are. I really don't. You're still upset at the emotional part. I think you're just getting...

Alan: She's what?

Mediator: She's not asking for alimony, is she?

Judy: Not yet.

Alan: Not yet?

Judy: I'm just joking.

(Hall: A few more minutes. Then by eight you can get yourself tea or coffee and sit down...)

Judy: Alan, I have a current cash-flow problem. I'm happy to work out a solution of the property that allows you to remain in that property. I know you enjoy it. I'm not out to jerk you around just to jerk you around at all. You want to live there. I'm happy where I'm living right now. I have a cash-flow problem.

Alan: Doesn't Will have any money?

Judy: Part of the settlement of the property impinges in some way on how I can afford to live with two children on twelve thousand dollars a year.

Alan: Do you want more money for you, or do you want more money for the kids?

Judy: For the kids.

Alan: All right. Then let's make an agreement where I can give more money for the kids. I have no problem with that. I just don't want any more of this complaining.

Mediator: Isn't there a five thousand dollar differential, on what you thought that you were getting out of the house.

Mediator: That's back in the old issues.

Alan: How much am I giving you now for child support?

Judy: You give me eighty dollars a month, Alan.

Alan: Eighty dollars a month. And how much do you want for the kids?

Judy: We have to go through this list.

Alan: We're going to go through the list.

Judy: Alan, I haven't worked it out.

Alan: You're going to get married to Will? Or you're just going to live together.

Judy: I don't know what we're going to do. I'm going to marry the person that I ().

Mediator: Let's try to focus on a couple of issues here, so that we can reach an agreement. It seems like there are two issues we're talking about right now. We've somewhat resolved the payment on the property and the land, contingent upon, from Judy's perspective, a couple of things. From your perspective, you've already bent over backwards to do what you've done. But let's go ahead and explore these two contingencies. One, of child support payments. And secondly, the matter of consistency of payments. Those are really the things that were thrown out. Whether or not, Alan, they have any validity or not.. We're not going to get into that right now.

Alan: I'll give her more money for the kids. I just want a solution here, so we can go on with our lives. It looks like we have a good set-up for the kids. I don't want to come back again in another year... there's a wild wildebeest farm on one of the acres of land and she wants a half of that or one of these things. I thought we had an agreement and then...

Mediator: Well, if we structure this now and both of you...

Alan: It's almost more an emotional issue. You know what I'm saying?

Mediator: I sure do. It's almost as if this time around... you've both in the past have talked separation, possible reconciliation. Now you're both pretty much talking about leading to the road of divorce and settlements and moving on. And since I'm getting nods from both of you, it seems like...

Mediator: () structure of whatever agreement would come up here, you two, the legal frame of the divorce, and therefore it

will be taken care of. And I think it will cover your fear that Judy comes back in a year or two from now.

Group Session #3
(Maria and Ted)

Mediator: Hi. I'm Ted. And this is Maria. You're Alan, Judy, right? You want to say a little bit about the mediation?

Mediator: What we're trying to do is see if we can help you. You are the ones who are making the agreements. We're just going to see if we can be of any assistance (...). We're just here as your helpers. We don't plan to interfere, because we think you know best what each of you want. We do want fairness, particularly for the children. Because we know that's what's most important to both of you. So if anything is done between you, I'm sure that's your (...).

Mediator: You've done some mediation a couple of years ago, that at least got you through a couple of years of the separation. And we've been assigned by our agency to work with you at this point. We have some background information that you've provided us. So we have a little bit of sense of what's gone on in the past. And basically, you've gone through the process, but just to reiterate some of the high points... just as a sort of a ground rule, we'd like to suggest to conduct this as courteous as we can, let each other speak when we are talking... if one of you says something, the other one, and makes you mad, it would be helpful if you'd not interrupt at that point. Make a note if there's something you want to say. You have plenty of time to say any of the things that you need to say. Also, I don't know if you did this in your other mediation, but we might find it helpful to talk with each of you separately at some point. The point of mediation is to look a little bit more at your side of things, to explore some alternatives that you might want to talk about without having the other person hear it. And those conversations would be confidential. We wouldn't be telling the other person unless you agreed to do that. And also, at some point, we might think it's helpful for just the two of us to talk together, to brainstorm how things are going. Basically, let me say that, at least the way we understand it, that you're here particularly to talk about two issues. And to see if I understand it correctly, it's got to do with custody of the kids, what kind of arrangements you're going to make in terms of where the kids are going to live and so on. And the second issue is the issue of child support, how much it's going to be, what kind of arrangement you're going to make for supporting the children, what kind of transfers of money and how much and so on. Do we understand that fairly correctly in terms of what you want to talk about?

Judy: I think that those are the issues.

Alan: I think our relationship's another issue. It's probably related to that. Right now, we're separated. We may end up with

a divorce if that's what we decide to do. And that may affect those other two issues. I think our relationship also affects our approach to how we feel about things in the past, and possibilities in the future. So to the extent that we can improve our relationship and have a better relationship than we have now, I think that might be the key to solving these other issues, too.

Mediator: So if I may ask... I don't want to jump into things... but what do you feel about the children, since that has to do with your relationship. Have you both decided how you're going to share them? Both depends?

Judy: We haven't really decided on that.

Mediator: Have you talked about it?

Judy: (hard to hear) It's fairly clear that Alan wants to share them. (...) I think the main reason is that they're back and forth too much, and that's not a stable situation. And there is nothing to prevent their seeing him at any time as far as I'm concerned. At this stage in their lives it's important to have one location, near their friends. (sentences hard to hear).

Mediator: Alan, what do you think about this?

Alan: I think that custody and child support are related issues. It's tough to tackle them that way and establish a position. I care about custody, too. But that doesn't mean that the most effective way for us to proceed is to argue over who should have custody. On the contrary, one of the things you mentioned about the kids that's important to you, that's important to me, is that there be stability. So we should talk about things that we have in common, that we can agree on, like stability for the kids. And then look at options for how we provide that stability. Rather than start with the solution, and have all of the impacts on both you and I fall out of that, I think the best way would be to see if we can find any other principles, more objectives besides stability where we think the kids would be better off over the long term. Which may seem like a different approach than deciding up front that I get custody, or we have joint custody, or that you get custody, which seems to be three possible choices that are out there.

Mediator: What do you suggest?

Judy: I'm not sure what you mean by other principles or objectives, because I see stability as a real interest. (...)

Alan: Well, for example, the kids need to have a certain amount of resources. If you go to school to learn things, they have to have a certain environment in which they can grow and progress. And the more positive the environment they're in, the more

likely they are to succeed. I don't know exactly how we typify all of those things. But besides stability, I'm saying there's a certain amount of resources that go to the kids, that would improve their situation. And I think some type of environments would be better than other types. I'd rather see them live with two people than see them live with six, for example. So I don't know how we would typify the living situation, but there could be a principle to that, too.

Judy: In terms of living, there are only so many choices. I don't think living with six people is a choice. (sentences hard to hear).

Mediator Let me interject something. What I understand you saying (...) is you got the choices that you agreed with. There are variations on those themes, too. And (...) come up with some criteria by which we can then look at the different possibilities, and see how the different options line up against what you think is important for the kids. So, for instance, you could compare without deciding who's going to get the kids... you might compare the situation of them living in one place vs. moving back and forth every so often, and how do those things stack up. And then whichever one seems better might then lead us to the next question.

Judy: I'd like to suggest (...) stability here (...). I think that's a criteria...

Mediator: But you're saying that for you stability's important. Why don't we just write down...

Judy: ...My definition of it perhaps varies from Alan's. And I think in principle we could agree on stability for the kids. But how we're going to achieve it is the issue.

Mediator: I realize that. But maybe if we do agree on some of the (). What does stability mean to you?

Judy: Well, for the kids, it means for them to be in the same house. Not moving back and forth between two different homes every couple of weeks. As one definition of a home, I think it's on a psychological level too, and it comes with being able to count on a person. (sentences hard to hear). ...counting on another person to provide that, because I don't know if that's going to continue.

Alan: Could I ask a question on the ground rules? We're talking about criteria and the definition of what stability means to you, Judy, and I think that's important. But I think that if we're trying to come up with objective criteria that we can agree on, that's somewhat of a different issue than how we'd achieve it. And it's certainly a lot different than our assessment of how our relationship has been in the past. And

what it tends to do, is instead of aid our choice (...) criteria, it tends to augment some of the feelings that I have about our relationship. Some of them that are on my side of the story. And I'm wondering if that's really the most constructive way for me to interact, and then come up with a criteria and criticize how your behavior would effect how good that is for the kids. So I'm not arguing with the fact that maybe you have some legitimate (...) there, but just the appropriateness of discussing them as we define these criteria.

Mediator: (...). For Judy, stability means being in the same place for some period of time. Defined as also some psychological stability (...).

Mediator (woman): Could I just add a point there? Could we use as an objective, the children's education? What time's (...). While there at school. And let you both think about that a little while. See, you've got a time frame that requires a certain sense of whatever you define stability during the school year, and then you have the summer.

Judy: (...).

Mediator (woman): And then we also have the age brackets. There's a certain age where they're more (...), and should be with their mother. There are certain ages where their father has more interest, and they need him more.

Mediator (man): But I'm not sure that we know what those are.

Mediator (woman): Well, Judy just mentioned it. Judy just said that. I'm just repeating your words, except I put them in a different context. But you just said that right now they're very young and they need to be nurtured. And later on, they would be with their father. So that's something you both have to think about. When will this time span be? When will be these ages? And that's between you two.

Mediator (man): I think maybe that's getting a little ahead.

Mediator (woman): Well, she just talked...

Mediator (man): But that's one of several possibilities.

Judy: Perhaps we could set a limit on this agreement. We're talking, I think, in terms of three years, for example. You going to get to respond to that. I'm just saying we're (...) something indefinitely (...).

