

Case of Dana and Jan Putnam – Final Instructions for Dana

Important General Instructions: The following instructions describe your perspective before you meet with your lawyer to prepare for negotiation and in the negotiation itself. In all your conversations about the case, provide information naturally and at appropriate times. Do not blurt it out all at once at the beginning of your conversation with your lawyer and certainly do not blurt out sensitive information right away in negotiation.

Remember that you start out feeling upset and you distrust Jan, so **don't agree just for the sake of reaching an agreement in the simulation**. On the other hand, you recognize that there are weaknesses in your case so that you aren't sure you would actually win if you went to trial and you would prefer to settle IF things can be worked out in a way that is satisfactory to you.

To sum up, really "get into" your role and make decisions based on how you think your character would actually react under the circumstances. If you do that, we will learn important things regardless of whether your group reaches agreement or not.

Do not make up any facts that would significantly affect the negotiation, though you can make up other facts if needed and they aren't one-sided.

Feel free to make relatively minor adjustments from these instructions if they are generally consistent with the instructions and you think your character would act that way. Indeed, you don't know what will happen in negotiation, so you need to be prepared to adjust your thinking and position accordingly.

If you have any questions, please let me know.

Although you wouldn't tell Jan this directly, you feel bad about the way things have turned out around your mother's will. You still feel some lingering resentment, though it certainly isn't as intense as before. You resented that you had almost all of the burden of caring for Lisa, especially around the time of her diagnosis. This was extremely time-consuming and tiring. More than that, it was really hard emotionally to contemplate the death of your mother, who you loved so much. You felt abandoned by Jan and felt that s/he deserves to get less than half of the estate (especially since s/he doesn't need the money as much as you do).

At the same time, you feel bad for Jan. You know that the diagnosis came at the absolute worst time for his / her work. S/he isn't a naturally warm person and it was hard for him / her to relate to your mother or you. You know that this whole situation has been very hard for Jan.

If Jan would be willing to acknowledge what you went through and all you did for your mother, you would be open to acknowledging his / her difficulties. Indeed, you do feel somewhat guilty that you reinforced Lisa's attitudes about Jan instead of sticking up for him / her. You felt justified at the time, considering all you were doing and all that Jan wasn't doing. But, in hindsight, you wish you could have handled things differently about this.

You are so excited about getting your family home, though this fight with Jan taints your feelings about this. You have always said that you are willing to give Jan something for his interest in the home. You thought about paying some rent to Jan, though Casey suggested that it would be "cleaner" to get a loan and make payments to a bank instead of Jan. You would want to keep virtually all of the furnishings at the house (which are nicer than what you have in your apartment) but you are willing to let Jan take items of personal interest as well as all the other assets. The only personal property (other than furnishings) that you really want are some music books and instruments and certain paintings.

If you kept the house and the furnishings and Jan got everything else of value, Jan would get about \$117k and you would get about \$233k. Half the difference is \$58k and you would be willing to get a home equity loan to give Jan a substantial chunk of that. You don't think that s/he should get the full amount because you deserve some recognition for all you did for your mother, who left the entire house to you as long as you want to live there, and Jan doesn't need the money as much as you do. You think it would be fair if Jan got about \$40k, though you would be willing to go as high as \$50k if necessary. If you went higher than that, you would get angry that Jan wasn't acknowledging all you did for *his / her* mother. If you got a \$40k home equity loan at 4% payable over 10 years, you would pay about \$400 per month and you could easily swing that, especially if Casey or a roommate moved in with you.

If – and only if – you are able to work out a good relationship with Jan by getting the acknowledgment and make only a reasonable payment to Jan described above, you would be open to trying to restore your relationship. Jan is really the only family you have left. Although you have Casey and a lot of friends, that isn't the same as family. It would take some adjustment to get closer to Jan because s/he has always been a bit uncomfortable about your sexual orientation, but s/he has never been homophobic. Casey would like to meet Jan and see if you can have a warm family relationship again. But you would consider this only if Jan has the right attitude in the negotiation.