

# The Divorce Agreement Newsletter

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## A Few Practical 2017 Resolutions for Divorce Professionals

One reason many of us have professional practices relating to divorce is that we want to make things a little less difficult for people at a difficult time of their lives. Every new year gives us the opportunity to do our job a bit better. That's why this is the time for a few resolutions. Here are some practical suggestions:

**Take a look outside the box.** Every time you get a case that seems to be somewhat more intractable, resolve to surface one "outside the box" option. Even if it doesn't get used, it will help you take a fresh look at the more conventional solutions.

**Surface ALL the practical options.** It's easy to leave out **realistic options**. Try making a list. Add one that's "outside the box." Then you can start thinking about setting priorities.

**Sort out the diagnostic elements.** What is the main **emotional** issue that seems to be driving the case? What appears to make the case more difficult from a **legal or financial** perspective? How do these issues relate to each other? Almost always a problem case has both kinds of elements, and sorting them out can provide some additional insights.

**Remember "Getting to Yes."** It's easy to forget to look for the **concerns** that may be behind somebody's **position**. If you do, however, you may find more options or additional sources of flexibility.

**Civility wins.** It takes self-assurance to negotiate with **civility**. A tough negotiator doesn't need to emphasize toughness or make threats.

**Think about disclosures.** What information and documents do you really need? Who should furnish it? What is a realistic timetable? What is needed right away, and what should come as a follow-up? Discuss an **exchange**.

**Make one change in how you draft written documents.** Stop using archaic legalisms, such as "herein." Practice drafting a document without using a form file. Use parties' names, rather than "Husband" or "Wife." Avoid long sentences and paragraphs. Take a paragraph from a form file and make it say the same thing in half the space.