

TRIAL & ERROR

Fighting Just To Win: Is it worth it?

By Stacy D. Phillips



I have many clients going through the divorce process who fight furiously over possessions that, in the end, aren't really that important or beneficial to them. One prime example: a woman in her mid 30s, hell bent on keeping the house. She had gone to great lengths decorating it and worked hard making her fair share of the house payments. She spent thousands in legal fees defending her position and, in the end, she won. It wasn't long, however, before she realized that she couldn't afford the payments or the upkeep. She had won the battle, but, as they say, lost the war! It would have been wiser for her to sell that asset, take the proceeds and buy a place better suited to her pocketbook and her peace of mind.

I take plenty of time going over the inventory of assets my clients have and ask them to make a three-part list: things that they must have, things they would like to keep, and things they could easily let go. After explaining the "list process," I ask them to carefully evaluate each item with great objectivity before putting it into the proper column. I ask clients to make this list when they are not tired, angry or having a peak moment of feeling their absolute worst. It's important to make this list feeling rational and objective. Otherwise, you may not only end up with things you didn't need, but things you didn't really want. It's like going to the grocery store when you are starving. Most of us buy impulsively and are sorry later.

The "must-have" list should contain items such as heirlooms

and treasures that can never be replaced. Ask yourself: "Can I get another one of these?" If the answer is "yes," then the item moves to another column. I'm not suggesting, of course, you shouldn't want to keep things you worked for or that have meaning and material value. Just evaluate what it is worth to you to keep it. Many of my clients realize given the resources, most things can be replaced. Granted, it may take time to get money to replace them (such as a house) but they are replaceable. So make a careful assessment of "must-haves."

As you do your assessment, most items will probably fall into the "would like to keep" column and this is where you want to exercise your greatest restraint. Sure, you'd like to keep the BMW, but can you afford the

payments? Yes, you want the Ming vase, but would you have to swap it for the living room, dining room and bedroom furniture? Indeed, it would be nice to hold on to the Escher print, but every time you pass by it, will it remind you of your failed marriage? Ironically, gloating over items you won in the battle, items you pass by every single day, may be the very things making you feel badly long after the war is over!

Hopefully, you'll find the list of items you can easily let go is much longer than you first thought. I have clients who tell me it actually helps them move on when they start over from scratch for everything from

houses to the utensils in their kitchens.

What makes more sense when you're fighting over items is to take a look at what your gains will be long term. For example: Would it make more sense to opt for more spousal support and ask for it over a longer period of time? Would it be more practical giving up the Cappuccino machine, in exchange for the washer and dryer? And, let's say you do want and must-have — that Cappuccino machine: how much will it cost in legal fees to get it? I once knew a couple who fought over a ceiling fan light fixture that racked up \$400 in attorney fees! Getting that fixture had nothing to do with what was best for either party. As you categorize items on your list, make certain you use objectivity and good common sense. Ask yourself: Is it worth it emotionally and financially?

Long-term: Is it a win or a loss?

Though it's hard, try to put your feelings aside.

If you have a hard time making this list, ask a trusted friend or a family member—someone who

really knows you — to help. That may be the best of all strategies. **W**

Is it worth it emotionally and financially? Long-term — is it a win or a loss? Put your feelings aside when making a list of "must-haves."

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