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Romanticize the Future – Not the Past

Many things we reminisce about in a past relationship never really existed outside of our romantic dreams. Stop viewing the past through rose-colored glasses – and start romanticizing your future instead.

By Tamsen Fadal

The past wasn’t as great as you remember it; otherwise, you wouldn’t be getting a divorce. I am not saying to bury the past. It made you who you are. Every mistake you ever made brought you to this place. Just don’t ruminate on it – it’s really not worth your valuable time. Valuable insights from the past will come without you consciously thinking about them.

Misremembering the Past
Leona Lewis sings “Better in Time,” which admits that time helps, but it doesn’t heal all wounds. I wish it did. What time does is allow you to figure out how to deal with the end of the relationship and the beginning of a new life.

I spoke with a woman recently who shared that it had been three years since her divorce. She was no longer in love with her former husband, yet she would still become upset when she would hear about what was going on in his life. This time it was especially difficult: on Facebook, she saw that he was getting married. She told me that after her initial hurt, and a flood of sadness and anger, she got very real with herself and remembered that the past was never as great as she remembered it. In fact, it was not very good at all. She had to be honest with herself about what was reality, instead of painting a picture of something that never really existed.

In my case, I have done the same thing and am still guilty of it, until I used what I learned through the grieving process and therapy to help me move forward the right way. Each day I work to make sure I am not living out a fantasy that is not there. I make sure (as difficult as it always is) to move forward. I stop
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taunting myself with photos, reminders, emails, and conversations about my ex. When you do those things, you keep that person very present in your life. Work hard to move aside all reminders of your ex. One day you won’t have to do that, but do it while the wound is fresh. Let it heal.

Get Real with Yourself
When you are going through a divorce, you have to divorce not only your partner, but also your old self. This is the time to assess your life and get real with regard to what you want. After my divorce, the following questions forced me to to streamline who I was, what I wanted, and where I wanted to be.

1. Are you in control of your emotions or are your emotions in control of you? Choose control and choose happiness. If your emotions are in control of you, there is no chance you will be able to focus on who you are and what you want to do. You must create boundaries, and make sure that if you do feel emotional (and you will), you can figure out why you feel that way and determine an approach to work through it.

2. Who is the love of your life? You are. Don’t forget that. It’s not what society dictates or what the online dating sites tell you. You should be the love of your life – and always be open to letting love in.

3. How are you at your best: single or in a relationship? Think about how you feel when you start a new relationship: you’re excited to get out of bed every morning. Just because you’re single doesn’t mean the soundtrack to your life has to include a sad-sounding trumpet (wah-wah). What makes you excited to wake up and start a new day? If the person you really, truly want to be is the person you are in the first stages of a relationship, then there’s no reason you can’t feel just as full of life now – you’re starting a new relationship, right now, with yourself.

4. Where do you see yourself in five years? It’s a classic job-interview question, but it works for where we’re going. Not just five years, though. Where do you want to see yourself in six months? One year? Three years? It’s time to start living your life consciously and deliberately – and that means setting goals for the long term and the short term.

Good Old Days?
Let’s revisit the past, think about it logically in the present, and plan for future relationships and how they are connected to the most important relationship of all – your relationship with yourself. Make a list of all the glorious things about your past life with your ex. For example:

1. He cooked dinner for me, but I had to clean up for hours after the meal.
2. He knew great wine, which is why he drank a bottle a night.
3. He was good to himself in the relationship and I was secondary.
4. He knew great restaurants but wouldn’t try any new ones because they were “just too loud.”
5. He liked making fun of my family. Welcome back to reality. Moving forward is a scary proposition, hence our desire to harken back to the good old days. But just maybe the good old days weren’t all that good. The moral of just about every fairy tale, fable, and formulaic rom-com ever made is that it’s never too late to change your future. So, time to make just one more list:

1. What makes you truly, genuinely happy?
2. Who is your support group (your best friends)?
3. What are the qualities you want from a future partner?

The majority of things we reminisce about in a past relationship never really existed outside of our romantic dreams. Or perhaps they did at the beginning, but by the time the relationship ended, we were “remembering” a relationship that didn’t really exist.
Advisory Board

Divorce Magazine would like to thank the following members of our Advisory Board for their help in making www.DivorceMagazine.com and Divorce Magazine such valuable resources for our readers.

Patricia M. Barbarito is a certified matrimonial lawyer. She is a partner in the NJ law firm of Einhorn, Harris, Ascher, Barbarito, & Frost and the former chair of the New Jersey State Bar Association (Family Law Section). She is a Fellow of the American Academy of Matrimonial Lawyers.

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J. Lindsey Short Jr. has been Board Certified in family law since 1980, served as President of the American Academy of Matrimonial Lawyers in 2002 and is a past President of the Texas Chapter of the AAML and a founding member of the International Academy of Matrimonial Lawyers, U.S.A. chapter.

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How to find the best possible advisors to help you through the challenges of divorce.

By Diana Shepherd, CDFA™

Divorce is a complex process that affects just about every aspect of your life: financial, emotional, physical, and legal. Unless you’ve been married for only a short time and have no property, assets, or children, you’ll probably need the advice of more than one divorce professional to help smooth the road ahead. Your team of experts could include a lawyer, mediator, financial advisor, and therapist or divorce coach; depending on your situation, you might also need a business or pension valuator, forensic accountant, or parenting expert. Here’s a guide to help you choose the best possible advisors to support you during your divorce.

**Divorce Lawyer**
Choosing a lawyer may be the most important decision you’ll make during your divorce. As in any profession, there are good lawyers and bad lawyers. It’s up to you to do your homework and ask the right questions to ensure you’ve chosen a lawyer who’s not only good at his or her job, but one whose personality and outlook are compatible with yours. Look for a lawyer who:

• Practices family law.
• Has relevant experience. If possible, choose a lawyer who has worked on many divorce cases similar to yours. If your lawyer is fresh out of law school, make sure he or she has an experienced mentor at the law firm.
• Is a skilled negotiator. If your case can be settled without a protracted
court battle, you’ll probably save a great deal of time, stress, and money.

- Is firm. If you end up going to court, you don’t want your lawyer to crumble at the first obstacle.
- Is reasonable. You want someone who’ll advise you to settle if the offer is fair, and not have the case drag on to satisfy your lawyer’s need to “win.”
- Is not in conflict with your best interests. Don’t share a lawyer with your spouse, or hire your spouse’s best friend (even if this person is a friend of yours, too), business partner, or any member of your spouse’s family to represent you – even if you’re on good terms with them. Aside from the obvious conflict of interest, you’ll likely create enemies and spark a family feud before your divorce settles.

Ask your prospective lawyer the following questions:

- What percentage of your cases go to trial? (You may want to choose a lawyer with a low percentage here: a good negotiator who can settle your case without a long, expensive court battle. A good trial lawyer may be necessary if you and your spouse can’t agree on anything.)
- Are you willing and able to go to court if this case can’t be settled any other way?
- Who will be handling my case: you, an associate, or a combination of senior and junior lawyers and paralegals?
- Do you offer alternatives to litigation – such as mediation or collaborative divorce? An alternative to traditional adversarial divorce, collaborative divorce asks the divorcing couple to resolve their differences – without going to court – with the help of a collaborative team – which usually consists of two lawyers, a financial specialist, a divorce coach, and other professionals as needed.

The outcome of your divorce proceedings will change the course of your life forever, so invest the time and money to find the lawyer who will do the best job for you. Interview two or three lawyers before deciding who’ll represent you.

**Divorce Mediator**

In mediation, you and your spouse work with a neutral third-party mediator to negotiate your future. Mediation can save time and money, and is usually less emotionally damaging than a full-blown court battle. You and your spouse work out an agreement you can both live with from the same side of the mediation table, rather than opposing sides of the courtroom.

Mediation isn’t an option in all divorce cases; however, when both parties are willing to look at the issues instead of the emotions that cloud the issues, mediation is worth a try. Statistics show that when a case is negotiated via mediation, the parties tend to stay out of court in the future. Another benefit of a mediated settlement is that you and your spouse will learn powerful new communication techniques – which is particularly important if you have children or share business interests.

Mediation doesn’t eliminate the need for a lawyer; your lawyer should read and offer advice regarding any agreements made by you and your spouse before they become legally binding. However, the mediation process can speed up negotiations because you and your spouse communicate directly instead of through a “broken telephone” chain from your spouse, to your spouse’s lawyer, to your lawyer, and then finally to you. Many family lawyers are also trained mediators, so finding a mediator may simply be a question of asking your lawyer about his or her qualifications.

**Financial Advisor**

If money will be an issue during your divorce, you should consider hiring a financial specialist with expertise in issues pertaining to separation and divorce. Certified Divorce Financial Analyst® (CDFA™) professionals tend to be financial planners or accountants who have completed an additional level of training. One of their roles is to analyze the short- and long-term consequences of settlements and inform you of the ones that appear fair and equitable on the surface, but will not stand the test of time. A CDFA can also reduce future uncertainty by forecasting the financial impact of alternative settlement proposals: for instance, a CDFA can tell you what the financial consequences will be of keeping your home instead of selling it.

An accountant (CPA, or CA or CGA in Canada) can also handle many of the financial matters of your case – from tax issues to net-worth calculations. Some accountants hold additional designations that could be useful in your case, including: ABV (Accredited in Business Valuation), ASA (Accredited Senior Appraiser), BCFE (Board Certified Forensic Examiner), CFE (Certified Fraud Examiner), CVA (Certified Valuation Analyst), MAFF (Master Analyst in Financial Forensics), and PFS (Personal Financial Specialist). If you think your spouse is hiding assets, a BCFE, CFE, or MAFF should be able to either confirm your suspicions or set your mind at ease; if you and/or your spouse own your own business, an ABV or ASA can value company assets and goodwill.

You’ll also need valuations or other paperwork detailing property owned by you and your spouse (together or separately), and everything else from the contents of a safety deposit box to the cars to the cottage. If a business is involved, brokerage statements or corporate minute books may also be required.

Basically, your financial specialist needs to see any major paperwork that involves the transaction of money for both you and your spouse.

Ask your prospective divorce financial advisor the following questions:

- How many times have you been to court? These professionals may be testifying on your behalf, so you want someone who has experience in the courtroom. If possible, find
Therapist/Divorce Coach
A therapist or divorce coach can help you deal with the emotions – including grief, anger, depression, or fear – that could get in the way of negotiating a divorce settlement. Also, until you achieve an “emotional divorce,” you won’t be free to create a fulfilling new life. A qualified therapist can help you work through the issues that are holding you back and keeping you stuck in the past.

Finding the right therapist can be frustrating: anyone can call him or herself a “therapist” regardless of background or training, so do your due-diligence to find someone competent. A therapist with an “MD” after his/her name is a psychiatrist; one with a “Ph.D.” is a psychologist. If you see the letters “MSW,” it means this person has a master’s degree in social work, while an “LCSW” is a Licensed Clinical Social Worker. If possible, choose someone who specializes in marriage and divorce issues.

In the collaborative divorce process, the divorce coach is a mental-health practitioner whose role is to help you communicate your needs as well as to let go of feelings that are clouding your judgment and preventing you from reaching an agreement. They can provide tools and resources to help you communicate constructively and co-parent effectively with your ex, and help you create a co-parenting plan that will work for the whole family.

What to Ask Your Divorce Professionals
Prepare a list of questions relevant to your unique situation before your initial meeting with a prospective professional. Here are some suggestions:

- What is your training, experience, credentials, and affiliations?
- How long have you been working in this field?
- Do you serve divorcing people exclusively? If not, what percentage of your work involves divorcing people?
- How much direct experience do you have dealing with cases like mine? (This is an especially important question if there are aspects that make your divorce unique.)
- What is your approach? Do you have any biases? (We all have certain viewpoints, which cloud our judgment, and professionals are not exempt. If you have children, you should ask if this professional has any strong views about the role of mothers or fathers, or about the care of children.)
- Will you keep our communications confidential? Can I call you between scheduled meetings? If so, do you charge for these calls?
- Do you require a retainer, and if so, what is it? Is this fee refundable? What is your hourly fee? What are your payment terms?
- Approximately how much will your services cost? (The professional will only be able to provide an estimate based on the information you provide and your realistic estimation of how amicable you and your spouse are. If you think your case is extremely simple, but your spouse’s lawyer buries yours in paperwork, you can expect your costs to increase.)
- What do you think the outcome will be? (Remember, you’re looking for truthfulness here, not to be told a happy story.)
- If your spouse has retained professionals of his or her own (and you know who they are), ask if the professional is familiar with any of them.
- How long will this process take? (Again, the answer will be an approximation.)
- What are my rights and obligations during this process?
- What are your hours? Do you work any evenings or weekends?
- How accessible is your office (close to parking, public transport; wheelchair accessible; etc.)? Is it located in a safe neighborhood?
- What happens next? Do I need to do anything? And when will I hear from you?

Divorce is often challenging on many levels. The decisions you make now will affect your long-term future, and that of your children. By using the guidance and questions above to choose the right professionals, you’ll make your divorce easier, less expensive, and less stressful – and you’ll also empower yourself to successfully start your new life after divorce.

Diana Shepherd is the co-founder and Editorial Director of Divorce Magazine and a Certified Divorce Financial Analyst®.

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Here’s some information and a handy checklist to help you set goals and think about options as you move forward with your divorce – and life.

By Henry Gornbein, Esq.

When you build a house, it all starts with the foundation. In divorce, the foundation is the initial complaint or document putting your spouse on notice that you want a divorce.

In some states and provinces, the parties must reside separately and apart for a year before a divorce can be filed. In others, the husband and wife can not only live together throughout the divorce – and commonly do – but they can even remain sexually intimate during the divorce process.

I have had many cases where throughout the divorce process, the relationship is off and on again and again while the couple attempts to decide whether to proceed with their divorce. This can be very confusing, especially to children.

It’s best to check with a lawyer where you live for the legal requirements and ramifications relating to this issue.

Filing the Complaint

In some areas, the complaint will be a petition for the dissolution of a marriage: “In the Matter of Jane Smith and John Smith”, for example. In others, the laws require that there be a plaintiff (the person filing for divorce) and a defendant (the person being sued for divorce): “Jane Smith, Plaintiff vs. John Smith, Defendant”.

The complaint should meet the legal requirements for a divorce in the state/province in which it is filed, but should not include a lot of information intended to inflame the divorce or embarrass the spouse. In most areas, divorce filings are public and your personal lives should be kept out of court as much as possible.
The goal is to try to handle the divorce process with dignity, demonstrating as much respect to your spouse as possible. In some situations, this proves impossible and then you have total warfare with no winners except the lawyers, who will be charging a lot more money.

