

PLANNING AHEAD FOR A GOOD OUTCOME

The elements below provide a checklist, in an organized way, of preparing for your divorce conferences.

When the whole team, including you and your partner, think about these elements, we will all come into the Mediation or Collaborative meetings well equipped to help produce the best outcome for you, for your partner, and for your family.

INTERESTS - Both you and your partner would like an outcome that meets each of your underlying interests - the things you need, and what you value. The more both of you think about your interests in advance, the more likely we can work successfully to meet them.

OPTIONS - Option generation is the creative heart of the process leading to your divorce. Regarding any issue, the more choices or options we all as a team can put on the table, the more likely we are to find the one that will reconcile both your interests.

ALTERNATIVE - The final agreement you reach should seem better than any alternative away from the table. Before you sign any agreement, we should have a good idea of what other choices you could make.

LEGITIMACY - You both want to be treated fairly. It will help to consider any other standards which could apply so that each of you will feel that you can enter into the final agreement in good conscience.

COMMUNICATION - An outcome is better if it is reached with full understanding. This requires good communication from both you and your partner and each member of the team. Each professional member of the team brings specialized expertise to the discussion table. Each of us listens in differentiated ways to each of you.

RELATIONSHIP - A good outcome can strengthen, not damage, you and your partner's working relationship (as co-parents, as former spouses, as family members, with mutual friends, in your community). Careful preparation can help us remember the human and emotional elements. During this process, we your *reframe* your relationship that helps, rather than hinders, agreement.

COMMITMENT - The quality of an outcome is also measured by the quality of the promises you make. These commitments are likely to be stronger if we have thought, in advance, about the specific promises that we can realistically expect, make during the negotiations, and reach in a final agreement.

By Joy Dryer, Ph.d. as adapted from *Getting Ready to Negotiate, the Getting to Yes Workbook*.

INTERESTS

We are used to focusing on **positions, instead of** interests. Often, when thinking in legal terms, we figure out an initial demand - what we should ask for - and sometimes a "bottom line". *But this approach may miss a result that would actually be better for both you and your partner.*

Preparation involves carefully thinking about what you want and need and what you believe your partner wants and needs. **In order to reach an agreement, we will have to find a way to meet both of your legitimate needs, at least acceptably.**

Your Team understands that divorce and separation are second only to death of a spouse in traumatic impact upon the survivor. It is normal to have strong emotions washing over you - grief, anger, fear and even the desire for vengeance. It will be important for your team to acknowledge how you are feeling and then help you set aside that emotion and listen to your "higher self". Once you are past the strong emotion, what long-lasting interests and needs will you have?

First, think about what interests are behind the positions you thought you needed to make. Ask, "Why do I think I need that?" and "What purpose would be served?"

Second, we need to prioritize your interests.

Third, consider your partner's interests.

Fourth, think about the interests and needs of your children.

IDENTIFY THE PEOPLE to whom your agreement with you partner matters

People who may care about the outcome for me

People who may care about the outcome for my partner

Children

Children

Extended Family

Extended Family

Friends

Friends

Co-workers

Co-workers

Neighbors

Neighbors

Others

Others

CLARIFY INTERESTS - MINE ~ MY PARTNER'S ~ OTHERS

What do I care about?

If I were in their shoes, What are the concerns of others who may be significantly affected?

Personal

Financial

Relationship

Family

Other

OPTIONS - Create Options to Meet Interests

My possible Options

My partner's options

COMMUNICATIONS - *We need to anticipate, listen carefully, think about what we want to be heard and find a way to say what needs to be said in a way that is most likely to be heard.*

The first step is to recognize our own "blind spots". In the left hand column, list your assumptions about your spouse's intentions and perceptions. In the right-hand column, write down key phrases your spouse might say that should lead you to question your assumptions:

My assumptions (I assume that . . .)

Things to listen for . . .

REFRAME to help everyone understand

My Perspective (*list 3-5 statements that I might make to clearly put forth my interests*)

How might they hear it?
(*For each statement, list my spouse's possible response. ("Yes, but . . .?")*)

Reframing (*Restate my interests so that my spouse might hear them better.*)

RELATIONSHIP - Identify Personal issues.

Prepare to build a good working relationship (as a co-parent, as a member of the same extended family, with mutual friends, in the community, in the neighborhood)

What might be wrong now?

What can I do . . .?

What might be causing any present misunderstanding?

What can I do to try to understand them better?

What might be causing a lack of trust?

What can I do to demonstrate my reliability?

What might be causing one or both of us to feel coerced?

What can I do to put the focus on persuasion instead of coercion?

What might be causing one or both of us to get upset?

What can I do to balance emotion and reason?