

FAILURE TO UNDERSTAND AND PRIORITIZE THE INTERESTS OF YOU AND YOUR EX

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People often start negotiations with extreme positions out of fear that they will have to compromise and end up somewhere in the middle. When positions are opposed, negotiations may grind to a halt. Even if an agreement is reached, it may not be a good agreement, let alone the best possible one.

The best way to reach a settlement that satisfies both people as fully as possible is to focus on interests, not on positions. Unlike positions, interests can be satisfied in many ways; compatible interests often lie behind opposed positions.

What, then, are interests? Interests are the needs, desires, concerns, and fears that motivate people. Interests can be substantive, such as the amount of child support or the specific parenting schedule. Interests can be psychological, such as the value placed on maintaining a good working relationship with a co-parent or the need for closure. Interests can be procedural, such as whether support is paid by direct deposit rather than by a check or the pace of the settlement process. Positions cannot capture the wealth and depth of our real concerns. A full understanding of the interests of both people is the first step to resolution.

While the benefits of uncovering interests are clear, accomplishing this is not so easy. Here are tips for understanding your own interests and those of your ex:

1. Before you begin to discuss a problem, think about and write down your own interests. Ask yourself: "Why is this outcome important to me? What goals would that satisfy? What are my objectives concerning this, both in the long and short term?" Next, consider and write down your ex-partner's interests. Putting yourself in his or her shoes, attempt to develop an understanding of what he or she might really need or want.

2. Once negotiations begin, start by demonstrating that you appreciate the other person's interests and want to understand them fully. This increases the likelihood that your ex-partner will be interested in appreciating your interests.

3. Put the problem before the answer. People often rush to conclusions and give their interests and reasoning later. If your ex believes that you already have a solution to the problem, she may never listen to your reasons or needs.

4. Maintain a forward rather than backward focus. You will have a better chance of satisfying your interests if you talk about where you would like to go rather than remain mired in the past.

5. Be concrete but flexible. Stay open to fresh ideas, and try not to assume that you already know the answer.

6. Attack the problem, not the other person. Try not to judge your ex or to change his or her perspective. Good agreements satisfy the interests of both parties. They aren't about who is right or wrong.

7. Interests must be prioritized. Both parties must understand the level of importance that each attaches to each interest. Interests of low importance for one person can be traded for interests of high importance for the other. It will also be possible to see many shared interests.

Moving from positions to interests will help create the best possible agreement that meets the needs of you and your ex.