

# Family Law Education Reform Project

## Dissolution of Marriage Negotiation Exercise

### OVERVIEW

One purpose of the exercise is to show students that there is no cookie-cutter outcome to this problem. This can be shown by, among other things, comparing the range of outcomes the students come to in this exercise.

### EXPLANATION AND COMMENTS

In this exercise, students are directed to represent either the husband or wife and are to consider what the probable range of outcomes for their client would be in the jurisdiction if this case goes to trial. Questions are posed to the students to aid in understanding and identifying possible problems and outcomes that result during dissolution negotiations.

### ABOUT THE AUTHOR

#### **Thomas Oldham**

John H. Freeman Professor of Law  
University of Houston Law Center

Professor Oldham received his J.D. in 1974 from UCLA, and came to the University of Houston Law Center as Associate Professor in 1980.

Professor Oldham has also been elected to the American Law Institute, and is an active member of the law faculty, serving on numerous committees. He is a recognized expert in community property, family law, partnership, agency and business organizations law. He has been chair of the AALS Family Law Section and is a member of the Board of Editors for the American Bar Association, Family Law Quarterly.

In recognition of his accomplishments for the UH Law Center, Professor Oldham received the UH Excellence in Research and Scholarship Award in 2000.

## NEGOTIATION EXERCISE

Assume the following facts. H and W have been married 15 years. They have one child, age 6. They have saved from their wages during marriage \$300,000 (including pensions). H, age 45, earns a monthly gross income of \$13,000. W, age 40, also works full time and earns a monthly gross income of \$3,000. Assume one cause of the divorce is W's affair. Assume neither has significant other assets.

The parties have generally agreed that, after their divorce, their child will primarily reside with W; H will have significant access. They have not yet agreed regarding the specific nature of the access.

### ASSIGNMENT:

Pick a partner. Decide which of you will represent W and who will represent H.

Once you decide whom you will represent, consider what the probable range of outcomes for your client would be in your jurisdiction if this case goes to trial. What would be a desirable result? What would be the approximate worst outcome you could expect?

Once each of you has evaluated your client's case, begin negotiating the material terms of your settlement. Initially focus on support and the division of property.

If you are representing W, can you think of any concessions you might offer to H's lawyer which might induce H to offer more generous financial terms?

If you can reach an agreement regarding the material terms of a settlement, please summarize these terms in writing, put your names on the document and hand it in to your professor.