

The Legal Case and the Emotional Case

The Legal Case

- The legal case is the sum of the legal issues, principles and concerns of the parties (financial issues are included as part of the “legal case”). Also includes the facts as understood by the parties.

The Emotional Case

- The emotional case is the “real” dispute, often hidden underneath the putative or surface-level dispute. It’s what really matters to the clients, and hence often holds the key to resolution of the overall case.

Creating a Clearing

- Getting to the “emotional truth of the case” and resolving it is the central challenge of our work.
- Addressing and resolving the emotional case makes it much easier to deal with the legal case.
- Once emotional issues have been addressed the parties are more able to give attention to the legal aspects of the case in a rational, dispassionate and practical way.

Why is it Important to Get to the Emotional Truth of the Case?

- When not addressed, legal and emotional issues are often conflated, frequently leading to impasse. E.g., a sense of “stuckness” or a lack of “traction.”
- When conflated, parties are often inclined to use legal positions to correct past injustices, rather than to assess future needs and goals.