

Four-Way Meetings

See the detailed aspects of the collaborative divorce process, and how it will develop through four way meetings with you, your spouse and your attorneys, as well as additional professionals.

By Stuart G. Webb and Ronald D. Ouskey

Outside of the collaborative process, the phrase "four-way meeting" could be used to describe any meeting of four people. However, when we use the phrase collaborative four-way meeting, we're referring to a specific type of meeting that typically involves four people, but sometimes more.

The Collaborative Four-Way Is Different from Other Four-Way Meetings

Settlement meetings between clients and their lawyers sometimes occur even in the traditional litigation approach to divorce. However, the rules and the style of these meetings are completely different from the collaborative four-way meetings.

In many ways, your commitment to the collaborative process will depend on the strength of your commitment to make these four-way meetings as effective as possible. They likely will be your greatest challenge, and they require much preparation. But they present unlimited opportunities to find solutions that will help you achieve your most important goals.

Although the analogy is often overused, the collaborative process is similar to building a house. Your long-term goals and interests are the foundation. The more secure you are in the goals you have established, the more likely you are to achieve the successful and durable outcomes that you want.

Collaborative four-ways are like the frame of the house. Within that framework, you will create the outcome that will make up your actual divorce agreement. The quality of the outcome likely will depend on the foundation and the framework that supports it.

One of the reasons it's valuable to compare the collaborative process to the process of building a home is that it will prepare you to be patient during the early stages of the four-way meetings. Much of the time spent in these early meetings will be for the purpose of setting the foundation and framing the issues. During these early stages, you may find yourself tempted to want to jump ahead to final decisions before you are ready to do so. So please carefully read the sections that follow. We strongly believe that the better you understand how four-way meetings work, the more likely you will be able to use them effectively.

Practical Aspects of the Typical Collaborative Four-Way Meetings

Let's turn to the practical task of explaining what actually happens in these meetings:

- **Who** attends these meetings? Usually, these meetings will include you, your spouse, and both lawyers.
- **Where** do these meetings take place? Generally at the offices (or conference rooms) of one of the lawyers.
- When do these meetings take place? They're generally scheduled about two to four weeks apart, at a time when all the participants can be there.
- **What** happens during these meetings? Typically:
 - **Introductions** are made and a **tone** is set for the meetings
 - **Ground rules** are established for how to conduct the meetings
 - The collaborative process is **explained** and discussed
 - **Reasons for choosing** the collaborative method are discussed
 - If it is the first meeting, the **Participation Agreement** is reviewed and signed
 - **Goals and interests** are identified
 - **Information** is fully disclosed
 - **Issues and interests** are identified
 - **Questions** are answered
 - **Homework** is determined
 - Issues are **prioritized**
 - **Alternatives** are identified and evaluated
 - **Agreements** are reached
 - **Agendas** are set for future meetings
 - **Documents** are signed
 - Decisions are made about whether to include other **team members**
 - Decisions are made about whether to retain **experts**
 - **Final steps** for completing the process are outlined.

The goals you establish and the critical interests you define in the early four-way meetings form the foundation for your success in this process.

Identifying Goals and Interests

All of the steps in the collaborative process exist for one purpose: to help you achieve your most important legitimate goals. But you can't achieve them if you haven't first carefully considered what they are. There's a natural tendency to become absorbed in the immediate problems that you are facing and to focus only on narrow ideas about how you might resolve these urgent concerns. Your success in the collaborative process will depend a great deal on your ability to pause in the middle of the chaos to truly think about your long-term goals. Keeping these crucial goals in mind will make it easier to make compromises or let go of less significant issues in order to preserve the things that matter the most to you.

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The other reason for you and your spouse to identify your overall goals is that you're likely to find that you share a number of them. Identifying these common interests will provide greater opportunities to find solutions for accomplishing these goals.

The Conflict-Resolution Process

The framework of collaborative four-ways is generally developed around the following four steps:

1. Identifying issues
2. Gathering facts
3. Developing options
4. Negotiating solutions

Your lawyer will explain to you why each of these stages is important and will help you avoid one of the most common mistakes that people in the collaborative process make: skipping the preliminaries and jumping right into negotiating solutions.

Identifying Issues: You Can't Find the Answers Unless You Know the Questions

You may believe that you already know all the issues that you need to resolve, but chances are there are quite a few that would never occur to you unless you were a practicing collaborative lawyer. In addition, your list may not include concerns or issues that your spouse may have. Before you can begin working on any specific issue, it is important to identify as many as you can so you can get a better sense of how to prioritize the next steps.

