

Top 10 Ways to Minimize Legal Fees on Separation and Divorce

#6 to #10

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Following up with my previous article, here are numbers 6 to 10.

6. Put your children first.

The costliest battles in the courtroom are fought over children. Custody fights will draw in many third parties to give evidence regarding the best interests of your children. Because the Court is obliged to make decisions on only the children's best interests, any evidence that is relevant will be heard and considered – grandparents, child psychologists, the babysitter, social workers, new partners, doctors, teachers, nanny and day-home providers; in other words, anyone who has had contact with your children can become involved in your court matter.

The bottom line is – what is best for your children? Recognize that what is best for the kids may not be the same as what is best for you. If you are having a difficult time agreeing with your spouse on what is best for your children, you may want to consider consulting a child psychologist, social worker, or parenting coordinator. They have trained in the issues of parenting disputes and identifying what a child truly needs and how parents can meet that need. They offer independent and neutral opinions that can keep you out of the courtroom, and truly focusing on your children.

7. Do not start a new (serious) relationship until you are done.

We are all human, and beginning a new relationship, especially a serious relationship, may affect how an ex-spouse reacts to you and your attempts to reach an agreement. Divorce is an emotional issue, and many find it hard to deal with in conjunction with addressing the legal issues. The introduction of a new partner can inflame emotions and delay progression to a settlement. While there is no law against dating or starting relationships, as a practical matter, finish with one relationship before moving on to a new relationship.

8. Pick your battles. Know when to compromise and bargain in good faith.

Is it worth it? Principle is one thing, but spending \$10,000.00 in legal fees fighting over a couch is not cost effective. Also, if you know that your spouse received an inheritance that is traceable into a current asset, is providing 100% of the paperwork tracing the asset from the estate, to the bank account, to the current asset, necessary? Sometimes taking advantage of a technicality only prolongs the fight and increases the costs. Ask yourself – is it worth the money? The additional time and stress?

9. Take a step back.

Separation and divorce is an emotional and difficult time. However, many of the legal decisions you face are not emotional, but a determination based on numbers and principles. You need to be able to measure the pros and cons, and undertake a cost / benefit analysis for many of the issues you will face. Deciding on the best course of action requires a rather cold analysis of your position as compared to your legal rights, and the costs involved to achieving your legal rights. Your lawyer should be addressing the economy of proceeding in any given way, whether in court or in mediation, as against the anticipated benefit or return. Are you spending good money after bad? Your lawyer can help you determine this.

10. Transparency and Communication.

One of the best ways to ensure high legal fees and a court battle is to take the following steps without your spouse's consent:

- a. Clean out a joint bank account,
- b. Withdraw the entire balance of a line of credit,
- c. Sell property, and
- d. Cut off your spouse from the family source of revenues.

These actions, if they are even needed, should be done only after speaking with a lawyer. I have found that the more the financial status quo is maintained, the simpler the path to an amicable settlement. If you need to take one of the above steps, it may be best to do so by providing notice to your spouse and with their acknowledgement, if not consent. Talk to your lawyer about this one.

Warren is a family law lawyer who practices in Victoria, British Columbia, Calgary, Alberta, and points in between. Warren's approach to family law emphasizes effective and dignified problem solving, and empowering his clients to deal with their legal issues at separation. Read Warren's bio at <http://www.islandfamilylawyers.com/WarrenJennings.aspx>.

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