Guide to Reducing the Time and Costs It Takes for a Divorce in Utah
1.  IF YOU ARE THE VICTIM OF SERIOUS OR ESCALATING DOMESTIC VIOLENCE, GET HELP AND GET TO SAFETY FIRST.

You cannot think clearly or focus on getting a divorce if you are preoccupied with fear for the life or safety of yourself or your children.

- If you are tempted to accuse your spouse falsely of child and/or spousal abuse to get a leg up in a divorce case, the truth is that usually works, especially if you are a woman. Courts are extremely risk averse, and in most cases if they so much as worry there may be a threat of physical violence, they will “shoot first and ask questions later” by issuing protective orders and supervised parent-time/visitation orders out of caution, even when there’s no proof. These protective orders and supervised parent-time orders can set the tone for the entire case and often solidify into permanent orders, if the party against whom the orders are issued cannot disprove the allegations of abuse.

- So does this mean you should lie to obtain these kinds of orders? No. Is it because you risk being caught? Not in my opinion. Frankly, there is rarely a
penalty for being caught lying about these things. So why be honest? Because it’s the right thing to do, and I do believe in the Golden Rule and in karma. “That’s pretty weak,” you might say, and you’d be right.

- So if you are the one who is falsely accused of abuse, prepare to spend a lot of time and money to make things right, and get a very good lawyer. Your odds of vindicating yourself without a very good lawyer’s help are slim to none. Just ask around and you’ll see.

2. ADVANCE PLANNING, IF YOU HAVE THAT OPTION.

If you were served with a divorce summons before you read this, then advance planning is not in the cards for you. You will, however, still benefit from reading this article, including this advance planning section.

I know for many of you, preparing for divorce and planning for it “behind your spouse’s back” makes you feel guilty or dishonest. Good for you. It shows you have a conscience, and as long as you continue to let your conscience be your guide you need not and will not feel guilty or dishonest about trying to make the best of a bad situation.

If your idea of planning for a divorce includes opening secret bank accounts to hide assets, running up big credit card balances, persuading your husband to pay for facelift and breast augmentation as a "gift" to him, draining your savings and retirement, or arranging to get "fired" to avoid alimony and child support, and other such underhanded shenanigans, you are not planning for divorce, you are plotting against your spouse (Matthew 12:26).

The good and right kind of advance planning for divorce is this kind:

Before you do anything else:

- Reset your phone to factory defaults to ensure that there’s no software on your phone that enables your spouse to spy on you and your phone and Internet usage.

- Change the password on ALL of your email and social media accounts.

- Password protect ALL of your computers and phones that you use exclusively.
- Don’t use phones and computers that are accessible to your spouse and other family members to research divorce, transfer money, set up new accounts, or to discuss divorce.

- Make sure the new passwords aren’t something your spouse can easily guess.

- Copying or take possession of family computer hard drives, removable storage, and cloud-stored data.

  - DON’T go snooping around your spouse’s computers, e-mail, and social media accounts without first consulting a lawyer and private investigator to know how to do it right, if it can be done at all. You don’t inadvertently want to violate any state or federal privacy and wiretapping laws.

- If you have any financial accounts in your name only (and that your spouse doesn’t use historically or routinely for family expenses), but you have authorized your spouse to access the balance information or make withdrawals from the account, remove the authorizations. Protect the account from being drained by your spouse.

- Get a post office box. • Get another e-mail address for divorce purposes exclusively

  - Your post office box and new e-mail address are where you can have communications sent to you that you don’t want your spouse to know about, such as correspondence between you and your lawyer, your private investigator, and other professionals you may be consulting.

- Open a new checking and savings account in your name only. You want to have your own account accessible only to you, so that you have funds available when you need them, without worrying about whether your spouse will try to block access or withdraw all the money from a joint account.
• Open a new credit card account in your name only. A credit card in your name, like a checking and savings account, helps you have access to credit in an emergency and helps you build credit in your own name too. Open the account before you file for divorce if you wouldn’t qualify for a credit card without taking your household income into account; if your income and credit history is scanty, you may qualify on your own.

• Think about changing your will and living will/medical directives. While in Utah you cannot completely disinherit a spouse (while you’re married), you can take steps to ensure your soon to be ex-spouse does not inherit through your will or through intestate succession if you die before your divorce is finalized.

• If you have minor children who have passports, make sure they are secure, so that your spouse cannot leave the country with the children.

