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PSYCHIC FALLOUT FROM BREACH OF CONFIDENTIALITY

A PATIENT/ANALYST'S PERSPECTIVE

Abstract: The author, a psychoanalyst, explores the psychological and professional repercussions of discovering that her analyst breached the confidentiality of her analysis with a patient with whom he had engaged in sexual misconduct. Using actual events, conscious reflections, dreams, and dream-associations, the author traces the progression of traumatic deidealization from the abrupt end of the analysis through the process of filing a lawsuit that ultimately went to trial before a jury. The accused analyst was found liable for negligence and breach of fiduciary duty. The author highlights some aspects of psychic disruption for patients whose confidentiality is violated, including generalized mistrust, disidentification, an intensified collision of love and hate, and disturbances in professional and personality identity. The author's account is given to help clinicians understand the destructive consequences of boundary violations, so that we may practice caution at the beginning of the "slippery slope."

Keywords: boundary violations; breach of confidentiality; dreams, dream analysis; sexual misconduct; traumatic deidealization.

I NEVER EXPECTED TO CONFRONT my analyst in a court of law. I thought we had a beneficial, profound, mutually respectful relationship. During the analysis, I was inspired to intensify my work as a psychotherapist by becoming a psychoanalyst, and the myriad rewards of practicing analysis seemed an outgrowth of our work together. Yet the unimaginable occurred. I filed a lawsuit against my analyst for breach of confidentiality, asserting that he had revealed privileged information about me to another patient, a woman with whom he had engaged in sexual misconduct. A few years after their relationship ended, that patient could remember many personal things our analyst had said about me, and these recollections became the evidence on which my lawsuit was based. After depositions and failed mediation, he and I faced each other before judge and jury. The

Contemporary Psychoanalysis, Vol. 44, No. 2. ISSN 0010-7530 © 2008 William Alanson White Institute, New York, NY. All rights reserved.

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jury found him liable for negligence and breach of fiduciary duty; they determined that his conduct was a substantial factor in causing me emotional harm.¹

In the spirit of Gabbard's (1995) statement, "If we are to prevent destructive enactments of boundary violations . . . we must enrich our understanding of the impact these violations have on our patients" (p. 1134), I want to share my subjective experience of this ordeal. I hope to foster greater awareness of the destructive emotional damages generated by boundary violations. I am in the unique position of a patient whose confidentiality was breached and who also developed my own psychoanalytic perspective on the experience through analysis of my dreams. Analysts treating patients who experienced boundary violations in their previous therapies are understandably reluctant to publish detailed case reports illustrating the psychological repercussions, because they do not want to create further exposure and jeopardize analytic safety. My decision to share my personal experience and the privileged intimacy of my dreams comes with the hope of speaking for others whose stories cannot be told.

The literature on boundary violations has focused primarily on attempts to understand sexual misconduct by the analyst (Celenza, 1991; Gabbard and Lester, 1995; Celenza and Gabbard, 2003; Celenza, 2006). Breach of confidentiality has been described along a continuum of lapses of maintaining patient privacy, from casual social conversations to actively gossiping about patients, with the assumption that identifying information is withheld (Olinick, 1980; Caruth, 1985; Guthiel and Gabbard, 1993; Lander, 2003; Goldberg, 2004). Therefore, in the literature, my case is unusual and extreme. The incidence of analysts both gossiping about and naming their patients is not known, but the expert witness who testified in court on my behalf believed it is "not unusual" for analysts who engage in sexual misconduct to break patient confidentiality in that illicit relationship (personal communication, 2004).

Institutional denial and ambivalence dealing with members who commit boundary violations have also been explored (Margolis, 1997; Gabbard and Peltz, 2001; Sandler and Godly, 2004). Recently, Wallace (2007) gave an account of her difficult experience as a candidate whose analyst

¹At the end of the trial, my ex-analyst agreed not to file an appeal of the jury verdict against him in exchange for my signing a “full and final release.” I agreed, among other conditions, to a confidentiality clause that requires omission of certain facts in the event that I would write professionally about my lawsuit experience. This paper is written in keeping with that release.

had been expelled for ethical violations with another patient, including sexual misconduct, underscoring the widespread collateral damage of sexual exploitation.

Clinicians struggle with the philosophical, ethical, legal, and practical issues surrounding patient confidentiality (Levin, Furlong, and O’Neil, 2003) in the current climate of insurance reporting and professional requirements for keeping patient notes and summaries (Bollas and Sundelson, 1995). At the same time, analysts who publish case histories in professional books and journals have engaged in thoughtful discussion concerning the protection of patients’ privacy in print (Goldberg, 1997; Gabbard, 1997, 2000; Alfonso, 2000; Aron, 2000). All these discussions stem from the shared assumption that the protection of patient confidentiality is a cornerstone of medical and psychological treatment, dating back to the Hippocratic Oath: “Whatsoever things I see or hear concerning the life of men, in my attendance on the sick or even apart therefrom, which ought not to be noised abroad, I will keep silence thereon, counting such things to be as sacred secrets.”

