Four-way Meetings

# About

* In my experience, I find that in most cases conducting a four-way meeting is the most effective approach once information has been exchanged and exchanging letters or court documents is not leading to any significant progress.
* Rather than endlessly sending nasty letters back and forth, the idea behind a four-way meeting is that we all meet in the same room to attempt to resolve the matter through cooperation, with the intent of finding a solution that you and your former spouse can both live with, a solution more advantageous to each of you than continuing down the court process.
* Even if the meeting is not successful or there are additional steps to complete before the matter can be resolved, a four-way meeting can still be useful to narrow the number of issues or agree on a process to resolve the matter.
* Four-way meetings are not a formal procedure set out in any statute or taught in law schools, they have developed due to an increase in lawyers receiving training in interest-based negotiation, primarily due to the advent of collaborative law.
* Because they are not a formal procedure, many lawyers have their own unique approach to four-way meetings, meaning that this document only discusses common approaches.
* The focus is usually to explore the values and concerns of you and your former partner, rather than skipping directly to positions, offers, and demands. By determining each of your values and concerns, we may be in a better position to brainstorms solutions that both you and your former spouse can live with.

# Roles of Clients and lawyers

* Although I can do all of the speaking if necessary, I generally encourage you to speak throughout.
* The role of each lawyer is typically to keep communication on track, provide their client with legal information, ensure that their client’s concerns are discussed, and brainstorm potential solutions.
* Four-way meetings are often still successful even when there has been high conflict and a lack of communication.
* If either spouse makes an unreasonable statement not based on the law, their lawyer is generally expected to let their own client know that their position wouldn’t be upheld in the court. If I do this, it’s not because I’m against you, but because I’m expecting mutual reciprocity from the other lawyer, and clients are more likely to listen to their own lawyer.
* I typically take a thorough, structured approach. This means planning an agenda of issues to discuss, planning the mechanics of any resolution, taking note of your concerns and your former partner’s possible concerns, brainstorming some alternatives to discuss at the meeting, and providing you some advance guidance in effective communication through this document.

# Your preparation

* Other than memorizing this document, I recommend that you spend some time thinking about three things:
  1. Setting aside any negative feelings towards your former partner.
     + We’re not meeting to attack your former partner, we’re meeting to attempt to resolve the dispute.
     + If your mindset is to evaluate each potential resolution in terms of the negative or beneficial impact on your former spouse, or seeking redress for ancient wrongs, then resolution may be impeded.
     + Your former partner is unlikely to change, and you don’t get to choose how they parent or what kind of person they are.
     + Our starting point is addressing what’s in your control, and communicating that.
  2. Thinking about what some of your former partner’s interests are. Interests are your concerns, hopes, expectations, assumptions, priorities, beliefs, fears, and values (as opposed to positions, which are essentially demands). Can you think of any ways to address those concerns?
  3. Have you thought about your future, where you want to go?
* Are there any sensitive topics that need to be addressed? Such as new partners or drug/alcohol concerns? Have there been any recent incidents since we last spoke? Have your circumstances or your former partner’s circumstances changed since we last spoke? Please speak to me in advance if any of this applies.
* Are there any additional concerns that you would like to discuss at the meeting? I will also provide you with our agenda in advance.

# Communicating with your former partner

* Don’t express positions, express your concerns.
  + Our goal is to present your concerns in a way that your former partner will hear and understand you, rather than dismissing your concern. That way we can focus on finding solutions.
  + For example, a person is much more likely to obtain cooperation by stating that they don’t want to be financial ruined and explaining the various expenses that they pay, rather than simply demanding spousal support or refusing to pay spousal support.
* Don’t say “I want \_\_\_\_\_\_\_”, instead say “I’m worried that \_\_\_\_\_\_\_” or “I hope that \_\_\_\_\_\_\_”.
* Begin sentences with “I”, rather than making accusations that start with “you”.
* You can ask the other side genuine questions. Genuine curiosity is fine and sometimes very beneficial if the answer facilitates resolution. However, be careful not to launch accusations. Ask your questions with the purpose of resolution in mind.
* We’re not going to argue, not all disputes about what happened in the past need to be resolved to be able to move forward.
* You can vent if necessary, but try to stay on topic.
* Don’t jump to making offers too quickly, it’s important to gather relevant information first and determine each spouse’s concerns.
* The concept is that we’re meeting to attack the problem, not each other.

# If a settlement is reached

* Keep in mind that the matter isn’t resolved until we get a Separation Agreement signed or Court Order granted. It may take several more weeks to agree to the written terms, and in some cases even longer as we wait for any external financing.
* After the meeting, it’s not unusual for each spouse to wonder if they should have asked for more. However, most settlements reached at four-way meetings, except in rare circumstances, are still enforceable in the court. It is essential that you only commit to a settlement knowing that you will almost certainly have to follow through with it. I might also be ethically obliged to not continue to represent you, especially if it would mean that I would become a witness of any settlement.
* It will be very important to avoid any new disputes, as they can detract from resolution.