Mediator (man): If I could get us back to... I think that's something we'll get to. We're in the middle of something that I personally think will be helpful in terms of looking at different options. So we've got stability, we suggested education. What

else are some of the things that are important to you in terms of thinking about the kids, and what you'd like the kids to have. Either of you.

Judy: Money.

Mediator: Money. Well, (...) the resources.

Judy: Was that what you were referring to when you said... I thought you meant something more by resources. (...) in your house.

Alan: I think that I could agree that stability's a prime criteria. And in fact I was going to suggest something like the school year. That may be premature. But what I was thinking of was that Bryce has been to see this therapist, and he's obviously got a lot of problems. A lot of them stem from our relationship, which isn't real good right now. So if he's going to do well in school, I'd agree it would be best for him not to be moving every other week. To have some continuity, something that he could count on. And I think money is also a necessary ingredient. The kids have some minimum needs. So we should jointly meet those needs. We can talk just like we were going to talk with stability, how long and how achieved, I think we should talk about resources and that kind of thing.

Mediator: Before we get into that, why don't we keep seeing what other principles there are. So we can just come up with that list, and then we can go back and talk about what are the various options.

Judy: In terms of our relationship, I (...) communication we seem to be having here now with you, because you're really encouraging this. But generally, our communication is not that...

Mediator: Can you put that in terms of... Right now we're really looking very much at the children and what is important to you in terms of developing an agreement relating to the children. So what can you put this in terms of, what you want for the kids. I'm not saying that you shouldn't want things for yourself, because I think we need to look at that, too.

Judy: Because I think we did agree that the relationship is also important. That is definitely an issue...

Mediator: I'm just trying to keep us focused on one...

Judy: But where the kids are concerned, it's very difficult if I can't communicate with Alan. We really can't discuss these things openly.

Mediator: So, communication with Alan about issues relating to

the kids. Is that what you're saying?

Judy: Well, you interpreted that. I mean, it's also about our relationship. (...) as far as communication is concerned. Being able to be open and honest. (...).

Mediator: I understand. I think what we're trying to do here is, we have to come down to some very specific agreements and details. Like where are the kids going to live, for how long, and so on. And at least what I think we're trying to do here is to come up with some ways to measure options as to the things that are important to you to what's going to be the best alternative. So we're trying to elicit (...) things that are important to you when you think about what you want for the kids. So we can then measure the different possibilities.

Alan: I think Judy has a point, though, that I feel very strongly about. And that's that part of our problem with the kids is our relationship. And that's basically our biggest problem. Because in the past there's been some things that I haven't done. My reliability. And things which Judy brings up at various times. And because I feel that there's no end to some of these requests for additional money for the kids, or this or that. Things that we can't foresee, but that come up. I feel that our communication is not very good. And I feel that we both react by treating each other poorly in our relationship, and that affects the kids. Now, that might be the wrong diagnosis. But it's similar to that diagnosis that Bryce had, that he's got problems because he's not sure about how his parents feel about each other. If we could resolve some things about our relationship, your relationship with Will, and my situation here at the house, that perhaps that open communication that you're talking about with the kids could be facilitated. Perhaps we could communicate better if we were on good terms as friends rather than as people across the table from each other or at the other end of the phone, with one request or another from something that has to do with the daily requirements of the kids.

Mediator: One thing I've written down here about that is maybe to look at the different options and say, how is this going to affect your relationship? Given that what you want is to improve the relationship, how is the custody and the child support arrangement, what kind of impacts might those have on your relationship? Some might make it easier to relate to each other than others.

Alan: We haven't really talked about this. But one thing about this mediation, we're going to meet for this session and see what we can come up with, really focusing on some very specific issues. But also maybe we can come up with some other future courses of action. I don't know if we can tonight do a great deal to help (...) communication. You can agree that's something

you want to do, and you may choose to do that. And hopefully, just by a process we'll do that. But if we get focused very much on helping you get more open with each other, I don't think we're going to get to some of the issues that I understand you'd like to work out, tonight, and get some clarity on so you can move forward on those. And then we can also talk about things that you might do together outside of mediation that might help you improve the relationship.

Judy: I think my communication is very open. And Alan has not been so open, and we could deal with that separately. I (...) like some sort of commitment is a part of the points (...) covered, but as far as actual commitment in terms of (...) of money that we're dealing with...

Mediator (woman): Right now, we can start with that by saying that Alan seems to agree that you keep the children - this is what I understand - during the school year.

Alan: I don't think I said that at all.

Mediator (woman): You didn't say in those words. That you said that was very good for...

Alan: Let's be very clear about this. When we started, we started talking about principles. Then we would then go on from principles to how achieved, and specific solutions. Now, by proposing the principle that the kids be able to go to school year - Bryce is in high school now - all I was proposing that the principle for deciding on stability be that he be in the same environment and go to the same school during the year. I didn't say that implied that Judy should get custody of the kids. Not at all.

Judy: Why don't we just talk about what we're concerned about, and let them figure out what the principles are, and then we can decide whether or not we agree with what they...

Alan: Well, I propose that we do principles first, and then deal with our relationship...

Mediator: I think principles are what you're concerned about.

Alan: And we agree on stability. That's the one thing that we've agreed about so far. You suggested stability. And I went one further and suggested a definition of stability that was even stronger than yours. You suggested that the kids shouldn't be moving out every week or two. And I suggested that they be in the same environment the whole school year. So that's just dealing with the principle.

Judy: But you didn't say which environment...

Alan: No, we didn't talk about how it was achieved...

Mediator (woman): That's what you both have to decide now.

Alan: Excuse me for butting in, but I feel that we should decide on those principles. Then try to best achieve them with the limitations and the assets that we both bring to the relationship. In other words, that we decide if that's the only principle, stability, and resources, then we could just find a way with our joint resources and that criteria of stability on how we work that out. But I don't think that those are the only issues. I think the issue is the relationship.

Mediator: You seem to imply that you have some other principles that are important to you. The kids.

Alan: I think that this has dragged on long enough. Frankly, I'm really feeling that this made an effort, and Judy is always complaining, and I shouldn't do this because I said we're only going to talk about principles. We shouldn't talk about each other. So let me backtrack a step. I apologize. I think that we need to find a way to be satisfied with our present situation, rather than take an uncertain future, and every time something comes up, then reopen issues and argue about them. For example, we had a property settlement, and it's still continuing to this day. And in a year something else may happen. And it may be brought up again. And part of the thing that's going to help the kids - maybe it's not directly a kid's issue - is this open-ended aspect of our ongoing relationship. I think we need to find ways to settle some things in an amicable way. And then decide that we're not going to keep dragging these skeletons out of the closet. I think it's counter-productive. It's counter-productive to your relationship with Will, and it's counter-productive with my relationship with the house. And I don't like it.

Judy: Well, I think you brought up the matter of the settlement. And I think I acted rather prematurely in that, because I needed the money. This is one of the main issues, is the money. And I simply do not really have enough. I'm getting money from my father from time to time to help with the kids, and he's really feeling pretty angry about that. You don't know that, perhaps, but he tells me. And if you want to just look over the list of our expenses... I mean, it's very nice he does it, but I've come to have to rely on that.

[short gap]

I admit that I acted (...). I'm not trying to reopen something. But when I'm talking the future, I want to have it so that I can be able to count on it. And I don't want to rely on some woman that you're with to provide any stability or anything. I think that's your responsibility as far as their concerned. And I

don't think I can expect my father to keep doing that.

Alan: You brought up the issue of commitment, and that's why I brought up that issue with the principle, is that we don't constantly negotiate an issue, come to an agreement, and then next week say, I didn't agree to that. So that's a principle. And that's different than our relationship. I don't trust you in any kind of settlement that we have now. Because you've just shown with this example that you have no intention to abide by a principle that says, when things are settled, whether we come to closure, that you stick by those. Any time you felt that you could get a better deal by coming back to the table, you'd reopen up and issue. And if commitment is so important in our relationship, then why are you unable to agree to a principle? Your credibility is on the line when you accept something. And then you don't reopen it up. Or is that a principle that's not valid in a relationship?

Mediator: Folks, I think right now we need to take a break. Maria and I need a few minutes to talk to each other to see where things are at. This is a good time to take a couple of minutes...

Mediator: ...to think a little bit on where the children are going to study, where they might live while they study in school. I think that's an issue that should be foremost in your mind at this point, and I think you both should agree on that when we come back. I hope we make a decision on that. Because that is very important. It's their education.

Judy: I think we know that.

(everybody): (...)

Judy: We know that. That's not the issue. We've been talking about money here. That's what we started talking about. Not the kids' schooling.

Mediator: At this point, we can just stop. There's some coffee around the corner, and some cookies. Why don't you let Maria and I have a couple of minutes, and we'll come out and let you know when we're ready to resume.

[break]

Maria: (...). And they're supposed to work on child support and custody. And he's evading custody. He wants custody. He doesn't even let it go.

Ted: I'm going to back up a second.

Maria: Forget the relationship for the moment.

Ted: That's what I was trying to do. Apparently they're not

ready to do that. The way I mediate, I wouldn't do some of the things that you've done. I just want to give you a minute of how I'm seeing it in terms of the mediation. My view of mediation is that we're here to help the process. We have to be very careful about...

Maria: Giving ideas.

Ted: Well, yes, about telling people what they ought to do and what's best for them...

Maria: What if they're just very vague. We can sit here for hours.

Ted: Then we have to try to focus them...

Maria: That's what I was trying to do...

Ted: I realize that.

Maria: You can't do it at the last five minutes.

Ted: I understand. All I'm saying is I think we need to be careful about making assumptions or suggestions to them. My sense at the end was - what you're saying is right - I got a sense that they didn't quite like having you tell them in that way. Then what happens is your credibility as a mediator gets undermined. And then they don't want to listen to you in other ways. I would just suggest that we try to be a little more careful in terms of making your feelings and my feelings known about things as opposed to trying to draw them out. That's all I'm trying to say. Right now, what's most important to them is their relationship and that's what we're going to have to deal with first.