Most of the literature on boundary violations is concerned with understanding the psychic pressures and life circumstances that enable a psychoanalyst to abrogate ethical conduct. Far less has been written about the devastating psychological impact on victims of professional boundary violations (Rutter, 1989; Benowitz, 1994; Yahav and Oz, 2006), and victims themselves rarely publish in the professional literature.

Using a chronology that interweaves actual events, conscious reflections, dreams, and dream-associations, here I describe the personal and professional repercussions of having the confidentiality of my analysis breached by my analyst. Throughout the demise of my analytic relationship, my dreams were a valuable resource that helped me symbolize and grapple with unconscious turmoil.

Dreams may be used in a multitude of ways within and outside psychoanalytic treatment. Blechner (2001) considers different approaches to analyzing a dream to be legitimate alternative “vectors of interpretation.” In this paper, I am considering the symbols and scenarios in the manifest content of the dreams that helped me create meaning from the trauma of analytic betrayal (Lippmann, 2000; Stoeri, 2002). I have selected a few dreams that highlight recurring prominent issues: traumatic deidealization and disidentification; an intensified collision of love and hate; feelings of mistrust and shame; disturbed professional identity; permeable psychic boundaries, and death anxiety. These dreams and my dream-explorations trace the trajectory of my ongoing attempt to work through psychic catastrophe toward recovery of a cohesive personal and professional sense of self.

The Discovery

I had been engaged in a helpful analysis for several years when I decided to apply to become a psychoanalyst. I was in my late 40s and had been in private practice for 15 years. My analyst, for whom psychoanalysis was a second career, was supportive of my decision. I chose to go to an institute different from the one where he was a Training Analyst. I was able to continue my analysis with him because my institute allows candidates to work with qualified analysts from other institutes. I chose my training program in part because I wanted some separation from him and his other analysts, supervisees, students, and colleagues. Having a sphere of independence was especially important to me, because I had grown up overly involved with my mother. She was a single parent after my father died when I was young. My older brother offered a lively alternative to the symbiosis with my mother, and I often related to my analyst as a brother or a father, both idealized figures in my psychic life.

My analysis continued during the five years of my analytic training. Two years after I graduated, just before his summer vacation, my analyst told me that he was taking a “forced sabbatical” from his responsibilities at his institute because of a “legal problem.” I asked about the nature of the legal issue, and he said he had been advised not to discuss it, adding softly, “You’ll never know.” He seemed confident that his trouble could be kept private. I felt dismissed, shut out, but also tantalized by this declaration, and I asked a few colleagues about his “sabbatical” or “legal problem.”

Within days, I heard that my analyst had engaged in an “ongoing sexual relationship with a patient.” (His assumption that I would never know was the first of many illusions I discovered he held about this experience.) I was shocked, disbelieving, and terribly upset by the possibility of his sexual misconduct and all the implications it carried for who my analyst might be and for my analysis, but I did not know if the rumor was true. I had the following dream:

I was traveling on vacation with a friend. We were in a park on the edge of a huge ice floe in Alaska or Antarctica. We had a map, and there was a lot to see all over the park. We were at outdoor picnic tables at the visitors’ center near the entrance to the park. At the next table to my left was a psychoanalyst I recognized. He was old; he was alone. He was asleep, snoring, with his head down on his arms. He woke up, looked around, and got up to see where he was. He said, “They have professional meetings at places like this.” He was confused at first about where he was, but he decided he was at a professional meeting. Then he came back and sat down and went back to sleep. He seemed ridiculous to me: he didn’t get it. He woke up and got ready to leave. He never did see me. When he walked away, I said to my friend, “Of all the places on earth, he ends up at a table next to me on a glacier.” And my friend replied, “Well, you two like to travel to the same places.”

For the purposes of this paper, I am limiting discussion of my dreams to associations that relate to the disrupted relationship with my former analyst. Of course, I also had associations to other relationships and to my history, since traumas reengage old vulnerabilities (Garland, 1998; Gunther, 1999).

The ice floe dream seems to reflect my complicated reaction on hearing the rumor of my analyst’s sexual misconduct. The landscape in the dream is cold, as I was suddenly in a cold, isolated, and unfamiliar place in my analysis. The nourishing environment is no longer inside the containing enclosure of the consulting room but outside, with no protective boundaries.

In the dream, I know the difference between work and play, but the analyst does not. He is old and ridiculous, confused and disoriented. Instead of representing the analyst as guilty, responsible, or exploitative, I regard him as demented. This characterization expresses my aggression by demeaning him, but at the same time, it reflects my sympathy, promoting a benign explanation for his conduct: “He didn’t get it” because he is confused rather than immoral. My mistrust in the authenticity of my analysis is expressed here, too: had he slept through my analysis? Did he ever see me? I began to doubt retroactively everything about my analysis that had gone before.

The comment that we “travel to the same places” I take to be a reference to the analysis, a psychological journey that analyst and patient travel together. It also reflects my identification with him—we two like the same places. There is no suggestion in the dream of his sexual interest in another; instead he seems asexual. But my erotized attachment comes through in the paraphrasing of Humphrey Bogart’s line in *Casablanca*: “Of all the gin joints in all the world, she had to walk into mine.”

