

The Divorce Agreement Newsletter

Wednesday, December 14

Dealing with Inflexible Clients

Every negotiating attorney has had cases where the toughest negotiating was not with the other side, but with one's own client. In some of these nothing seemed to make a difference. You wonder, what's going on? Is there some way to figure out a strategy for this kind of case?

Maybe. The starting point is to consider a bit of matrimonial theory. (The word "theory" is where some of you stop reading!) When I studied family systems at the Georgetown University Family Center in 1979-1980, I was introduced to the work of Professor David H. Olson of the Family Social Science Department at the University of Minnesota, who had worked out a model to understand negotiating in a family system. We have been in touch by e-mail and he sent me an updated and simplified version of his 1979 model. A copy is attached.

Dr. Olson's model is research based and deals with how spouses interact in two dimensions, namely *flexibility* and *closeness*. The *flexibility* dimension has two poles, one where a spouse is "all over the place" in negotiating, and the other where he or she is controlling and unwilling to budge. The *closeness* dimension has to do mainly with emotional reactivity, that is, the manner in which the spouses keep reacting to each other. At one pole their reactivity may take the form of heated arguments, and at the other it results in emotional distance and avoidance.

In between the poles there can be flexible negotiating between two spouses who have a healthy self-other balance in their marriage. This both requires and results in effective communication. When one spouse is controlling and the other generally gives in, often both dimensions are out of balance. When these parties divorce, the accommodating party may decide to fight for control. It is not unusual for there to be more than one control issue, as where one party controls the finances and the other is fully in charge of raising the children.

Where a marriage is dysfunctional for reasons of imbalance as shown by Dr. Olson's model, it can be useful to diagram the exact nature of the imbalance. If you are interested in looking at the actual model, **please click on "Two Models of Diagnosing Conflict" which appears on the right sidebar under Resources.**