

TRANSCRIPT OF AUDIO FILE:

---

BEGIN TRANSCRIPT:

THERAPIST: How are you?

CLIENT: I'm tired. I was up late last night basking. I was awakened to the sound of street cleaning. It was a little bizarre, which is nice. They don't give you a warning. In some places they come around with a loudspeaker. That means I had to move my car at 8:00. I should have gone to the CVS to pick up medicine, though my meds are so screwed up right now.

THERAPIST: What's up?

CLIENT: The Prozac I started I upped my dosage so I've run out and I can't renew it until tomorrow, so I'm out of it. I just don't care. I don't feel like asking for extra to tide me over until tomorrow until I can get more or calling Micah. I still haven't gotten any new Klonopin and I refuse to call her. (chuckles) I'm seeing her on Friday, so I figure I'll just get new prescriptions for the... [00:01:23]

THERAPIST: How have you done without the Klonopin?

CLIENT: All right, I guess. I haven't had a whole lot to be really anxious over.

THERAPIST: Good.

CLIENT: I've got this one condo litigation case that's supposed to go on trial in January, which it looks likely that it's not. I've got to tell the guy that's flying in from Europe that it's not going to happen. I'm put in a bad position because she wants to move the trial, but she's supposed to propose the first draft of the pre-trial memorandum; then I fill in my information and we go back and forth and hammer out this memorandum for the judge. She's got to put in there all her witnesses, the facts on which she's relying, her damages stuff I don't have from her yet. [00:02:22]

THERAPIST: Right.

CLIENT: The order for this thing came out months ago and now she's claiming I've requested on multiple occasions; I requested it yesterday and she's telling me that the clerk told her she doesn't need to do one. What judge is going to go to trial without a memo? There may not be a conference, but you still need to do the memo. How do I go into a court and say, "No, don't continue this trial. But, by the way, I'm unprepared for trial because she won't do the memo." I'm in a catch 22. My guy is screwed because there's nothing I can do for him. We can't go to trial in January because I'm completely unprepared. I have no clue even what damages they're asking for because I don't have this memo. [00:03:13] In my mind I've got certain strategical motions I'm going to play at the beginning of the trial which include witnesses and testimony and all this stuff, but until she lays all that out which she has to do. This isn't like on TV where they all of a sudden come up with a everything is supposed to be out in the open. There are no surprises; and she's trying to litigate by ambush. My client is caught in the middle of it and I'm caught in the middle of it and I don't really know what to do. What am I supposed to do ask for his plane ticket money as a sanction, which they're not going to give me? I'm losing a battle of their unwillingness to litigate this case and I can't force them to. The only thing I can think of to do is to ask for them to dismiss the trial based on them not doing this memorandum. [00:04:19]

THERAPIST: The thing I don't get is that you're saying that she's screwing up and sort of not playing by the rules she's supposed to play by, and yet somehow that's going to help her win because...

CLIENT: Well it wins the battle, not the war because there aren't sufficient remedies for me to offset her type of litigation. This is why Jess hates divorce because they all litigate like this. She stands there in open court and says she can do a trial on January 14th; and then all of a sudden she has another matter marked up and she's claiming the court never sent out a notice of the trial. But she stood there in court in front of the judge and told the judge to his face, "Yes. I can do a trial on that day." That's not going to be good enough. They're going to change the date because she's got something else. I'm in the position that I can't say, "Judge, no, let's have the trial." We can't have the trial because I'm completely unprepared. Why am I unprepared? Because of her. [00:05:41]

THERAPIST: Right. So there's no consequence for her not being ready?