Gathering Facts: Making Sure You Have All of the Pieces of the Puzzle

Once you have identified the issues, the next step is to gather information. You can't make good decisions unless you're confident that you have all of the information you need to do so. The collaborative model uses an informal process that's designed to collect the facts as quickly as possible. During the four-way meetings, the lawyers help the clients identify what kind of information they may need to help them make decisions. Generally, one or more of the participants will agree to take responsibility for obtaining the information, and the requested information is distributed to the other members of the group prior to the next four-way meeting.

Developing Options: Imagining the Unimaginable

Now you're ready to consider your alternatives. In many instances, you may believe you have already considered every possible way of resolving the issues at hand. However, if you spend time considering other possibilities, you'll be surprised at how many more you can generate.

Negotiating Solutions: Finding the Right Answers

If you've done a thorough job with the first three steps, you'll find it easy to negotiate workable solutions. If you reach an impasse in resolving any of the issues, your lawyers (and any other professionals who may be assisting you) will help you identify ways of getting around it.

Roles of the Parties and the Lawyers during the Four-Way Meeting

While you and your spouse are ultimately responsible for the outcomes of the four-way meetings, your lawyers are primarily responsible for keeping the process on track and for creating a safe and effective environment for reaching solutions. You and your spouse also play a role in creating and maintaining an environment that is conducive to problem-solving.

Addressing the Emotional and Financial Challenges of Four-Way Meetings

We feel confident that you will see just how effective four-way meetings can be if you choose to pursue a collaborative divorce. However, your success in these meetings may depend on your ability to address the emotional and financial challenges that may arise.

The Emotional Challenge

Collaborative four-way meetings, while effective, can often be emotionally difficult. The thought of sitting in the same room as your spouse and his or her lawyer might cause you a great deal of discomfort. If that's true, it's important that you communicate with your lawyer or other professionals about your discomfort, so that they can help you develop specific strategies that will work for you.

Special Situations

There are some cases in which the emotional challenges are so great that special accommodations need to be made. If, for example, you and/or your spouse are having tremendous difficulty accepting the divorce, direct interaction with one another could trigger strong feelings that make it difficult to create a safe and effective environment during the four-way meetings. And certainly in cases where there has been a history of abuse or where there is a strong power imbalance, adjustments may need to be made, and it may not even be possible for the spouses to have direct interaction.

1. If you find your four-way meetings to be emotionally challenging, you and your lawyer may want to consider the following options.

Add specific ground rules to ensure that discussions avoid triggering strong emotional responses.

2. Work with divorce coaches or divorce-closure counselors to do your part in creating a better environment.
3. Meet in two separate rooms for all or part of the four-way meetings and have the lawyers move back and forth between the two rooms. In these situations, the four-way meetings are often replaced by three-way meetings, with the lawyers meeting with each client individually.
4. Slow down the process to allow the parties more time to make the emotional adjustment necessary for more effective four-way meetings.
5. Spend additional time preparing for these meetings with your lawyers.

Following these suggestions is not going to magically make your four-way meeting fun and enjoyable. Even in the best situations, you'll probably feel a little uncomfortable. As a general rule, four-way meetings are hard work for all participants. However, in almost all cases, the benefits gained by directly participating in your solutions will justify your commitment and hard work.

The Financial Challenge

Much of the expense of your case will be related to these meetings. Your lawyers will spend time preparing for them, attending them, and summarizing or debriefing them. As a result, you may be worried about how much they're costing. If you're worrying about your bills, you're not going to be fully present for the meetings, and the meetings won't be nearly as effective. As with the emotional challenge, running from the problem may only make it worse, so it's important to address this financial challenge:

1. Consider whether the amount you are spending will have an impact on the quality of your outcome.
2. Be as thorough as you can in gathering and organizing the information that you need for the meetings. This can reduce your legal fees dramatically in two ways: First, you avoid having your lawyer charge you for doing legwork you could have done on your own. Second, the four-way meetings are more productive because all of the information you need is readily available and organized in a useful way.

