

From Chaos to Clarity: Communicating with Borderline and Narcissistic Personalities During Divorce

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Navigating family law cases is often complex. When a party has been diagnosed with Borderline Personality Disorder (BPD) or Narcissistic Personality Disorder (NPD), the challenges inherent to family law litigation are significantly amplified. The traits associated with such personality disorders can impact communication, negotiation and overall case dynamics. Understanding the nuances of interacting with

people who have BPD or NPD is crucial for legal professionals, clients, and other professionals involved in divorce and related cases in order to manage such cases effectively and to achieve a favorable outcome.

Understanding BPD and NPD in Family Law Contexts

BPD and NPD are complex mental health conditions that can manifest in various ways, taking a toll on family law proceedings. Individuals with BPD can experience intense and unstable emotions, fear of abandonment, and can have difficulty maintaining stable relationships. People with NPD typically display an inflated sense of self-importance, a resolute need for excessive attention and admiration, with limited empathy for others. In family law cases, these traits can lead to heightened conflict, manipulative tactics, and challenges in reaching agreements. While these personality disorders may complicate legal cases, they do not inherently make a person unfit as a parent or partner. The traits noted, however, require specialized approaches to communication and case management.

Emotional Volatility and Instability

A challenge in communicating with people who have been diagnosed with BPD is their emotional volatility. They can shift from calm to angry, angry to sad in the blink of an eye, impairing the ability to communicate productively. Their emotional instability may lead to frequent changes of goals, demands for retribution, or positions, complicating the legal process. Add in potential impairments occasioned by a BPD's failure to take therapeutic levels of prescription medications, or to self-medicate through illicit drugs and/or alcohol, and communications are much more

difficult. Consulting with treating professionals to ensure treatment compliance and to assist in managing problems is very important.

Those individuals diagnosed with NPD also present communication problems. When upset they may lash out at the attorney for not doing what was “demanded.” These people want what they want and demand compliance. When the attorney explains the facts of the situation, a person with NPD may become angry yet present as sullen and quiet, a passive-aggressive manipulation tool.

Manipulation and Gaslighting

People with diagnoses of BPD or NPD excel at manipulation. Individuals with these disorders may attempt to manipulate or to distort facts, emotions, or perceptions not only to gain advantage in their case, but simply because their expectation is that everyone else should view things from their perspective. Such individuals may engage in gaslighting, where they attempt to make others question their own reality or memory of events. Vigilance in documenting all communications and agreements is a must.

Lack of Empathy and Compromise

Individuals diagnosed with NPD struggle with empathy. Some are largely devoid of empathy, making it challenging to reach mutually beneficial agreements. Those with NPD may be unwilling to compromise or consider the needs of others, including the needs of their own children. They tend to be rigid and lack flexibility, which often has the net effect of prolonging negotiations and increasing the likelihood of multiple trips to the courthouse in a given case. Going to the courthouse may also be how the NPD “punishes” the other side, the opportunity to see the court give

the other side the punishment they deserve. At the same time, the NPD is self-assured in the idea that the judge will view them as being stronger, smarter and more steadfast.

Also, the NPD feels compromise is a loss unless they believe they are doing the other person a favor, “giving” them something. They believe this makes them look like the better person.

Splitting and Idealization/Devaluation

Individuals with BPD often engage in “splitting,” making divorce more difficult. When an individual engages in “splitting” in the psychological sense, they tend to see others as “all good” or “all bad.” The black and white thinking associated with splitting lends itself to rapid changes in perception—of the BPD’s spouse, attorney, or even the judge handling their family law case. One day the BPD idealizes someone, and the next day, the BPD devalues the very same person, impairing consistent progress in the case. The person with BPD goes to court hoping for the best (“all good”) outcome but fully expecting the worst (“all bad”), and blaming the attorney.

Strategies for Effective Communication

Establish Clear Boundaries

When dealing with people who have BPD or NPD, it’s crucial to establish and maintain clear boundaries. This includes setting specific times for communication, acceptable methods of communication, and respect for the other parent’s efforts and time. Consistency in enforcing boundaries is essential in maintaining an effective relationship.