Maria: The problem is, I don't agree in that sense about the relationship.

Ted: But it's not up to you to agree...

Maria: I know. Because we're getting nowhere. All they do is talk about each other. And we're talking about the children and the custody, because that's the issue that's going to go in front of the judge. The judge doesn't care what they say about each other. He's interested in the children and their welfare.

Ted: That's part of what he's interested in. But he's also interested in a fair distribution of the assets.

Maria: Exactly. And how are we going to get to that if we don't settle...

Ted: But she's talking about the fair distribution...

Maria: No, she's talking about the twenty-two thousand...

Ted: But that's part of the distribution of the assets...

Maria: I understand that, but that's gone. And he's not going to give it out.

Ted: The other thing is, you're talking about maybe actually bringing this to divorce. And that may be something that they want to get out front. See, you have to hear his concern.

Maria: He wants the custody, and she wants the custody, and that's what they're fighting for.

Ted: Of course. We know that.

Maria: So, one of them has to have the custody...

Ted: No, there's joint custody.

Maria: Well, they can have joint custody. That will take care of that. Then we have to settle up on the rights. This idea that they both agree on, having the stability for the children. And then from there, we go into the money matter. (...) she has very little money. He has a lot of money.

Ted: He doesn't. (...). More money that she does.

Maria: I know that. But if she has the children, she's vulnerable in the sense that...

Ted: But she may not be the one that has the children. She may not...

Maria: That's what we have to decide. Who's going to have the children for the school year. That's very important. But if we start into the relationship and this and that, I think they've talked that over for two or three years, and they're not going to end that. That's between them, and that's why they broke up. They can't get along.

Ted: So what do you suggest we do at this point?

Maria: At this point, settle the idea about the custody. Joint custody. But where are the children going to live in the school year? From then on, we go to the child support...

Ted: How are we going to help them? They agree that the kids should be in one place for the school year, but they each want them to be at their place.

Maria: That's what they have to discuss between them. And we

just help them. They're not our children.

Ted: But how do we help them get beyond, they're better off with me and she says...

Maria: Let's point out for example that she has had a more stable relationship with this guy she lives with, whereas he has three people in his house. And we can also say she can have them when they're young...

Ted: I strongly object to your interpretation of that point of view.

Maria: I know. I'm not going to use it. But I'm just trying to give them guidelines. Maybe that's wrong.

Ted: That's a guideline, but he's going to see it as something against him.

Maria: I don't want that to happen. I want him to come up with it, and we'll just be (...). But one of them has to give. Let's point out, if what you say if stability is so good, where are you going to have the stability?

Ted: Would it help if we talk the issue to them separately?

Maria: Why not? Then we can get a clear point of view how they feel about the stability. And that will make it easier than (...) here. That's a great idea.

Ted: Who should we talk to first?

Maria: Let's talk to Judy. He's very hazy.

[conference with Judy]

Mediator: Both of you have said some strong things about the relationship, but we both agree that you should focus in on the two issues that you came to talk about. About the kids, where are they going to live?

Judy: I totally agree.

Mediator: So, given what's been said at this point, do you have any more thoughts about how you two might come to some agreement about where they might stay.

Judy: I don't know. Alan said something about stability. I think he was not talking about the difference between their being in my house, and back and forth. I think he was thinking that maybe they would be (...), but I don't know that. I definitely would like to have custody of the children. I gathered that when he just said stability, we were interpreting it a little

differently. I don't know whether he was saying he wanted to have custody, or joint custody, but what I am interested in is having custody of the children. (sentences hard to hear). And at the time, I really wasn't. I was just saying that I had received much less than I think I was really entitled to, but that's what I had taken in order to get (...). I was just pointing that out as one reason why I thought it was very important that we map things out in the future about the children. But as a matter of fact, I would like to just speak about that before getting back (...) what kind of custody I want. I think that we should reevaluate the property and get a very clear-cut understanding of what that is worth. I think that was not done, and that has been the basis about settlement. I'm sure he doesn't want to reopen that.

Mediator: Can we get back to the custody first? Clearly, you'd both like to have the kids live with you full time. You'd like to have the kids live with you, and Alan would like (...). So the question is, since you both feel that way, how are we going to come to some decision about...

Judy: I think we need to know exactly how he's going to manage to do that. I mean, who's going to pick the kids up from school? I can't see our reaching some agreement on the basis of his friend doing that for him. I don't really think that's a reasonable kind of agreement. He's not married. If he had remarried, I might consider that.

Mediator: He can't remarry. You're not divorced.

Judy: That's what I meant. If we were divorced, and he had remarried, that's a different matter. But under the present circumstances, I don't see his counting on something else. (...) that kind of a continuous relationship.

Mediator: Could I just ask a question? It doesn't mean you have to answer yes or no. I just want to get your feelings. We plan to talk to Alan, too, separately. How do you feel if he insists that he wants to have the children during the school year? Would there be anything you could both trade, that you could have them for certain years, or...

Judy: No, I would get a lawyer and go to court. I think that I should have the children very concretely.

Mediator: So you have a feeling that if it went to court - though I know you would rather not, and that Alan would rather not - that the court would award you rather than awarding joint custody?

Judy: I think so.

Mediator: On what basis do you...

Judy: On the basis that I can provide them with care. That would be assuming that he would, however, contribute to their (...).

Mediator: Are you at home more hours than Alan is?

Judy: Yes. I'm not sure just what he's doing...

Mediator: Don't you work about the same hours? (long pause) The way I understand it is that with you the kids are latch-key kids, and therefore they come home and nobody's home for about two and a half or three hours until you get home. (...).

Judy: I don't get out of work until about 5:15, and then I do go home. But the problem with Alan is that he doesn't necessarily pick the kids up. He has not. So he has to rely on his friend to do that.

Mediator: Has he been better about that lately?

Judy: He has been better than he used to be. But it's only because he has somebody else doing it. And perhaps I could arrange something like that, myself.

Mediator: How does Will get along with both of them? The boys are growing, and their father is very important to them.

Mediator: How far are you to the school? They don't switch schools every two weeks, so obviously they must...

Judy: But I don't know that. I think they live close together.

Mediator: We do need to move on and talk to Alan. But what I was getting at with you, Judy, is that I know you have some very strong feelings about wanting to get the kids. But I would suggest that in terms of this mediation, that you think seriously. When you say that if you're not going to get custody, that Alan's not going to agree to custody, you're going to go to court, I would suggest that you take a hard look at that instead of looking at it through your own lenses and how you see it, look at it how a judge is going to see. That if it's really as clear-cut as you feel, (...). Maybe it is, and maybe it isn't. I don't know. But I'm just suggesting you take a closer look at it while we're talking to Alan.

Judy: I think a judge would look at his relationship and see the dependability for the kids is more from somebody who has no... We haven't even talked about money.

Mediator: We have to get to what we can get to.

Judy: The point I'm getting at is that with more money from him, that I could have...

[conference with Alan]

Mediator: How are you doing, Alan?

Alan: Fine. We talked briefly during the break, and we basically know that the problem with principles vs. talking about issues...

Mediator: Could we talk about the custody issue? Maria and I in our conversation decided that we thought we really needed to focus in on one specific issue. What's the issue that you have (...).

Alan: I think one of us should have the kids during the school year, and the other one should have the kids for, presumably, the summer.

Mediator: Do you have a preference for one or the other?

Alan: Yes. I'd like the kids for the school year.

Mediator: Supposing she'd like them during the school year, too.

Alan: Well, it's something I'm flexible on. If the rest of our relationship worked out to my satisfaction, I'd be willing to go with a joint custody arrangement where I basically take the kids for the summer and she takes them for the school year. Where I pay a certain amount, but a fixed share and not a variable share. And so that it's set. We have the two thirds/one third share now. But I think a fixed amount of money to cover the kid's needs...

Mediator (woman): You want a definite amount so that you know what to expect, which is reasonable. Alan, can I make a suggestion? Judy doesn't earn as much as you do. And the more Judy has to work and earn her living, the less she is with the boys. And I think you should think of that when we come up to it. It's very important.

Alan: I feel that the reason I've been criticized is that I used to work too much. So the fact that I can contribute more is related to how much I work. So there may be something there, but there's also the advantage to the kids. I mean, I've been able to provide for them and she can't. So that's an argument for why I should have responsibility for the kids, because I can obviously take care of them and she can't.

Mediator (woman): Well, if you provide sufficient for the children's needs - we will get to an amount that we will discuss with both of you - I think your relationship with Judy will be more open, and there will be less problems. Because it shows

your good faith. (...) past problems, financial problems that always spoils any relationship. So things would run more smoothly and it would be better for the children. And you could just (...) in the summer when they're with you.

Alan: What if her situation improves significantly. How might that affect the settlement? And what if there's no incentive to her to improve her situation? I feel stable in my job, and I feel I can continue. But I work hard. And I don't want to discount that. I look at it as being benevolent on my part, that I provide two thirds of the kid's support. Because frankly, if I was providing half, I would have more for other things. And if Judy marries Will, they could easily together provide for them.

Mediator: Let me just back up. You said that you were flexible if you got certain things. I think maybe we just need to get down quickly what some of those are. You said you want to know what is to be expected (...) rather than it be a percentage.

Alan: Right. I don't want to reopen the property settlement, for example. I consider that gone and finished with. And I want some kind of commitment that we aren't going to reopen issues, unless there's been a contingency on which we reopen them. The future's uncertain. But to the extent that we plan for the kids to go to school until they're of legal age, for nine months a year they're going to public schools, we could come up with a budget for them. And I don't want to find out before the year starts that I've got to come up with twenty-five percent more. Once we decide on what's reasonable, we stick to it and we don't reopen it. We don't say, the agreement we reached back in November of 1985 is now superceded by November of 1986.

Mediator: We talked earlier about a commitment to the agreement. I get the feeling you want to make a (...) agreement. Are you really talking about (getting a divorce)?