3. Create a structure for safe and effective two-way meetings with your spouse, so that you can address as many issues as possible outside the four-ways.
4. Talk with your lawyer about how you can make the four-way meetings more effective.
5. Make sure that there is enough time between the four-way meetings so everyone is prepared. It can be tempting to rush the process by asking that meetings be scheduled close together. This may seem like a way of getting more done more quickly, but if busy schedules prevent the parties or the lawyers from completing the necessary homework between meetings, the four-ways will be less productive and more of them will be needed.
6. Finally, think about whether you need to let go of some smaller issues that could be bogging down the progress of the meetings. Even people who are very cost-conscious can lose perspective and spend a disproportionate amount of time on minor issues. Between meetings, when there is time to reflect, think about whether the cost of holding onto that issues is really worth the resources and emotional energy that you are investing in it.

Four-way meetings are the building blocks of the collaborative process. Successful four-way meetings can help you reach agreements that will allow both spouses to achieve their goals and create a groundwork for communication after the divorce.

Safe and Effective Environments

Safe Environment

While protection from harm or threats of harm is, of course, critical to the collaborative process, our definition of *safe environment* goes well beyond physical safety. To ensure success in the collaborative process, all participants need to work toward creating an environment in which:

- None of the participants feels frightened or intimidated
- None of the participants feels undue pressure to settle issues
- Each participant is able to express his or her interests
- Each participant is able to suggest possible solutions without fear of reprisal
- Each participant feels empowered to make important decisions
- Each participant avoids making accusations or attempting to assign blame
- None of the participants makes threats to go to court
- All participants are free to say, "I don't know"
- All participants are free to take time to consider proposals
- All participants are free to object to behavior by other participants
- All participants feel heard
- All participants are able to take a break at any time
- All participants are respected
- All honest opinions are considered

Effective Environment

As important as a safe environment is, it can't produce success on its own. It's also essential that all participants work to create an environment that is *effective* in helping them meet their goals. An effective environment is one in which:

- All participants have access to the information they need to make decisions
- All participants understand what is being discussed
- The meeting stays on the agenda
- Each participant takes time to prepare for the meeting
- One participant makes a clear record of the discussions
- The meeting moves at a pace that is acceptable to everyone
- All participants work to separate emotional reactions from the decision-making process

Safe and Effective Two-Way Meetings

Early in the process, it often becomes evident that many tasks can be performed by the two clients on their own, outside of the four-way meetings. This can be advantageous because it can potentially save on legal fees and it can give the clients the opportunity to develop (or restore) trust and communication skills without outside influence. However, in order for these two-way meetings to work, it is important that you and your spouse are confident that you can create and maintain a safe and effective environment in which these meetings take place. Sometimes, it is helpful to use the four-way meetings to plan your two-way meetings, so that you can figure out how to make these meetings work best.

Wendy and David

Although they had been married almost 17 years, Wendy and David both expected their divorce would be fairly easy. They did not have children, so there were no custody or child-support issues. They both had good jobs, so neither of them wanted alimony from the other. In fact, they had been separated for more than a year and had been paying their own expenses. Their marital estate primarily consisted of the equity on their house and their 401(k) accounts, and they were both content to divide those assets equally. They did not have significant debt, and they both wanted to keep their lawyers' fees to a minimum so they would not leave the marriage in debt.

Their Collaborative Divorce went fairly well, but it took them longer than they expected to reach an agreement, primarily because of difficulties that they had in dividing \$8,000 in credit-card debt. Most of the difficulty centered around their joint Visa credit card that had a balance of approximately \$3,500. David believed that balance should be divided equally, just like the rest of the debt. But Wendy felt that David should pay two-thirds of the Visa debt because he had incurred some of the debt on a vacation he had taken with his new girlfriend during the separation. David, who is self-employed as a marketing consultant, acknowledged that his girlfriend had accompanied him on the trip but insisted the trip was business-related and that virtually all of the expenses were business costs.

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Wendy was upset that David would try to get her to share in expenses that she felt were completely personal in nature. David felt that Wendy was "nitpicking" on this issue and that she was just trying to control him.

After several heated discussions about the topic, they decided to go through the credit-card statements and receipts with their lawyers to separate out the business expenses from the personal expenses that David had incurred. After two meetings in which the Visa debt was the central issue, they ultimately agreed that David would pay an extra \$800 of the Visa debt. While this solution had saved Wendy approximately \$400, in the end, she was amazed to see that she had incurred more than \$900 in fees working on this issue. David, in looking at his final fees, realized that it would have been cheaper for him to accept Wendy's original proposal. Both Wendy and David spent more money "resolving" this issue than they would have spent if they had found a way to let it go.