With the complaint comes a document called a summons. This paper states that you have been served with a complaint or petition requesting a divorce and gives the respondent or defendant so many days – typically 21 – to respond. It is summoning you to take action or be in default. If you are the defendant, this is the time to immediately contact a family law attorney, if you haven’t already, to find out what your legal rights are and what you should do next.

**Ex Parte Orders**

In many cases, some original orders go along with the initial complaint or petition. These are called ex parte orders, entered on behalf of the plaintiff. Based on the complaint that has been filed, it’s a request in the divorce petition for a specific purpose, with immediate relief that can be granted without a hearing. I typically use an asset injunction or restraining order: an order putting your spouse on notice that property doesn’t disappear. The goal is to try to handle the divorce process with dignity, demonstrating as much respect to your spouse as possible.

Last but not least, domestic violence is a factor in some divorces. In some areas, there will be an order regarding the protection of the victim spouse: a personal restraining order, a personal protection order, or some similar type of legal device. These are very important in cases where there has been a history of domestic violence or the threat of violence. You should discuss these issues with your lawyer at the initial meeting.

**Interim Orders**

Other possible orders include those issued on an interim basis regarding child custody. I only use these in cases where one parent is threatening to remove the children from the home, state, or country. In cases where the children have already been taken, an interim order can be needed to require the immediate return of the children.

To obtain an ex parte interim order, you must state in the divorce complaint or petition why it is imperative that an order be entered at once without a hearing and give examples.

In some cases, an interim order is put into place along with the original filing setting child support; a status quo regarding the payment of marital obligations such as the mortgage, utilities, and other expenses; or even the setting of spousal support in some instances. These orders can differ from place to place – even from lawyer to lawyer, depending upon the facts of your divorce and the traditions, laws, and rules where you live and file for divorce.

**Serving Papers**

In many cases, divorce papers are delivered using a process server, a public official, or someone else who is legally able to serve the papers. I encourage the other party to accept the papers without the need for formal service. Why? Because being served with divorce papers – especially at work or in a public place – can be embarrassing. Getting served at home – especially if children are there – can be humiliating and upsetting to everyone.

To avoid this, I ask clients to ask their spouses if they will accept the papers by mail delivery to the home. Normally, a husband cannot serve his wife or vice versa. However, establishing an acceptance of service agreement in advance to sign for and acknowledge the papers eliminates the need for a process server.

In one case, my client was having an affair – but he had neglected to inform me of this fact. His wife was extremely angry, and her lawyer wanted to have him caught in the act and served at a motel where he had been meeting his girlfriend. This only added fuel to the fire and was not a good way to start the divorce.

If the other party has retained a lawyer, he or she can accept service on behalf of the other spouse. That lowers the level of acrimony and embarrassment, and sets a non-adversarial, cooperative tone from the outset.

**Trolling**

Where I practice, an issue known as “trolling” has reared its ugly head. In trolling, lawyers obtain a list of divorce filings from the courthouse where your divorce has been filed. They then send a letter informing your spouse that a divorce has been filed against him or her. The letter requests that your spouse contact the attorney for possible representation in the upcoming divorce.
action. I find this tactic reprehensible for several reasons:

1. In some cases, papers may be filed, but service is being delayed for a special family event such as a birthday, wedding, or graduation; illness; or a long-planned vacation.

2. There could be minor children involved, and the spouse who is filing may want to meet with the other spouse prior to service, to discuss ways of moving forward in an amicable fashion as well as how to tell the children.

3. Sometimes, a spouse will file and then reconsider or suggest marriage counseling to his or her spouse. Then the other spouse gets the trolling letter in the mail and all bets are off.

4. When there is domestic violence, the filing and service must be very carefully handled. A trolling letter can have tragic consequences.

5. Finally, it makes lawyers look like bottom-feeders. Trolling letters are universally viewed with disgust by clients who receive them.

**Answering the Complaint**

Once a spouse is served with papers, the next step is for the defendant spouse to file a response or answer. In some situations, there may be a counterclaim or cross-complaint filed by the other spouse seeking a divorce as well. The strategies will differ depending upon your own situation, who your lawyer is, and where you live.

If the original papers are the divorce’s foundation, then the final judgment or settlement agreement represents the rest of the house, so to speak. It should cover every relevant issue and provide the steps for you and your spouse to follow going forward.

I use the following checklist in my practice to help my clients set goals and know what may or may not be important in their divorce. Bear in mind that this is not necessarily inclusive and is meant only as a general guide; some of the points will not be relevant to every case and may not be applicable in some areas. The goal is just to get you thinking about possible options as you move ahead with your divorce and the rest of your life.

**First Steps Checklist**

1. Counseling to save your marriage or to help build a support system as you go through the divorce.
2. Choosing a lawyer.
3. Filing for divorce.
4. The initial papers, including ex parte or temporary orders.
5. Child-related issues including custody and parenting time/visitation.
6. Child support.
7. Medical insurance and uninsured medical, dental, and other health-related expenses regarding your children.
8. Extracurricular activities for your children, including the associated costs.
9. College and private or parochial school expenses and issues.
10. Spousal support.
11. Medical insurance going forward for a spouse (in the US, this can be done through COBRA, a federal law that permits a former spouse to be kept on medical insurance for a maximum of three years if the other spouse is employed by a company with a minimum of 20 employees).
12. Discovery issues, or techniques for learning exactly what assets and liabilities are in your marital estate.
13. Property, including real estate holdings, personal property, investments, professional practices, and degrees.
14. Businesses of all sizes, ranging from small family businesses to larger corporate entities.
15. Cars, boats, leisure vehicles.
17. Savings accounts, stocks, bonds, and other investments.
18. Retirement accounts, pensions, and other vehicles for future retirement.
19. Furniture and furnishings, including antiques.
20. Issues involving gifts and inheritances.
21. Debts such as home equity loans, mortgages, credit cards, debts to relatives, auto loans, or leases.
22. Tax issues.
23. Life insurance.
24. Lawyer and expert fees.

Every state/province has its own laws and quirks – that’s why it’s so important to talk to a lawyer where you live. The information provided here is general and will vary depending on your locale, the laws of your state/province, and the practices of your courts.

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**Related Articles**

**Understanding the Divorce Process**

No two divorces are exactly alike, but every divorce undergoes the same general journey. Here’s a basic primer on how the divorce process generally works.

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**Divorce Dispute Resolution: Choosing the Right Method**

There are many options to settle your divorce issues, including mediation, arbitration, collaboration, litigation, and pro se. But which process is right for you?

As the largest Family Law firm in the greater Long Beach/South Bay area, BRANDMEYER GILLIGAN & DOCKSTADER, LLP (BGD) has the dedication and experience required to handle every type of family matter - from highly-contested litigation to alternatives such as collaborative divorce and mediation. Specializing in complex family law matters, BGD has a proven track record of favorably resolving client cases through skilled negotiation and strong advocacy. It is the goal of BGD to offer personal attention to each client while providing the best family law legal representation whether the client chooses to pursue litigation, mediation or collaborative divorce. We are able to offer an exceptional level of availability and personal service to each of our clients, and we place great importance on communicating with and guiding our clients through the entire process.

Combining top-notch litigators with experts in non-litigation alternatives, BGD is one of the most well-rounded firms in the family law practice area in Southern California. For clients who prefer to resolve their matters outside of court, we have attorneys who specialize in non-litigation alternatives, such as mediation and collaborative practice. For cases that can only be handled in court, our litigation attorneys are highly skilled at negotiating settlements and producing positive trial outcomes, particularly in high-conflict cases.

With our office conveniently located in Long Beach, BGD is ready to assist you with your family law needs, including: marital dissolution and separation, child custody and visitation disputes, division of property/business valuation, child and spousal support, paternity disputes, pre- and post-nuptial agreements, domestic partnerships, and domestic violence.
Charting Your Living Expenses

During your divorce, you need to have a complete understanding of your own as well as your ex’s financial situation. Here’s help figuring out your living expenses.

By Cathleen Belmonte Newman, CDFA™

During your divorce, your lawyer or financial professional is going to ask you about the financial aspects of your marriage in order to calculate spousal and child support, and divide all marital assets and debts. To do this, you need to have a complete and in-depth understanding of your own as well as your ex’s financial situation.

In most states and provinces, each spouse must complete a Financial Affidavit (sometimes called a Financial Statement or Financial Disclosure) containing truthful and accurate information about his/her income, expenses, assets (this includes all property acquired or earned during the marriage, such as homes, cars, bank accounts, retirement benefits information, stocks and stock options, business assets, and valuable art, jewelry, or collectibles) and liabilities (these are your debts).

One area of the Financial Affidavit that often creates confusion is the section for living expenses. In most jurisdictions, this section is completed using monthly figures (ask your lawyer or financial professional to confirm this for you). When filling this out, keep in mind that there are 4.3 weeks per month – not 4. This is an easy mistake to make, and one that
will result in an under-estimate of your expenses.

As you start to fill this out, the best sources of information to have handy are bank statements (including cash withdrawals), cancelled checks and credit card statements, and year-end summaries.

Charting expenses by category will enable you to create this information accurately. You can do this by hand, or by using software such as Microsoft Excel or money-management software such as Intuit Quicken (which is also available as apps for iPhone and Android).

Analyze your expenses over at least a full year so that you don’t overlook expenses that only occur at certain times of the year – such as back-to-school or holiday expenses or high utility bills in winter or summer.

If you aren’t going to have the time or patience to prepare this analysis in detail, here are some quick tricks that can help you complete this task fairly rapidly.

1. First, add the expenses for the items where you already know the exact cost – your mortgage, real estate taxes, home and auto insurance, telephone/cable/internet bills, housekeeper, car payments and life insurance.
2. Next, tackle the expenses that you can estimate by week – dry cleaners, groceries, lawn service, fuel for auto, parking, cabs/tolls, grooming, dining out, allowance for kids, sitters/child care and tutors. Remember that there are 4.3 weeks per month.
3. Then, call service providers who can provide an annual figure (remember to divide by 12): call the gas, electric and water companies, vet for pet expenses, car dealership or service center for maintenance and repairs, doctors for medical expenses, and health club for recreation expenses.
4. Now you’re down to the expenses you need to estimate: home repairs and maintenance, clothing for you and your children, entertainment, newspapers, magazines, books, gifts, donations, vacations, computer expenses, extra-curricular expenses for children, children’s entertainment, and gifts to others.
5. Add footnotes to your financial affidavit so you remember how you calculated expenses – especially the ones that you’re estimating.
6. Make sure your math is accurate: double-check your figures, especially if one seems much higher or lower than you expected it to be.
7. Review your draft document with your financial professional and/or lawyer.
8. The total monthly figure is a net number that does not include state/provincial or federal taxes that you’ll be responsible for paying. Your gross monthly number is the net number plus an estimate for taxes.

Here are a few other categories to consider:

1. Expenses for second homes or vacation residences.
2. Expenses that you pay on behalf of a parent or emancipated child (these may not be considered by the court, but add them to your first draft to make sure all your regular expenses have been identified).
5. Clothing includes shoes, jewelry and accessories.
6. Credit-card charges for stores such as Costco, Walmart, Target, Sears, Walgreens, etc.
7. Sporting goods.
8. Purchases from hobby stores like Michael’s, Jo-Ann Fabrics, and Hobby Lobby.
9. Your continuing education classes or certification renewals.
11. Cash withdrawals.
12. Boarding costs for your pet when away.
14. Vacation costs, including air and ground transportation, tips, dining, entertainment, hotel costs, and airline fees/taxes.
15. Therapists for you and children.
16. Membership dues for organizations and clubs that you belong to.
17. Pass or fees for toll-roads you use regularly.

Sometimes, you won’t have the information to prepare this analysis completely because the information is not available or is in the control of your spouse. If that’s the case, then make sure to add the word “Preliminary” in front of “Financial Affidavit/Statement” as well as footnotes on pages where you lack complete information. ■

Cathleen Belmonte Newman (MBA, CDFA”) has been supporting clients through the divorce process since 1990. An experienced financial analyst, she specializes in the preparation of lifestyle expense analysis, disclosure statements, forensic accounting, and litigation support. www.f4financial.com.
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Choosing a competent and focused attorney is the first step to successfully resolving your divorce or family law matter. Los Angeles County divorce lawyer Joni Salomon is dedicated solely to the practice of family law in California. A Certified Family Law Specialist* with over 10 years of experience, Ms. Salomon handles a broad range of cases with varying levels of complexity. She is committed to providing reliable support and services at all stages of the divorce process, including property division, child custody, child support, and post-divorce issues.

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You can rely on Ms. Salomon to prioritize your objectives throughout the course of your family law case. Providing a high level of client care is an integral aspect of practicing law responsibly, which is why Ms. Salomon encourages client participation in the resolution process and makes herself available to address client concerns whenever necessary. She offers legal counsel in a non-judgmental environment and is dedicated to resolving your issues by developing creative solutions to complex family law matters.

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“Don't tell me how to get through this dark and arduous forest if you haven’t navigated through it yourself.”

~ Joni Salomon

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Financial Fraud and Divorce

There are warning signs that your spouse may have committed financial fraud in your marriage; the greater the number of red flags, the more likely that there is something fishy about the family’s finances.

By Peggy L. Tracy, Certified Fraud Examiner

Divorce can create feelings of sadness, anger, and betrayal – especially if one spouse had an affair, or the divorce request came “out of the blue.” Those feelings can lead to an intense mistrust of your spouse, which may make you believe that your spouse is hiding assets or engaging in other financial misbehavior. Before we start to discuss fraud and divorce, you need to know that serious fraud only occurs in a very small number of cases. So if your spouse is a salaried employee, and you’ve been living a normal, middle-class life for the last 20 years, it is very unlikely that there’s a hidden offshore account full of cash waiting to be discovered. Now, let’s talk about how and why fraud could occur in a divorce.

Hidden or missing assets and misrepresentation of family income are two common areas of money manipulation that, if left undiscovered, can lead to a disproportionate share of the assets going to one spouse. A divorcing spouse may convince otherwise honest relatives and friends to assist with concealing marital assets by telling them that their ex is racking up debts or emptying bank accounts. Concealment is the cornerstone of fraud.