Alan: Yes. I see the problem with our separation is that it's lead to more uncertainty in the future and the reopening of these issues. And I know that I resented Judy quite a bit when she went to live with Will. And I know that she doesn't like it a bit that I've got new people living in the house with me. I think the kids are probably adversely affected by this animosity of feeling between us. And I think that if we could start our lives with a clean slate again, come to some kind of agreement, that I would feel more comfortable with being (...) to some kind of reopening of the whole...

Mediator: You realize, though, that in a divorce settlement, nothing is final. You settle the property finally, but when you've got kids, there are all these changes. There's generally no final resolution. Even in a litigated decision. So I understand you're wanting to get a commitment to an agreement for a certain period of time, and that a divorce would be

helpful for the imposing of certain things, but when you've got kids, those issues are always there as long as they're minor kids. Unless you can anticipate what the contingencies are in a divorce settlement, so that you know what will be reopened and where, and what can not be reopened.

Alan: I would like to minimize the number of things that can be reopened for various reasons. And I don't feel that Judy can back a strong commitment to that. I feel that this situation with the property settlement will come up again and again... well, you said that maybe they could go to summer camp not this year but the year after. She'll bring it up when it's time for them to go to summer camp. And then she'll borrow the money from her parents because she won't agree with the decision that we came to before. And we'll be constantly arguing about money. And enough will never be enough. That's one of the things I'm concerned about. I do understand that there's a realism to this, that the kids are going to live on, and things that we can't anticipate. But the things that we can anticipate, to the extent that we can both commit ourselves to having resolved them, I would feel more comfortable.

[joint conference]

Mediator: We have to wrap this up very quickly. He want a number, Judy, for your support, and you both have to agree on that. He agrees that you have the children the school year.

Alan: There are certain conditions. I proposed that you could have the kids during the school year, and I would have the summer.

Mediator: Plus you're going to have a monthly stipend for the children, which you will provide, and it will be binding in the sense that it will always be there.

Judy: This is very fast.

Mediator: Two thirds of the children's expenses he will provide, which amounts to the total sum of five hundred dollars per month for both children.

Alan: No, I didn't say that.

Judy: Five hundred a month for the children?

[end of mediation]

Group Session #4

Judy: The first thing I want to talk about is the issue of custody. And the second thing is the question of child support.

Mediator: Those are three different issues. One is custody. The second is child support. The third is...

Judy: It's child support. But it's also a more equitable share of the property issue, which I feel can either be dealt with as cash up front, or an ongoing alimony situation.

(pause)

Alan: You want me to respond to that, Judy?

Mediator: No, I think probably what the best thing for us to do is to figure out what your concerns are as well.

Alan: Well I'm currently concerned about what Judy's saying.

Mediator: But before we get to those concerns, let me see if I can understand what some of your concerns are.

Alan: Ok. I just want to get this thing settled. I'm most interested...

Mediator: What thing?

Alan: This whole thing that's going on.

Mediator: What thing?

Alan: She complains to me she's not getting a fair deal. You know, I'm not the one who walked out. I'm not the one who walked out of the house (...).

Mediator: You're primary aim is reaching settlement?

Alan: I want to reach a settlement on the custody and the child support questions. My position, however, on the house is that if I benefitted from selling the house at a higher price, well we had agreed together on...

Mediator: I think we're getting into details here. It seems to me there's three issues you have that are paramount. One is reaching settlement. The second is custody. And third is child support. Is that the order that you'd like to place them in? Are those in terms of your priorities? Do you have any priorities?

Alan: Let's put it this way. I think we need to settle the custody and support issues so that we can move on to getting a divorce and so that the relationship with the children is not

harmed.

Mediator: Is divorce a fourth area in which you'd like to reach some sort of conclusion?

Alan: I don't think we can even think about those things until we settle some of the major bones of contention between us. For today, I'm most interested in custody and child support.

Mediator: Ok. I have you down for custody, child support, and a more equitable share of the property, either through alimony or a funding for the property.

Judy: That's right.

Mediator: Redistribution of the property. Ok. It seems to me maybe the first thing we should tackle is custody.

Mediator: I just want to do a little housekeeping, okay? I would like to just talk about some rules here. Is that okay? We might caucus. And we'd like to get paid at the end of this mediation session. And so that you are aware that you're using some time here. And I hope we use it fruitfully so that you could go away with whatever kind of settlement you want. I want you to know that we'd like to get paid right after whatever time you take, an hour, an hour and a half. Ok? Those are the conditions that you came in. Mediation is not covered by Blue Cross or Blue Shield, and so that's what you would have to do. I'm happy that we have started with an agenda. If there's any other question that you have around how we're going to operate as a team, I'm really quite comfortable just sort of listening. At this point, if you wanted some other kind of mediation set-up, I'm amenable to listen. Ok?

Alan: So you're supposed to run the session and you're supposed to listen?

Mediator: Yes, that's the way it's going to be.

Mediator: At least initially. You have custody and child support as your two key issues. Then reaching a settlement, you're now saying, comes along with those. Is that correct? Is there one of those issues that you prefer to deal with before the other? I understand that they eclipse each other.

Alan: Custody.

Mediator: Ok. And you have three issues, one which breaks down into two different issues. Is there one that you'd like to attack first?

Judy: Custody.

Mediator: Ok. It seems to make the most sense to me as well. We have the choice in terms of whether I ask you your feelings, and then I go to you and I ask you your feelings... does it matter how we do that? If I start with Judy, is that ok? Or do you want me to flip each time as we go to issues? I want to understand first what it is you're thinking of in terms of custody. What your desires are. And then I want to hear Alan's side of it. Does it make a difference who speaks first? To either of you? Then why don't we just start with you and see if I can get some understanding of what your concerns are in terms of custody.

Judy: First of all, the children don't seem to be doing well. The therapist has said so. The therapist has also suggested that the children need more stability, that they're not organizing their lives, that they're kind of deferring everything because they're always shifting about and essentially don't take care of any of the kinds of things they should be thinking about. And the therapist has suggested that the children stay in one place for prolonged periods of time. I think the children should stay with me. Essentially because Alan's really very negligent. He's got an awful lot of time commitments and he always has had. And I just see that he neglects the children a great deal as far as time and attention. And so I think I should be the primary custodian of the children.

Mediator: So you're saying that year round, the children should spend with you? Would you clarify what you mean by primary custody?

Judy: Well, for this time, until they seem more settled or until the therapist even thinks that it would be a good idea. Or something else that wouldn't hurt them at much. For this time, it would be year-long custody with unlimited visitation rights. Though something like a summer vacation, or a long summer might be ok, I think. And I think that would take care of what the basic concerns are about this?

Mediator: Could you be a little more clear on long summer? I don't understand what you mean?

Judy: The children normally go to camp part of the summer. But the other part, they could stay with their father. That seems...

Mediator: To make up for the time?

Judy: Yes. Also, it's non-school year and the demands aren't as great, and the pressures aren't as great. And therefore, if things are more relaxed or inconsistent, it doesn't seem to be such a terrible time, that they should be (...) the household.

Mediator: When you say unlimited visitation, for what might the time be considered visitation?

Judy: He can take them out whenever he wants to.

Mediator: Over night?

Judy: I would say probably not on a school night. On a weekend night, yes, I don't see the problem in that now. As long as they're not spending every weekend night there, because weekends are the only time I have off. And if I want to do something, go skiing with them, then I end up only seeing them during the week and it's very rushed. But essentially, no. I have no problems for an overnight, as long as it's not a school night.

Mediator: So let me see if I understand what you're saying. The primary concern is for more stability. You'd like them to stay in one place for long periods of time. And by long periods of time, you mean that you have primary custody for them until the therapist feels that the situation is stabilized. You feel unlimited visitation is ok, and that the children can go overnight for weekends but not all weekends. And summers are ok after camp or before camp. Is that correct?

Judy: Yes. Except that there is one thing that I ought to have said. Which is that the therapist also doesn't find that they're doing really well in this current arrangement.

Mediator: But my understanding is that's your rationale for wanting to change this present arrangement.

Judy: Yes. But I'm also saying that the present arrangement is also really not good for the children. It's not an arbitrary decision. It's also based on the fact that it provides that the children have a more stable environment, rather than shifting every two weeks, as they have been constantly.

Mediator: And that's your rationale for wanting to change it.

Judy: Yes.

Mediator: Let me get to yours. Thanks for waiting so patiently.

Alan: I am also aware of the fact that the therapist has recommended that the kids have more stable living arrangements. I am not willing, however, to give up that daily influence I have over their lives. I think that the kids are upset, still, by your having moved in with Will. I think that they want contact with me on a regular basis, and need it. I don't know what else to say. But some way or another we have to find a way to resolve this. Judy's getting the children all the time doesn't seem to be satisfactory to me.

Mediator: Let me ask you what you mean by regular contact.

Alan: Well, first of all, I'd like to explore alternatives. I'm

not sure what I mean. I know that the therapist said that the kids could stay with one of us for three months, and then the other of us for three months. Now I want what's best for them. But I know that they feel torn apart when they have to leave me, too. And I know that this is not a good arrangement. I don't know what some of the options are. I am willing to consider other possibilities. I know we have to do something different than what we've been doing, but I'm not willing to just consider the one option of Judy getting the children all the time at her discretion. I want to be more involved than that.

Judy: Basically what I've said is that I suggested the school year, which breaks down into I have them nine months and you have them three. I feel, and I strongly feel, that three months for each of us is just too short a period of time.

Alan: First of all, your tone of voice, Judy, is really getting to me...

Mediator: Could I just ask some questions? I hear that. Did you make this arrangement with the therapist? Did you both decide on who the therapist would be?

Alan: Wasn't that recommended by the mediator? Or was that your therapist, Judy?

Judy: No, I think it was recommended by the mediator. Or by the school.

Mediator: Have you ever met with the therapist, Alan?

Alan: No.

Mediator: So you've met with the therapist, but you haven't met with the therapist. So that essentially, you took care of the children and their state of well-being by going to the therapist?