This dream suggests that perhaps I already know unconsciously that I am going to leave my analysis and survive. I am in unknown territory, but I am not lost. I have a map, and there is a lot to see. I will go forward on my journey without him.

Each element of the dream can be considered to represent an aspect of my internal self-representation. From this point of view, one part of me, represented by the person with the map, is competent and cognizant and will continue to explore. Another part of me, represented by the sleeping analyst, is unaware, sleeping through my misgivings about the analysis. It is difficult to wake up and think clearly about my situation. The confusion between play time and professional time suggests how I had relied on my relationship with my analyst to be lively and companionable. Am I cast as pathetic and ridiculous in relation to his alleged sexual patient/partner?

Trying to grasp what had or had not happened, I was gripped by a compelling need to seek out facts. One colleague, who had not heard the rumor of my analyst’s sexual misconduct, mentioned “Ann Smith,” a psychotherapist I did not know. My colleague remembered that Ann had begun treatment with my analyst around the time I started my analytic training, and that Ann had mentioned an occasion when her analyst had significantly broken the analytic boundary. My colleague speculated that if the rumor were true, it might involve

Ann, who was described as strikingly beautiful.

Sitting up on the couch at our first meeting after his vacation, I told my analyst what I had heard about his having an ongoing sexual relationship with a patient. I named Ann, whose involvement, at that point, was merely speculative. He responded, "I guess it's a small town." With this confirmation of the rumor, I was not left hanging in a state of not-knowing, but my faith in my analyst was abruptly shattered. It also occurred to me that he had implicitly confirmed Ann's identity, a breach of her confidentiality.

In a state of shock but with a sense of utter necessity, I ended my analysis that week. I felt numb during my final sessions, and I spoke with a calm clarity and determination that felt unreal. As the week unfolded, I became convinced that not only had my analyst's behavior been unethical, but also his thinking was impaired, and his acceptance of personal responsibility was lacking. He referred to his sexual misconduct as "a mistake" and claimed, "It happened a long time ago." I thought that ongoing sexual relations with a patient evidenced more than "a mistake." Furthermore, I knew that anything unethical that had occurred while I was his patient was not "a long time ago" to me. He urged me to stay in treatment to deal with my reactions, but with the implosive collapse of analytic space, I felt that I no longer had a psychoanalyst. He said, "What does my relationship with one patient have to do with my work with you?" This comment stunned me. On one level, I recognized a capacity for minimization, rationalization, and compartmentalization that might allow someone to be sexually involved with a patient while holding a position of authority in our field. At the same time, I was crushed that my analyst was blocking out my psychic reality.

Analysis is supposed to foster gradual deidealization, as the patient reintegrates the projected parts of the self and resolves transferences, leading to a mutually considered termination. The ending I had was sudden and unexpected, and the deidealization was traumatic. Yet I held on to the hope that in time, with the resolution of his "legal problem," my analyst, knowing that he had functioned in both reality and fantasy as the father I had not had, would come to appreciate the emotional repercussions for me. As I began to reflect on the years of our analytic work, I was reassured that, although he had transgressed with another patient, at least he had always been ethical with me.

Nevertheless, I felt tainted. I was ashamed of choosing the wrong analyst, of being fooled, of having an unethical analyst as my model of a psychoanalyst, of having loved him. I knew that to continue to feel like an analyst I needed to stay in contact with myself. I began therapy with a female analyst who was not affiliated with his institute or mine.

As my emotional numbness receded, I was suffused with fury and confusion. I was very angry that he was unethical and had a sexual relationship with a patient. At the same time, even knowing that having sex with one's analyst could only be destructive, I felt jealous that he had sex with a patient who was more "special" than I. It was also confusing to feel hatred toward someone who had helped me, someone I valued. I did not feel used in the direct way that he had used the patient with whom he was sexually involved, but I did feel used indirectly to support a perverse morality, since conducting my analysis helped maintain the illusion of his being a reputable analyst. I had to reconstruct the final years of my analysis, while he was mentally and emotionally preoccupied, first with clandestine sexual exploitation of a patient, then with his "legal problem," then with the "forced sabbatical" from his institute. I imagined the fantasies, the strategizing, and the emotional havoc these events must have stirred up in him: while I was on the couch, where was his mind?

My faith in my own intuition—perhaps my most dearly held professional quality—was profoundly shaken. How could I not have known? I was aware that my analyst was not a rigidly rule-bound character, that he was admired for his maverick qualities and engaging technique. Had there been clues that my analyst was capable of all that is implied by ongoing sexual misconduct: betrayal, misrepresentation, destruction of a patient's treatment, violating the ethical boundaries of our profession? I had to acknowledge my wish for omniscience and relinquish that wish at the same time.

My trust in psychoanalysis as a profession and in psychoanalysts as practitioners had also been severely damaged. Questioning the integrity and transparency of one successful analyst led me to question all: who are these people, really? I am one of them. I know I have vulnerabilities that affect my patients (Burka, 1996).