CLIENT: That's why I'm going to try and ask for her cause of action to be dismissed because she's not prosecuting it. The order's been out there. I've made multiple requests. She stands in open court and takes a trial date and then can't meet the trial date because she's got some other matter that she's now scheduled? The judge said we need to get the memo by December 1st; and she just plays dumb. Now she claims in an e-mail that the clerk told her she doesn't need to do a pre-trial memo. I think the clerk may have said there's no pre-trial conference, but I refuse to go to trial without a pre-trial memo. That totally ambushes me, you know? Now I've got to go in and first of all, she's got to serve this motion. I may just go ahead and file my motion to dismiss. I've got to figure out what basis, if there's any case law or anything. I'm thinking the way to beat this woman is to just start dragging her into court on stuff make her life difficult even if it makes mine. I've got to now e-mail my client and tell him, "Once again, we've been duped not duped, but things are out of our control. You switching and coming home for Thanksgiving instead of that and coming home for a trial in January that's now not going to happen. At least you get to see your family." (pause) I could say, "Just fire me." That would make it easy. (chuckles) [00:07:51]

THERAPIST: Then you feel pretty helpless, actually, and like you can be beat this way and there's not much you can do about it. That's not exactly what you're saying, but it sounds like that's what it feels like.

CLIENT: Yeah. Totally. I'm anxious about it, but it's just happened so many times. I don't know why I get anxious about the real estate stuff and I'm not as anxious as I would be about this stuff. I guess I've been anxious over it for so long that I've finally just gotten used to it. I don't know. I've just (sighs) got anxiety about the helplessness, I guess, but it's not like concern I have about getting these payoffs and all these little things involved in closings. I don't know. It just doesn't make sense to me that this other stuff gets me so worked up. By the way, did you get my text? [00:09:11]

THERAPIST: No. What did it say? When did you send it?

CLIENT: Yesterday. I was just following-up on the IRS letter.

THERAPIST: Oh, yes. Yes, I got it and it went over my head; but I thought about it and I thought I haven't done anything on it. Tell me again what you need and I will do it by Friday. How's that?

CLIENT: That's good, I guess.

THERAPIST: By when do you need it?

CLIENT: My lawyer says the 13th; but I think as long as we're getting them stuff, some of it can be a little delayed so Friday would be fine.

THERAPIST: Are you sure?

CLIENT: Yeah.

THERAPIST: All right. I'll get in by Friday or in the next couple of days.

CLIENT: When is the 13th? What's today, the 11th?

THERAPIST: Yes. So that's Thursday.

CLIENT: Yeah, Friday would be fine. You can't say that I'm in the same obviously I'm not as bad. The last letter... That obviously had me in a really bad state. [00:10:23]

THERAPIST: Letter update... Okay.

CLIENT: I would focus on how I still have difficulties with work and new work, whatever.

THERAPIST: I don't think it will be hard for me to update it a little bit and soften some of it about how hard a time you're having, but still say you're not out of the woods, essentially. You are better functioning and more able to work, but still affected by the depression in a way that keeps you from... I don't know not full functioning. Something to that effect. [00:11:28]

CLIENT: Sounds good.

THERAPIST: Okay. Sorry about that.

CLIENT: It's okay. First of all, they wanted the business statements updated and, of course, I've made all of this money in the last month or so. (chuckles) But I already spent it. That went out the door as soon as it came in. I could see the money go in and I could see the money fly out. The thing is my bank statements don't have the checks, copies of the checks or the actual...

THERAPIST: Right. Checks you deposited?

CLIENT: Right, so they don't know who the payees are. I ran a payee report. I think they're probably going to raise our monthly amount, but they're going to cut it back from a 60-month to a 24-month which is huge chunk of money. [00:12:31]

THERAPIST: Will it work out overall when you pay her because they're shortening it?

CLIENT: Yeah. They're shortening it no matter what. I think they've already committed to shortening it, (laughs) but we proposed a 60-month plan so I don't know... We're really just not pulling in a lot of money, at least that's what it looks like. It's the truth. I can't use my heat. It's a good thing it's warm out. There's a hole in my landlord's chimney that they put a temporary patch on, but the chimney guy needs to come out and fix it. They don't want to turn the furnace on until he comes out to fix it, which may not be until later today or tomorrow. It was like 71° in my apartment this morning, so I just wear my sweatshirt. I kind of just wanted to go back to bed, but after drinking the coffee... I have one title to do. I think I might go into the office and do that. I should go into the office and be productive check mail and see if that motion came to continue the trial. (pause) I guess part of it is I feel like I should be fighting, but I really don't know what to fight, how to fight, and I really don't know what I should be doing. [00:14:31]

THERAPIST: With this trial, you mean?