Next:

• Make an appointment to meet with an excellent divorce lawyer now.

  o Even if you decide against seeking a divorce, talk to an excellent attorney now (not just any attorney, an excellent attorney; talking to any old attorney is just chanceing it), while time is on your side. Learn about how divorce works. Dispel all the myths and lies you’ve been told by well-meaning friends and family members or by your self-absorbed/abusive spouse. Learn where you may be vulnerable and how to use time to strengthen yourself and your case.

  o Don’t settle for interviewing 2 or 3 divorce lawyers. Interview 6 or more. Seriously. Most divorce lawyers are mediocre, and if you don’t shop around earnestly, you’ll end up settling for (and wasting your precious money and opportunities on) a lawyer you don’t particularly trust, like, want, or who can do the job you need done. Don’t be afraid to pay a consultation fee either. “Free consultations” are anything but. Attorneys cannot afford to give free consultations, so the good ones charge for their time and advice. The bad ones simply tell you at the end of your “free” consultation that—surprise, surprise—need to hire them.
• **Nail down the facts.** And how do you do that? See paragraph 3, below.

3. **GATHER IN ONE PLACE THE INFORMATION NEEDED TO PREPARE YOUR DIVORCE CASE, AND KEEP A BACKUP COPY.**

Keeping everything together in one place helps ensure that you do not overlook the facts, assets, debts, and issues involved in the divorce case. Once you get all of this information down on paper and on a couple of hard drives, your attorney will be much better prepared to answer your questions and advise you on how to proceed in your specific divorce case.

- Gather and keep current identifying, asset, debt, and other financial information on yourself.

- Gather and keep current identifying, asset, debt, and other financial information on your spouse. This may be even more important than gathering the information on yourself, because once the divorce process starts, your spouse may start to hide or destroy this information to prevent you from having complete and accurate information.

- Gather and keep current important information about you and your spouse’s business or employment. Know the name, supervisors, address, and contact information for you and your spouse’s employer. If you or your spouse has/have his/her own business, find out what assets, liabilities, and accounts the business has. Gather the information necessary to value your spouse’s business rule and get your own business appraised. Report all business earnings, expenses, and losses properly; don’t “cook the books” or engage in any illegal or even suspicious business activities. That’s easier to discover and unravel than you might think. Don’t pay personal expenses or your lawyer’s fees from your business. Mixing personal and business expenses can risk your business being penalized by the government and considered a marital asset.

- To make sure you are gathering a complete list of important documents, keep track of the mail when it arrives at your house, so that you know what bills you have, what financial, investment, retirement accounts, and insurance policies there are. Record account numbers, balances, addresses, names, and contact information. If mail is also addressed to you or to you
and your spouse, make copies of these documents for future reference and to review with your attorney.

- Gather together as many of these documents as you can possibly find (it may be hard, but the law will require it of you):
  
  o **FINANCIAL AND ASSET DOCUMENTS**
    
    - tax returns going back as many years as you can (but not less than the last three years of filed or prepared returns);
    
    - The tax returns need to be complete federal and state income tax returns, including Forms W-2 and supporting tax schedules and attachments, filed by or on behalf of that party or by or on behalf of any entity in which the party has a majority or controlling interest, including, but not limited to, Forms 1099 and Form K-1.
      
      - pay stubs for and other evidence you and your spouse of all earned and un-earned income for the at least 12 months before your complaint for divorce is filed, or a work history report from the Department of Workforce Services;
    
    - all loan applications and financial statements prepared or used within at least the 12 months before the complaint for divorce is filed;
    
    - any and all documents verifying the value of all your real estate interests, including, but not limited to, the most recent appraisal, tax valuation and refinance documents, mortgage statements, loan documents, etc.;
    
    - your bank, credit union, and checking account statements, contracts, and other evidence of your financial assets going back at least three years;
• any and all statements for at least the 3 months before your complaint for divorce is filed for all financial accounts, including, but not limited to checking, savings, money market funds, certificates of deposit, brokerage, investment, retirement, regardless of whether the account has been closed including those held in your name, jointly with another person or entity, or as a trustee or guardian, or in someone else’s name on that party’s behalf;

• credit card statements, loan documents, leases, receipts and billing statements to verify your household expenses and your personal expenses;

• certificates of title to your house, your vacation timeshare, your cars, trailer, motorcycles, watercraft, major equipment, etc., and evidence of these items, such as receipts, loan documents, etc.);

• creditor statements regarding your debts and liabilities, such as credit card statements, your student loan statements, home equity line of credit, etc.

- Start keeping track of all of your expenses by keeping your receipts and jotting down expenses for which you don’t have receipts in a ledger.

- Keep all your receipts for EVERYTHING you purchase. Start keeping track of all of your expenses by keeping your receipts and jotting down expenses for which you don’t have receipts in a ledger.

You need to prove to the divorce court what your needs and expenses are. Keep the register tape when you buy groceries. Keep receipts for gasoline. Keep copies of your utility bills, clothing purchases, extracurricular activities, business and employment-related expenses, gift purchases, donations, EVERYTHING. When I say everything, I mean, literally, everything. Every expense of yours. Use your credit card to
help track purchases. If you purchase something from a merchant who does not normally give you a receipt, ask for one. If you cannot get a receipt, write down the expense in a ledger you keep with you at all times for this purpose.