Would I be capable, under extreme circumstances, of committing a serious ethical violation? If I were, would I be able to accept the gravity of my actions and the destructive consequences to myself and to others? Would I “get it”?

The Complaint

Although my analyst was barred from training analyst responsibilities at his institute, he was free to continue working with his other patients. It disturbed me that those patients might not know that their analyst had crossed the sexual boundary with a patient, and so they were not free to make an informed decision about whether or not to continue their treatment. I wondered if Ann had submitted a complaint against him with his professional licensing board. I searched online and discovered that, indeed, a complaint had been registered. When the document arrived in the mail, I knew it had been filed by Ann, because the complainant was identified by her initials.

Reading the complaint, I lost my bearings: I felt emotionally disoriented, mentally dizzy, confused about reality. I did not want to believe the multiple allegations in the lengthy complaint. I wondered if the patient had distorted, exaggerated, or perhaps even fabricated some of her accusations. Among the allegations was the assertion that my analyst had broken the confidentiality of many patients and talked frequently with her about intimate things they had revealed in their analyses. This seemed impossible. I did not believe my analyst could be cavalier with the sacred trust of confidentiality.

But doubts plagued me. He had crossed one professional boundary; could he have broken another? If he had breached confidentiality, could he have talked to Ann about me? Assuming that the timeline put forth in the complaint was accurate, the alleged year-and-a-half sexual involvement with Ann overlapped my early years as a psychoanalytic candidate. If Ann’s allegations were true, I felt there would be a stigma on the analytic hours that were required for my training and on my whole analytic education.

The formal complaint horrified me, but it also created an urgency to locate the truth about my analysis. I needed to know whose characterization of events made sense: his—that he had made a “mistake” that had nothing to do with me, or hers—that he had gossiped freely about his patients, which could have everything to do with me. My analyst had been my vehicle for facing the truth, for separating fantasy from reality, for differentiating my projections from his separate subjectivity. Could I trust that he recognized “truth?”

Two months after reading the complaint against his license to practice, I contacted Ann to ask if my confidentiality had been breached. When I spoke with her on the telephone, Ann was cautious and guarded, but she did tell me that yes, my confidentiality had been broken. We agreed to meet in person.

Before the meeting, I tried to imagine what my analyst might have said about me. I had always believed that he respected me and enjoyed me as a patient, so I assumed that, although he was wrong to talk about me, he would have said something positive. At the last minute, I thought about the vulnerabilities I had shared in analysis that would cause me the greatest pain if revealed.

I was apprehensive about meeting the patient with whom my analyst had had a sexual relationship. I was immediately struck by her elegant attractiveness as well as her apparent anxiety. Our conversation was awkward but polite. The previous evening, Ann had written a list of things she remembered our former analyst saying about me, using my name. When she opened a folder and removed two typewritten pages, my heart and stomach spun together and sank.

Ann read aloud the 13 items on her list. Each one was about me; there was no misinformation. Each item reflected something I had said during my analysis or expressed my analyst’s feelings about me. In some cases, I heard the very words I had spoken in my sessions. Ann remembered things he had said about my childhood and my personal life, including intimate details; statements I had made about people she and I happened to know in common; topics I had brought up that were not interesting to him; his uncertainty about whether we should continue the treatment or move toward termination. Not only were my dreaded fears confirmed, his disclosures went beyond anything I could have imagined. The cumulative effect was that I was in shock. I muttered, “That’s me.” I couldn’t believe it, but I knew it was true.

I do not know how Ann was able to recall so much detailed information about me a few years after her

relationship with the analyst ended. At the time, I was too dazed to be curious.

I spoke occasionally with a colleague, “Mary,” who had also been in treatment with my former analyst when he took his “forced sabbatical.” Like me, Mary had stopped her analysis immediately. We did not know each other well, but we had commiserated about the traumatic endings of our analyses and the conduct of the analyst. I had sent Mary a copy of Ann’s written complaint and told her of my planned meeting with Ann. Mary asked me to inquire if her confidentiality had been broken also, and Ann confirmed that it had. Mary met with Ann on another occasion to learn what the analyst had said about her.

I did not return to therapy after meeting with Ann. It was devastating to be jolted from feeling like a valued and appealing patient to feeling degraded: my analysis had been a source of gossip and pillow talk. I could not trust any therapist to hold my revelations with respect.

As the initial shock yielded to outrage, I decided to file a complaint with the state licensing board. Soon an investigator called me to set up a meeting. I was determined to go through with my complaint, but I felt very much exposed as I anticipated the meeting. I knew that we would go over all the personal things my analyst had said about me. The night before meeting the investigator, I had the following dream:

I come home and several men with guns are ransacking my house; one is unplugging the computer. Another man shoots me several times, and as I fall, I say, “That’s it; it’s done.” I expect to die. There is not a lot of pain, and I don’t die. Then the men are gone, and I can walk, even though my right leg is pulp. I see that they did not take my computer. The window protection that I had put on the windows was absolutely no help at all. Now large animals may come and go in the house as well; there is a lion on the roof by a second story window, and there are large antelopes on the lawn. Anyone and anything can get in and out.

