

DIVORCE

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Divorce Law Article

Special 6 Parts Series on Your Divorce, Your Relationships.

PART 5: Who's in Control - You or Them?

By Stacy D. Phillips, Certified Family Law Specialist

The Judge

In the continuation of a six-part series of excerpts from the book, **Divorce: It's All About Control—How to Win the Emotional, Psychological and Legal Wars** by certified family law specialist, **Stacy D. Phillips**, she discusses the different "types" that tend to control a divorcee's divorce process in the courtroom. In this segment, Ms. Phillips details the characteristics of the "judge variety"—those individuals who often assert authority taking complete control of a couple's divorce, leaving them at the mercy of the courts.

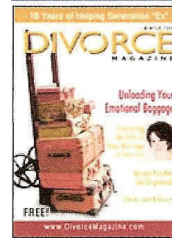
The "Heard-It-Alls" This category of judge has little patience for the daily routine that goes on in the courtroom, between counsel, or for that matter, the parties, and refuses to grant continuances for "frivolous" reasons. Heard-It-Alls become easily fed up with standard excuses and can see past every histrionic play. Don't try to pull anything over on a Heard-It-All because they already have heard it all! This moniker suggests a negative connotation. However, the label can equally apply to a very experienced, no-nonsense, truly fine judicial officer who, indeed, does know it all.

The "Peacemakers" Contrary to the Heard-It-Alls, the Peacemaker is the type of courtroom boss who attempts to get the parties to come to terms and may even suggest the case be continued until additional settlement discussions can take place. The Peacemakers are known for being big on child rights. They also tend to be more sensitive to the perils only divorce can bring. As such, they try to minimize the trauma of the courtroom experience on the parties who come before them.

The "Technocrats" This group tends to care less about the "people" side of the hearing and rules by the book. They typically have no "heart" and could care less about the parties personally. The way the Technocrat sees it, they have one duty and one alone: to uphold the statutes under which the marital laws fall. Do not try the emotional plea or pray to the Technocrat for mercy. A Technocrat will rule right over you!

The "Equalizers" This group always wants to do what is fair and usually come from a "one for her, one for him" point of view. They have a "split down the center" mentality. As such, they are calmly focused on dividing everything equally—that includes responsibility for the children, assets and liabilities! Their focus is on equality, whether it means ordering each party to pay his and her fair share of attorneys' fees or picking up responsibility with regard to the children. Though equitable, this judge does not have any patience for antics, so save any outbursts for the hallways.

Welcome to Divorce Magazine



Today's Picks:

- Why it's important to "complete" previous relationships
- The gifts of Your marriage: Find gratitude in the midst of divorce
- Timely tips to help you avoid costly financial mistakes.
- How to avoid the "money crazies"
- Collaborative Divorce Team: Experts who will guide you through a collaborative divorce
- How to keep the non-custodial parent involved in your child's life
- How to unclutter your home
- News about Separation and Divorce
- Divorce FAQs

The "Solomons"

Often times they are not focused on what might please the parties or what will cause the least amount of havoc. The Solomons are simply trying to get to the bottom line—or at least what they perceive is the right result. Like King Solomon who knew that the real mother would not allow him to "split the baby," the Solomonesque judge will work with the parties to achieve the right moral result. This approach is particularly important in child custody disputes.

The "Hammers"

Highly respected for their familiarity with all the family law statutes—new and old—the Hammers will strictly enforce each code. Low on patience, they are high on authority and not afraid to wield it. The Hammer often reaches a conclusion on the merits, i.e., decides the outcome he/she wants and then strives to reach that result through rulings and/or pressure on the parties. Hammers are particularly dangerous if they are not well versed in the facts or the relevant legal issues. You never want to get on the bad side of Hammers because they can pound you right into the courtroom floor. Good for you if the Hammer rules in your favor, but it could go the other way next time!

The 'Judge's Judge'

combines the best traits and skills of each of the judges described above and is thoroughly well versed in all aspects of the law and is not afraid to make the tough call or lean hard on the parties when necessary. This judge does not mind hardball, but insists on fair ball. They can be Solomonesque when appropriate, or address issues with diplomacy. A Judge's Judge takes each case individually and listens to all the facts before making a decision. These judges are typically compassionate types who make both parties feel as though they were well heard and their requests considered.

The "Lazy Judge"

combines the worst traits of the various judges described above (except, of course, the Judge's Judge). This is the judge who doesn't read the papers and simply goes through the motions of performing his/her judicial duties. The Lazy Judge may fall back on hyper technicalities, "split the baby," or do anything else necessary to get the matter off his/her docket. With the other judges—for better or for worse—you can plan. With the Lazy Judge, the outcome is truly unpredictable.

Your judge can be a mixture of some or all of the above. As you go before them, know that they can have tremendous control over your marital circumstances. This can bode well for you or it can be difficult, depending on how the court's rulings come down, and it can affect you for years to come!

Stacy D. Phillips' book may be purchased through Amazon.com, Barnes & Noble.com and in all major bookstores throughout the country. Visit her website: www.controlyourdivorce.com for more information.