Judy: Well, it's usually asked that a parent does go to see a therapist when a child's being seen.

Mediator: Right. And you didn't go together.

Judy: No.

Mediator: Would you want to go together?

Alan: For what?

Mediator: Well, the recommendation that the therapist made is that the children shouldn't be flip-flopped. It sounded like they were getting a little scrambled. And you're objecting to that. So I was just wondering if you wanted to see the therapist.

Alan: So that the therapist can make the same recommendation?

Mediator: So that you find out what the rationale is that might be good for your kids. It might not be.

Alan: I don't quarrel with the fact that moving them around every two weeks is not good for them. There's no quarrel there. It's just that I don't think we generated enough solutions that are going to be ok with all of us.

Mediator: Would you like to do that now?

Judy: I would.

Alan: To do which?

Mediator: Generate some more solutions?

Alan: Ok.

Mediator: How about if we do just a little brainstorming for it? Would that be ok? Let's see how many solutions we could figure in three minutes. We'll use brainstorming. Let me explain that. Just say any kind of solution that has no value judgement to it, either good or bad. And just let your head go. You could pick up on somebody's solution and embellish on it.

Judy: Are we going to be the only two people...

Alan: Yes, I feel stuck... Right now, I'm kind of mad.

Mediator: I hear you.

Alan: So this is going to be hard to do.

Mediator: Well, maybe we could help you a little bit, all right? If it's really hard, we can stop.

Judy: I don't really have any...

Mediator: You like your solution. It was nine months with you and three months...

Judy: The other alternative which seems to make sense is six and six. But I find that three and three months is just too short.

Mediator: I'll write them down. Go ahead.

Alan: Part of it is financial. If I were to be able to have the children for three months over the summer, I would want enough money for the three of us to be able to go on a trip. And in order to do that, we have to do some shifting of the financial arrangements that we have. I want you to get off my back about

the house. As far as I could see, if I was able to benefit from selling the land at a higher rate than it was appraised at, so much the better for me. But we came to a definite agreement on it.

Mediator: It seems like we're switching problems...

Alan: But I'm not. I'm saying, I'm willing to go with summertimes and vacations if there's a way that I can really do something special with the kids. In order to do that, I need to do something about the financial arrangement that we have, so that I can afford to do that.

Mediator: If were going to talk about custody, and obviously you've stopped brainstorming, you would go for a custody arrangement if there was a tag to it, which would be some other kind of financial arrangement.

Alan: Well, as I see it, that would be a way that we could spend some quality time and have a good time and get to know each other better. And a more relaxed environment.

Judy: Well, I don't really have a problem with modifying what I would initially think of as a more equitable distribution of the property, to deal with that recommendation. But as it stands, the current one I find ridiculous. So that I would be willing to modify what I think is more equitable, to allow for vacation that he suggested. So in principle I agree that there's some merit to the suggestion.

Alan: When you say ridiculous over something that we both knowingly agreed upon, it just makes me say, well I think you're being ridiculous about wanting the children all the time.

Mediator: I think we're going off the tangent here. Let's see if we can generate some other alternatives in terms of how time might be divided with the children. Even if you don't think at this point that they're good alternatives. Certainly one alternative is the present situation. Is that the way we...

Alan: No, that's not an alternative.

Judy: That's not an alternative.

Alan: I think we're all agreed on the fact that the kids' being moved every two weeks is not any good for them.

Mediator: Fine. So that's not acceptable to either of you. Are there other just ideas that you can think of? Don't get so hooked into thinking, is it the best idea? But just perhaps come up with some other alternative, rather than three and nine, and then two variations on that theme.

Judy: I said the only one I'd consider was six and six. But those are the only two.

Alan: What if the kids were to stay in the same house all year round, and Judy and I split living in the house six months and six months?

Mediator: So the kids stay where they are, and you...

Alan: That way we wouldn't have to continue fighting over the financial thing, which I still think should not be an issue.

Mediator: Let's just stick with...

Mediator: Fine. That's an interesting idea. Any others?

Mediator: I was thinking of one you might just want to put in a pile of ideas. Would you consider having the children live with an aunt or a grandmother?

Judy and Alan: No. No way.

Mediator: How about one year and one year?

Alan: Who gets them the first year?

Mediator: I think that would be up for grabs, but I'm just throwing out another possibility. Another possibility would be one child living with Alan, one child living with Judy?

Mediator: How about asking the kids what they want to do?

Alan: That makes more sense to me. The idea of splitting them up randomly, I think they've been moved around and () enough already.

Mediator: How about you get them for vacation and you keep them for the whole year?

Judy: I think he's terribly negligent.

Alan: If you can recall an incident recently, I'd appreciate hearing about it.

Judy: I mean you are over-subscribed and over-committed with a number of activities at all time of day, evening and weekends with your schedule. You're not home at a regular time every day, and you're also not necessarily home on weekends.

Alan: So then maybe you should have the kids on the weekends.

Mediator: Well, what you're really talking about is the kind of care that Alan is giving the children, not the fact that he has

them. Right? And if the care were better? More attention paid to the children? Would you be in the same position that you're in now?

Judy: Possibly not. But I've seen this for twelve years.

Mediator: But let's just understand that. You're concerned about the care. Is there any way that when you take the children, they could get different kinds of carer than they've been getting? Somebody else in the house, somebody minding them?

Alan: Well, that is the case at this point. There is someone around who, if I'm not able to pick them up promptly from school, picks them up promptly from school and so on.

Mediator: Who is this?

Alan: My friend.

Mediator: Have you met her?

Judy: Yes.

Mediator: How do you feel?

Judy: Ambivalent. I don't know that this person's going to be there next week, next month, next year. And I would want to know that there was someone there next week, next month, next year. I don't know. I have no problems with the specific person, but we're talking about children that need care for a number of years. So I'm not really sure that's a solution.

Mediator: You're talking about, really, a big emotional attachment. I'm just talking about daycare with their father as the person they would ultimately see.

Judy: I suppose it's a possibility if there is some way of renegotiating this periodically if that changes, if those circumstances change and that the child still isn't being given enough care or that person's not there or...

Mediator: Do you hear an agreement?

Alan: What?

Mediator: Not at this point.

Alan: Do you? What is that?

Mediator: I was just checking it out with my co-mediator.

Alan: Well I'm hearing that she would feel ok about the care of the kids if she were guaranteed that there was a regular kind of

daycare situation provided for them.

Mediator: A regular, ongoing, same person daycare. Which would then mean what? So we have, it's ok, if the daycare were better. Could I just say that? Is that what you're saying?

Judy: In principle, yes. But...

Mediator: Let me ask you this. How would you feel about having the children only over the summer, and during, I assume, occasional weekends and vacations?

Judy: It would really depend on the kind of care they're getting.

Mediator: How would you make that determination?

Judy: I would want somehow to know for a period of time that the children were being picked up from school, that their homework was being supervised, that they were being fed, that they had sufficient amount of clothes, that the clothes were clean.

Mediator: Up till this point, you've had some problems with that, except for lately, is my understanding. And lately the situation has improved. Is that correct?

Judy: Lately it's improved, but it's been very, very lately. And from what I can tell, it's really based on his friend and not him. And since I don't know the reliability and the ongoing nature of his friend, I'm not quite sure how to assess the situation.

Mediator: Let me ask you, how have you been assessing it up till now?

Judy: I live in another house. I don't know what goes on.

Mediator: Do you phone? Do you visit?

Judy: No, I usually take the children out. Or they come to my house. So I don't really know about how ongoing that relationship is.

Mediator: I'm sorry. I must have miscommunicated. How have you been determining when Alan's care has been inconsistent? I'm just wondering how you made that determination.

Judy: Because the children have complained. They've complained that they've waited for hours after school, that he often forgets about them, I know that they've had dinner at odd hours, I know that he's not there to check on homework before they go to bed. I've seen them in dirty clothes. Either they've complained, or have not had supervision, or have not been well-taken care of.

Mediator: Let me ask you, Alan, is there some way you can think of that there's either some way to monitor it - and I think it's important that you be as honest as you can with yourself about this - whether you want to take this on as a responsibility, where you're going to need that consistency with the children. If you find that for the long term that's really going to be difficult, maybe then you'll want to think about that in terms of what sort of relationship the children have on a time basis. That's a serious thing to consider.

Judy: It's not terribly complicated. I finish work early and I'm home at 5:15 every weekday. I'm in all weekends. Alan has seminars and workshops and special classes and things that go on in the evenings, late into the night sometimes, and on Saturdays. I do my weaving in my studio in my house. Most of my activities are house-bound. His aren't. He's not necessarily in town for some of these workshops and things that he...

Mediator: So you're arguing basically that it's in the children's best interests for them to spend that nine months with you, with the exception of occasional weekends and vacations. Is that correct?

Judy: I think it make more sense.

Mediator: I'd like to come out of my listening role and ask a question. Is she a good mother?

Alan: Yes.

Mediator: She takes real good care of the kids?

Alan: She does all right.

Mediator: So, you have no problem when she takes care of the kids.

Alan: No.

Mediator: So that, all things being equal, the kids are very well taken care of when they're with her. What do you get from taking care of the kids?

Alan: Time with my children.

Mediator: But she's worried when you get time with your children. And there's been some history that they have been in some ways not taken care of as well as...

Alan: Let's put it this way. My lifestyle is such that I have not always been totally consistent. But I don't think that the solution to dealing with that is for her to take the children, for me to lose my children. That far I'm not willing to go.

Mediator: Do you want him to lose his children?

Judy: No.

Mediator: How are you going to let him keep his children.

Alan: Let me take it a step further. I'm not willing to give up daily influence.

Mediator: How can that be worked out?

Judy: We already established with the therapist that we can't both have daily input unless we're both living in the same house. So one of us has to have the children for prolonged periods of time.

Mediator: What about a daily phone call? Or a daily dinner? Or a daily something?

Judy: I have no problem with that. We live close enough.