The act of filing the complaint, taking a public stand against my former analyst, stirred up intense paranoid anxieties. The ransackers could represent my analyst, who turned my internal world upside down with the breach of confidentiality, or the investigator, who would rummage through my personal things. The invader is unplugging my computer, retaliation against the instrument I had used to locate Ann’s complaint and an attempt to disconnect my thinking capacities. I was afraid that a persecutor would take aim to kill me—my analyst, whose retaliation I feared when he learned of my complaint; the part of myself that felt guilty about reporting him, that Z

The partition between inside and outside, my skin ego (Anzieu, 1989), was permeable, so that my psychic contents were unprotected. I felt exposed, persecuted, and invaded, and I had participated in this invasion by allowing others—my analyst, the investigator, the licensing board—to see inside me. Permeability is necessary for analytic work, but with the rupture of the analytic container, it led to feelings of being plundered instead of contained.

In the dream, I am not sure how much danger I am in. The lion and antelopes who may come and go are beautiful animals I admire, although they have the potential to become enemies to each other and to me. There is also primitive confusion surrounding life and death: I do not know if the catastrophe is survivable. I am attacked so severely that I expect to die, yet I do not die. Great damage has been done, but I do not feel pain. As in many of my dreams about this trauma, there is a part of me that is devastated and feels deadened, and at the same time, a part of me remains alive and is able to move forward.

After learning about the sexual misconduct, I was distressed, but I recognized my path: end and mourn my analysis and try to repair my relationship with psychoanalysis. The effect of learning that my confidentiality had been breached was more severe: I withdrew from therapy, from teaching, from some committee work at my institute, and from casual social engagements. I did continue in my peer consultation groups and presented my work with patients, and I coauthored an article on container↔contained dynamics in group consultation and teaching (Burka, Sarnat, and St. John, 2007). I spoke frequently with Mary, and my family and close friends offered consistent, invaluable support.

I distrusted my analytic identity. I did not feel like a legitimate analyst, since my own analyst was not legitimate. I had been on a course of disidentifying from my analyst in appropriate ways by going to a different

institute for training and by following a different theoretical path in my work. But throughout that time I felt an essential identification with him in sharing a psychoanalytic stance. Learning that he did not respectfully hold my analysis destroyed that crucial commonality. Psychoanalytically, I had little left to idealize in him or in myself. I believe this feeling is manifest in the following dream:

I went to my former analyst's office, and he was in his chair, but there was no couch or patient chair. I felt there was no place for me. Then I realized that without a couch or patient chair, he could not work with patients; there was no room for any patient.

This dream suggests my struggle with my analytic identity and the dual ways I held my analyst in mind—both trusted and deidealized. In the dream, I characterize him as occupying the analyst's chair, as though prepared to do the work of psychoanalysis. I went to the office assuming that he was a functioning analyst, and I was still his patient. But there is no place for a patient. When I ended my analysis, I stopped being his patient in sessions, but, as I continued to struggle with my identification with him and my differentiation from him, I was still his patient.

Viewing the analyst in the dream as representing a part of me, I could be assuming the role of analyst but not doing the actual work with patients. The dream suggests there is no analyst–patient relationship, whether it is my analyst and I, my former analyst with his other patients, or I with my patients. My anxiety is that I have no place to locate myself psychoanalytically.

Despite the conflicts about my analytic identity that were playing out in my dreams during this time, my actual work with my patients continued to go well. Feeling protective of them, I was committed to being a better analyst than my analyst had been. Yet I worried that my disillusionment with psychoanalysis was being transmitted unconsciously. My patients' development helped reassure me that I was functioning as a psychoanalyst, but internally I was very much confused.

The Lawsuit

Because the breach of confidentiality was egregious, I considered filing a lawsuit but was torn by conflicting pressures. I wanted to take a stand against my analyst's revealing my intimate confidences, for my own sake, for the sake of my patients, and for the sake of the profession. I had the image of being a warrior defending the gates of the city of psychoanalysis. In my mind, however, that city had sunk to the level of Sodom and Gomorrah. I worried that others in my field would think of me as one of the citizens of Sodom and Gomorrah, greedy because I was asking for financial recompense, reckless for exposing the unethical underbelly of psychoanalysis.

An obvious drawback to filing a lawsuit was my continued exposure and humiliation. I knew the process would make my private information more public, explicit in legal papers and depositions. I consulted with family and close friends, and, as I neared a decision, I met with the Chair of the Ethics Committee at my institute. Although everyone was concerned about what I would have to bear, they encouraged me to go ahead. Thinking about my patients was the tipping point. I could not tolerate the possibility that any of them might somehow learn that my confidentiality had been breached and I had done nothing about it.

About a year and a half after I left my analysis, I consulted a lawyer and filed the lawsuit, asking my former analyst to compensate me for the emotional damage caused by his negligence. Mary also filed a lawsuit using the same attorney, and our cases were joined together by the court. My former analyst's case was handled by an attorney representing his malpractice insurance company.

