

In A Divorce, Hope For The Best, Prepare For The Worst

By Paul Nelson, Esq



Many misconceptions surround divorce. For instance, although many people have heard from friends, family, and the media that divorces tend to be long, ugly, and expensive, some couples believe their experience will be the exception. They think they can dissolve their marriage quickly, cleanly and, most important of all, cheaply. After all, California is a no-fault, community property state. They'll just divide everything 50/50 and be on their merry way.

What could possibly go wrong?

Recently, a colleague consulted me on a case, which is a fairly typical experience. Jack (fictitious names used) is a successful business owner. His wife, Jill, is an equally successful medical professional. Having married in their early 30s, their paths diverged as the demands of their careers kept them separated for increasingly extended intervals. After 15 years of marriage, during which they

had one daughter, now 10, they realized they had lost their passion for one another. They agreed divorce was in both their best interests.

One thing Jack and Jill wanted to avoid was a long, costly court fight. "The only people who make money in a divorce are the lawyers," Jack liked to say. But, as with many non-W2 professionals, their finances were complicated, and someone had to determine who was owed what. And there was custody to work out. Jill suggested they go the mediation route. Jack agreed.

As its name suggests, mediation is a process in which a neutral arbiter, the mediator, collaborates with both parties to work out

an equitable settlement. The seeming advantage of mediation is that it's private and can be quicker than settling matters in the public courts. The operative word here being "can." In fact, Jack and Jill struggled through weeks of back-and-forth with their mediator, each offer triggering a counteroffer, with little progress made. And then the dirt started coming out ...

To her horror, Jill learned how Jack had once spent \$10,000 on a necklace for a woman he was cheating with. Meanwhile, Jack discovered Jill had forged documents allowing her to siphon money from his company. Eventually, all hell broke loose, the fangs came out, and what was


supposed to be a quick, simple, and inexpensive divorce ultimately dragged on for three years. Worse, it cost Jack and Jill hundreds of thousands of dollars in legal fees.

The moral of the story: In a divorce, hope for the best... but prepare for the worst. When parting ways with your spouse, it's in your best interest to understand what could go wrong—*horribly wrong*—despite good intentions. Arguably, your best investment is an attorney with a record for settling cases efficiently and effectively. If you are considering divorce, go into the process with both eyes open. Your wealth, health, and yes, sanity, depend on it.



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