During divorce, forensic (or investigative) accounting professionals can trace the paper-trail of funds through the various accounts of the marriage, determine the actual income of the family, verify claims of “co-mingling” marital and separate assets, or determine the validity of a potential claim for dissipation of marital assets (see “Dissipation Issues” for more on this topic).

A financial expert will review general records, including the couple’s tax returns, bank statements, credit-card statements, business ledgers, appraisals of properties owned, and retirement accounts. The more money a divorcing person has, the more places it can be squirreled away out of sight. Employees of companies may have deferred compensation plans, stock options, bonuses, expense accounts, or other fringe benefits that they “forget” to declare. Business owners have ample opportunities to hide both income and assets from the lawyer’s and spouse’s eyes – unless someone has the financial skills to comb through the records and make a professional judgment about the authenticity of the books, records, and tax returns.

For families that have built up a sizable nest egg, the hiding places can become more numerous – and they also might intentionally become more complicated. Shell corporations, unfunded trusts, life insurance vehicles, unknown safe deposit boxes, and hidden brokerage/online accounts are among just a few of the hiding places that can be uncovered through good financial detective work. Schemes vary depending on perceived opportunity and motive, but the ultimate goal is to defraud the other spouse of their entitlement.
Red Flags
Evaluating changes in secrecy, lifestyle, and income can lead to important circumstantial clues that may lead one spouse to believe that fraud may be taking place. The most difficult element to prove in fraud cases – fraudulent intent – is usually proved circumstantially. It can be that “aha!” moment when faced with evidence that cannot be ignored any longer. Typical red flags include items such as:

• Change in the level of confidentiality between spouses.
• Mail being rerouted to an office or new mail being received.
• Unexplained changes in habitual behavior.
• Pattern changes due to addictions.
• Spending more time on the computer, closing the screen when the spouse walks in.
• Getting caught in lying or deceptive behavior.
• Concealing details of transactions from the spouse.
• Unusual and repeated cash withdrawals from bank accounts.
• Loaning or giving money to family and friends without spouse’s knowledge or consent.

The greater the number of red flags, the more likely that there is something fishy about the family’s finances. The longer a spouse has access to perpetrating a fraud, the easier it is to get away with it; the more time that passes, the more difficult it can be to access certain records or trace funds.

The Fraud Triangle
During the 1940s at Indiana University, Dr. Donald Cressey created the “Fraud Triangle” hypothesis to describe a new type of criminal: the white-collar fraudster. Similar to the idea of a three-legged stool (which cannot stand without all three legs), Dr. Cressey theorized that there are three elements that must be present for a person with no criminal history to commit fraud:

1. Perceived Opportunity. The person believes he/she can commit the indiscretion without being caught.
2. Pressure. This is the motive, usually of a social or financial nature. This is a problem the perpetrator believes he/she cannot share with anyone.
3. Rationalization. This takes place before the indiscretion. The rationalization is necessary so the individual can maintain his/her self-concept as an honest person caught in a bad set of circumstances.

Trusted persons can become trust violators at any point during the marriage. Some start lying and cheating soon after the wedding, others don’t start until decades into the marriage, and others never go down this road. However, when someone sees him/herself as having a problem that he/she can’t share, then applies a rationalization to the thought of committing a dishonest act to secretly resolve the issue, he/she is on the path to immoral or illegal behavior.

Dissipation Issues
A type of fraud specific to divorce is dissipation. Dissipation occurs when one spouse, essentially, wastes property or money without the knowledge or consent of the other spouse. There are many legal definitions of what constitutes dissipation, but they all involve minimizing marital assets by hiding, depleting, or diverting them. Some examples include:

• Money spent on extramarital relationships (hotels, trips, gifts, etc.).
• Gambling losses.
• Transferring or “loaning” cash or property to others.
• Selling expensive assets for much less than they’re worth.
• Spending down business cash account.
• Excessive spending, including hobbies.
• Residence falling into foreclosure.
• Ruining personal items.
• Work tools left out to rust.
• Destroying or failing to maintain marital property.

If there has been an intentional dissipation of marital assets, the innocent spouse may be entitled to a larger share of the remaining marital property; this is something to discuss with an experienced lawyer.

Other Fraud Issues
Aside from dissipation, other types of fraud can be discovered during divorce by investigating the family finances. There are cases of forgeries and questionable documents, tax fraud, loan fraud, and insurance fraud – but the majority of divorce fraud is centered within the framework of misappropriation of assets. Before launching an investigation, ask yourself whether there has been transparency and truthfulness about finances during your marriage and divorce. Did both of you take an active role in managing the money and taxes together, or did you allow your spouse to handle the finances during your marriage?

One of the easiest ways to prevent fraud in a marriage is to treat finances like businesses do: using a checks-and-balances system where both spouses see, understand, and review the finances. Holding family members accountable for missing assets eliminates the perceived opportunity and takes away the ability to commit fraud. Although this advice may come too late for you, deterrence and vigilance is the best way to stop fraud from starting in the first place.

Peggy L. Tracy (CFP®, CDFA™, CFE) is the owner of Priority Planning, LLC in Wheaton, IL. A Certified Divorce Financial Analyst®, she focuses on forensic accounting for divorcing clients. www.priorityplanning.biz.
When choosing a law firm to handle your divorce in L.A., you should find one that’s prepared and qualified to deal with any legal curve-ball your case might throw you. They should also be working to make the process as easy and efficient as possible, so that you can move on with the least damage to your wallet and your emotions. With these traits in mind, you need look no further than Feinberg, Mindel, Brandt & Klein, LLP, based in West Los Angeles.

“A family lawyer must have the ability to listen patiently, to understand the problems thoroughly, and to resolve those problems as quickly and efficiently as possible,” says Robert Brandt, the head of the Family Law Department at FMBK. According to Managing Partner Steven Mindel, who heads the Business Transactions Department at FMBK, a top family law attorney must also be knowledgeable about all areas of law. “To use a baseball analogy, you have to be a utility player. Divorce law combines so many different legal areas, including business, child custody, finance, and property. There’s always some collateral issue involved. You also have to respond to the clients’ needs: returning phone calls, listening to what they’re saying, changing gears from toughness to compassion whenever necessary.”

FMBK’s staff has extremely high standards for their own work. They’re versatile in their legal abilities, and they expect only the best of themselves. Eight of the lawyers are Certified Family Law Specialists*, Howard S. Klein is a Certified Specialist in Estate Planning, Trust and Probate Law*, and the team has the knowledge and experience to handle all types of cases — from prenups to paternity to palimony to divorce to post-divorce matters. “We’re also able to serve a broad spectrum of the community — from higher-asset to lower-asset cases,” adds Brandt.

Aware that divorce is very expensive, they also do what they can to make it less so. “We’re very conscious of cost control and we work closely with the client to reduce fees if necessary. We aim to minimize the expense and maximize the return,” says Mindel.

One of the best ways to minimize the cost of divorce is to concentrate on completing the process as quickly as possible — and not to fixate on trivial issues, says Brandt. “Don’t fight for principle or for your own ego; carefully choose what the important issues are — such as your children’s best interests,” he advises. “The more you battle, the more expensive your divorce becomes.”

FMBK will explore a realm of solutions to divorce cases before even considering the adversarial court system. “It is always preferable to work out a settlement rather than to have one dictated to you by a court,” says Brandt. “So be reasonable and realize that a truly just settlement is one that no one is 100% happy with.” Mindel adds that they “try to reduce the animosity between parties to help them build trust and move on.” In addition to setting up realistic goals and showing clients where to get the tools to deal with their anxiety and grief, FMBK offers a broad spectrum of legal services. The firm can assist you with wills, trusts and estate planning issues, complex civil litigation matters, real property law, and commercial litigation, in addition to dealing with your divorce; many of these additional fields become involved in divorce cases.

The highest quality service at the most efficient price: this is what FMBK has to offer.
How to Work with Your Divorce Lawyer

Tips for working with your lawyer to save time, money, and aggravation — and get the best possible outcome during your divorce.

By Diana Shepherd, CDFA™

You and your lawyer will become partners, for better or for worse, during and perhaps for years after the divorce process. How well your partnership works can have an enormous effect on your divorce and how much you’ll have to spend in legal fees. Here are some tips on how to work with your divorce lawyer.

What Your Lawyer Needs to Know

Once you’ve chosen a family lawyer, you’ll need to provide information about your marriage, minor children (if any), assets, and liabilities.
When your lawyer requests information, respond as quickly, completely, and concisely as you can; don’t write a 24-page document when all that was required was a “yes” or “no.” The following checklist will give you an idea of what you may need to disclose:

1. **Why are you seeking a divorce?**
2. **What caused your breakup?** If you’re secretly hoping for reconciliation, then you and your lawyer are working towards different goals.
3. **Facts about your marriage.** When and where did you get married? Did you sign a prenuptial agreement? If so, bring a copy. Have either of you been married before? Will there be issues involving your children, such as custody or access?
4. **Financial information.** What assets and debts did each of you bring into the marriage? What are your incomes and what are your expenses, jointly and individually? What are the names and addresses of your employers? How much money do both of you have invested: in the bank, the stock market, etc.? Has either of you invested in insurance or a pension plan? What property do you own? Was the property purchased before or after the marriage? Do you have a mortgage? Prior to seeing your lawyer, create a budget detailing how much you spend every month on items such as housing, food, clothing, personal grooming, gifts, vacations, etc. If you have children, make sure you include their expenses.
5. **Legal documents.** Bring copies of prior or pending lawsuits, bankruptcy suits, judgments, and garnishments.

6. **Your divorce goals.** Be very specific about your goals in terms of realizing your future; make sure your short-term goals for property, other assets, custody, visitation, and support are consistent with that future.

### What Your Lawyer Expects from You

Your lawyer hopes you’ll be calm, businesslike, and well prepared. Ideal clients can control their emotions, are organized, willing to work with the lawyer, and listen to their lawyer’s advice. If you think your lawyer is giving you bad advice, then get a second opinion. If the second lawyer provides similar information, then your expectations – not the lawyer’s advice – may be the problem.

Your lawyer will expect to be paid on-time and in-full. If your financial situation is bad, your lawyer may be able to create some kind of payment plan. If you’re broke because your ex cleaned out the bank account, your lawyer can file motions asking the court to grant temporary orders for child or spousal support, custody, payment of your lawyer’s fees, etc. And if you suspect your divorce might get nasty, ask your lawyer about filing orders to protect you and/or your kids – financially and physically.

To get the best service from your lawyer, it’s essential to be a good client. Here’s how to gain your lawyer’s respect:

1. Don’t call your lawyer outside of work hours unless it’s an emergency.
2. Don’t burden your lawyer with your emotional issues; hire a therapist for that.
3. Always tell your lawyer the truth, even when it’s unpleasant or unflattering to you.
4. Be cooperative. Provide requested information and documentation promptly, and don’t create roadblocks in your own case.
5. Be realistic. Don’t expect your lawyer to get you the sun, moon, and stars, or to behave like the hero in a John Grisham novel.
6. Be reasonable. Don’t blame your lawyer for the system or expect him or her to change it.

If you don’t abide by these tips, your lawyer may decide to fire you as a client (yes – lawyers can and do fire clients!). This may also happen if you don’t communicate properly, if you continually disregard the lawyer’s advice, keep asking the same questions and expecting different answers, or if you don’t pay your legal bills.

Some lawyers may keep representing difficult clients as long as the clients continue to pay their bills. Sometimes, clients actually sabotage their own cases – by blurting something damaging in person or on social media, lying to try to discredit the other side, or hiding/destroying property, for instance. This behavior can be intensely frustrating for a lawyer, and could ultimately end with him/her walking away from the case.

If you think you may have done something wrong, ask if this is the case. If there has been a misunderstanding, clear it up immediately. It’s important that you and your lawyer maintain a strong, trusting relationship in order for you to get the best possible representation – and to achieve the best possible outcome.
What You Should Expect from Your Lawyer

From the day you hire your lawyer, you both should have a clear understanding of what you need and expect from each other. Your lawyer should provide a written “retainer agreement” or “engagement letter” that details the terms of your lawyer-client relationship. This document should explain four key areas:

1. **Scope of Services.** This portion outlines your goals as well as the legal services that the lawyer, associates, and/or paralegals will provide to achieve specific results.

2. **Fees, Disbursements, and Billing Policies.** This is an estimate of the fees or disbursements you can expect to pay as well as the lawyer’s billing policy and rates.

3. **Client Communications.** This area details how and when the lawyer will update you about your case (e.g., phone calls, emails, snail-mail, in-person meetings) and estimated time he/she will take to respond to your calls, emails, etc.

4. **Withdrawal from Representation.** This part discusses the circumstances under which the lawyer may withdraw from your case, and how your files will be transferred to you or to another lawyer.

   If he/she won’t provide such an agreement, find another lawyer.

After learning about your case, your lawyer should create a strategy. Be aware that this plan may change along the way, depending on what your ex and his/her lawyer do. Your lawyer should clearly explain all your options, and offer advice regarding the best paths to follow, but respect your wishes if you strongly disagree with a suggested course of action. If you find yourself in constant disagreement with your lawyer, either you’ve chosen the wrong professional or you’re being unreasonable. Consider your motivations and actions to see if you’re refusing to accept your lawyer’s advice for purely emotional reasons.

Even a good divorce lawyer will sometimes have bad news for you: that your spouse won’t budge on an important issue; that you’ll have to give him/her money or other assets; or simply that your expectations are unrealistic, illegal, or not financially feasible. Expect to feel frustrated or disappointed from time to time as your divorce progresses, but don’t take it out on your lawyer: he/she can’t always pull a great solution out of his/her hat!

You should expect your lawyer to return phone calls reasonably promptly (24 hours is reasonable if he/she isn’t on vacation) and to consult you before taking any major actions.

Finally, if you want to ensure that your divorce agreement reflects your goals – and doesn’t cost you an arm and a leg – then stay involved with the process, and answer your lawyer’s requests promptly and honestly.

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**Diana Shepherd is a Certified Divorce Financial Analyst® and the co-founder and Editorial Director of Divorce Magazine.**

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Commitment to the Highest Standards of Professionalism & Ethics
The Orange County family law attorneys of Phillips Whisnant Gazin Gorczyca & Curtin, LLP are dedicated to upholding the highest professional standards in the practice of family law. We serve as powerful advocates for clients facing a range of family law matters, yet always conduct ourselves in an ethical and honorable manner. Our unwavering allegiance to our clients is apparent in our diligent pursuit of their best legal interests and our acute sensitivity to privacy concerns, particularly in high-net-worth divorce cases.

