

Family Law Education Reform Project

Problem Two - Negotiation

OVERVIEW

In this negotiation exercise, students should evaluate (1) what should be done specifically with respect to the house, but also, (2) in light of your knowledge about cohabiting couples, any other matters that you think the couple should consider.

EXPLANATION AND COMMENTS

For the negotiation, students should resolve, if possible, the issue of the house and determine what, if any, further matters the parties will agree to discuss, and any preliminary proposals about those additional matters.

ABOUT THE AUTHOR

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Problem Two

Megan and Ian are both elementary school teachers who have been living together in a rented house for a year. They have been dating for two years, after meeting in graduate school when Ian was completing his master's degree and Megan was starting her master's degree. They lived in different cities until Megan finished, and then she took a job close enough to Ian so that both could commute. They have shared expenses 50-50 up to this point. Ian makes slightly more per year than Megan, but their salaries are very close and quite modest.

Megan is an old family friend. She comes to you wanting your advice because she and Ian have decided to buy a house together under a new incentive plan to attract teachers to Bliss that will provide qualified teachers with 100% mortgage with no down payment. They are looking for a "handyman special" since Megan is talented at carpentry and painting. They plan to buy the house in Ian's name because Megan has a bad credit history. Megan is sure Ian is her soul mate and life partner, but neither of them is in a rush to get married. Both are 27.

Assume that you advised her that both she and Ian should independently be advised by lawyers, and they have chosen lawyers who are collaborative family lawyers. You should evaluate (1) what should be done specifically with respect to the house, but also, (2) in light of your knowledge about cohabiting couples, any other matters that you think the couple should consider. For the negotiation, you should resolve, if possible, the issue of the house and determine what, if any, further matters the parties will agree to discuss, and any preliminary proposals about those additional matters.

Assume Bliss case law on cohabitation, like that of Florida, follows the *Marvin* model.

Negotiation: The negotiation will take place during class October 9, although you may not have the full class hour. We will discuss the outcome of the negotiation October 10. Once the time for negotiation begins, you can meet in the classroom or any other space in the law school that you have previously agreed with the other team. Please negotiate only until the end of the class hour, then STOP. Make a brief written summary and/or draft agreement on the outcome of the negotiation.

Client Assignments: Megan: All teams who represented Patty in Problem One
Ian: All teams who represented Les in Problem One

Negotiation Assignments: Negotiate with the team that has the most immediate odd number or even number, beginning from 1, so 1-3, 5-7, and 2-4, 6-8, etc. See "Team Assignments" on TWEN. Contact the students you will be negotiating with to arrange where to meet; all students can be reached through the email function on TWEN.