

Impasse

What To Do When Your Negotiation Feels Stuck

Inevitably in divorce negotiations, the separating partners get stuck on some issue(s). The reasons partners grind to a halt are diverse. Their emotional issues may resurface. Some people have trouble forgiving and moving on; a partner may want to punish the other. Fear grips people. Factual disputes may slow negotiations. Some partners cannot self-soothe; if they get emotional, they stay emotional. For some partners, sufficient trust has not been rebuilt. People feel at risk. A few people have great difficulty separating the past from the future in their minds. When your divorce negotiation bogs down, consider the following remedies to get things back on track:

- Re-read the epitome of *The Relationship Cure* regarding bids and responses in trust-building.
- Re-read the epitome of *Difficult Conversations* for guidance in managing conflict.
- Review your and your partner's high end goals.
- Break the difficult issues into smaller component parts. Do the easy parts first.
- Consider what would happen if you reach a solution. You may fear settling.
- Think over what will happen if you fail to reach a solution. One way or another, the issue will eventually be settled. How will the issues be settled?
- Go over again the impact of each proposed solution to the sticky issue(s).
- Take a break. Reconvene later or another day.
- Assess your own emotions. Do some self-soothing by recalling your favorite place, time of year, food, book, or person. Take a deep breath; release it slowly. Take another.
- Discuss with the team which of your needs are not being met in the negotiation.
- Sit silently for a few minutes.
- Consult an expert for missing facts or advice.
- Consider trade-offs or splitting the difference.
- Ask questions you have been avoiding about the reason for the conflict.
- Discover why there is this difficult patch in the negotiation.
- Consider the paradox of conflict: fighting breeds more fighting. Conceding some issues may create a better world for both you and your partner and your children.
- Ask yourself how long you are willing to wait and how much money you are willing to spend before beginning to put this conflict behind you.
- Ask your partner to forgive you and put the dispute behind you.
- Apologize. Mean it.
- State what it would take for you to settle the disagreement.
- Discuss how the conflict is affecting children and others outside the team.
- Recall the many matters you have successfully settled already.
- Do more brainstorming.
- Discuss with the full team what happens if you and your partner cannot settle the difficult issue(s).
- Add a new person to the team for a fresh perspective (mediator, family member).
- Consider shuttle mediation.
- Consider asking a collaborative attorney from outside the team to arbitrate (serve as a private judge concerning the issue).
- Do a "divorce court field trip" to educate yourself how litigated divorce proceedings really work.
- Consult with litigation counsels to gain perspective.