A Reputation for Formidable Divorce Representation
Consistently honored as a Best Law Firm by U.S. News & World Report, PWGGC is recognized for having outstanding credentials and an impressive performance history. Our esteemed reputation with both clients and the legal community reflects our ability to consistently deliver positive results to individuals facing difficult family law situations. Repeatedly selected by Super Lawyers® and Best Lawyers®, our name partners have all received the highest Martindale-Hubbell rating possible and will compassionately help you navigate the challenges of emotionally charged family law issues.

Practicing Family Law Exclusively with an Emphasis on Complex Divorce
Dividing marital estates involving business entities and professional practices requires a dedicated legal team to ensure your interests are protected. Our expertise in handling complex financial matters for parties with extraordinary income allows us to develop practical strategies for high-net-worth family law cases while guiding clients through the emotional turmoil of a marital dissolution. A full-service family law firm representing clients in contested litigation, mediation, and appellate law, PWGGC is the right choice for litigants facing contentious issues related to complex estates.

Over 200 Years of Experience in Southern California Family Law
PWGGC possesses a depth of experience which exceeds most other family law firms in Southern California. Our seasoned Orange County family law attorneys apply a team approach to resolving family law matters, calling upon financial specialists and forensic experts as needed. With more than 200 years of collective family law experience, the partners at PWGGC have represented some of the most affluent individuals in Orange County, including professional athletes and celebrities. We have the wisdom and resources to handle cases involving all aspects of marital dissolution, separation, cohabitation, child custody and support, spousal support, and property issues of varying degrees of complexity.

Dependable Family Law Counsel Focused on Achieving Positive Results
Whether your case can be settled outside of court or requires litigation, PWGGC can help you obtain the best possible outcome for your family. We understand the many factors that influence custody, support, and property decisions in complex dissolution cases. Our Orange County family law attorneys will assess your position and recommend a course of action to best preserve your interests. PWGGC is committed to providing clients throughout Southern California with optimal legal solutions in all matters of family law.
Choosing to represent yourself in court instead of hiring a lawyer could be a costly mistake.

By Diana Reid

If you’re at the beginning of your divorce process, you may be considering representing yourself instead of hiring a lawyer, thinking you’ll save time and money by doing so. If your marriage was very short, if both of you are committed to ending your marriage without a legal or financial battle, if you have no children or assets, and if neither of you wants or needs to receive spousal support (alimony) from the other, then you may be able to process your own divorce using a kit or online tools.

However, most people find divorce to be a complicated and confusing process, and they’re grateful to have an experienced family lawyer to help guide them through it. You’ll need to make a lot of decisions that will affect the rest of your life – at a time when emotions may overwhelm your ability to think clearly. So although not everyone needs a divorce lawyer, obtaining a good one is often in your best interests – especially if your divorce is complicated, contested, involves children, you have significant assets, or if your soon-to-be ex-spouse has hired a divorce lawyer.

Here are five reasons to consider hiring a divorce lawyer rather than representing yourself in court.

1) You are unfamiliar with matrimonial law and/or family court.

In court, self-represented litigants are not given any special treatment; judges hold them to the same standards as the lawyer for the other side. Most judges are fairly patient people, but if you don’t know the law – or what documents you need, or even what to do next – you may be pushing the judge’s patience past the breaking point. The more annoyed a judge is, the less sympathetic he/she is likely to be. Family lawyers are experts in knowing what to say to make their case seem more reasonable than yours. Lawyers who focus on areas outside family law hire a family lawyer when they’re getting a divorce; they recognize that they’ll be out of their depth when faced with a lawyer who practices family law exclusively. So it’s extremely unlikely that you’ll be able to adequately prepare to face the court process – and your spouse’s lawyer – by yourself. To make matters worse, you can jeopardize your entire case by saying or doing just one thing wrong.

2) You need objective advice at this emotional time.

Divorce is an extremely emotional time for both spouses. You may experience feelings of sadness, betrayal, fear, depression, rage, confusion, and resignation – sometimes all on the same day! This level of heightened emotions, and the fact that you cannot possibly be objective about your case, will skew your judgement. Very few people have had the time or the willingness to work through their emotions about their
How Mediation Works

In this form of alternative dispute resolution, a neutral third party helps divorcing couples negotiate their differences – without going to court.

By Randall M. Kessler

Mediation is a form of alternative dispute resolution in which a neutral third party – known as a mediator, or neutral – helps parties negotiate their differences with an eye toward resolution and settlement. Stated another way, mediation is an informal, out-of-court process that includes rules, ethics, and a timeline by which parties can settle. There is no testimony or other formal means of presenting evidence during mediation, though it is a more structured process than a settlement conference.

Mediations are conducted by independent, third-party neutrals, whose purpose is to facilitate a voluntary agreement between the parties without necessarily rendering an opinion on the merits of the case. The mediator has no authority to force a settlement, but rather to serve as a catalyst for dialogue between the parties. Those present at a divorce mediation can include the mediator, parties, family members, significant others, expert witnesses, and lawyers (although most often only the parties and their lawyers attend). Everything shared during the mediation is generally kept confidential – unless there is a threat of violence, child abuse, or imminent danger. Under these circumstances, the mediator has an obligation to report such conduct or abuse. If the parties do not reach an agreement at mediation, the right to a trial is still available; however, the mediator cannot be called as a witness.

The Advantages of Mediation

A key advantage to mediation is that the mediator can explore the underlying background and emotional history behind a case far more than a judge can or would, allowing the mediator to get to the root of the underlying conflict. Additionally, mediation can provide an invaluable opportunity to get an unbiased evaluation of the case from experienced judges and family law litigators, should the mediator fall into one of those categories.

Mediation allows for an examination of the root cause of the underlying issues that led to the marital discord in the first place. It provides an opportunity to dig deeper into the background of the case, and for the divorcing couple and their lawyers to be heavily engaged in the settlement process. Such dialogue can affect how and when parties settle, and also the quality of the settlement itself. Ideally, it is an opportunity for the parties to address all of their desires in a more comprehensive settlement package than a court can offer. In the majority of family law disputes, it is better for parties to
Legal Issues

“What are the grounds for divorce in my area? I have been told that we live in a no-fault state. My spouse had an affair, so isn’t he at fault for breaking up our marriage?”

John J. Gilligan, a family lawyer in Long Beach, answers:

There are two grounds for divorce in California: irreconcilable differences that have led to the irremediable breakdown of your marriage, and incurable insanity. California is a no-fault state, which means the court considers the reason behind the break-up irrelevant – unless it adversely affects the best interests of the children, such as domestic violence, breach of fiduciary duty, and other similar intentional acts. Therefore, if your wife had an affair which led to the breakup of your marriage, she would not be punished for her ill-advised actions. She would still receive 50% of the community property; it would not discredit or hamper her chances of obtaining custody of the children; and it wouldn’t affect her ability to obtain support if the economic circumstances permitted it.

However, there are some acts of wrongdoing that could affect the division of the property and/or the payment of support. For example, if a spouse took a large amount of community funds and spent it in ways that did not benefit the community (such as gambling, payments to entertain a girlfriend/boyfriend, or risky investments without consent of the other spouse), it could be offset against any property the wrongdoer would receive in the divorce plus possible interest and attorney’s fees. This is found under Family Code §1101, §721, and certain provisions of the Corporations Code.

Another example of “fault” in a marriage is where one spouse inflicts injury upon the other, causing the court to render a finding of domestic violence. There is a presumption, which can be rebutted through the appropriate evidence, that the victim in a domestic violence incident should not be required to pay spousal support to the spouse who committed domestic violence.

Therefore, although California is technically a no-fault state, there are certain acts that could affect the ability of the at-fault spouse to obtain 50% of the community property or the amount of spousal support that he or she would otherwise receive.

There is a fine line between the no-fault aspect of the system as compared to those few exceptions where fault will be considered. Only an experienced family law attorney can properly advise you on such issues.

www.bgdlawyers.com
“What is the difference between a contested divorce and an uncontested divorce?”

Paula Swensen, a family lawyer in Newport Beach, answers:
A contested divorce is one in which the parties are not able to come to an agreement to resolve their issues. A contested matter is litigated in court in front of a judge, who will ultimately make a decision (a ruling) on each issue presented.

An uncontested divorce is one in which the parties are successful in negotiating a resolution to all of the issues relating to the divorce, including: custody of the children, support, division of property, and attorney’s fees. An uncontested divorce can be accomplished by preparing the required paperwork and filing it with the court. If a party so chooses, he or she never needs to step foot in a courtroom to complete the divorce process.
www.pwgge.com

“What’s the difference between community property and separate property in California?”

Joni Salomon, a family lawyer in Beverly Hills, answers:
Community property is typically property that was acquired during the marriage with community funds. A lot of people think that if they worked to earn the money, that income should be separate property. But from the date you get married, all your earnings are community property; this includes annual bonuses, contributions to your retirement account or employee or stock plan. Here’s another example: if you buy a home or a car during the marriage, even if you were the only one working, that home or car is presumed to be community property.

Separate property is property that was acquired prior to marriage, or after the date of separation, or was received by gift or inheritance or bequest. For example, if you had $50,000 in a bank account prior to the date of marriage, and you didn’t touch the money or add your spouse’s name to the account during the marriage, that $50,000 is your separate property. Any interest on separate property is also separate property – so if that $50,000 had earned $3,000 interest during the marriage, the $53,000 in the account is your separate property. If you owned a rental home prior to marriage, and you didn’t add your spouse’s name to the title, the home itself and the income it generated are both your separate property when you divorce.
www.salomonlawcorp.com

“What should I do before I tell my spouse that I want a divorce?”

Megan E. Green, a family lawyer in Los Angeles, answers:
Depending upon the circumstances of your case, you may want to consider marriage counseling. If you have one, you may want to chat with your priest or rabbi. If you do not want to end the marriage, you should try talking with your spouse to determine if there is anything that can be done to salvage the marriage.

If there is no possibility of salvaging the marriage and you are the spouse who was not in charge of the financials, it would behoove you to collect all of the most recent tax returns and financial documents, including bank statements, credit-card statements, income statements, and all financial records concerning your spouse’s income and business records (if applicable) so that you know exactly where you stand when you file for divorce.

A wise man once said, “One of the most important things you can know about a situation is where you stand, because then you can act accordingly.” By having a detailed understanding of your and your spouse’s financial situation, you can know where you stand financially and then you and your lawyer can act accordingly.

The next thing you should do is consult with a lawyer prior to informing your spouse; this will allow you and your lawyer to determine a plan of action. Once you inform your spouse that you want a divorce, he/she may conceal assets or community books and records – but if you have obtained a copy of all of the books and records prior to informing him/her, you’ll be in a better position to address any chancellor by your spouse.

Ask your attorney whether you should consider hiring a financial professional, who could assist in analyzing the family expenses, income, and overall community assets.
www.fmbklaw.com

“How long does the average California divorce take – and is there anything that can be done to shorten the process?”

Erik C. Jenkins, a family lawyer in San Diego, answers:
In California, there is a mandatory six-month cooling-off period in any divorce, so the minimum amount of time a divorce will take if you file in California is six months. Depending on the cooperation level of the parties and how quickly they get their documents together, a typical divorce takes between 12 and 18 months.

You can shorten the process by communicating with your lawyer, providing your bank statements, credit-card statements, and a tally of all of your assets acquired during the marriage, as well as the debts incurred during the marriage. Having that information available for the attorney at the beginning of the case will dramatically shorten the process of any divorce.
www.jenkinspc.com

“I have been a stay-at-home wife for 15 years. Do I qualify for alimony in California?”

Brian Brandmeyer & Janet Dockstader, family lawyers in Long Beach, answer:
Generally, a marriage over 10 years is considered a marriage of long duration, which may affect the duration of spousal support if it is awarded. However, there are other factors that the court.../Continued on page 22d
As the largest Family Law firm in the greater Long Beach/South Bay area, BRANDMEYER GILLIGAN & DOCKSTADER, LLP (BGD) has the dedication and experience required to handle every type of family matter – from highly-contested litigation to alternatives such as collaborative divorce and mediation. Specializing in complex family law matters, BGD has a proven track record of favorably resolving client cases through skilled negotiation and strong advocacy. It is the goal of BGD to offer personal attention to each client while providing the best family law legal representation whether the client chooses to pursue litigation, mediation or collaborative divorce. We are able to offer an exceptional level of availability and personal service to each of our clients, and we place great importance on communicating with and guiding our clients through the entire process.

Combining top-notch litigators with experts in non-litigation alternatives, BGD is one of the most well-rounded firms in the family law practice area in Southern California. For clients who prefer to resolve their matters outside of court, we have attorneys who specialize in non-litigation alternatives, such as mediation and collaborative practice. For cases that can only be handled in court, our litigation attorneys are highly skilled at negotiating settlements and producing positive trial outcomes, particularly in high-conflict cases.

With our office conveniently located in Long Beach, BGD is ready to assist you with your family law needs, including: marital dissolution and separation, child custody and visitation disputes, division of property/business valuation, child and spousal support, paternity disputes, pre- and post-nuptial agreements, domestic partnerships, and domestic violence.

**PRACTICE AREAS:**
- Dissolution of Marriage
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- Child Support
- Spousal Support
- Property Division
- Complex Property Issues
- Domestic Violence
- Pre/Post-Nuptial Agreements
- Post-Judgment Enforcement
- Post-Judgment Modifications
- Paternity
- Domestic Partnerships

**LITIGATION**  **COLLABORATION**  **MEDIATION**

Contact BGD today at (562) 431-2000 or Info@BGDLawyers.com
One World Trade Center, Suite 2150, Long Beach, CA 90831
Website: www.BGDLawyers.com
will consider in making its determination as to whether spousal support will be awarded. Parties need to realize that the court has broad discretion in granting or denying spousal support, which means the court has broad discretion in fixing the amount of the support, as well as the duration of the support.

In making or denying an award of spousal support, the court will consider a number of factors. The court’s discretion is restricted by the parties’ standard of living established during the marriage and by one spouse’s need for support against the other spouse’s ability to pay support. The court’s discretion is also limited to the present circumstances of the parties – meaning the parties’ current earnings. Among the most important factors to be considered by the court is the legislator’s expressed goal that a supported spouse becomes self-supporting within a reasonable period of time. When a marriage lasted less than 10 years, the court will often provide the supported spouse half the length of the marriage to become self-supporting. A marriage of 10 years or longer, however, is considered a marriage of long duration, which provides the court with the power to award support for as long as the court determines is necessary.

www.bgdlawyers.com

“Can one lawyer represent both my spouse and me? I think it would save us both time and money.”