CLIENT: Yeah. Part of it is knowing when to battle, even though you're going to lose the battle; and I just give up. I'm like, "Pee on it. They're going to move the trial. Oh, well." (pause)

THERAPIST: It sounds a little like you're kind of intimidated and overwhelmed and imagine that if you do something it won't make a difference anyway. It feels like you're dealing with Jess or something.

CLIENT: Yeah. Another system I can't win, can't beat. (chuckles)

THERAPIST: Although [my impression is that] (ph?) once you actually step up, you generally do quite well. The first part of the trial went pretty well, right?

CLIENT: Yeah.

THERAPIST: And there are lots of other things like that. I think with work, where there's impending catastrophes and you figure out a way out of it or finesse it... [00:16:31]

CLIENT: One of the things I was worried about with my closing from Friday was the wires not getting there until today. I didn't want to bring that up Friday to the attorney, though my client told me they already knew. He mentioned the wire hadn't come in and I was like, "I'll check with my client." She was like, "Oh, yeah. They're not going to be able to send a wire until Tuesday," because they've got to wait for some securities to clear, I think is the problem. It's coming from her financial she didn't expect to pay \$5,000 to sell her house. Chase. They suck.

THERAPIST: Yeah, what happened with that, by the way?

CLIENT: I don't know. Jess is supposed to be working with them and I just don't want to talk about it, so I just don't bring it up.

THERAPIST: Okay. Jess's working with who? [00:17:21]

CLIENT: Over the weekend, I was kind of like, "Oh. I've got to deal with that. I'm going to the game and I'm going to have to deal with this wire issue." It feels like I'm going to have to play deflection to some degree. They didn't contact me at all yesterday, so they must have finally told them or they went to the listing agent or they found out some other way that they weren't getting the wire. I can't see them not getting the wire, not knowing, and not calling either or e-mailing. That kind of the stuff is the stuff I'm worried about. I'm worried about getting an e-mail from somebody where I'm going to respond, "Okay. Let me check into it," and not do anything. [00:18:18]

THERAPIST: Is it that you also tend to feel pretty responsible for things? It's weird. In some ways, you feel very responsible for things and in other ways you don't; but do you feel like you've messed up so many things that whenever there's a problem somebody's reasonably going to blame you? Because even if that thing isn't quite your fault, there's probably something else that is?

CLIENT: Yeah. I think there's some truth to that. I'm concerned about how it's going to reflect on me. [00:19:17]

THERAPIST: Is there actually anything you could have done about the wire?

CLIENT: (chuckles) No.

THERAPIST: Amazing.

CLIENT: I could have told them Friday, as I'm telling them they can't have the keys. The leverage would have been for them. "Oh, you're going to be late an extra day on the wire really two days and now you're telling me you're not going to let my client in there." I just avoided it all because I didn't bring it up. That was tactical on my part.

THERAPIST: So it sounds like you were careful about the thing you could have been careful about, which was how to handle that. But you had nothing to do with the wire being late, right?

CLIENT: No. I estimated the money for them. I was pretty close and I gave them the heads-up once I saw what their loan balance was. How they could not take their loan balance and add the commission and realize that that was over the sale price, I don't know. I know not everybody is good with numbers but... Before they sold the place I went through and told them what the fees and expenses were going to be. They were supposed to pick the sale price based on not having to bring money at closing but... [00:20:36]

THERAPIST: Right. Apparently not.

CLIENT: I mean it's \$250,000 \$251,000 actually which, is pretty cheap for anything in that area.

THERAPIST: Oh, it's in this area?

CLIENT: It's like a one-bedroom, it's garden level, it's over a pond. Right by the football field, the pool. It runs right alongside the park so you're right there. You've got the bus stops, Whole Foods, Trader Joe's, CVS... [00:21:23]

THERAPIST: Yep. Right by the highway.

