

Case of Simon and Lisa Gardner - Overview

John Lande
University of Missouri School of Law

This is a multi-stage simulation for negotiation of a divorce case, focusing on domestic violence and its relationship to child custody issues. It is designed to have lawyers routinely screen divorce cases for domestic violence, particularly for coercive control dynamics. The simulation begins with initial client interviews and leads up to a negotiation prior to a scheduled hearing for temporary orders regarding child custody and visitation and child support while the divorce is pending. If desired, you could add a stage of negotiating the final divorce agreement.

You can request a complete package of materials by sending an email to lande@missouri.edu. The package includes role-play instructions, written assignments, logistical information for each stage, self-assessment forms, and teaching notes.

Throughout this simulation, half the students in this simulation play parties and half play lawyers. Ideally, students should have the opportunity to do another multi-stage simulation in the course so that each student has the chance to play both a party and a lawyer in a multi-stage simulation.

The chart below shows the sequence of stages I used, followed by a brief discussion of each stage. Each instructor is likely to use the simulation differently, not necessarily using all the stages provided – and possibly adding new ones. I generally have students do these simulations during class time but you can have them to do some parts of the simulation outside of class.

This schedule is based on 75-minute classes in which students generally do each stage in class for about 15-30 minutes. In my course, the classes begin with a discussion of the task for that day, including the lawyers' (and sometimes the clients') goals at that stage. After students do the simulation, they complete a brief self-assessment form and then the class debriefs the experience together.

Class	Task
1	Initial client Interview
2	Lawyers meet each other to prepare for negotiation
3	Lawyers prepare clients for negotiation
4	Negotiation about temporary arrangements pending the divorce
5	Debriefing the negotiation

1. The instructions for the initial client interview are similar to instructions for one-stage simulations where students negotiate or mediate the ultimate resolution. In this simulation, the general goals of this stage are for the lawyers to develop good relationships with their clients, elicit basic information (including the clients' interests), and decide what additional information they need.

The lawyers are instructed that they routinely screen all divorce cases for domestic violence and this is a major element of the interview. The information for lawyers provides instructions about how to do this screening.

After the interviews, lawyers submit requests to the instructor for additional information. Following submission of these requests, all students get the same factual information and students playing the different roles get different instructions about how to respond to this information. The simulation package includes the additional information I provided to students, including the parties' assets, income, and expenses. I did not give specific responses to each student's submission or grade them, though you may do so. The simulation materials probably contain all the information the students need, though some of the students' information requests may prompt you to add some information you think would be helpful.

2. This stage takes place two months after the initial interviews. The parties have exchanged information and Simon recently moved into an apartment. Each pair of lawyers meets to prepare for the negotiation based on the conversations with their clients in the prior stage and the information they receive by email.

This stage could be done outside of class. If you do it in class, while the lawyers are meeting, you may meet with all the parties as a group to discuss what they have learned by playing a party in this simulation.

The lawyers are instructed to start their conversation by getting to know each other and building a working relationship. This can have a profound effect in real life and in simulations.

You may require the lawyers to prepare negotiation plans in connection before or after meeting with their counterparts in this stage or after meeting with their clients in the next stage.

3. Each pair of lawyers and clients meets to prepare for a negotiation about temporary agreement.
4. Each group of parties and lawyers attempt to resolve the issues. You might assign pairs of lawyers to write up a simple stipulated order.

5. The entire class is devoted to debriefing the negotiation. You may want to start by asking each group to indicate whether they reached agreement and, if so, what were the terms of the agreement as well as any other information you want to compare between groups. You might write this information on a blackboard or project it on a screen so that students can visually compare the results.

The rationale for including multi-stage simulations in a negotiation course is described in my articles, [Teaching Students to Negotiate Like a Lawyer](#), 39 Washington University Journal of Law and Policy 109, 128-36 (2012) and [Lessons from Teaching Students to Negotiate Like a Lawyer](#), 15 Cardozo Journal of Conflict Resolution 1, 14-23 (2013). See generally [Suggestions for Using Multi-Stage Simulations in Law School Courses](#).