Alan: I'm having a problem with the tone. It's very difficult for me to figure something out amicably that's going to work for the kids, when I feel like the basis of this argument is blame and finger-pointing. I'm just not into this at all.

Mediator: I did not pick up blame or finger-pointing. You must be tuned very carefully into this. So let's start it again, in a tone that you can hear. You want to hear each other. You're paying us a fortune for this, you know. And you're here to mediate. And you're here to take care of your children. So what we have in agreement is that she's a good mother and that she worries when you have the children. That shouldn't be too difficult to work. You want an ongoing influence with your kids. You want to make sure that they're well taken care of. You want to have some relationship with your children. Do you need to bathe them and help them with their homework and see that their fed? Is that an interesting in your...

Alan: No. But I need to have some contact with them on a regular basis. And I need to know that there's a chunk of time that we can have together, that's going to be a rich time. And that's why, if we negotiate this, we need to negotiate the house, because I'm going to need money for vacation in the summertime to take the kids...

Mediator: Do you need money for a vacation when you take care of them? You do the bread and butter things, and you get to do the cake things?

Alan: Pardon?

Judy: I don't understand the question.

Mediator: You're going to be with them nine months of the year. They're going to be going to school. You're going to take them on vacations and have a swell time. You want extra money for that.

Alan: That's right.

Mediator: Ok. What do you want? For getting them for a longer period of time. There seems to be some kind of trade-off here.

Judy: Are we talking about the distribution of the property?

Alan: We're talking about the fact that we made a deal and we can't...

Mediator: Well, you're not talking about the kids well-being, I'll tell you that much. You're not talking about what's really good for the kids. You are talking about taking care of your children and seeing that they're well taken care of, and then it gets all mucked up with property. You're talking about quality...

Judy: I don't understand your question, then.

Mediator: What do you want to do with your children? What is important for you to do with your children?

Judy: I want to take care of them in their daily lives and make sure that their taken care of.

Mediator: Ok. For this, you're going to have to give their father some privileges, too.

Judy: Fine. What?

Mediator: Three months out of the year.

Judy: I've agreed to that already.

Alan: But I want to take them...

Mediator: Ok. That's it. Wait, we're going to use it. That's it. If it can be arranged, because you're going to put some tags on it, right?

Alan: Did you say it, or if?

Mediator: That's it. Ok. Here's an if. She's going to have the kids if she stays alive. There are all kind of ifs. Nothing's a certainty. So she's going to get the kids nine months of the year. You're going to get the kids three months of the year. Now what are the condition that everybody's going to have with that?

Alan: I want to say that I still want some kind of contact with them on a daily basis.

Mediator: On a daily basis. And what does that mean?

Alan: It could mean dinner. It could mean a phone call. It could mean picking them up from school. It could mean taking them out for supper. I want to know that is absolutely my prerogative.

Mediator: I want to ask a question. Is he a good father at a Howard Johnson's or a MacDonald's. So they do have a good father.

Alan: I do care about my children.

Mediator: We have established that they have a good mother. They have a good father. That momma's willing to take them for nine months of the year. You're willing to take them for three months of the year. If. And a daily thing. So you've come to some kind of an agreement. Now there's a tariff. There's a charge that both of you have to work out for this. But you've already worked out a custody arrangement. Now try changing that if to when. Because we already know what we want to do. We just want to know how much it costs.

Alan: What it costs is coming to some kind of equitable solution that we can put to rest this house issue. And the child support question.

Mediator: It seems to me that those are Judy's top issues as well, past deciding custody.

Alan: See, it's got to be the whole package.

Mediator: Let me understand what it is you're now suggesting in terms of both alimony and understanding Judy's feelings that the property distribution is not equitable.

Alan: Let's start with the child support. Right now, I'm paying two thirds, Judy's paying one third. That's ok for now, but if Judy's income should increase, there's got to be some kind of an arrangement for our arrangement to become more equitable over time. And I don't know how to do that, but I know that I've been reluctant, that I haven't been as on time as I could be in terms of paying some of those child support bills... because it seems like a lot of our arguing comes out in these kinds of areas. Child support, my paying. This kind of thing. I want to know that this is happening in a fair way. And I want to know that it's not going to come back to haunt me every time she gets it in her head that something else should happen. I want some definitive decisions made. As far as I was concerned, we made a definitive decision about the house, and now she's coming back at me and telling me, no I don't like the arrangement we agreed upon and made, I want more. I can't live like that from now

until eternity.

Mediator: I've heard you say two things. One is that you'd like that as Judy's income increases, you'd like to change the percentage of support in some way. Is that one of the things? Second thing I heard you say is that you'd like to come up with some sort of definite agreement that's not constantly shifting. Is that correct? So that she doesn't come back and say, let's renegotiate.

Alan: Yes. I don't want to keep opening up things that we have definitely decided on. I want some things done.

Mediator: Are there any other issues?

Alan: The child support issue, I don't know what to do with that?

Mediator: Why do you want this house issue engraved in rock? Why can't it be opened up from time to time.

Alan: Because we made an agreement. She sold me her share of the house. I bought it. We agreed on the price. She consulted a lawyer. It's done. I own the property now. I'm not going to reopen that up for negotiation. There's no way.

Mediator: Why not? Supposing she loses a leg in an accident. And your property value goes up. And you are the father of her children.

Alan: Look, I'm not the one who walked out. And I'm not the one who had an affair. I'm not the one who started this whole thing.

Mediator: But considering the fact that you both put in a lot of time in the house, a lot of energy, you have two children at stake.

Alan: She did not have to sell me her part. You think every time couples get a divorce, when somebody sells their half of the house, if they change their mind or decide they need money, they should get the profit back from the value of inflation? That's ridiculous.

Mediator: I don't see it as ridiculous. I see it as an option.

Alan: I see it not at all as an option. Out of the question. Absolutely unrealistic.

Mediator: You keep putting value judgments on options. How do you feel about that?

Judy: I have several things to say about that. I will link the issue of the property to the issue of the summer vacations. But in dealing with the issue of house and property, Alan has sold a

one and a half-acre plot of the seventeen acres for seven thousand dollars. If he were to sell all of the acreage at that same amount, it would be seventy-nine thousand, three hundred. That's the acreage without the house. Now half of that is thirty-four thousand, six hundred and fifty. I feel that an equitable share of the property should be at least that. I settled for less previously because I have had a lot of problems with money and Alan in the past. And I felt that is was very risky trusting him on the issue, and I felt the best thing to do was to take whatever I could get in a lump sum up front, because I was advised to do so and I've had experiences with him where things have bounced and things haven't been received on time. I did cut myself short on that end. I think that it was a mistake. It hasn't been litigated. It hasn't been sent to court. He knew the appraisal of the land. I had no selling skills. He clearly did. He sold it for what it was worth and appraised for. And I think an equitable distribution would be half of what just the acreage would be without even including the house. I nonetheless am willing to take less than that, or at least a smaller difference between that amount and what I currently have, for him to be able to take these vacations that he wants with the children.

Mediator: What kind of money are you talking about?

Judy: The difference between what I got and what I think is an equitable sum, which is half the property - and I'm not even dealing with the house - is twelve thousand six hundred and fifty. I am open to suggestions on how to split that so he could have the summer vacations and do nice things with the children. I have no problems taking less and closing that. On the child support, I do not want to continue the system that I've had. Which is that I take the bills () and then bring him the bills and then he splits it up two thirds/one third. It's not working out. I'm not getting the money back in time. I hate it. It causes a lot of frustration and friction. I want a monthly sum that is paid on X of the month, whatever date, and I want some kind of way of doing something if that money doesn't come in on time. I'm not going to pull the bills together every month.

Alan: That I can live with... just the latter part.

Mediator: The specific monthly sum. Let me throw this out as an option. My understanding is that I'm hearing three things that you're concerned with. One is the consistency of payment and security. Second is plus or minus twelve thousand six hundred and fifty dollars, but you're willing to at that point say that if that money is paid out, that no longer will become any sort of an issue, even if the value of the land jumps dramatically. Is that correct? Ok. The third thing is that you'd like some specific monthly sum. I'm wondering for the first and last thing, the consistency of the payment and the specific monthly sum, if there's a way of agreeing on some sum, and having that directly

go from his paycheck into your bank account. So that he doesn't have to worry about it and it's not something he has to contend with every month even thinking about sending. And that you will receive.

Judy: That's fine. I just want a cost-of-living...

[end of mediation]

Debriefing (mikes 1, 2 and 3)

Hall: ...that you can hear what each of you came up with. And then we'll talk about the whole process. Let's see. Ted, what about your group?

Ted: Where did we get to?

Hall: On the two major issues. Custody and child support issues.

Ted: We basically got to a conditional agreement on custody. Where that she would have the kids during the school year and he'd have them during the summer. But we didn't ever get to talk about the conditions he wanted for that to happen. That's where we ran out of time. And we didn't talk about money at all. Nancy was Judy and Steve was Alan, and Maria...

Hall: So Judy would have primary custody, and they would stay with Alan during the summer. So that was basically a nine-month/three-month split, and no finances discussed. Did you have anything about holidays or anything...

Ted: We didn't even get that far. Basically we were at the end of caucusing with the two of them, and that's what Alan had agreed to in the caucus. And we had presented it to Judy, and what his conditions were.

Maria: Well, Alan had agreed that he was willing to provide Judy with a monthly support for the children, and he would stand by it.

Ted: Right. But we hadn't talked numbers.

Maria: And he wanted a divorce.

Hall: They both wanted a divorce?

Ted: Well, we didn't get to... Alan said that...

Maria: He said so...

Ted: Alan said that. We didn't talk about it with Judy yet.

Hall: And your group was the two of you and Nancy. The next group, who wants to talk for... Ok. Jeremy?