After filing the lawsuit, I went through a depressive period. I felt isolated from institute colleagues, who had no idea about the breach of confidentiality charge against my former analyst. My analytic classmates were finding their postgraduate ways to a more solid analytic identity, while I was struggling to maintain a positive relationship with the field of psychoanalysis. Outwardly, I was maintaining minimal involvement with my institute, but internally, my trust in myself, my analysis, and my field was broken.

A group of beached whales lay on the cement driveway in the back yard of my childhood home near the ocean. I was sure they were dying or dead. Other people said they were not dead, they were resting, and when the tide came in, they would float back to the ocean and be ok, but I knew they were dying.

This dream seems to represent anxiety about my aliveness and viability. There were two possibilities for this “fish out of water,” separated from the environment in which I could live and thrive. One was that, when the tide turned, that is, when the lawsuit experience was over, I would be returned to my psychoanalytic environment and could rejoin the others and go on being. But the other perspective was that I had been too long deprived of life-giving sustenance and would not survive. Would I recover, or was this experience killing me?

In preparation for depositions, I had to answer written questions, or interrogatories, and so did my former analyst. I assumed that his characterization of the analysis would be relatively similar to mine; but, when I read his responses, I experienced yet another shock of deidealization. In my opinion, he made statements that were overly pathologizing or were in some cases factually incorrect, and he did not admit any wrongdoing. The first depositions took place about two and a half years after I ended my analysis. I was allowed to be present at his deposition, but I was not allowed to speak. Although he looked the same, dressed in his customary blue shirt, red tie, and jacket, he no longer seemed familiar, and he did not appear to share my anxiety about the proceedings. While I felt terrified of seeing my former analyst and hearing his responses, he gave the impression of being relaxed and nonchalant, sitting with his legs stretched out under the conference table and his hands laced behind his head. Like every contact I had with him during the lawsuit process, this one was a shock, as he said things that made no sense to me. While he acknowledged that he had talked to Ann about me a few times after she was no longer his patient, he justified these conversations as “informal consultation with a colleague” and insisted he had not used my name. He denied telling Ann specific details about me that I did not believe she could have known otherwise, and he offered alternative scenarios for how she could have intimate knowledge about me, but I considered these proposals far-fetched.

I recognize that a person named in a lawsuit is entitled to a defense, but the gamesmanship of legal maneuverings was disillusioning. As my former analyst played his part, I felt confused about who he was—someone who had come to believe his own version of events? Someone who was deliberately misrepresenting? My confusion seeped into my confidence in my reality—could I be falsely accusing him, as he claimed? Was there some other explanation for how Ann could quote the very words I had spoken in my analysis? What was real?

I was motivated to find a new therapist, one who could help me sort through the discrepancies between my former analyst’s stated reality and mine, see me through the lawsuit, and be available to testify at the trial, if it should come to that. From the beginning, we both knew that my therapy might not remain private, because she could be compelled to submit her notes or testify in court.

Seven months after the depositions, the case management judge ordered both parties to a “mandatory settlement conference.” It is the conference that is mandatory, not the settlement. The mediator informed my lawyer that the defendant was refusing to settle, as was his right. He would not allow the insurance company to negotiate a settlement for something he maintained he had not done. I had been out of analysis for three years, and now the most dreaded outcome was looming: I was going to face my former analyst at trial.

The day after the failed mediation conference, I had this dream:

The mandatory settlement conference was taking place in my hotel room. Several people were sitting around a table, and I was amazed that I had slept through my alarm while they had come in and set up. I realized we didn’t need to meet in my room, and I said I’d like us to meet in the hotel conference room. Everyone agreed this was a good idea and left.

I went to the closet to get dressed. On the closet floor was a box of very young kittens, about two weeks old. I was taking care of them. I had put them in the closet to be safe, but two had escaped the box, a larger male and a small, vulnerable female. I was worried that people would not notice them and step on them, so I collected them and put them back with the others where they would be safe.

I could not figure out what to wear; I tried on clothes and threw them off. There was a tall woman with me, helping me get ready. I was late to the conference, and I worried this would hurt my case.

I realized at the time that this dream reflected positive changes in my psychic life. I was visiting this experience temporarily in a hotel; the drama did not occur in the permanent place (internally) where I live. Even though I

had slept through the alarm, oblivious to the alarming nature of my analysis, I did wake up. The lawyers and the defendant had invaded my bedroom, but I was able to set reasonable boundaries, so that I could move them out of my private space into a more appropriate, more formal, separate room. This was the first dream in which I successfully set boundaries and regained some privacy, and it inspired hope.

Instead of my being hurt by exposure or attack—the paranoid anxieties of previous dreams—the abandoned kittens suggested a different level of vulnerability: the infantile, orphaned experiences of my early life. I think the larger male kitten represented my former analyst, whose vulnerability I still sensed. In this dream there was someone with me, my new therapist, who appeared as an ally in my private space, a maternal figure who made it possible for me to soften my embattled stance and access my early trauma of being abandoned.