Michael H. Gazin, a family lawyer in Newport Beach, answers:
No. An attorney can only represent and advocate for one of the parties. It would be a conflict of interest for one attorney to represent both parties in a marital dissolution action. However, one attorney can act as a mediator for both parties. In the mediator capacity, the attorney is not the advocate for either party, but serves in a neutral capacity to help guide the parties to a resolution of the issues in their case.

www.pwggc.com

“How can I obtain a domestic violence restraining order against my spouse?”

Jon Summers, a family lawyer in Los Angeles, answers:
To obtain a domestic violence restraining order, you must show that you’ve been a victim of domestic violence as defined in the California Family Code. You can represent yourself or retain counsel to assist you. In an emergency situation, you should contact your local police immediately.

www.fglegal.com

Children’s Issues

“How does a judge decide whether sole or joint custody is in the best interest of the children?”

Joni Salomon, a family lawyer in Beverly Hills, answers:

The court looks at how involved both parties were with the children during the course of their marriage/relationship. The court considers how close the parties live to each other, what kind of parenting plan is going to work, and whether there are issues of drug or alcohol abuse, or domestic violence. Some of the questions the court will ask in deciding custody include:

• Is there a reason why one parent should be making all of the decisions regarding the children, or can both parents make the decisions? Are they both of sound mind?
• Is there a reason why the children should live with one parent over the other, or can both parties properly parent their children?
• Do the parents live in separate states?

A judge considers many factors before determining whether to order sole physical or sole legal custody – though the parties typically share aspects of custody. Absent abuse or an alcohol or drug problem, the court will try to come to a resolution in which both parents are actively involved and engaged in the children’s lives, since that is what’s in the best interest of the children.

Finally, studies suggest that living with two parents in the same household who cannot get along is much more damaging than having two parents who are outside of the same household and do get along.

www.salomonlawcorp.com

“Are there any good co-parenting strategies you’d suggest to help us move forward?”

Marshall Waller, a family lawyer in Calabasas, answers:
Co-parenting is an effective way to help children move on from divorce. It allows both parents to guide the child’s development, as would be the case in an intact family. The only difference is that in a co-parenting situation, the child lives in two houses. Each parent spends time raising the child and then allows the other parent to do the same in a separate location. For co-parenting to work, divorced spouses must work cooperatively with each other. Spouses need to drop whatever bitterness they have from the divorce and focus on doing what is best for their child.

This is easier said than done, but a few strategies can help. First, find a friend, therapist, or other trusted adult to discuss your feelings about the divorce. By venting feelings to an outside person, you may avoid venting to the children. Children of divorce are entitled to a relationship with both parents and should not be dissuaded by one spouse from having contact with the other.

Parents who have problems setting aside their feelings could also follow the co-parenting strategy of remaining child-focused. This strategy involves looking at photographs and other items featuring the children. Such items will remind a parent why it is important for them to place the children first and give co-parenting a chance.

A third co-parenting strategy is to commit to regular communication with.../Continued on page 22f
Since 1976, Freid and Goldsman has been devoted to providing quality legal representation on a wide range of family law issues in Southern California. We are dedicated to serving clients with integrity and to delivering favorable results through diligence, strength and skill. Our trial-ready team, comprised of seven Partners and five Associates offer experience and certified representation in family law.

**Significant Trial Experience**
Our two Senior Partners have more than 88 years of combined trial experience, an invaluable asset in and out of the courtroom. Three of our attorneys are certified as Family Law Specialists by the California State Bar Association and several have been recognized in Southern California Super Lawyers®, Southern California Top 100 Attorneys, Top 10 Attorneys, Southern California Top 50 Women Attorneys and the Rising Stars.

**Community Involvement**
Our attorneys have held Chair positions in organizations such as the Los Angeles County Bar Association, Family Law Section; the Beverly Hills Bar Association, Family Law Section; Board of Governors of the Century City Bar Association; membership in the American Academy of Matrimonial Lawyers; and have lectured on behalf of state and local bar associations and continuing legal education organizations. A reflection of the cultural community in Southern California, our legal services are offered in a variety of languages, including Spanish, Korean, Dutch, Italian and Lithuanian.

**Expert Family Law Guidance**
Our attorneys resolve complex problems with utmost compassion. We will walk you through every aspect of your case, identifying and evaluating issues and options so that you have a clear understanding of the legal process. As our clients have a great deal invested in their outcome, we actively prioritize goals and concerns, offering customized guidance, seeking creative solutions and delivering early resolution wherever possible. After considering the cost and benefit of various options, we will propose the most strategic approach to achieve your overall goals.

**Cost-Effective Resolution**
As our team has been involved in family law on a number of different levels, you can be sure to receive first-rate service in negotiating your key issues in a cost-effective manner. The Associates, at lesser hourly rates, are assigned to assist senior members to perform selective duties and functions, presenting the best possible solutions efficiently. Each attorney will demonstrate an equal amount of dedication and professionalism, responding to the needs and concerns of the client with a high degree of sensitivity and respect. Freid and Goldsman is a tenacious, multi-faceted team of law professionals committed to maintaining credible, professional and compassionate services to its clients.
there is typically a step-up order where the court waits to see how the parent to make sure they can handle addressing their addiction, but also to test making efforts to maintain sobriety and wants not only to see that the parent is sober. The court says, “I've been sober.” The court will the judge take into account when considering this request?”

Erik C. Jenkins, a family lawyer in San Diego, answers:
If a parent has lost custody because of a drug or alcohol issue, the courts want to see a legitimate, serious attempt by that party to address their addiction issue. If it’s an alcohol problem, for example, and the party has gone to AA and therapy to try to address their issue, and there is documented evidence that they have been sober for a period of time deemed sufficient by the court, then it’s perfectly appropriate – and, I would argue, necessary – for that parent to try to regain some amount of custody of their children.

When there’s a history of addiction by either parent in a divorce action, the courts are very careful not to throw the kids back into the custody of a parent who simply comes in after three months and says, “I’ve been sober.” The court wants not only to see that the parent is making efforts to maintain sobriety and address their addiction, but also to test the parent to make sure they can handle custody.

When we try to regain some custody for a parent who has lost it because of addiction, there is often an initial court order in which they’re given very limited – sometimes supervised – custody of the child. The court waits to see how it goes for a couple of months and then there is typically a step-up order where custody is gradually increased over time to whatever it might have been prior to the addiction issue surfacing. Assuming the parent can maintain their sobriety, their chances of regaining a custody amount close to what it was prior to the addiction issue surfacing are quite good.

www.jenkinspc.com

“I know my child wants his parents to stay together. What can I do when I can’t give him what he wants most?”

Marshall Waller, a family lawyer in Calabasas, answers:
This trying and common dilemma can potentially lead to animosity between you and your children, but staying together is not your only option. Unless your child harbors bitterness towards you or your co-parent, he or she likely wants you and your co-parent to work together peacefully. Co-operating with the other parent and taking equal responsibility for your child’s life and growth will show your son that you still view him as an important, valuable part of your life. If he wants to play catch – or needs help choosing a college someday – you can easily show your love and the seriousness with which you take your relationship.

Obviously, there are dozens of obstacles that can interfere with your relationship with your child. Obstructive custody agreements, unwilling co-parents, and your child’s extracurricular activities and social commitments can all limit your time with your son. If you can’t make private time with him, try attending sporting events, offer to drive him to and from school, or otherwise work yourself into his busy schedule. Your child wants and needs a supportive, helpful parent who can (and will) respect his life, too.

Situations that require coordination with your co-parent can be some of the most important in your child’s eyes. Even if your separation is uncomfortable and difficult, civilly coordinating back-to-school nights, athletic events, and school responsibilities shows your child that you’re willing to put your own feelings aside for the sake of his success, which can boost his confidence dramatically. As always, if your co-parent is becoming obstructive in your relationship with your child, speak to an experienced divorce attorney to inquire about altering your custody agreement.

Most children want their parents to stay together. It is a difficult lesson for a child to learn that, as Mick Jagger once sang, “You can’t always get what you want.” But he also sang that, “If you try sometimes, you just might find, you get what you need.” In this instance, the parents must carry the burden and do the “trying”: they must rise above the difficulties and unpleasantness that brought them to divorce and not only tell their children that everything will be all right, but show them that everything actually is all right.

Children learn from what we tell them, but they learn much more from what we show them. Show your son that he is loved and respected by both parents as you help him through this difficult time in his life. As parents, we often say things like, “I would take a bullet for my child,” or, “I would run into a burning building for my child,” but how often are we actually ever called upon to do those things? We are called upon to show our children that we put them first, that they are loved, that they are safe, and that everything is all right – in spite of the divorce. We are called upon to treat the other parent with respect and civility, regardless of our personal feelings for them. It’s not easy, but it’s not impossible, either; we just need to keep our children’s well-being and best interests first and foremost.

www.feinbergwaller.com

“Is it more difficult to decide who stays in the marital home during the divorce if the couple has children?”

Jon Summers, a family lawyer in Los Angeles, answers:
Different factors come into play in determining which party should move out of the home, but in most cases, both parties have an equal right to occupancy. The situation does become more difficult when minor children
Financial Issues

“What things should we consider regarding divorce and taxes?”

Cathleen Collinsworth, a Certified Divorce Financial Analyst® in Irvine, answers:

Many issues need to be addressed whenever two people decide to get divorced. One major issue is income taxes. Some of the more common tax-related questions are:

- Do we file jointly or separately?
- Do we have to allocate the income, and if so, how?
- Do we have to allocate the expenses, and if so, how?
- My spouse is self-employed. Who pays the self-employment taxes?
- Who gets credit for the estimated tax payments?
- We have one child. Who receives the deduction?
- We have more than one child. Can we split the deduction?
- I paid a lot of attorney and accounting fees. Can I deduct them?

The following is a list of some of the issues that a CDFA™ and tax professional can bring to the table that attorneys and the participants in a divorce often overlook. This list is not all-inclusive:

- Discounting Epstein credits for the tax benefits;
- Weighing the risks of filing a joint return;

.../Continued on page 22}
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A Special Advertising Feature
Continuing from page 22g

- Considering the child support trap of IRC § 71;
- Not fighting over the dependency exemption when the client cannot use it;
- Considering if both parties can be head of household;
- Not assuming that the capital gains tax is based on the client’s share of the proceeds;
- Evaluating whether attorney’s fees can be deductible or capitalized;
- Considering the tax traps in dividing stock options.

There can be significant tax implications when parties divorce. You owe it to yourself to consult a financial professional (forensic accountant, CPA, and/or CDFA) to make sure you and your attorney understand all of the financial and tax implications of your divorce.

www.cccdfa.com

“What credit-card debts am I responsible for once I’m divorced?”

DebtWave Credit Counseling, a nonprofit credit counseling agency in San Diego, answers:

Many people are unsure of how to handle outstanding credit-card debt after a divorce. Going through a divorce can be messy, but there are neat guidelines that tell you which credit-card debts you are responsible for, which should be handled by your former spouse, and which debts you must share even after you’re separated. Credit-card companies are in business to make money, so they need to make sure that someone pays outstanding balances on their credit cards.

If you and your former spouse have credit-card debt, the financial burden usually lies with the person who opened the specific credit-card account. While most couples open accounts separately, many open joint accounts. The rules for joint accounts vary by state, but marital debt usually includes any debt incurred during the marriage regardless of whose name appears on the title. You’ll be at

.../Continued on page 22l
Commitment to the Highest Standards of Professionalism & Ethics

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Dividing marital estates involving business entities and professional practices requires a dedicated legal team to ensure your interests are protected. Our expertise in handling complex financial matters for parties with extraordinary income allows us to develop practical strategies for high-net-worth family law cases while guiding clients through the emotional turmoil of a marital dissolution. A full-service family law firm representing clients in contested litigation, mediation, and appellate law, PWGGC is the right choice for litigants facing contentious issues related to complex estates.

Over 200 Years of Experience in Southern California Family Law

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From Left to Right: Gary Gorczyca, Jacqueline Whisnant, Gerald Phillips, Judi Curtin, Michael Gazin

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A Special Advertising Feature
least partially responsible for whatever joint credit-card debt you built up while married.

If you can close a joint account at the time of your separation, you should do so to prevent your ex-spouse from racking up more debt in your name. Once you’ve separated, consider keeping all of your non-marital debt independent of the debts you accumulated while you were married. Think about opening up a new credit card after you’ve separated and refrain from using any credit card still carrying marital debt.

Be sure to pay all of your credit cards off or at least make the minimum payments. Otherwise, not only will you have to suffer the hardship of divorce, but your credit score and history also will plummet.

“Now that I am divorced, should I rethink my estate planning?”

Donna L. Shapiro, a family lawyer in Los Angeles, answers:

Now that you’re legally divorced, you’re in a new stage of your life. New estate planning is crucial to protect your loved ones, since any estate planning you may have already done is now revoked in whole or in part due to the divorce.

Just a few of the critical reasons to create a new estate plan include:

1. Ensuring that your ex-spouse does not control funds that you bequeath to your children. It is possible to name other parties (a sibling, parent, friend, or advisor) to act either as Trustee for your children, or as their Custodian under the California Uniform Transfers to Minors Act.

2. The ability to direct the appointment of a Guardian for your minor children should you die before they attain their majority, should your ex-spouse not survive you, or should a court find that granting custody to your ex-spouse would be detrimental to the children.

3. Ensuring that your assets pass to the
persons you desire to receive them, and that your estate be administered by the person of your choice.

4. An Advance Health Care Directive, which allows you to express your wishes regarding your health care in the event you become incapacitated. It is very important to put into writing your wishes regarding life support and other crucial health matters, including the person(s) you want to make such decisions for you.

“What is forensic accounting and how can it be applied to my divorce?”

_Cathleen Collinsworth, a Certified Divorce Financial Analyst® in Irvine, answers:_

Forensic accounting is a special practice area of accounting. It involves investigating financial and other data, and preparing expert-level evidence that is submitted in court. Forensic accountants work in a multitude of fields, including family law, insurance, and other areas. However, those that deal specifically with divorce are focused on helping a spouse achieve a fair and equitable settlement or judgment by ensuring that the other spouse is acting honestly and disclosing correct, complete financial information – including asset and debt levels.