CLIENT: The organic sushi place, liquor store. It's pretty cool. It would be a good spot for me. I'll have to think about it.

THERAPIST: (laughs) Yeah, maybe that's what it is. In the trial, as well, you feel like, "Oh, if I try I'm going to fuck it up," or "The other person is so domineering," or "She's going to know more," or "The judge is going to side with her somehow," or "I won't follow through with what I need to anyway, so what's the point?" [00:22:11]

CLIENT: Yeah, that's a big one. I gear myself up to like, "Okay, this is what you're going to do," and then I don't do it or I feel like I'm not going to do it.

THERAPIST: Actually, you usually do the things with work, I think.

CLIENT: Hmm. (pause) [00:23:23] I took my blood pressure down and it was high. I'm off the blood pressure medication and I don't want to go back on, but I may have to. It sucks. I'm tired of all the pills. (pause) [00:25:09] I beat myself up to get this rush title done down while Ian is bothering me. I'm working away on it all morning and I forgot to send it. (chuckles) They sent me an e-mail yesterday morning. "How's this coming?" I was like, "Oh, I finished it last week and forgot to send it to you." Whoops. I've got to get an e-mail to them. They owe me over \$3,000 now and I don't know what's closed and what hasn't, you know? Maybe I could do that today. What I've got to do is everything for me comes up by invoice number, but they've got everything by property address, so they're going to know whether it's closed or not by property address, not the invoice. I've got to go through and make a list for them that matches up the invoice number with the property address. I have no way of generating that other than

manually, and there are a lot of them out there. [00:26:47] I think I'm just going to do an end-of-the-year open invoice. If I'm not going to get the money until next year, then taxes go up. (pause) Something's rattling. Your sprinkler?

It's very frustrating because I kind of get like, "I have all these closings lined up." Every time the money comes in, I don't know where it all goes. It's gone. I'm trying to get to the point where I have expenses put away so when I have a bad month or two, I can survive that; but it's like I can't get to the point. I could not buy tickets and stuff like that, but what's that going to do for my depression? (sniggers) It's a catch 22. If I don't go to the games I'll be depressed and spending the money on the games makes me depressed. [00:28:48]

THERAPIST: I thought you bought the tickets all at once?

CLIENT: Yeah, but still. The end of that's coming up. (pause) So much of it is taxes. Do you pay your estimated taxes like a good boy?

THERAPIST: Yes.

CLIENT: That's what I'm thinking about next, is January. Every month there's the State, Feds, and every three months there's the estimated. That's the other thing. I'm trying to have money set aside for estimated taxes. Every time I try to put money into my savings account or whatever, I've got to pull it out two weeks later or something. At least I'm getting caught up big time on my rent. I was really behind. I think I'm almost caught up. I think I'm still a couple of months behind, but like just November and December, I think maybe. I don't know. I got caught up on my student loans. [00:30:36]

THERAPIST: Good for you.

CLIENT: Which I was in serious default. I'm getting caught up on the website. I was way behind on that. I'm still somewhat behind on it, but... There's always like I've forgotten about \$300, two surveys I didn't pay for; but when I close the loan normally I just cut the check right then for the survey.

THERAPIST: Survey?

CLIENT: Yeah. Plot plan. It's like what these guys should be cutting me for the title as soon as they finish the closing, a check for Cameron. I try and do the same thing, but I forget, which is what they do. One cleared. The only reason I remember it is because a check I'd written in November just cleared. I'm like, "Oh, fuck. I forgot to pay those two." There's just always something. (pause) [00:32:17] I'm going out for my grandmother's 90th birthday party. I'm taking Ian. I think my mom is going to pay for his ticket. I've got to buy the tickets. They just came down \$4. I'm tracking them on Kayak, a nice website. I know as soon as I buy them, though, they're going to drop. It should be cheaper than \$327. My mom paid like \$280 or something like that. It's cheaper at \$280 but if she's going to pay for one of them at \$320, the question is how long I go out for. I fly out on Friday. Hopefully, if they're in the Superbowl, that's the same day as her birthday party. I'll come back on Monday or Tuesday. If I come back on Monday, we're literally out there for just two days. But it's not like I'm going to be up to taking him and doing a whole bunch of stuff. I don't know if I'm going to have to rent a car or not. (pause) Not that I should be concerned about how much school he misses. I don't think it's going to affect him. He's a smart kid. He can catch up. [00:34:30]

THERAPIST: Hopefully in first grade he won't get into too much trouble.