Use Written Communication Where Possible

Relying on written communication, such as emails or even text messages, can help create a clear record of interactions and agreements. This documentation proves valuable in countering attempts to manipulate or gaslight. Hopefully, written communication allows for more thoughtful responses that reduce the potential for emotional escalation. Realize though that written communications lack the ability to convey tone and body language, which in turn means that attorneys, and the recipient of our written communications, may choose to interpret the written word quite differently than was intended. Communication between parents may be best through a communication platform, such as [OurFamilyWizard](#), designed to include a “tone meter,” and to focus the litigants’ communication on exchanging essential information about the children’s well-being and schedules.

Employ Validation Techniques

Don’t enable harmful behavior. However, using validation techniques can ease communications with people who have BPD or NPD. [Bill Eddy](#) refers to this as his “E.A.R.” technique. E.A.R. = Empathy, attention and respect. Acknowledge the BPD and/or NPD’s emotions without necessarily agreeing with their perspective. Something as simple as “I hear what you are saying,” or “I understand how frustrating this is for you,” can keep the conversation flowing constructively. Patience is essential.

Focus on Facts and Outcomes

Don’t get mired in “taping,” where a person diagnosed with NPD or BPD attempts to tell and retell the same story, trying to resurrect past

perceived wrongs on the part of the other parent/litigant. Focus on facts and desired outcomes. Ask them what their goals are, and solicit their opinion on how you might best achieve those goals. Avoid focusing on emotions and perceived past grievances. Keeping the focus on the present and the future helps to keep such clients focused on solutions to the benefit of all.

Use Parallel Parenting

Young children often engage in parallel play. Such children can play well and effectively by playing independently. There's a lesson to be learned in how children play. When people should be able to co-parent, but have a long history of difficulty in communicating, as one party (or both parties) suffer from BPD or NPD, parallel parenting strategies may prove the best option. Parallel parenting minimizes direct contact between parents, but allows both to be involved in their children's lives. There may be a need to consider placing restrictions on access where there are addiction issues, and a given party's conduct warrants supervision when they have access to or possession of their minor children.

Legal Strategies

Document

Thorough documentation is crucial when dealing with high-conflict personalities. Encourage clients to keep detailed records of all interactions, agreements, and incidents to help them build their case. This documentation may prove invaluable if the case goes to trial or if enforcement actions are necessary in the future.

Consider a Guardian Ad Litem

In cases where children are involved, consider asking the court to appoint a guardian ad litem or attorney ad litem to represent the minor children. Hopefully, such an advocate can serve as an objective third party. The ad litem can provide what may be the most unbiased perspective and recommendations to the court.

Mental Health Professionals

Collaborating with mental health professionals can be particularly beneficial. Mental health professionals can provide important insights into the family dynamics, and/or the dysfunction within the family, and can offer more effective communication and case management recommendations. Mental health professionals can be powerful trial consultants in cases involving parties with BPD or NPD.

Explore Alternatives to Meet Goals

Consider scheduling weekly meetings for updates and to help with case management. Traditional mediation can be challenging in cases involving high-conflict personalities. However, other forms of alternative dispute resolution may be effective. Collaborative law, or agreeing to arbitrate such cases before a special master, may provide structured environments for unique resolutions.

Ethical Considerations

Attorneys must navigate a delicate balance between serving as zealous advocates and maintaining ethical communications with our clients. For instance, ethical canons that bind attorneys mandate that they refrain from having direct communications with a person represented by counsel without the other attorney's consent. That rule applies even

when dealing with high-conflict personalities. Again, create and respect boundaries.

Conclusion

Clients often assert that their spouse has BPD or NPD. Trolling the internet does not equate to a formal diagnosis. Communicating with individuals who have been diagnosed with BPD and/or NPD requires specialized strategies and heightened awareness for the parties' attorneys. Bringing in a mental health professional as a trial consultant can help in a myriad of ways in such cases. By understanding the characteristics of such disorders, one can learn how to implement better communication strategies. These communications strategies, in turn, will allow attorneys to prepare more effective legal tactics, creating an effective environment for navigating complex cases. Attorneys are duty bound to be zealous advocates. However, we must maintain our professional integrity and ethical standards while zealously advocating for our clients. With patience, consistency, and good "strategery," we can help our clients—and the children caught in the middle—manage even the most challenging of cases effectively.

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Original link: <https://www.law.com/newyorklawjournal/2024/09/06/from-chaos-to-clarity-communicating-with-borderline-and-narcissistic-personalities-during-divorce/>