Some of the areas a forensic accounting practitioner might focus on during her or his investigation for your divorce include:

- Identifying questionable financial transactions that can relate to either personal or business expenses;
- Analyzing business declines to ensure they’re not being done intentionally to temporarily drive down value;
- Analyzing tax returns to ensure the lifestyle is reflected by the income levels and to prevent spouses from being able to delay reporting their income until after the divorce;
- Fraudulent or questionable cash transactions or write-offs;
- Hidden bank accounts.

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“Do I have to include credit-card debt on my financial statement during divorce?”

DebtWave Credit Counseling, a nonprofit credit counseling agency in San Diego, answers:

Financial statements – which are called financial affidavits in some states – are always involved in divorce. They are official documents that vary by state but will apply to anyone filing for divorce. Depending on your annual income, you’ll be asked to fill out either a short form or a long form, which must include all of your accurate financial information, including all of your assets and debts.

While there may be special circumstances depending on your case, credit card and other divorce debts are a lot like marriage vows. Whether or not it was spoken during your wedding ceremony, the implicit vow “for richer or poorer” means that you agreed to share in whatever debts you and your spouse accumulated during the course of your marriage. On your financial statement, you need to include debt on both joint credit cards and those that were in either your or your spouse’s name alone during your marriage.

www.debtwave.com

The answers provided above are for general education only and may not apply to your unique situation. They should not be considered to be legal, accounting, tax, or other professional advice nor construed as a form of lawyer-client relationship. This information does not take the place of a lawyer, accountant, financial planner, therapist, etc.; for professional advice, you must seek counsel from the appropriate professional.

For more FAQs and answers by divorce professionals, please visit www.divorcemag.com.
Divorce is never easy, but it doesn’t have to be a grueling, painful, combative and emotional mess, either.

By Dr. Sheri Meyers and Genevieve Q. Coleman

We know that it may sound absurd that you could possibly enjoy your divorce, but in our years of counseling, we’ve seen the opportunities for growth and life-enhancement that a healthy divorce mind-set can offer. Uncoupling your relationship from someone you have loved and shared a life with is never easy, but it doesn’t have to be a grueling, painful, combative and emotional mess, either.

Big changes are happening, but how you react – what you choose to do about them – is entirely up to you.

Here are seven valuable lessons about life you can learn from your divorce:

1. **Open Up to New Possibilities.**
   It’s exhilarating to have choices. You’re able to do different things you couldn’t or wouldn’t do before. If you’ve been waiting to sleep in late, learn a new dance, or make new friends, you can do it now! No more excuses! You can rearrange the furniture the way you like, eat the foods you prefer, and take the vacation you always wanted. You’re learning that life does get better!

2. **Take Responsibility for Your Own Happiness.**
   Taking charge of your happiness and doing something positive for your own good every day is self-empowering. Your new
life, happiness, and freedom comes when you learn to love yourself and build a safe, nurturing home inside yourself. You’re learning how to take your life back into your own hands!

3. Don’t Stay Stuck in Painful Situations.
   Let’s face it: if you were feeling distant from each other long before you actually separated, life felt pretty lonely and sad. Regaining your self-confidence and self-trust after an emotional disconnect is imperative. You are learning that you are never stuck!

4. Be a Good Example to Your Children.
   By being a healthy role model for how to persevere through change with grace, your kids can also learn that they can overcome adversity, grow in life, handle change, make new choices and see new results. You’re learning that you can raise healthy children in a single-parent home.

5. Choose Peace Instead of Conflict.
   While the events leading up to divorce and its aftermath tend to bring up negative thoughts and feelings, you are choosing to shun inflammatory reactions and remain calm. You understand that inner peace is your responsibility, and you aren’t waiting for others to give it to you. Instead, when feeling stressed, combative, or reactive, you’re learning how to take a step back to breathe and ask yourself:
   “What brings me happiness?”
   “What is the kindest, most loving action I can take right now?”
   “How can I take really good care of myself right now?”

6. Commit to Your Own Happiness and Well-being.
   Self-love is the source of all other love. Being in a good relationship with yourself leads to being in a good relationship with another.

Nourish your body, mind, and spirit daily with healthy food, exercise, positivity, and the enrichment you need to thrive. Get that massage. Meditate. Listen to beautiful music. Yes, there are other responsibilities, but you are learning how to make time to do what feels good and is good for you.

7. Endings Are Opportunities for New Beginnings.
   You are free to date without guilt, meet sexy, new people, and get your groove on again! The more you can emotionally cut the cord from your ex and lovingly attach to yourself, the more peaceful, happy, and open to new love you’ll be. You’re learning that it’s time to live the life you love.

No matter why your relationship ended or how your ex is behaving, you have the power to choose how you want to unravel the tapestry of we as you return to me. Divorce can teach you how to take better care of yourself, transcend the myths you carry about love and the old “divorce means you’re a failure” idea, and lead you down the path to finding greater love inside yourself and with others.

It’s your choice. So why not enjoy the journey?

Dr. Sheri Meyers, TV talk show host and author of Chatting or Cheating: How to Detect Infidelity, Rebuild Love and Affair-Proof Your Relationship, is a licensed Marriage & Family Therapist in Los Angeles, CA.

Genevieve Q. Coleman is an Ordained Minister, author, spiritual coach, and inspirational speaker who has written numerous of articles, books, and speeches over her career.

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Of course, there are exceptions to the general presumption that mediation is appropriate, including those situations involving domestic violence or those where one side is clearly not going to participate in the mediation in good faith. In such cases, mediation may prove to be a fruitless endeavor that may not even be worth the time and expense of attempting. However, the specific circumstances should always be evaluated in each particular case, as it may still be appropriate to hold an abbreviated mediation to test the waters and perhaps even learn something valuable about the other side. There is very little risk in this strategy, as you can always leave the session at any time without repercussion if the mediation is futile. Ultimately, the decision of whether or not to mediate should be based on case-specific facts, but generally speaking, it is typically advisable to at least attempt it.

Even if a party lives out of town and cannot afford to travel for mediation and trial, mediation can still occur with one party only being available by telephone. Of course, almost everyone familiar with mediation will agree that in-person mediation – which allows both parties to experience the true dynamics of the process – makes resolution more likely.

However, there is never a “one size fits all” solution, and each case must be evaluated on its own merits to determine whether mediation would be fruitful. Cases involving violent parties, bullies, or the opposite (“pushovers”) may not be appropriate or ripe for mediation unless and until the parties are truly ready to appropriately mediate in good faith.

When Is Mediation Appropriate?
Mediation is rarely considered “inappropriate,” as there are many advantages to at least attempting it in good faith. In fact, mediation is becoming increasingly required by many Georgia judges in all contested cases: many judges now expect parties to have attempted mediation prior to appearing before them for relief.
Since 1976, Freid and Goldsman has been devoted to providing quality legal representation on a wide range of family law issues in Southern California. We are dedicated to serving clients with integrity and to delivering favorable results through diligence, strength and skill. Our trial-ready team, comprised of seven Partners and five Associates offer experience and certified representation in family law.

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**Community Involvement**

Our attorneys have held Chair positions in organizations such as the Los Angeles County Bar Association, Family Law Section; the Beverly Hills Bar Association, Family Law Section; Board of Governors of the Century City Bar Association; membership in the American Academy of Matrimonial Lawyers; and have lectured on behalf of state and local bar associations and continuing legal education organizations. A reflection of the cultural community in Southern California, our legal services are offered in a variety of languages, including Spanish, Korean, Dutch, Italian and Lithuanian.

**Expert Family Law Guidance**

Our attorneys resolve complex problems with utmost compassion. We will walk you through every aspect of your case, identifying and evaluating issues and options so that you have a clear understanding of the legal process. As our clients have a great deal invested in their outcome, we actively prioritize goals and concerns, offering customized guidance, seeking creative solutions and delivering early resolution wherever possible. After considering the cost and benefit of various options, we will propose the most strategic approach to achieve your overall goals.

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The “New You” embodies cherished elements of your pre-divorce self intermingled with aspects of your deliberately chosen post-divorce persona.

Creating the New You After Divorce

By Michele Rosenthal, Certified Professional Coach

Divorce can careen into your life with all the force of a meteor, rupturing who you are into the realms of Before and After. While you can’t go back to who you were previously, you can go forward to the New You: a person who embodies cherished elements of your pre-divorce self intermingled with aspects of your deliberately chosen post-divorce persona.

The process of combining what you love about your past self with who you wish to be in your present self relies on integrating different parts of you in new ways. Healing the wounds that divorce inflicts requires specific decisions in creating your post-divorce identity. The challenge is to tease out desirable elements in your past self that will assist you in creating a new overall identity that feels connected, positive, and effective.

This begins by pulling your past selves into contact with your present self. The purpose here is to identify what elements of your past selves you want to have present in who you are today. This process has three phases: connecting to that past self or selves in ways that are gentle and declarative; borrowing qualities to exhibit in your daily life; and choosing to consciously employ these facets of your past self in your present self in the way you approach, perceive, and behave.

Your Past and Present Selves

In their quest to develop one self with core control of their identity, many of my clients discover that the self they choose needs to develop additional skills before it is truly ready to take control. Kate’s story is a great example of what happens when you combine the
power of your past and present selves.

Kate married her college sweetheart. Financially supporting them while her husband followed his dream to become a surgeon, Kate deferred her desire for a family until Hal was securely on the fast track to success. Eventually, they had twin daughters. This should have been a happy time for Kate, except for the fact that Hal had changed since their college romance. Success had made him demanding, controlling, ego-driven, and often mean. When she tried to speak to him about these things he derided and snarled at her, then slammed out of the house, often disappearing for several unaccountable hours. When Kate discovered Hal was cheating, she finally decided to leave. With that decision she entered a battle for her freedom. Hal’s financial and social power in the community massively overshadowed any resources Kate had been able to develop. Twenty years later the wounds of her divorce were still fresh.

“I didn’t gain my freedom,” she says sadly. “I lived in a prison of Hal’s control. Because he could afford better lawyers than I could, the terms of the divorce were in his favor. I had no job and two little girls to raise. Hal threatened me constantly with phone calls and letters and emails that claimed he was going to take the girls from me and leave me homeless and penniless. On a couple of occasions he got so angry he shoved me up against the wall and made his threats verbally. I lived in constant fear.”

Feeling helpless and powerless Kate developed a large distrust of men and her own ability to choose a man who could maintain a healthy relationship. By the time she reached her mid-fifties she’d been alone for over twenty years. She was a single woman desperately wanting to be in a loving relationship with a man but too traumatized by her divorce to imagine finding a partner. Reclusive, Kate rarely went out socially, preferring her animals (three dogs, a cat, and a parrot) to interacting with people. When our work together brought her to a sense of healing that allowed her to trust herself again and consider being more social, Kate decided it was time to open herself to finding love.

Her first forays into her community did not go well. Out of practice with just the basics of being social, Kate found herself at a loss for words, uncomfortable meeting new people, and lacking confidence that any man would want to speak with her.

“I just don’t have that social ease I used to have,” Kate commented one day. “You should have seen me when I was twenty – I was a hellraiser!”

She continued to describe the free spirit she had been in college: dancing in bars, inviting other students to join her table of friends, and having a reputation as the most cheerful person on campus. When I asked Kate to describe to me the qualities of that twenty-year-old self – what made her the strong, vibrant woman Kate remembered – she readily listed many.

**Becoming Your Best Future Self**

Healing from divorce requires focus, dedication, and commitment. To help support my clients in developing these traits, at the end of every meeting I give them an assignment for the upcoming week. On this day, my assignment for Kate was to identify three qualities that she most loved about her twenty-year-old self and find ways to embody them in her present-day life. The purpose was to connect Kate with a part of her identity that she valued and from which she could deliberately draw strength, inspiration, and action. She did this and returned the next week, breathlessly exclaiming, “That was fun!”

Having established a comfortable connection with this self, Kate expanded her work to include getting to know and then inhabit every aspect of who that twenty-year-old had been. She listened to her music, ate her favorite foods, adopted her hairstyle, dressed in her updated fashions, and even spoke with her energy. With constant connection to her younger self, Kate’s present self relearned how to enjoy, be bold, lean in, and stand out. She joined a new church, through which she developed a vast and active social network. She also joined a dating website, through which she is currently exploring group get-togethers and individual dates as she seeks The One.

Establishing your connection to and focusing on your past selves sets you up to create your vision and then a strategy for becoming the future self you most desire. As you construct your post-divorce identity, you’ll notice that one self naturally leads to another and another, with an authentic connection that continues to strengthen. My grandmother collected elephant figurines with their trunks up for good luck. As a world traveler, she’d picked up different depictions of elephants from places as close to home as California (she lived in San Diego) and as far away as Spain, Portugal, and India. When I was a child, what I loved about her collection was how it spread around her apartment like several herds. Of all the individual figurines, my favorite part of the collection was the elephants walking in a line holding each other’s tails. I liked the connection of the many individuals through just one simple gesture. Your selves can create this same kind of connection, holding on to each other loosely to form one long line of traits, qualities, and characteristics that make up the overall you from past to present and on into your future.

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**This article has been excerpted and adapted from Your Life After Trauma: Powerful Practices to Reclaim Your Identity (W.W. Norton & Company, 2015)** by Michele Rosenthal.

Like a therapist in your back pocket, this hands-on workbook can help you regain a sense of calm, confidence, and control on your road to recovery. Michele Rosenthal is a popular keynote speaker; award-winning blogger; award-nominated author; workshop/seminar leader; trauma-survivor, and certified professional coach. www.yourlifeaftertraumabook.com
When a marriage dissolves because your partner leaves or betrays you, it’s normal to experience feelings of rejection. After being rejected, you’re likely to become introspective and examine yourself in an attempt to figure out which of your faults caused him/her to leave. Self-examination is part of the healing process, and it can help you relate to others in new ways. However, it’s important to resist the temptation to feel...

Feeling rejected is a normal part of grieving and letting go after a marriage ends. Here are seven ways to heal from feelings of rejection, and six ways to boost your self-esteem.

By Terry Gaspard, MSW
like a victim because this will prevent you from moving on with your life.

If you were blindsided by your partner leaving, it can be a devastating experience that leaves you feeling angry, sad, and self-critical. You may be in shock and feel shaken to the core of your being. Self-defeating thoughts can grab hold because you’re vulnerable and trying to make sense of things. However, it’s important to realize that feeling rejected is a normal part of grieving and letting go after a marriage ends.

One crucial step in overcoming feelings of rejection is to recognize that the breakup of your marriage may not be your fault. Because your love relationship ended does not necessarily mean that you are inadequate or that there’s something wrong with you. Relationships end; the end of your relationship may have nothing to do with your shortcomings.

