



Litigation in the Living Room

BY KERRY MCCARTHY

Any good relationship book, podcast, or newsletter will tell you that communication is key to a successful relationship. But healthy communication doesn't come as easily when our emotions are driving the conversation.¹ For those who have been trained to argue for a living and who spend their careers preparing for litigation, it may be much more difficult to use healthy communication with a partner or loved one during conflict.

Lawyers are known for effective communication, and their focus and drive when pursuing an outcome that's best for their client is unwavering. In litigation, for example, there's a spirit of "win or lose" that often entails high stakes, fast-paced and intense depositions, and time-consuming trial prep. At trial, from opening

to closing statements, litigators present their arguments with confidence and strength while undermining those of the opposition. These adversarial skills are practiced and perfected in court, until they become deeply ingrained and second nature. But they don't lend themselves well to conflict resolution or relationship repair with friends, family, and other loved ones.

This article offers some techniques that lawyers can use to better communicate during conflicts with loved ones at home. Fortunately, the conflict resolution skills we use in our living room can also improve our litigation skills.

The Gottman Method

While conflict is a part of any relationship, many struggle to communicate effectively about their feelings and needs with their partners.

Couples often fight about the same things over and over again.² The arguments may look similar—fighting over the budget or chores around the house—but a deeper issue lingers below the surface, unresolved. For instance, one spouse might tend to nitpick the other's purchases, causing the couple to argue about who buys what and when. But the underlying issue might be that the spouse views their partner's spending as a lack of commitment to the couple's shared goals.

Drs. John and Julie Gottman created the Gottman Method to help couples like this improve their conflict resolution skills and address the heart of their issues without creating gridlock. The method draws on their 40 years of research and clinical experience with more than 3,000 couples.³ Research suggests the Gottman Method is an effective way to improve marital relationships, adjustment, and intimacy.⁴

The Four Horsemen of Relationships

Through his research, John Gottman has identified criticism, defensiveness, contempt, and stonewalling as the "four horsemen" of relationships.⁵ These communication styles can chip away at relationships and create impassable blocks to conflict resolution. But if we can learn to spot these negative behaviors in our communication, we can replace them with healthier ones and improve our relationships. Below is a description of each problematic behavior, followed by its antidote.⁶

Criticism

The first horseman is criticism—verbally attacking a person's character or personality. This can present itself when we use statements such as "you always" and "you never." We're making judgments about the person rather than identifying the behavior we're not happy with.

Antidote: Use a gentle start-up: Beginning the conversation without accusations or name-calling can set the conversation up for success. When we start conversations with criticisms like "it's your fault that we're always late" or "you're so lazy," we put the other person on the defensive. Talk about your feelings and make requests using "I" statements such as "I don't feel like a respectful friend when we're

late. Can we leave at 12:30 today to be sure we arrive at the wedding on time?” or “I appreciate all the hard work you’ve done in the yard. We still have quite a bit to do in the house to prepare for the party. Can you help me finish cleaning up inside?”

Defensiveness

Perceived attacks tend to put us on the defensive. One way we shift blame is by playing the victim and justifying our behaviors while condemning our partner’s. For example, during an argument about the budget, one partner might say, “well at least I didn’t spend half my paycheck on a mountain bike.”

Antidote: Adopt the perspective that the conflict is “our” problem, not just the other person’s. When your partner is talking, listen with the intent of understanding rather than responding. Take responsibility and offer an apology for any transgression. For example, you might say, “I’m sorry for not being more mindful of my spending. Let’s take a look at the budget together to see where we can cut back.”

Contempt

Contemptuous behavior insults the other person’s sense of self. This may take the form of name-calling or acting with an air of superiority. An example is: “I learned how to clean up after myself in kindergarten—when are you ever going to learn?” John Gottman identifies contempt as the most toxic of the four horsemen, because it can destroy psychological and emotional health and result in very real physical health concerns.⁷

Antidote: During conflict, it can be difficult to recognize the positive attributes of your relationship and partner. Intentionally remind yourself of your partner’s positive characteristics and attributes, and express gratitude for positive actions. Fondness and admiration pave the way for conflict resolution from a “we” perspective. This can look like: “We’ve been really busy with work and the kids the past few days. We both seem to be struggling to put our limited energy after work into household chores. What do you think about us dedicating an hour on Thursday to cleaning up together? I think it will make it easier on both of us.”

Stonewalling

Stonewalling is avoiding conflict by withdrawing or conveying—through words or actions—disapproval, dismissal, or separation. This can take a variety of forms, such as walking away without communicating the need for space, responding with unhelpful comments like “whatever” or “yeah right,” or not responding at all.


Antidote: When you’re stressed and emotionally overwhelmed, it’s easy to overlook or even reject your partner’s attempts to repair conflict. When you find yourself no longer engaging in a helpful way, give yourself some time for healthy coping skills. Tell your partner that you need a break before coming back to the problem at hand.

Engaging in a soothing or distracting activity, such as going for a walk or speaking with a friend or therapist, can reduce the intensity of your emotions and allow you to think more clearly. When you lower your stress levels, you give your brain the time and space to engage your executive functioning skills—decision-making, judgment, moderation of social behavior, social control, and so on. Engaging this part of your brain allows you to incorporate logical thoughts, integrate emotional information appropriately, and engage more effectively during conflict.⁸

Key Takeaways

Conflict is a normal and healthy part of relationships, and how we approach a disagreement can support or compromise the outcome. The four horsemen enable us to reflect on how our communication style and behaviors may be impacting our relationships. Ask yourself in what ways might you be able to soften your verbal and nonverbal communication using Gottman’s antidotes. Who in your life may benefit from you taking steps to adjust how you manage conflict in personal relationships? Why is it important to you to invest in your personal relationships? What kind of support do they offer you? What are you grateful for in your relationships? Just remember to consider these questions when you’re calm; asking them when you’re upset can jeopardize a positive conclusion.

Conclusion

The skills that make you an effective attorney are valuable, but as with any strength, there can be drawbacks. If you notice increased or unwanted conflict with loved ones at home, try taking a step back to consider your communication style—both what you’re saying and how you’re saying it. Maintaining a constructive, supportive mindset that’s suitable for conflict resolution is not always easy, but it’s the key to healthy dialogue and relationship repair. 

For more well-being strategies, visit the Colorado Lawyer Assistance Program (COLAP) website at www.coloradolap.org, or contact COLAP at info@coloradolap.org or (303) 986-3345 to request a confidential, free well-being consultation.



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NOTES

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3. The Gottman Institute, Overview, <https://www.gottman.com/about/research>.
4. Davoodvandi et al., “Examining the Effectiveness of Gottman Couple Therapy on Improving Marital Adjustment and Couples’ Intimacy,” 13(2) *Iran J. Psychiatry* 135 (Apr. 2018).
5. Lisitsa, “The Four Horsemen: The Antidotes,” The Gottman Institute blog, <https://www.gottman.com/blog/the-four-horsemen-the-antidotes>.
6. *Id.*
7. *Id.*
8. Lerner et al., “Emotion and Decision Making,” 66(1) *Annual Rev. of Psychol.* 799 (Jan. 2015), <https://doi.org/10.1146/annurev-psych-010213-115043>.