

Case of Dana and Jan Putnam - Final Information for Jan

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 Dana, 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 Dana this directly, what you really want the most is an acknowledgment that you really loved your mother and an apology for the way that she and Dana treated you in connection with Lisa's illness. You were under a lot of stress at the time of the diagnosis and you did the best you could. If Lisa – *and* Dana – had been more sympathetic to you, you would have "been there" a lot more. But given the way that Lisa treated you, it didn't make sense for you to spend more time with your mother, as she essentially rejected you. That really hurt. It still hurts and the fact that Dana "egged her on," makes you mad that s/he essentially conspired with your mother against you – and benefitted from her will as a result.

You understand that Dana really did a lot for Lisa and went through a hard time as well, but you wouldn't acknowledge that to Dana unless you get acknowledgment for your efforts and emotional hardship.

You don't want to live in your family home and it would be fine for Dana to get it as long as you get your rightful share of the value. Ideally, Dana would agree to split the estate in half. If you took everything other than the house and the \$13k personal property in the house, you would get \$117k, which is \$58k less than half the estate, \$175k. If you include the forgiven \$15k loans, your half of the estate would be \$182.5k, about \$65k less than the \$117k.

You figure that Dana could get a \$65k home equity loan and pay about \$660 per month for a 4% loan payable over 10 years (or smaller monthly payments with a lower rate or longer term of the loan). Adding that to the current payments would still be less than the rental value of the house and presumably Dana could handle this, especially if s/he lives with Casey or a roommate. You are willing to take somewhat less than \$65k to recognize Dana's efforts in caring for Lisa as well as the fact that this would be a concession by Dana since the will doesn't provide for an equal division. You would take as little as \$40k, though you would like at least \$50k. If you got much less than \$50k, it would feel unfair and it would make you resent Dana for trying to take advantage of you again.

The only personal property you want are some books of your father's that don't have any significant market value. You would like them to have something of your father to remember him, now that both of your parents are gone.

If – and only if – you are able to work out a good relationship with Dana by getting the acknowledgment and share of the house described above, you would be open to trying to restore your relationship. Dana is really the only family you have left and you don't have a lot of friends. It would take some adjustment to get closer to Dana because you are straight and you have never been comfortable with what you see as the gay lifestyle. On the other hand, you have become more open to it as social attitudes have changed over the years. You have never met Dana's partner, Casey, and you are curious what s/he is like. Although it would have been hard to imagine this several years ago, you can actually imagine wanting to be part of a "family" with Dana and Casey. Again, you would consider this only if Dana has the right attitude in the negotiation.