Although it’s natural to go through a period of self-reflection when you’re rejected by your partner, it’s important to keep things in perspective. Ask yourself if your fears of being alone are preventing you from looking at the breakup honestly. For instance, it’s likely that there have been problems in the relationship for some time and that one or both of you have been unhappy.

Part of the grieving process at the end of a relationship is accepting that what you wanted to happen no longer will happen. Thoughts might range from “We will never be sexually intimate again” to “We won’t ever watch a TV show together again.” During a counseling session, Caroline told me that the hardest part of being left by her husband John was facing not eating meals together after he moved out.

Is it possible that you are listening to destructive “inner voices” – which are rarely based in reality? According to Dr. Lisa Firestone, the author of Conquer Your Inner Critical Voice (New Harbinger Publications), these voices can cause us to stay in the victim role. “When we’re listening to these destructive thoughts, we’re more likely to feel humiliation than real sadness over our loss,” she notes in “Why Do Break Ups Hurt So Much?” (www.huffingtonpost.com, 07/17/2013). “Our inner critic fuels feelings of not being able to survive on our own, often saying that no one will ever love us. When these voices aren’t viciously attacking us, they are often raging at our partner, which only supports a victimized orientation to a situation.”

**Seven Ways To Heal from Feelings of Rejection**

1. **Accept that it’s natural to feel rejected when a relationship ends.** Most likely, there have been problems in your marriage all along, but they are intensified during the divorce process.

2. **Don’t take your divorce personally.** Just because your marriage is over, it doesn’t mean you’re inadequate or inferior – or there’s something wrong with you. Give yourself a break.

3. **Focus on self-love.** You are a worthwhile person who doesn’t have to let the end of your love relationship define your self-worth. No person can complete you.

4. **Work toward forgiving your ex and yourself.** Moving beyond feelings of anger, bitterness, and resentment does not mean you condone their behavior. Forgiveness allows you to create a new story for your life. Research shows that practicing forgiveness is good for your health.

5. **Discover that relationships are our teachers.** It’s easier to move on from feelings of rejection if you learn from your experiences and can approach the next partner with your eyes wide open.

6. **Adopt a mindset of adventure and expanding your interests.** Stay open to new experiences, hobbies, or interests that you couldn’t pursue with your partner.

7. **Cultivate supportive relationships.** Being with people who accept and support you can help ease feelings of rejection. Get energized by the possibilities ahead for you.

An essential part of the healing process after divorce is recognizing and accepting that the way you feel about yourself affects the way you relate to others. Feelings of rejection are closely tied to feelings of self-worth and self-love. Consequently, as you learn to accept what happens and begin to love yourself again, your feelings of rejection will diminish. When you’re connected to feelings of self-worth, you’ll have more energy to relate to others in meaningful ways.
Six Ways To Boost Your Self-Esteem

1. Focus on your potential instead of your limitations. I am not the best athlete, but I can cook a gourmet meal and host a fun gathering. Keep practicing your craft, whether it’s dancing or writing, and you’ll find that persistence pays off.

2. Use intentions to guide your journey to self-worth. For example: “I will walk for 30 minutes today with my daughter and talk about her day.” This will enable you to feel a sense of purpose in your life. Try to limit yourself to two intentions each day.

3. Refuse to let feelings of rejection dictate your actions. Try a new hobby or interest, take the initiative in a project at work, or invite a friend to the movies.

4. Cultivate relationships that bring out the best in you. Identify a potential new friend, join a book club, or get to know one of your current friends better. Try not to get too disappointed if it doesn’t work out. Water finds its own level and not all friendships are meant to last.

5. Examine self-defeating thought processes and substitute positive thoughts for negative ones. For instance, instead of telling yourself, “I’ll never find anyone to love me,” tell yourself, “I’m growing and learning more about my relationship needs every day.”

6. Keep a success journal and write down three things you accomplish or feel good about each day. Don’t forget to include your intentions in this journal! For instance: “Intention: I will read for 60 minutes a day. Completed: I read a book about gardening and learned about how to plant vegetables.”

Being Left vs. Leaving

Let’s take a closer look at rejection and examine whether someone is a dumper or a dumpee in the divorce process. These two terms were coined by divorce expert Dr. Bruce Fisher in his groundbreaking book Rebuilding: When Your Relationship Ends (Impact Publishers). “Dumpers are the partners who leave the relationship, and they often feel considerable guilt; dumpees are the partners who want to hang on to the relationship, and they often experience strong feelings of rejection,” explains Dr. Fisher. As a result, dumpees usually have a desire to work on the relationship, while dumpers are likely to feel guilty but are unwilling to make the changes needed to preserve the relationship. For instance, a dumpee might say, “Just tell me what you want me to change and I’ll work on it,” and a dumper might say, “I have to go and find myself.”

Keep in mind that the roles of dumper and dumpee aren’t always clearly defined and that sometimes they can be reversed. For instance, a partner might be told by his/her spouse that the marriage is over, and then the dumpee is the one who files for divorce. Sometimes, the dumpee simply gets tired of waiting and takes this bold step as a way to take charge of their life.

For your own sake, you need to learn to accept the breakup of your marriage and come to a place of “it is what it is.” But healing takes time and patience. Consulting a counselor, support group, or divorce coach may help to facilitate healing. Be gentle with yourself on the journey.

Looking at how feelings of rejection may be impacting your mood and attitude toward life can help you gain a healthier perspective. Are you neglecting your health, interests, family, or friends due to grieving the loss of your marriage? It’s critical that you don’t fall prey to a victim mentality because your partner made a decision to end your relationship. Ultimately, being able to forgive yourself and your ex will help you to let go of negative feelings. Developing a mindset that you don’t have to be defined by your divorce experience can help you to heal and move forward with your life.

Terry Gaspard (MSW, LICSW) is a licensed therapist, college instructor, and non-fiction author, focusing on divorce, women’s issues, children, and relationships. She specializes in helping people heal from the pain they experience related to divorce and other losses. She is the co-author of Daughters of Divorce (Sourcebooks, January 2016).

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Virginia Satir, a well-known psychologist in the family and divorce field, once said, “Parents are teachers of human beings, not owners of human beings.” This is a wise view to keep in mind when creating your parenting plan. A child needs the love and affection of both parents, but they also need both as teachers. These roles should override your desire to “own” your children. Ultimately, you cannot own them: you can only prepare them for their future. How well you prepare them will ultimately reflect your qualities as parents.

Another well-known expert in this field, Joan Kelly, has observed that, “It is not the divorce per se, but the conditions and agreements the parents create during and after the divorce that will determine the child’s adjustment.” The marriage is over, as are your lives as Mom and Dad parenting under the same roof. You will begin new lives as Mom and Dad parenting apart.

There are three basic types of living arrangements for children: sole custody, split custody, and shared custody. The most common is sole custody, in which one parent becomes the resident parent while the other has “reasonable access.” About 70% of all parenting plans result in the mom being the resident parent – although the number of fathers becoming the resident parent increases with income.

The Language of Parenting Plans
Most parents say they want to “win custody” of the kids. This suggests control – or possession – of the children is the goal. Instead, your goal should be to work out the best parenting plan for your children, so call it a parenting plan rather than a custody battle. The child may be in one parent’s home more than the other; refer to that person as the “primary residential parent,” not as the “custodial parent.” The other parent should be viewed as the “secondary

Here are the important issues you should consider as you design your parenting plan.

By Dr. Donald A. Gordon and Dr. Jack Arbuthnot
Take the time to design a good, flexible plan. Someday, as young adults, your children will look back on their childhood and judge how well you handled this difficult time. They’ll look at how you cooperated, and remember if you put their interests ahead of your “marital issues.”

Residential parent,” not someone who just has visitation rights. No caring and involved parent wants to just “visit” his or her kids.

In split parenting plans custody of the children is divided: one or more children may go to one parent, and the other child/children the other; boys often go to fathers and girls to mothers. However, this is rare in initial separation decrees, and it generally only happens when there are unusual circumstances. It may occur when a child is old enough to choose which parent they wish to live with (age 12 in some jurisdictions). Many people believe it is a bad idea to separate siblings, but there isn’t enough good research to corroborate this.

In shared parenting, both parents share legal control of the children. Shared decision-making does not mean shared time, which can vary from equal time (50/50) with each parent to 60/40 or even 65/35. With shared parenting, the children may live primarily with one parent but they may spend more time with the other parent than is normal in a non-shared parenting arrangement. The parent with whom the child lives most is called the primary residential parent, and the other is called the secondary residential parent.

In most areas, shared parenting is presumed to be the best plan for children. Judges must provide a strong reason if they wish to order some other arrangement; in some areas, judges have the authority to order shared parenting if they believe it would be best for the child, or if one parent requests it.

Many judges require parents to develop a parenting plan before granting a divorce. Conflict between the parents can be minimized by a written plan stating specific dates and times when each is in charge of the child; because everything is in writing, there is less need for parents to negotiate or argue. Adherence to the plan will increase trust between the parents and encourage them to cooperate in the future.

Guiding Questions for Parenting Plans
There are several important issues you should think about as you design your parenting plan. Ask yourself:
1. What goals for our children do we both share?
2. How will we continue to be effective parents in separate households?
3. Do I only want to resolve our legal matters, or also our family issues?
4. How do we want our children to look back on this time and on our behavior as parents?

You need to spend time talking about what goals you have for your children, what their childhood should be like, what you want them to be like both as children and adults, and what each of you can contribute to these goals. Write it down on paper and share it with your children; they’ll know that you both care about them, and they’ll see that you’re working together for their welfare. Set an example of cooperation even though it may be a heroic effort.

Parenting is difficult under the most ideal circumstances, and it is more of a challenge when done from two households. Plan how you will coordinate your efforts: plan for the big issues (like school, religion, etc.), and plan for the small, day-to-day stuff (such as transportation, parties, etc.). You should set up regular meetings, emails, or phone calls to catch up on important developments, work out schedules, and discuss concerns.

Your parenting plan will spell out conditions and terms – some of which can be legally enforced. Take the time to design a good, flexible plan. Someday, as young adults, your children will look back on their childhood and judge how well you both handled this difficult time. They will look at how you cooperated, and they’ll remember if you put their interests ahead of your “marital issues.”

Frequency of Contact with Each Parent
The amount of time children should spend with each parent is one of the most fought-over issues in a family break-up. It is also the most misunderstood by all involved – including parents, lawyers, and judges. As a result, parenting plans are often flawed, which can cause a great deal of emotional suffering for children.

There has been much psychological research on children’s attachment to their parents, and the most recent findings are clear: children – particularly young children – need frequent and meaningful contact with both parents. A young child becomes deeply attached to both parents at a very early age; to be separated from either parent causes distress and can even cause trauma.

Young children need frequent transitions to ensure continuity and provide comfort. This goes against what many people assume is “common sense”, and many parents, lawyers, and judges misunderstand this fact. Although quality of contact is more important than quantity, there must be enough quantity.
Infants and toddlers form bonds with both parents, and extended separations put these bonds at risk over time. Fathers, especially, are likely to drop out of the child’s life. If court orders restrict the father’s access to a young child, it may cause a decline in contact with the father over time. This decline in contact can also happen with the mother.

The ideal situation for young children is to interact with both parents daily. Some interaction is functional, including meals, bedtime routines, limit-setting, discipline, and play. After age two, most children can tolerate two back-to-back overnight stays with one parent. Avoid long separations lasting more than five days.

Frequent contact will mean more frequent transitions from one house to the other. Many people – including some judges – automatically assume this is bad. They assume that frequent transitions will upset a child, and should be avoided. But, there is evidence to the contrary: even a young child will get used to frequent transitions if they are not too stressful.

Unfortunately, a concept of stability – one-home, one-bed – for children still prevails. The concept has been emphasized too much in many courts, and it is to the detriment of the child’s other needs. They need strong and meaningful relationships with both parents, and most children adapt quickly to having two homes.

Research points out that less frequent transitions may cause more stress. Children must leave the home they have been in for a week or more, and they must also leave their second parent and go “home” with the prospect of not seeing the second parent for a long time. Frequent transitions between homes eliminate this problem.

### Outlining the Issues
You must discuss the parenting plan for your child, and both parents must be clear about the issues. What assumptions should you start with? Here are the major issues that most parents face:

1. A child needs two loving, caring, competent parents.
2. Both parents have a right to an active role in their child’s development.
3. Both parents must be willing to share in the tasks of parenthood.
4. Conflict and competition over the children will hurt both them and you.

Your parenting plan should be specific; this way, everyone is clear about what will happen and when. Here are some reasons to be as specific as possible:

- **1. Children need predictability.**
- **2. Parents will experience less conflict if plans are specific.**
- **3. It is easier to recognize when a plan needs to be modified when its terms are clearly spelled out in detail.**
- **4. The time and energy of the courts and lawyers will be better used if a plan is specific.** It will result in fewer phone calls in the middle of the night, and fewer court filings.

Finally, recognize that no plan is perfect, and most plans need to change over time as children develop and their lives and needs change.

### Flexibility Is Essential
Although parenting plans need to be specific to minimize conflict and misunderstandings, be aware that situations – and people – change over time. For most families, anger diminishes over time. Parents usually remarry or re-couple, and stepchildren may enter the picture. And, of course, your own children will age and mature. Their interests will change, and the need for parent input in their lives will also change.

A parenting plan should not be carved in stone. It is not an unchanging document, and you should be prepared to modify it over time. The truly wise mother and father can sometimes anticipate some future changes, which could be built into the original court decree. However, few of us are able to predict the future, so be prepared to work with the other parent. You’ll have to make changes when necessary, and the best way to do this is by mutual agreement.

If you cannot create a parenting plan yourselves, work with a mediator, parenting expert, or other third party. Put into your plan that you both agree to mediate before court action.

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  Successful shared parenting benefits both children and parents, but it is not appropriate for all families.

- **How Often Do Non-Custodial Parents See Their Children?**
  The impact of infrequent or no contact with a non-custodial parent after a divorce can be devastating for a child.
Creating a Successful Stepfamily

Points to Ponder
• As stepparents, we are stepping into an existing family structure and having to create a place for ourselves.
• In reality, we have very little control – especially in the beginning.
• We can look for opportunities to make a positive contribution.
• We should be open to feedback and proceed cautiously.
• It is possible to significantly affect the adjustment and well-being of our new family.

