

## **PLANNING FOR A GOOD OUTCOME**

**INTERESTS** - Both you and your spouse would like an outcome that meets each of your underlying interests - the things you need or care about. The more both of you think about your interests in advance, the more likely we are to meet them.

**OPTIONS** - The end result should be the best possible way for you and your spouse to deal with your differing interests. Options are all of the possible agreements to resolve an issue. The more choices or options we can put on the table, the more likely we are to find the one that will reconcile both parties' 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** - Neither of you wants to be treated unfairly. It will help to consider any other standards which could apply so that each of you will feel that you can enter into the 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 spouse and from both attorneys. We want to think in advance about what to listen for and what to say.

**RELATIONSHIP** - A good outcome will leave you and your spouse's working relationship (as co-parents, as former spouses, as family members, with mutual friends, in your community) strengthened rather than damaged. Careful preparation can help us remember the human and emotional elements. We should have some idea about how to build a relationship through this process that helps, rather than hinders, agreement.

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

These elements provide a checklist, an organized way of preparing for our four-way conferences. By thinking about the elements, we will come into the Collaborative meetings well equipped to help produce the best outcome for you, for your spouse and for your family.

*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 spouse.*

Preparation involves carefully thinking about what you want and need and what you believe your spouse 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 lawyers understand 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 lawyers 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, we must consider your spouse’s interests.

We must think about the interests and needs of the children.

### **IDENTIFY THE PEOPLE to whom your agreement with you spouse matters**

People who may care about the outcome for me

People who may care about the outcome for my spouse

Children	Children
Extended Family	Extended Family
Friends	Friends
Co-workers	Co-workers
Neighbors	Neighbors
Others	Others

**CLARIFY THE INTERESTS -**

**MINE**

*What do I care about?*

**MY SPOUSE'S**

*If I were in their shoes,  
What would I care or  
Worry about?*

**OTHERS**

*What are the concerns of  
others who may be  
Significantly affected?*

Personal	Personal	Personal
Financial	Financial	Financial
Relationship	Relationship	Relationship
Family	Family	Family
Other	Other	Other

**OPTIONS - Create Options to Meet Interests**

MY INTERESTS

POSSIBLE OPTIONS

MY SPOUSE'S  
INTERESTS

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**ALTERNATIVES - What are your alternatives to a negotiated agreement?**

**My key interests:**

**What could you do to satisfy your interests and needs if you do not reach an agreement?**

<b>Possible Alternatives</b>	<b>Pros</b>	<b>Cons</b>

**IDENTIFY ALTERNATIVES AVAILABLE FOR YOUR SPOUSE**

**Your Spouse's key interests:**

**What could they do to satisfy interests and needs if they do not reach an agreement?**

<b>Possible Alternatives</b>	<b>Pros</b>	<b>Cons</b>

**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:

<b>My assumptions (I assume that . . .)</b>	<b>Things to listen for</b>

**REFRAME to help everyone understand**

<b>My Perspective</b> <i>(list 3-5 statements that I might make to clearly put forth my interests)</i>	<b>How might they hear it?</b> <i>(For each statement, list my spouse's possible response. ("Yes, but . . .?")</i>	<b>Reframing</b> <i>(Restate my interests so that my spouse might hear them better.)</i>

**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)

<b>What might be wrong now?</b>	<b>What can I do . . .?</b>
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?