

Part 3: The Divorce Wars – Emotional, Psychological and Legal

Are you fighting one...or more?

By Stacy D. Phillips By Stacy D. Phillips

The following is an excerpt from the book, *Divorce: It's All About Control-How To Win the Emotional, Psychological and Legal Wars* (ExecuProv Press), by renowned family law specialist, Stacy D. Phillips. In Chapter Three, "The Control Wars: The Typical Three," Phillips helps the reader to understand the differences between the three major wars, what characteristics differentiate the three, and whether they are worth fighting. In this final of the three part series that describes each war, Ms. Phillips explains the Legal War. She writes.

THE LEGAL WAR

The third most common war in this trilogy is the legal war. Sometimes a legal war is legitimate; other times it's fought simply as a way to escalate the psychological and emotional wars and jockey for a stronger hold on control.

Whether or not the case ever goes the distance, a legal war is one that is fought when legal papers are drafted and/or filed for the purpose of resolving issues inside the courtroom. A legal war can be costly in both emotional and psychological terms, but then add to that dollars and cents, and this type of war is the most difficult and costly of all—albeit in dollars. The psychological and emotional wars can indeed be more costly, but not to the wallet. A legal war is one where neither side has much control because they relinquish it to the discretion of a judge or in some states, to a jury.

When a war over assets, real property, a prenuptial agreement, child custody, spousal or child support is necessary, a legal battle may be the only remedy, and that is where I certainly come in—and for good reason. But what I tell all my clients is this: Legal battles—the ones that wind up in the courtroom before a judge—can be extremely costly. And even if a case is settled before trial, what is involved and what it can cost can be mind-boggling. The mental and physical tab is draining enough in a legal war, but add to that the price tag of financial drain!

The toll associated with this type of war cannot be measured or budgeted for in advance.

Most legal wars, nearly 90 percent of them I would say, are settled on the courtroom steps, or shortly before a trial is due to begin. But those that are waged on the courtroom floor can be brutal, because no matter how well someone is prepared, no matter how good one's attorney, no matter how solid they feel their case is, no matter how much money they spend funding it, the outcome is still in the hands of a judge, and one never knows how she or he will rule.

A prime example of the Legal War is when someone spends thousands of dollars and years on end fighting over a prized item such as a painting or expensive china. By the time the financial total has been rung up, the tab for the Legal War can cost ten times what the item in question is worth.



Choose your Legal Wars carefully.

My advice, always: Work it out. Settle your case if you can.

If you launch a preemptive legal strike against your spouse you had better be ready for heavy artillery, because most courtroom battles are fought between attorneys representing those who have declared the war.

Attorneys—generally—know what they are doing!

War is their occupation.

So, if you stand up and scream, "We're going to court!" get ready for a big battle! Be prepared, I tell my clients, for a difficult time. Also be prepared for delays and frustrations, for they are the norm. And if you were certain the case would go your way, well, it may turn out exactly the opposite! I have seen judges switch physical custody arrangements. I have seen one party ordered to pay the other far more than they had anticipated in a modification of child support. I have also seen others made to relinquish assets and holdings they were certain would be awarded to them.

The legal war is often an ugly war. No one on either side walks off the battlefield unscathed.

My advice, always: Work it out. Settle your case if you can.

If you launch a preemptive legal strike against your spouse you had better be ready for heavy artillery, because most courtroom battles are fought between attorneys representing those who have declared the war.

Attorneys—generally—know what they are doing!

War is their occupation.

So, if you stand up and scream, "We're going to court!" get ready for a big battle! Be prepared, I tell my clients, for a difficult time. Also be prepared for delays and frustrations, for they are the norm. And if you were certain the case would go your way, well, it may turn out exactly the opposite! I have seen judges switch physical custody arrangements. I have seen one party ordered to pay the other far more than they had anticipated in a modification of child support. I have also seen others made to relinquish assets and holdings they were certain would be awarded to them.

The legal war is often an ugly war. No one on either side walks off the battlefield unscathed.

Everyone usually suffers in war. Ask yourself right now:

- Is a war necessary?
- Will it get you what you want?
- Is it productive?
- Can you handle losing?
- Will you think less of yourself if you walk away from one?
- And most importantly, must you really fight a war to maintain a healthy sense of control?

The art of control comes in the ability to find equitable solutions and to make peace, both with your ex and yourself.