CLIENT: Keep him out of trouble. I have a feeling he gets in more trouble there. (pause) It seems like Lucille is gradually more and more getting used to me.

THERAPIST: Good.

CLIENT: I can't leave. Every time I say, "All right, Lucille. I'm going to go." "No, no, no, no." [00:35:09]

THERAPIST: Well, good.

CLIENT: No, it's not good.

THERAPIST: Well, it is good that she wants you around, right?

CLIENT: Yeah. I feel guilty, though. Usually I'll leave because I'm just bored out of my mind or just I don't know. We were at Cub Scouts and had a little sing-along. Jess and Lucille came. They were in town. Lucille was just holding onto my leg. She was having fun tunneling behind my leg. Sometimes she would just come up and what she usually does to Jess. She's scared so... [00:35:55] But the good thing is, "You want da-da to change diaper?" "No, mama." (pause) Okay. Ian wanted to sleep over Friday. I was just exhausted. I can't remember why I was really against it. Ian was upset and Jess said, "I'm putting her in the middle of it. I need to come to a set schedule." I was like, "You asked me hours ago. You tell him then that I can't do it." I was like, "You can come over Saturday then, buddy," which he did. [00:37:05]

THERAPIST: He was over Saturday night?

CLIENT: Yeah. We went to a friend's house for deep-fried turkey. He has a little boy and they got to watch TV. The Disney Channel. He doesn't have cable.

THERAPIST: That was cool.

CLIENT: He gets to see the TV shows his friends talk about that he never gets to see, because he seems to know these shows. I don't know where he would have seen them. Then the next morning he spent the whole morning into the afternoon playing with the girl downstairs, which is good that he can come over and has friends there. It would drive me crazy if we were just cooped up in the apartment. When we had Buddy, we used to always go to parks and seemed to be walking around a lot more. [00:38:16]

THERAPIST: Is he getting a little old to run in the parks or does he still like them?

CLIENT: Yeah, I think he just gets bored quickly so it's like the idea that he wants to go is still on his mind, but once he gets there... He still likes swings. He still wants to be pushed. Like, dude, come on. While we were down in Louisiana, my buddy's kid had a bat and they had a bunch of tennis balls. I was throwing him some soft pitch and he was taking some swings. I was thinking that might be a good thing for us to do, get him a bat and a bunch of tennis balls and go to the park. I try and do that. It's like, "Do you want to go throw Frisbee? Do you want to kick a soccer ball?" (pause) [00:39:25]

THERAPIST: I was at a cool little playground the other day.

CLIENT: With your daughters?

THERAPIST: They have a lot of birthday parties. They have a whole bunch of big, inflatable slides and things like that.

CLIENT: I love those. Ian used to be afraid to go on those by himself, but he loved it. I would get sick inside of those things. I don't know if it was the air or what, but I'd come out and I'd be so nauseous. He was like, "Let's do it again. Let's do it again." They have those at the fair. [...] (ph?), which is down in Louisiana. [00:40:11]

THERAPIST: Right, you were telling me about that.

CLIENT: He just starts going at them. That was a slide, but they have the big blow-up.

THERAPIST: Oh, like an obstacle course.

CLIENT: He just loves that stuff.

THERAPIST: Why don't we stop for now. I think I ran a few more minutes late, but if we could do those on Friday that would probably be...

CLIENT: That's fine. If you need to take the time to write a letter I feel bad that I'm giving you homework.

[...] (inaudible crosstalk at 00:40:42)

END TRANSCRIPT