

Instructions for Clients Negotiating Directly with the Other Party

1. When you have a problem concerning the children or finances, try to work it out with your partner. Don't let it fester or cause you to overreact.
2. Set a telephone appointment time in advance when there will be few distractions.
3. Tell your partner what your concerns are and give your proposal for solution. Listen to your partner's response. Use "I" statements. Don't blame or accuse your partner. Focus on the positive.
Example: "I think that Karen is very tired when she goes to school after an overnight at your house. I feel we should coordinate bedtimes at both houses. What do you think?"
Partner: "Stay out of my life. I care about Karen as much as you do."
You: I know you do. Could we set 7:30 as her bedtime.
Partner: [Yes, no or counterproposal.]
4. If the phone call starts getting out of control, politely end the call and suggest you talk again later. (Don't try again that day. It does not help to have multiple calls when both of you are anxious and angry.)
5. If you don't solve the problem in your first phone call, you can either try the next day or write a polite note restating your concern and proposed solution.
6. If you feel physically and emotionally safe, try suggesting that you meet your partner for coffee at a public place to discuss the unresolved issues.
7. Agree in advance to have a red flag rule for face-to-face meetings. A partner who feels threatened or believes the discussion is getting ugly can raise his or her hand and terminate the conversation.
8. If you reach an agreement after the meeting, write a polite note restating the agreement and thanking your partner for cooperating with you.
9. At any point, feel comfortable in calling your lawyer for advice or to help prepare for discussion with your partner. We enjoy being available to help coach our clients. Also, we can help you draft notes or letters for you to send.
10. If it becomes too difficult, harmful, or unproductive, we would be pleased to speak for you to your partner (if unrepresented) or to your partner's lawyer. However, if at all possible, make every effort to work things out with your partner. Our fees can add up. Also, someday you will have to talk with your partner without lawyers.