The Trial

Three years after I filed the lawsuit and four and a half years after I ended my analysis, the case came to trial before a jury. Mary and I were coplaintiffs and were represented by the same attorney. Although several jurors had been in therapy, none had any knowledge of psychoanalysis, and the notion that someone would be in therapy multiple times a week for years seemed not only foreign to them but bizarre.

My anxiety about being exposed was immediately evoked. In his opening statement, my lawyer read the information about me that Ann remembered hearing from our former analyst. Although I felt humiliated as my lawyer read each item slowly and deliberately, I soon discovered an unanticipated benefit. I went to my office after the first day of testimony to sort through my mail, and, entering my consulting room, I noticed a new feeling . . . my office suddenly felt clean, and the analytic couch seemed to fully belong to me. Having separated myself from my former analyst on the record, having taken myself out of his lineage in a public act, I began to reclaim my analytic identity.

The trial lasted two weeks. I testified for several hours, but I do not remember most of what I said. I answered my lawyer's questions succinctly while looking at the jury; some were listening and some were barely awake. I remember my lawyer asking me why I filed the lawsuit, and I said I did it to distance myself and my patients from my unethical analyst and to restore my sense of integrity. An important moment occurred when my lawyer asked why, if I had such concern about privacy and confidentiality, was I willing to have this information exposed in court? I said to the jury, "It's been very difficult, but I don't know you all, and you're not in my professional life. And this is *my* choice, *my* decision, *mine* to tell." My conviction that the privilege of confidentiality belonged to me, not to my analyst, came through. No one was asleep at that point.

As the trial developed, I felt more comfortable about my decision to file the lawsuit and more confident in the outcome. But I continued to be dismayed by my former analyst's stance. His testimony contradicted Ann's testimony, and I believed Ann. I kept hoping that, as the evidence against him was building, he would agree to settle, to put an end to the ordeal. Even while the jury was deliberating, my lawyer approached his lawyer about a last-minute settlement, and I saw my former analyst adamantly refuse.

I can only speculate about why my analyst refused to negotiate a settlement at any point during the three-year process, since it is well known that most lawsuits never reach trial, even if they are settled "on the courthouse steps." Perhaps he relied on the energy of a fight to generate activity and feelings of aliveness. Perhaps his confidence was so exaggerated that he did not believe he could lose, or could he have had an unconscious need to lose? Most disturbing to me, perhaps he somehow convinced himself that he had not done anything wrong. I will never know.

The jury deliberated for two days. They found him guilty of negligence and breach of fiduciary duty. They determined that his behavior was a substantial factor in causing me emotional harm. The jury awarded me financial damages, which, after my lawyer's percentage was deducted and the expenses of mounting the trial were paid, did not equal the cost of my long-term analysis. This award was covered by the analyst's malpractice insurance.

The judge had also granted my request to ask for "punitive damages," not covered by insurance, which reflect "malice, oppression, or fraud." There is a higher standard of proof for punitive damages. On the second day of deliberation, the jury reported that they were evenly divided on this issue and could not reach a decision,

but the judge insisted they keep trying. Ultimately, the jury did not grant punitive damages.

The lawyers' posttrial interview with jurors demonstrated that the jury's logic was not psychological logic. They determined that, inasmuch as my hours of analysis had occurred during my training and counted toward my becoming a psychoanalyst, the analyst had fulfilled part of his "contract" with me, so they did not grant the full amount I had paid for my analysis. They also did not grant the full amount I had requested for future psychoanalysis, because, as one juror said, "These people are in therapy all the time anyway."

Recovery

The relief I experienced after the trial was both internal and external. The guilty verdict reached by the jury confirmed my psychic reality of being betrayed and seriously harmed. In addition, once the trial was over, my ex-analyst stopped being part of my everyday life, and I no longer had to be affected by his behavior or confront anew our clashing views of reality. Freed from the combative relationship of being opponents in a lawsuit, I was able to recapture my gratitude for the help I had received early in my analysis, as demonstrated in the following dream, which I had three months after the trial ended:

I was giving a dinner party, and my ex-analyst was there. He had come from the hospital. He had cancer and didn't have long to live. He was acting as if he were ok, but he wasn't. Someone from the hospital arrived to take him back. I was never going to see him again—he'd be dead in a few weeks. I stepped up, faced him, and put my hands on his shoulders. I said, "I want you to know that in the beginning, you helped me a lot." He looked surprised. I said, "Yes, before it all happened." He said, "Thank you." Then he said to me, "You know all those rules about psychoanalysis and therapy?" I was sure he was going to say he'd been wrong to break the rules, but he said, "They're not so important; don't let the rules get you down." I was shocked. He had an impish look on his face, suggesting he would never admit wrongdoing or capitulate to the rules, even as he was dying. I was incredulous.

