

RULES FOR SURVIVING THE FAMILY LAW CASE

Oh Behave! - Your actions and attitude can determine how well you (and your children) make it through this difficult time.

1. Assume You are Being Taped

Your conduct during the divorce process will affect your case. Whether you do well, both legally and personally, will depend in large part on your attitude and conduct during the pendency of the case. When you speak, act, or react, keep in mind how it will look in the cold, harsh light of a courtroom. One of the best ways to help yourself stay calm is to assume that you are being taped or videotaped at all times. This is not a time to take chances.

2. Do Not Date

This looks bad to the court, and fuels the fire of your spouse. If you absolutely have to break this rule, **do not under any circumstances**, allow your children in the presence of a date or a new friend. Further, we suggest that if you believe the risk of dating to be worth it during this time frame, then you should not do so where other friends, relatives, or your spouse can see you.

3. Do Not Disparage the Other Parent

If you have children, our preference is that you do not engage in bad-mouthing your spouse to anyone except in the secluded presence of a therapist's office or a private diary. In our experience, children pick up on even the slightest inflection in your voice. Any disapproval of the other parent diminishes your child's self-esteem more than you can imagine. Even very young children are affected by negative attitudes and words. Fake it if you have to, but this time do it for your children. This kind of negative behavior will come back to haunt you both in your case and with your children. Just don't do it.

4. Do Keep a Journal

A journal is most important in a case involving children. The things the court will want to know about include the times the children spend with each parent, who is picking up and delivering, and whether the exchanges are timely and civil. If you record events or things said at or about the time they happen, that is usually admissible in evidence, and may show a pattern of behavior that needs to be addressed. (Remember, we may want to give your journal to the court, so you may need a separate diary for private thoughts.)

5. Do Not Dispose of Property or Spend Money

Finances are tight enough during a divorce, as each party adjusts to living in two separate households. Don't buy anything but necessities, and don't dispose of property, money or threaten your spouse with doing so. Don't pay more than the normal scheduled payments on bills, notes or loans unless there is a court order in place directing you to do otherwise.

6. Don't Waste Your Money and Energy on Vengeance

Negative emotions in a divorce or post-divorce action, such as hostility, anger and revenge, can cause your case to become needlessly expensive. Perspective and objectivity can promote a speedy, courteous and swift resolution of your case, thereby reducing the cost of the overall proceeding.

We cannot tell you how many times we have heard the phrase, "it's a matter of principle, I won't compromise on this." We have seen cases where a fair and equitable resolution could be reached but both parties remained at an impasse with respect to one single item which they felt held a certain significance and because of this "matter of principle" thousands of additional dollars were expended.

There may be many factors and issues surrounding the reason you may feel indignation, anger and resentment toward your spouse or ex-spouse. Because of these emotions, it may be your desire to punish your spouse or ex-spouse by making the proceedings as difficult, time-consuming and lengthy as possible. These types of cases, in many instances, turn into "no-win" situations. If both parties maintain a balance of perspective, combined with a realistic concept of what is reasonable and equitable, and in the best interest of the children, less money and emotional energy will be spent on legal fees. One of the key factors in resolving and settling a divorce or post-divorce action is the desire and the ability of both parties to set aside differences and past hurts. Only the attorneys are rewarded monetarily in a lengthy and bitter divorce or post-divorce action.

7. Be Prepared to Provide Financial and Personal Information

During your divorce or post-divorce action, an exchange of information will be required; this exchange is called "Discovery" and is accomplished in a variety of methods. One of the most time-consuming and expensive areas of discovery is the exchange and analysis of various documents, such as canceled checks, tax returns, various types of written communication, utility bills and charge card statements. Once we receive a formal request for such documents, we will then notify you of the various documents which your spouse or ex-spouse's attorney has requested. Thereafter, we have 30 days to comply with such a request. **However, we require you to get the documents to us within 14 to 20 days** in order to allow us enough time to organize and prepare our response.

You can elect to bring us the documents in boxes and brown paper grocery bags mixed together with old Christmas cards, old newspapers, one or two discarded handbags and a couple of old shoes. But it would take our staff an entire week to sift through and organize that information which was specifically requested from the extraneous information and rubbish. Your bill would jump in direct proportion to the amount of time expended in accomplishing that task. The most expedient way to comply with a request for a list of documents is to study the list and to organize and furnish the documents requested according to each category on the list.

Some of our clients have access to copying facilities and are able to make duplicate copies of the material, thereby saving fees which would otherwise be incurred if we were to make the copies. We are, of course, prepared and equipped to perform all of the tasks connected with the discovery process, but how much we do depends largely on the wishes of the client and how much value the client places on reducing the amount of the final bill.