

## **The Collaborative Divorce** **Negotiation Workbook**

This Negotiation Workbook is designed to help you and your collaborative lawyer effectively prepare for negotiating an agreement that will be acceptable to you. It is a privileged document between you and your lawyer, unless you authorize all or a portion of it to be released. It is centered around the concept of “interest-based negotiation” where the focus of the settlement discussion is on the interests behind the positions of both parties – in other words, what needs will be satisfied if you get what you say you want, what concerns or worries will be addressed, what values will be honored, and what priorities and underlying objectives will be met. In family law disputes, more than other disputes, it is often necessary to address the interests and concerns of the other person and your children, if any, in order to get your own interests and concerns addressed. In short, in order to settle a family law matter there will probably have to be some give as well as take. Many times people who are getting a divorce will have interests that they share, as well as competing interests. Developing and understanding the goals, interests and concerns of both people can often lead to a creative “win/win” agreement – or at least a settlement that you will find to be acceptable, given the reality of your situation.

### **Overview – Road Map to Resolution.**

There is a process and a choreography to a successful negotiation. This “road map” involves six basic steps:

1. Determine the shared and differing goals, interests and concerns of each person.
2. Gather all financial, legal, and other factual information necessary to make informed choices.
3. Brainstorm options for solutions to all problematic differences.
4. Evaluate the expected outcomes of choosing each possible option from emotional, financial and legal perspectives.
5. Negotiate a collaborative agreement by selecting from the available options those alternatives which best satisfy your goals, interests and concerns and which the other person will also find acceptable. During negotiations follow these steps:
  - a. Compare expected outcomes of each option to both persons’ stated goals.
  - b. Eliminate options that have outcomes that do not sufficiently meet important goals of either person.
  - c. Narrow the options to those that meet the most important goals of both.

- d. Jointly determine the option that most closely meets the most important goals of both.
6. Memorialize and sign a written, binding agreement that accurately reflects your settlement terms.

**Part One – Goals, Interests, Concerns, and Values**

Prior to the negotiation process: (1) Identify what you want and what needs would be satisfied if you receive what you say you want. (2) Use your best efforts to predict what you believe the other person will want and the needs that would be satisfied if the other person receives what he or she wants. In order to prepare yourself and your lawyer for the negotiation process, answer the following basic questions:

**1. What are the five most important goals you would like to accomplish during the collaborative law process?**

(1)

(2)

(3)

(4)

(5)

**2. Why are these goals important to you or your family?**

**For Goal 1:**

**For Goal 2:**

**For Goal 3:**

**For Goal 4:**

**For Goal 5:**

- 3. Putting yourself in the other person's shoes, what are the five most important goals that you believe he or she would most like to accomplish during the collaborative law process?**

**(1)**

**(2)**

**(3)**

**(4)**

**(5)**

- 4. Putting yourself in the other person's shoes, as to each of the items listed above, explain why you believe these goals are important to the other person.**

**For Goal 1:**

**For Goal 2:**

**For Goal 3:**

**For Goal 4:**

**For Goal 5:**

**5. What are your five biggest concerns or worries about this family law matter?**

**(1)**

**(2)**

**(3)**

**(4)**

**(5)**

**6. For each concern or worry listed, why are you worried or concerned?**

**For Concern 1:**

**For Concern 2:**

**For Concern 3:**

**For Concern 4:**

**For Concern 5:**

**7. From the perspective of the other person, what do you believe are his or her five biggest concerns or worries?**

**(1)**

**(2)**

**(3)**

**(4)**

**(5)**

**8. From the perspective of the other person, for each concern or worry listed, why do you believe he or she is worried or concerned?**

**For Concern 1:**

**For Concern 2:**

**For Concern 3:**

**For Concern 4:**

**For Concern 5:**

**9. What goals do you have for your child(ren) after your family law matter is concluded?**

(1)

(2)

(3)

(4)

(5)

**10. What goals do you have regarding your relationship with the other person after your family law matter is concluded?**

(1)

(2)

(3)

(4)

(5)

**11. What are your concerns and worries about the negotiating process?**

**(1)**

**(2)**

**(3)**

**(4)**

**(5)**

**12. What would be your concerns and worries about having to go to court to resolve the issues if the matter is not resolved by a collaborative law settlement agreement?**

**(1)**

**(2)**

**(3)**

**(4)**

**(5)**