In these increasingly complex times, maintaining a long-term relationship is challenging enough; when you add ex-spouses and children from previous marriages into the mix, making a happy life together can seem daunting. But it is possible. Many people have done it. And if you and your spouse are committed to doing so, you will find some tools here that can help you.

Becoming really great parents requires adults to develop a new level of maturity in which they care about the needs of another person more than their own. With healthy adults, there is a strong biological imperative to take care of your children. With stepparents, this innate wiring is a little weaker, because we didn’t give birth to these children and in most cases we have not known them since they were babies. Successful stepparenting challenges us to discipline ourselves to consider the importance of the parent-child relationship even when it may seem to undermine your own needs at times.

According to the most recent statistics, blended families are rapidly outnumbering the traditional nuclear family. And second marriages with children have a 60–70% likelihood of ending in divorce. With this kind of success rate, it’s a wonder that people keep trying; but we are social beings with a genetic imperative to bond. Thankfully, when it comes to love, hope springs eternal. Being a stepparent can provide an opening to love just for the sake of loving.

More Points to Ponder
• As stepparents, we play an important role in creating a family in which every member can thrive.
• When we choose to marry someone with children, thereby becoming
stepparents, we make a commitment to our spouse and children.

- Divorced families have had enough of instability and dysfunction; they need both partners to be committed and bring the best of ourselves to the table.

For some stepparents, it may seem like you are stepping into a fractured family system and trying to make it whole again, in a different shape, while some family members may still be attached to the old family structure. Nevertheless, millions of stepparents are helping their new families to heal in various ways every day. You may feel you have very little control in your blended family. It’s a tough balancing act to keep in mind the rights, needs, and wants of others while being true to your own self. Most divorced families have at least a little leftover baggage. When you marry someone who has had children with another adult with whom they can no longer live for whatever reason, there are bound to be complications. It’s possible that you’ve never been in such a challenging situation before. I can’t think of anything that motivates us to stretch and grow our character as much as true love.

Seven Key Components for Successful Stepparenting

1. Commitment
2. Love
3. Self-awareness
4. Empathy
5. A good marriage
6. Optimism
7. Resiliency

Exercises

1. Write down two positive qualities of each individual in your stepfamily; include your spouse, your children, your stepchildren, and the other biological parents.
2. What are two things that you and your spouse can do to cooperate with the other biological parents of your children and stepchildren?
3. What are some of your core values or spiritual beliefs that can help you cope and flourish as a stepparent?

5 Reasons / Continued from page 21

soon-to-be ex-spouse during the divorce process, which will hinder their ability to work productively with the other side to resolve important matters. If you’re thinking of representing yourself, you need to be aware that your emotional state may prevent you from making wise decisions about the future. As an objective third party, a family lawyer can keep a clear, level head and separate themselves from the emotional side of the case in order to work towards the best resolution for everyone involved. Throughout the divorce process, a lawyer can remind you to keep your emotions in check – or even introduce you to other professionals who can help you channel your emotions into positive strategies. A good lawyer can let you know when you’re being unreasonable or are asking for something that’s more-or-less impossible. When emotions are running high, it is easy to say or do things that may come off as aggressive or vindictive; a lawyer creates a buffer between you and the other side, and will do his/her best to prevent you from allowing your emotions to sabotage your case.

3) A lawyer can suggest options you didn’t even know existed.

A family lawyer can evaluate your situation and let you know the likely outcome if you take your case to court. Based on their experience with the judge and similar cases to yours, they’ll be able to offer a variety of legally-acceptable options to settle your case. If you and your spouse represent yourselves, you may agree on items that the judge will reject; when that happens, you’re causing more work and more delay for yourself, your spouse, the judge, and the court system. A lawyer will help you create a reasonable settlement proposal; if the proposal is coming from the other side, your lawyer will let you know whether to settle, make a counter-proposal, or fight it out in court.

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Step by Step

Parenting is a pretty tough job, but stepparenting can be even harder. What are your roles and responsibilities? How does it compare with parenting your biological children? And what happens to step-relationships when the stepfamily breaks up?

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Working through the legal, financial, and even practical issues of divorce can trigger strong emotions. Here’s a way to make sure they don’t overwhelm you – or stop you from making wise decisions.

By Lynn Kaplan, Divorce Coach

A nyone considering, immersed in, or wading through the years after separation and divorce knows of the intense emotional rollercoaster that goes along with this huge life transition. These emotions can be highly charged, and they can feel – or actually be – out of control. They can seep into work situations, and drain relationships with friends and family. These free-ranging emotions can get in the way of making wise decisions while working with mediators, lawyers, and other professionals, and they can negatively affect communication with ex-spouses.

Family members, friends, self-help books, therapists, and divorce doulas/coaches can help you find your personal path to wellness of mind and heart during and after divorce. There are also some proven tips and strategies to help you cope with the upheaval of emotions – and to make positive and long-lasting life decisions as you move through the process.

As you chip away at the piles of paperwork associated with the divorce process (from credit card and mortgage statements to tax returns and notice of assessments), the key to staying organized and in control is a good filing system. Labeling files, filling each folder with the proper documents and notes, organizing the folders in a filing box or cabinet – all of these actions help in managing the business side of divorce.

Now imagine setting up a similar filing system for your emotions. Begin by acknowledging and naming the emotion: grief, anger, fear, frustration, guilt, or even relief are all associated with this life transition. Working through the legal, financial, and practical issues of divorce can trigger strong emotions. Are you afraid of how your children might
This method can also be applied to texts: by writing an emotional draft and sending it to a safe place, you can be “heard” without feeding the storm.

Use this Emotional Filing System when meeting with your mediator, lawyer, or financial professional – whenever you need to contain your emotions so they don’t prevent you from making wise decisions. You’ll know that the emotion is still there, tucked away in its proper file to bring out when it is safe and not detrimental to the present situation. Venting at the right time and place (and to the right person) can be key to your emotional recovery – and to preventing you from making “scorched-earth” decisions that will destroy your future.

You may have some extremely painful emotions that you may need to file deeply away until the dust settles. Find the right therapist to help you deal with the contents of this emotional file – which will be waiting for you, organized and ready to be opened.

In addition to creating your Emotional Filing Cabinet, keeping a journal can be helpful. Finding the time in your daily or weekly life to write down how your emotions are growing and changing can assist in keeping them in place. A journal is also a good place to vent, to write down those strong, angry, frustrating, and sometimes irrational feelings.

Everyone experiences strong and sometimes overpowering emotions during separation and divorce; the key is knowing where to place each emotion, to understand and accept them, but to not let them get the better of you. Using this Emotional Filing System will help you on the journey to a balanced and productive life.

Using her training as a family mediator and parenting coordinator, Lynn Kaplan supports individuals through the logistical and emotional challenges of separation and divorce. She helps people across North America turn obstacles into opportunities, working with clients in person, via phone, or Skype. www.lynnkaplan.ca

4) One word: paperwork.

Going through a divorce can feel like being buried alive under a mountain of paperwork to be filled out and filed with the court. Knowing which forms you’ll need for your unique situation can be challenging, and collecting all the information to complete them can be both difficult and tedious. However, producing complete paperwork is crucial: the judge will rely heavily on your documents to decide the outcome of your case. Using the wrong numbers on one form and the wrong tone or words on another could result in the judge perceiving you as careless or combative. If you omit something by mistake, the other side might accuse you of trying to hide information – which will damage your credibility and your case. A family lawyer knows how to fill out the paperwork properly and persuasively, increasing the chances that a judge will view your side of the argument favorably.

Today, many cases are bogged-down in the court system due to incomplete work presented by do-it-yourself divorcees.

5) A lawyer can help you focus on the Big Picture.

While you may be solely focused on “winning” the case, a family lawyer will concentrate on creating the best deal possible – which may mean helping you to compromise on some issues so that you can get more of your “must haves.” In divorce, a good deal is one where both sides gave up some of what they had hoped to gain, but both can live with the settlement – literally. Family lawyers represent individuals with finite resources, not big corporations who have unlimited money to throw at a case, so they know cost is important. A good divorce lawyer will advise you not to waste your money by fighting over every issue, and they can help you set your priorities so you end up with more of what you actually need – even if you have to give up some of what you want to achieve it.
An introduction to dividing stock options, restricted stock, or other executive compensation during divorce.

By Nancy Hetrick, CDFA™

If you or your spouse must decide how to separate stock options, restricted stock (RSU), or other executive compensation, it can be challenging at best. Several of these items provide income and can be difficult to value – or even understand! Let me walk you through a primer and try to remove some of the mystery.

**Employee Stock Options**
The most common type of non-wage compensation used to be stock options in shares of the employer company. Accounting rule changes have made them less common, but there are still plenty of plans out there. Occasionally, the options can even be for shares of a different, related company. There are two primary types of stock options: Incentive Stock Options (ISOs) and Non-Qualified Stock Options (NQs). Generally, you won’t see ISOs anymore since recent tax changes have made them less advantageous for employers. The difference between the two is in tax treatment and transferability. Stock options give an employee the right – not the obligation – to buy
Experienced & Dedicated Exclusively to California Family Law

Choosing a competent and focused attorney is the first step to successfully resolving your divorce or family law matter. Los Angeles County divorce lawyer Joni Salomon is dedicated solely to the practice of family law in California. A Certified Family Law Specialist* with over 10 years of experience, Ms. Salomon handles a broad range of cases with varying levels of complexity. She is committed to providing reliable support and services at all stages of the divorce process, including property division, child custody, child support, and post-divorce issues.

Focused on Meeting Your Needs & Achieving Your Goals

You can rely on Ms. Salomon to prioritize your objectives throughout the course of your family law case. Providing a high level of client care is an integral aspect of practicing law responsibly, which is why Ms. Salomon encourages client participation in the resolution process and makes herself available to address client concerns whenever necessary. She offers legal counsel in a non-judgmental environment and is dedicated to resolving your issues by developing creative solutions to complex family law matters.

Relatable & Empathetic Divorce Representation in Beverly Hills

As a Beverly Hills divorce lawyer and a divorcée, Joni Salomon has the unique ability to both understand your feelings and defend your legal rights. She has personally experienced the fears associated with divorce and possesses the litigation skills and expertise necessary to put her clients at ease. Ms. Salomon applies her knowledge of the family law process to helping those in need, forging sincere connections with clients, and striving for attainable solutions that align with the best interests of her clients and their families.

Advocating for the Best Interests of You & Your Children

Going through divorce as a parent involves an additional layer of complexity and emotional strain that Ms. Salomon both understands and is capable of resolving. She recognizes the importance of finding resolutions designed to keep the continuity of your child’s life intact and will ensure the needs of your children remain at the forefront of your case. You need an advocate like Joni Salomon by your side who not only has your best interests at heart, but also the best interests of your children.

Devoted to Helping You Create a Better Tomorrow

Unanticipated family law matters can be overwhelming and stressful, but you can regain control of your life with the guidance of a dedicated family lawyer. Ms. Salomon helps clients move beyond the trauma of divorce by focusing on building a secure future for their family and fighting to obtain an optimistic outcome for their case. She can assist you in overcoming the uncertainty of today’s problems by developing viable legal strategies for a brighter tomorrow.

“Don't tell me how to get through this dark and arduous forest if you haven't navigated through it yourself.”
~ Joni Salomon

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stock at a discount at some date in the future and are usually subject to some sort of vesting schedule. Where it gets tricky is if the options are partially vested at the time of divorce but can’t be touched for four more years. Obviously, some of the intrinsic value belongs to the spouse, but how much? The calculations are ugly. Trust me: you need to bring in an expert to perform the calculations correctly.

**Restricted Stock**
Restricted stock is now the most commonly-used form of executive compensation. These are shares of company stock given to an employee as either compensation for past performance or an incentive for future performance. It’s critical to get the actual grant documents to know which the case is since it makes a big difference when determining how many of the shares are marital property. They can be in two forms: either actual shares of stock (RSAs), or a right to acquire shares at vesting (RSUs). RSAs have less risk than RSUs, and they are usually worth something. Again, depending on award dates, vesting schedules, dates of marriage and separation, the marital portion can be quite complex to calculate, but it is critical that you have it done. This is a job for a financial expert familiar with executive compensation issues.

**Employee Stock Purchase Plan**
This is a benefit that allows the employee to buy company stock at some regular frequency, usually at a price that is discounted from the current market price. Purchased shares can be sold immediately, or they can be held for at least a year for more favorable tax treatment.

**Deferred Compensation Plans**
With this option, the employee can choose to defer some portion of current compensation until a future date. These deferrals may be salary, bonus, or even equity compensation. Sometimes the employer will also match these deferrals. They are totally discretionary, so any spousal maintenance should be based on total compensation before any deferrals. Any balances in the plan are likely marital property as well and should be analyzed carefully. Most plans are distributable at retirement, but some plans allow distributions during employment as well. These plans can also be either qualified, pre-tax contributions or non-qualified.

**My spouse has executive compensation and has filed for divorce. Now what?**
Do yourself a favor and bring in a financial expert as early as possible, preferably before the discovery phase. A Certified Divorce Financial Analyst® (CDFA™) should be able to provide you with a list of exactly what documents will be necessary to properly value the assets and determine marital property vs. separate property. This will prevent any last minute scrambling if you end up at trial. Most CDFA™ professionals are qualified to do this, but not all. Be sure to find one who is well-versed in executive compensation.

It will also help if the financial expert is available for any depositions so that he or she can be qualified as an expert early and preview for the other party the quality of financial information that you’re having prepared. Sometimes, this is just what it takes to encourage a settlement!

The financial expert can also help ensure that the final Settlement Agreement is written to properly reflect the way the compensation will be handled. Executive compensation accounts are not usually eligible to be given to a non-employee spouse at the time of divorce, so the employee spouse must have very specific instructions on what must happen to specific shares, options, and grants upon vesting that takes into account the taxation responsibilities, etc.

Executive compensation can be very complicated, and if you take it on yourself, you’re exposing yourself to a lot of risk. These assets are often substantial pieces of the marital pie and it is critical that they are valued correctly so that you can negotiate the best settlement.

Nancy Hetrick (CDFA™, MAFF™, AWMA®) is the founder and CEO of Phoenix based Smarter Divorce Solutions, LLC and a financial advisor with Clarity Financial. www.SmarterDivorceSolutions.com.
Aside from getting expert advice, there are times you may want to connect with real people who are going through or recently finalized their own divorce. You can vent, ask questions, get support, share your thoughts, insights, and tips, or even inspire others through your own divorce story. If this sounds like you, join the Divorce Magazine Community online, where you can connect with divorcing people 24/7 through the following:

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