Jeremy: First of all, the terms of the agreement was similar to group one, that at least in principle, we would divide up the custody. For the summer, and the school year to Judy. That seemed to be a principle that they were both willing to think about, take away and think about. But it seemed to heal both of them, being workable. In terms of support, both agreed that a budget of

about a hundred dollars a week represented the variable costs of the location of where the children would be. And that the cost of that, the burden of that should be borne in relation to their relative earning power on an after-tax basis, which approximated two-thirds from Alan's earnings and one-third from Judy's.

Hall: After taxes, this was.

Jeremy: That's right. And the way that the sixty-seven dollars that Alan would be responsible for on a weekly basis during the school year would be funded because Judy had a concern about the certainty of receiving that money. Both agreed that Alan's employer would directly pay that sixty-seven dollars every week out of, take it right out of Alan's paycheck and remit it directly. Both were very comfortable with that. Talk about the process () the agreement up. They decided to also set up a contingency fund which would take care of any extraordinary expenses which would () the children which might arise, so that neither party would feel under economic pressure if something arose that needed to be funded immediately. Let's say the children were with Judy at the time and she didn't have the funds to pay for it. So the way that was going to be funded was ten dollars a week would go into a trust () account at the bank from Alan and five dollars a week from Judy. Once again the two-thirds/one-third relationship which would build up a fund of about seven hundred fifty dollars a year plus accrued interest.

Hall: So it's ten and five...

Jeremy: That was felt would sort of relieve the burden of circumstance, if you will.

Hall: Then how could they draw upon this fund?

Jeremy: It would have to be joint signature.

Hall: Then it could be for any purpose they agreed to for the children.

Jeremy: That's correct. But the issue of fixed cost for the children was like funding camp, or insurance or the other things, was left to be decided at a later time. The final item we were able to address, albeit briefly, was the agreement that had been made with respect to the joint interest in the house, previously. And the extent to which we were able to arrive at was that both parties were prepared to at least discuss the reopening of what had been before a closed agreement. And the concerns that were raised... Judy did feel that it had been somewhat inequitable on the basis that the information and counsel that she had received was not in fact accurate in light of later circumstance. And for his part, Alan, while making at first an argument that while we negotiated and a deal was struck, really didn't hold that position and felt that yes perhaps it was worth revisiting, and

what's more, that his concern was that the thousand dollars a year that was being earned in interest ought to at least then be readdressed. And be brought back into the discussion. And the agreement was made to have another session, at which myself and my co-mediator would once again try to resolve that issue. One of the things that was sort of kicked around as an alternative was once again this two-thirds/one-third split, or a fifty-fifty split...

Hall: Of the land?

Jeremy: Of the land, yes, of both past sale and perhaps the future sale of the pieces. But there certainly was no agreement. Some ideas were kicked around and some operating principles were discussed, and the agreement was made to meet again. Now in the process, first of all I should point out that Lyle did most of the mediating. And did just a tremendous job in the way he got the parties to really address the issues. And all three parties were just terrific. The first thing that Lyle did was, after the introduction had been made, said why don't we discuss things on a first-name basis and be very comfortable with that. And then asked each party to make an opening statement about what they were thinking, why they were here, what they were feeling about being in a mediation situation. He was able to then immediately identify joint interests, because both parties had in their opening statements talked about their concern about the children. So Lyle really emphasized that, and said, so at least we both know that what you're after is doing what's best for the children, and surely we'll keep that uppermost in our minds as we discuss the various issues here. So we really got off to a very good start in terms of the way people were about to discuss the issues, quickly identified that both agreed that it was good that both children be kept in the same place, and for a certain period of time. And that really facilitated the discussion about the summer vs. school year division, where the children would be. And every time the parties would talk, Lyle would continually come back and say, well what I hear you both saying is... this. And really focusing on the things that were common between them. At one point, Alan asked, well I'd be very comfortable if the two of us would be a little more directed in terms of what would be a fair settlement. And Lyle resisted that in a very good way by pointing out that they would feel more comfortable and would be happier with the arrangement that was struck if they, in a sense, owned that arrangement, rather than us come up with a suggestion come up with a suggestion, they go away and find after a few weeks that frustratingly it's not going very well. And then just say, well it wasn't our agreement anyway, and walk away from it. So we just said we could take a more active role perhaps later, but we'd like you to try to arrive at something yourselves. And as it turned out, they were able to do that. And use the idea that we could always retreat to more structure later, but right now let's just have the two of you really talk to one another through us, and kept setting out operating principles for that.

additional land, rather than the old agreement...

Hall: So you looked at what happened as having happened and looking at future things... And you also then, in terms of where you left it, you currently left the expenses being settled as two-third/one-third, but with the idea that you relook at that.

(Man): Right.

(Woman): Well, that we would decide what the two-third/one-third was of.

(Man): Right. The next time they would mediate it as to...

Hall: Right. So you didn't come up with a rough figure that it was a hundred a week...

(Man): Right.

Hall: Ok. Now we have two more groups. So another group, Emily. And in your group was Jane, Harvey and Andy.

Emily: We didn't get as many agreements as a lot of people. We talked mainly about custody. And the closest we came to getting an agreement was saying that they would be at one parent's house for six months, and then a therapist would do an evaluation to see if they should continue there or be switched to the other parent's house. And that parent was going to be Judy, the first parent, but we didn't get a final agreement on that. Alan agreed to pay support every two weeks, but we didn't discuss the amount. And they also agreed that although the children were going to have a more permanent home at one parent's residence, that there would be joint parenting, and they'd share in the major decisions for the kids.

Hall: Did you discuss that in any further detail as what that process would look like?

Emily: I have to say that Judy and Alan were great. They get acting awards. And they related to the roles and we got sort of really hung up in a lot of emotional issues and things like that. But it was a good experience. We just didn't get that far.

Hall: That's fun. Ok, that's where you are. I mean we'll talk about it, then comparatively in the process that different groups used. Let's see, the last group is Bob, Natalie, Sue and ().

(Man): We came to a similar solution as did other people that the children will stay with Judy one week before school starts and until one week after school ends. The summers, they'll spend with Alan. The children will spend alternative weekends with

either of them. And the same thing will happen with alternative vacations, except that we haven't come to any sort of agreement on if one vacation or one weekend (), what will happen. So that still needs to be negotiated. There was a disagreement about the equitable distribution of the land and the house, and the agreement was that Judy will receive one acre of land to hold herself, depending upon what she wants to do with that. And it will permanently settle the disagreement so that it can't be brought up again. That will also permit Alan to feel that he's managed to save enough money so that he can take the kids away over the summer, and have quality vacation time with them, if he wants.

Hall: By selling that other acre?

(Man): Right. This way, because initially Judy was asking for twelve thousand dollars, or twelve thousand five hundred dollars, and he was saying, well but I want money so that I can take the children away. So he felt that this would meet her needs...

Hall: And she was satisfied by getting the additional land, that had a dollar value.

(Man): And the additional time with the children.

Hall: The additional time being that she gets the school year with them.

(Man): Right.

Hall: Ok.

(Man): Ok? She will receive bi-weekly child support in direct deposit from Alan's paycheck.

Hall: What does that mean... does that involve the agreement...

(Man): I haven't said what the amount is, but it's the same thing as the employee...

Hall: ...from Alan's paycheck to be taken out by the employer, right?

(Man): Right. And that ends over the summer. Every summer that stops. And the amount is that it's going to continue to be two-thirds of what it's presently been costing for the children. We still need to negotiate what it is they're presently spending on the children. We didn't even touch on that issue. And so that's another area of negotiation. That also will be reviewed each year, depending upon the salary changes they have. And whatever differences there are in percentage, in either Alan or Judy's salary, will change that amount accordingly.

Hall: Annually, meaning like in the summer, or at the time when they're exchanged?

(Man): It needs to be probably at tax time.

Hall: Tax time.

(hubbub)

(Man): We've just negotiated that tax time.

Hall: And the percentage based on current income, then.

(Man): Right.

Hall: Ok. Well, I mean this gives us a fair amount to look at and talk about.

(Man): We also still need to resolve... there are two other things that we need to resolve, one other thing. And that's, which piece of land, and that will have to be negotiated.

(Man): The one with the house.

(laughter)

(Man): ...This agreement both of them will take home for a week and think about, and then...

(Man): ...that may be of some relevance. Judy was concerned about her potential residual tax liability for the year, not having paid anything in withholding. And we tried to address that by having them agree to file a joint return for this year at least, with the theory that some of the savings that would be retrieved there would accrue, in effect, to her, because Alan wouldn't end up paying any more than he would otherwise. But she might pay a good deal less.

Hall: In other words, that will help her in this year, they hope... Ok. Again, looking at the agreements, you did address the alternatives. There are ways in which they're quite similar, but there's still a pretty wide disparity in the groups. I guess at least two of the groups got a fairer level of detail hammered out in their agreements, and the others were not able to get to that kind of detail. Process-wise, what was it like for you? I went around and heard all the groups. Emily was saying one of the groups really got into the acting out of the role. Did you find that you got so into the acting that you couldn't then get the task done, because you needed more time to be spent on that?

(Woman): Part of the problem was a lot of the acting went into making Alan feel bad. (laughter) I mean that was something that I think really prevented us from going forward, that he wasn't

willing to look at that at all.

Hall: Well, it's interesting, because in fact, of course Judy has agreed to this twenty-two thousand dollars. At least in general principles, he's not obligated to give her anything further. She signed away her rights. But of course, if it does go into the courts and is litigated, or when a mediator really looks to what's likely to be a binding agreement, there is evidence that it's going to have to be addressed. Eric?

Eric: I found that throughout this whole role-playing, that there were certain moments where I had a real distinct choice of how to react or comment...

Hall: You were who?

Eric: Alan. Or how to proceed. And it just reinforced to me that the emotional, how important the personalities are. I mean you can read as many of these as you want, and even seeing the videotape of some of the people, during very specific times I had a real choice about I could have made it more difficult for the mediators, I could have made it easier. And I found that you could have the same facts, but if you told half the class to be as difficult, or a little more difficult than they thought, and told the other half to be a little easier, then it would change completely the situation. The specific times really became very clear to me...