The dinner-party setting of the dream suggests that I still have a need to take care of my ex-analyst, that I want to feed him, entertain him, help him feel better. Yet the dream is full of ambivalence: concern for his wellbeing and aggressive wishes that he would die; gratitude for his help as a professional psychoanalyst and belief that he enjoyed breaking the professional rules; hope that he would acknowledge his wrongdoing and disappointment that he never will; an attempt to repair our ruptured relationship and a fear that repair is impossible. I also see the dream as my attempt at internal repair, getting back in touch with loving feelings and accepting the permanent loss of the analysis.

I worried about the message, "Don't let the rules get you down." It seems to represent an attack on the establishment, expressing a trickster's contempt and a refusal to accept gratitude. Early in my analysis, I received help softening a severe superego. I appreciated my ex-analyst's sense of humor, and I developed more confidence in using my personality while doing analytic work. But the dream led me to question if this identification with my ex-analyst had carried me too far in expressing my individuality with patients. I confronted the superego quandary all clinicians face: how to avoid the lifeless constriction of being rule-bound while maintaining a psychoanalytic attitude and ethical behavior.

As time went on, I made progress regaining my faith in myself as an analyst and separating myself from my ex-analyst. Six months after the trial, I dreamed:

I was at a psychoanalytic conference, and I came out of a large session and saw my former analyst sitting on a sofa in the corridor, outside the session room.

In this dream, I am entitled to participate in the psychoanalytic world, while my ex-analyst is on the outside. Seeing him "outside the session room" means to me that he is now outside my sessions, no longer infiltrating every minute of my analytic work. At the same time, there is a way that I still feel on the outside, unable to share the experience of the majority of analysts who have ended analysis feeling respect for their psychoanalyst.

Discussion

As a patient, I experienced the successive shocks and cumulative trauma of my analyst's breach of my confidentiality and its legal aftermath. As a psychoanalyst, I relied on my dreams to help me work through and

recover from the trauma (Lippmann, 2000).

Freud (1926) counted among the potentially traumatic anxieties the loss of the loved object and the loss of the object's love. When I learned about my analyst's ongoing sexual misconduct with a patient and ended my analysis, I lost my loved object. Hearing the violations of my confidentiality, I felt the loss of my object's regard for me. As I advanced through the brutal legal process, psychic pressures intensified. Without a negotiated settlement, I had to live through the unthinkable drama of opposing my analyst in court.

"Experiences, traumatic experiences especially, are not safe until they have been dreamed" (Grotstein, 2000, p. 11). The very creation of a dream demonstrates safe-keeping, because active mental processes are transforming the wishes or traumas, or both (Freud, 1920) that give rise to the dream, instead of forsaking them as unintelligible. Freud (1933) ranked these active mental mechanisms of primary importance in understanding the function of dreams: "What is essential in dreams is the process of the dream-work" (p. 8). There are many viewpoints on how unconscious dream-work occurs, including Freud's (1900) early psychoanalytic theories of dreams-as-disguise, Jung's (1974) hypothesis that dreams are products of the collective unconscious, Bion's (1962) explanation of the containing function of dream-work alpha, interpersonal theories (Blechner, 1998), and the current neuropsychanalytic research of Solms (2000) and Kaplan-Solms and Solms (2000).

However dreams are created, the psychoanalytic method allows the dreamer to gain access to emotional experience in the internal world. A remembered dream is an invitation from the unconscious self to the conscious self to explore an original, idiosyncratic creation, to play with possible meanings in the dream's narratives, visuals, and affects. If the invitation is accepted, the conscious self associates, elaborates, conjectures, imagines, and hopefully integrates, propelling psychic growth (Grotstein 2000).

In this paper, I have selected a few dreams representative of the unconscious issues that demanded my attention as I careened from learning about my analyst's sexual exploitation of a patient, to believing that he breached my confidentiality, to filing a lawsuit, to facing him before a jury that found him guilty. I believe that my dreams saved my psychic life. I mean this in both senses: the dreams preserved the pain that registered in my unconscious until a dream story could be created and remembered; and working with my dreams exercised my psychoanalytic capacities when my analytic identity was in greatest jeopardy. Through the dream work, I regained faith in my intuition, conscious and unconscious.

Conclusion

Breach of confidentiality is an exploitation of the patient's psyche, using analytic communication to satisfy personal needs of the analyst rather than to benefit the patient's psychic development. For the patient, this misappropriation reactivates traces of earlier experiences of betrayal and loss that are embedded in the psyche, rendering the analysis a reenactment of trauma instead of a healing relationship. Even if the patient does not learn the details of the breach, as I did, an analyst who talks too freely about a patient breaks the protective perimeter of the analytic container, and the patient's analytic safety leaks through the cracks. An analyst who gossips about patients is engaged in acting out (Caruth, 1985; Lander, 2003), instead of bearing, managing, and analyzing the impulse to betray, or seeking help from supervision, peer consultation, or treatment.

For the psychoanalytic community, breach of confidentiality represents an apostasy that undermines the foundation on which our profession is based. Perhaps my experience will help clinicians understand the destructive consequences of this boundary violation on a patient's psychic life, so that we may practice caution at the beginning of the "slippery slope"—in order to do no harm.

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