Hall: But that's the challenge in almost any of the problems that you've had on the facts that you're given, is whether you want to play it hard-nosed, or even if you have a hard-nosed role whether you incorporate other elements and your own personality into...

Eric: It seems to me, what I found out from it is that you can do as many of these role-playing as you want, but what it comes down to is when you go out and do it, that it really, you can have studied all the books, all the literature, but when you sit down with that unique mix of personalities in that specific day, that you're really left to your general ability to react to the people. We're not really being trained in the correct method, as much as...

Hall: That's a really interesting point. What Larry would say to that, I think is that your basic reaction pattern, your basic personality is not going to be changed, but that you can use some of these skills to make yourself more effective. What Jerry Williams would say, in the example where he said, if you're usually a calm person and you suddenly find yourself screaming at the top of your lungs over the telephone thirty seconds into the conversation, you get a pretty good idea that this is the kind of person who gets to you. (laughter) What you can do with that then is to learn what the most effective way of

reacting with that kind of person is. So that rather than screaming and responding because you're so frustrated, you can have some way to parry with that person, and to have them deal with you. Betty.

Betty: I thought that the role of the mediator was very interesting to observe. Because clearly there is enough material for Judy and Alan to baby each other whenever they wanted and to get off the point of bringing up all the hidden agendas at any point in time that you wanted to, which was (). And what was interesting was to watch the mediators not bite into that bait, not get baited by that stuff as well. And that they would in fact bring us back to the points that we had agreed to at the very beginning. That when we sat down, we said this is why were here, this is what we want to accomplish, and this will be our underlying goal, for the benefit of the children. And so the mediators constantly brought us back to that whenever we were baiting each other. And they let us bait each other. And they let us get to some degree of heated discussion. At some point, you as a mediator have to decide when you're going to jump into that, and how heated and how angry you're going to let it get. It's watching them play that role and thinking about how heated you let things get, and what things you let get thrown out there and be sure that they be dropped.

(Woman): Or maybe how long you let people wander in certain ways. In the history if these people, it just seemed like keeping the energy going in a certain direction has been very difficult.

(Man): It's interesting, when not playing a role that I'm definitely not familiar with playing, I just felt that I was the wronged wife. (laughter) I said, this time I'm not letting them tell me what's good for me. When it comes to the kids, I know what's good for me. And I said right at the outset, that's it, this is my position. And I felt I was controlling, because Jay said to me, well don't you want to wait to the end to make that decision. I said no, I've made that decision.

(Man): But it did in fact change. Because you did say that there would be a point in which it might be better for Alan to have the children.

(Man): Well, I also played a little game by saying, I'm prepared to give the children up after six months if the psychologist feels that they're not adjusting well, knowing full well that in those first six months they were going to have an adjustment... (laughter) He tried to bring up this so-called immorality issue, that I ran out. And I said, here he goes again bringing up the same old issue. And it stopped him in his tracks. He got right off at that point.

(Man): I was Alan. What happened at the beginning really shaped my view of everything, because as soon as the position came out,

I felt that sort of everything else that was said after that was to make the position sound appealing. But underneath it all, we still kept coming back to the same issue, which was that Judy felt that she was fit to be the kids' parent. I basically didn't believe. And we had an interesting situation...

Hall: You didn't believe that she was fit...

(Man): No, I didn't believe that she was genuine in her willingness to share the kids...

Hall: I see.

(Man): ...and all of that. What we finally got around to was that - Emily at one point brought up the point - that, of course, six months down the road, the kids are going to have a good adjustment. Of course the psychologist is going to say this is fine. And Alan gets left out in the cold, which is exactly what I was feeling.

Hall: It was fear.

(Man): And that it would ultimately be more disruptive and all of that. But Judy was so domineering. (laughter) I sort of sat back. I felt not only was she saying what was good for her, but also what was good for me. And I just at that point lost it. Here she had been going through this thing saying, are you getting better? And I replied, with the acknowledgement that my communication was difficult, and here right in front of us she was making it virtually impossible for me to express myself. (laughter) And that triggered in my mind that there's something funny going on here. (laughter) I didn't trust the whole process. And the mediator, Jay, got really involved and at one point was basically siding with Judy. I was fighting that as well. And it ultimately, although in my own mind I had two ways of working these things out, I felt I had to address everything that was going on. And I felt like I was just being sort of dragged under the table. That was a real problem.

Hall: If you had more time, do you think you could have held things to a more even distribution? Because that is a real problem that if one party does come in and is purely positional, you have to use an awful lot of skill to break it. Because even if he changes, if the other party feels that he's been completely trounced on throughout it, you don't have a very good agreement.

(Woman): Jay did most of the meeting. And my only criticism of that was because Judy was a strong person and because she had a position, he tended to take that position because Alan spent the whole time trying to save face, and not really getting to a position. That's how I felt.

(Man): We had a, I felt, somewhat interesting situation, because

Natalie and I had very different approaches toward the negotiation in the sense that... my way of dealing with things is just to see what we can get down on paper and then find out where the commonalities are and come back to that... and Natalie is somewhat more confrontational. And it was interesting. I think she modified it quite a bit, because we had talked about it beforehand, but in a way that permitted that energy to be released by putting both Judy and Alan on the spot under certain circumstances. And she would play that role. And then in other situations I would sort of play a role of, well let's see what we have here and let me see if I understand I'm hearing you correctly.

Hall: Did most of you tend to work from the point of defining what you agreed on, and then go into what you disagreed on? Or working on what were the so-called disagreements or issues where there were real problems?

(Man): I've gotten the feeling that during this course we've gotten into the habit of dealing with the nuts and bolts of the issues and I see a tendency where there's both the emotional custody and financial issues, to go right to the financial issues that deal with the legal matters. And I think that (), and those sort of things sort of promote that kind of habit.

Hall: Most people in the mediation group as a whole at the beginning when we were caucusing, agreed that they would deal with custody first, because in order to set the child support principles and other things, they would have to deal with custody. Now you may be right that because we've defined how to deal with problems to some extent, people are looking to quantify issues, that in a process normally might take longer. On the other hand, this is a couple that's been in this situation for three-and-a-half years.

(Man): One of the first things we did is we went through what are your issues and what are your issues? And then, are these in the priority that you need them in? And both Alan and Judy said that the first issue in terms of priority () those contingent upon other issues, was custody.

(Man): What I'm speaking about is that because we have focused on the technical matters, that we tend - even though we mentioned custody - we tend to trivialize it. And what I felt that my group was more () is the fact that custody is such an emotionally-laden problem. And I felt that most of the time would be practically spent with a mediator diffusing the emotional problems and the problem of custody.

Hall: The interesting thing to note, though, is that it is tied up with other issues. And as you saw in the videotape last week - although I think both parents love their children very much, and that does come out - they have different styles and

different ways of dealing with the kids. And one regards the other as too permissive. The other is too domineering or too concerned about certain things, too strict with the children. What you really have in this setting is the danger of using custody as a pawn to settle other property issues. That's really not uncommon.

(Man): Why is that a danger?

Hall: Of using custody? It's a trade-off. Except I think Tom's point about not trivializing something and what in a court standard would be the best interests of the child, is in a divorce mediation you don't want to think that could just be ignored. And of course, all this is subject to court review. So if something comes up that does not seem to meet that standard, it could be subject to change. What I wanted to bring out in terms of negotiation theory, for you to think about, is whether process-wise - and there is no right or wrong answer to this - but whether you get better agreements by starting not merely the joint interests but also what the parties agree to, those issues on which there is no major disagreement, and then going towards agreement. Or working the other way through and thinking back to some of the multi-party games and some of the scorable games. There are ways in which if you begin too early not to package things and link things in a certain way, you just never get a very good agreement.

(Man): I wonder what her responsibility is toward bringing out other potential problems. For instance, the problem of whether Judy's too permissive never really came up. But one of the things I was wondering as a mediator, is it my role to bring up what I see are going to be potential conflicts down the road, that may in fact make the present negotiation a lot messier. Do you have any feeling on what the mediator's role in that situation is?

Hall: Well, looking at the history of this problem, what you can say is there have been things that were not dealt with that have definitely caused great problems down the road. And whoever the mediator is who unravels their situation now is going to have a fairly tricky time. Lyle, do you have a comment?

Lyle: It seemed to us that your question about point of entry, that's starting with the commonality... where people would be shooting at each other seems to be at least for our purposes a productive process. They've got enough differences dividing themselves. () to try to get an agreement together in the habit of agreeing on something may not be a bad idea.

Hall: In this situation, there's a real reason to look for some little agreement that they could agree on and work on that.

(Man): Would you then bring up other potential problems after you hammered that out?

(Man): We did it. We tried that same approach.

Lyle: There is an implicit () where you took the zone of common interest and tried to () an agreement around that first, and then took the next most difficult issue and if you can get through that then you took the next most difficult issue. It seemed to us, I think, that the property division was the most difficult to ().

Bob: Who's defining those issues, though? Was it Judy and Alan or was it...

Hall: People are starting to leave. Can I just interrupt for a second? I just wanted to say that those of you who do have to leave, can. A couple more of you might want to talk a little longer. I hope you all have a wonderful Thanksgiving, and I will stay for those of you who want to ask more questions. Next week, Debbie Cole, who is a professor at Simmons College and has written a book called *The Mediators*, on mediation style in labor negotiators, will be here. She's doing a lot of work on intra-organizational conflict and how managers deal or don't deal with conflict. We will have a case, called *The () Case*, in your packet. Please look at that because she is going to actually be asking you very much with her through that problem. So if you could be prepared for that, that would be really good.

Roz: Also, I'd love to get some feedback on the usefulness of the video material as a case study, and the game that you played. My address is on the second sheet there.

Hall: Or you can give them to me and I'll get them back to you. Also, if you...

Roz: Do a little rewriting, if you like, on the back...

Hall: And a few comments on how you'd like to see this edited, other facts you think would help you, please let me know. Thank you very much and thank you, Roz.