**Do not** reduce your spending, if you can manage it. If you think that being frugal before and during the pendency of your divorce case is the responsible thing to do, think again. Being frugal and economical in your spending is one of those “no good deed goes unpunished” situations. Suppose you gross $6,500 per month, and have a net income of $4,000 per month. Suppose your lifestyle pre-divorce filing had you spending $4000 per month on your housing and food and clothing and even your hobbies and entertainment. Suppose that you then decide to reduce your spending by $1000 a month so that you could afford to hire a divorce lawyer. The problem is that the divorce court and your spouse will almost certainly conclude that your lifestyle costs you $3000 per month, not $4,000 (because you will not always be paying for a lawyer every month for the rest of your life). So now the court and your spouse will say you have an extra thousand dollars every month you don’t spend, and your spouse can now claim you should pay that to him or her as alimony, or on your kids in the form of extra child support.

So even though you might think saving money on your lifestyle will help you make divorce more affordable, it could actually cost you in the long run by resulting in the court concluding you have extra money to pay alimony and other family expenses for years to come.

- Get a copy of your credit report, and monitor your credit report, and monitor your credit report.

- Make sure your spouse is not running up debt in your name or spending marital funds on a lover. Use your credit report to determine the amount of debt you and your spouse have incurred and see if there are debts that were hidden from you. If you worry your spouse might run up debts, try to
borrow money in your name, or try to damage your credit, then enroll in a credit monitoring service to notify you of any suspicious activity. You might also call the credit reporting agencies report fraud on your credit report. (No, I do not profit from these links in any way.)

- To obtain a copy of your credit report, click on the following link: Annual Credit Report
- To report fraud on your credit report, click any of these links:
  - Equifax Fraud Alerts
  - Experian Fraud Center
  - Transunion Fraud Alerts
- To enroll in credit monitoring, click any of these links (no, I do not profit from this link in any way):
  - Experian
  - Equifax
  - Transunion
- To enroll in identity theft protection, click on the following link:
  - Zander Insurance

(If you were wondering, no, I do not profit from these links in any way.)

- Keep track of your outstanding and ongoing bills and obligations. If your spouse has historically been the one who kept track of and paid the household bills, that may change once a divorce is filed. Don’t assume that the bills will still get paid on time or in full. Money gets tight, and your spouse may stop paying the bills, bills for which you are jointly liable. Even if a temporary court order requires your spouse to pay some or all of the bills, that does not prevent your creditors from pursuing collection actions against you. Partial payment or non-payment of bills can damage your credit rating, making life after divorce difficult if you apply for a new credit card, a car loan, or a home loan.
• If your home or other real estate is mortgaged, make sure the payments get made in full and on time for the sake of protecting your credit. Tell the lender that you need a statement sent to your new address. Monitor the monthly payments online, and if payments fall behind, tell your lawyer immediately.

• If your car is financed, make sure the payments get made in full and on time for the sake of protecting your credit. Tell the lender that you need a statement sent to your new address. Monitor the monthly payments online, and if payments fall behind, tell your lawyer immediately. If your car is title or lease in your spouse’s name, prepare yourself for the possibility of borrowing a car, purchasing, or leasing a car of your own, to ensure you can still get to work and have transportation to meet your personal needs.

• **Inspect, inventory, and document your personal property.** It is common for spouses to remove stuff from the home and then to hide it, give it away, sell it, or even destroy it just to be spiteful. To get a complete, detailed inventory of the personal property in your house and in any shed or outbuilding on your property, go through your house room by room with a video camera and a friend. Make sure the camera records the time and date of the inventory. Identify the furniture in every room. Film each wall to show the artwork on the walls and the crystal chandelier on the ceiling. Open closets, pull out the contents and get a good shot of each item in it. As you go, take a regular camera and get still shots of everything too (Make sure the camera records the time and date of the inventory). Should your spouse later claim that things have mysteriously gone missing, you will have rock-solid proof to the contrary.

• Secure big ticket items and property that has sentimental value. If you fear that cars, boats, motorcycles, watercraft, paintings, coin or gun collections and other big ticket items may be taken, sold, given away, or otherwise disposed of during your divorce, take them some place safe and secure them. You will eventually have to disclose where they are, but you won’t get in trouble for keeping them safe from your spouse selling or stealing them out from under you.
If you transfer any property, then after you transfer the property, have your attorney notify your spouse or your spouse’s attorney of the transfer immediately.

OTHER DOCUMENTS AND EVIDENCE THAT MAY PERTAIN TO YOUR DIVORCE

- family photographs and videos
- drug and alcohol screenings (if you get screened at work) to show you aren’t the drunk or junkie your spouse accuses you of being
- police reports and records of criminal convictions, if you’ve been the victim or perpetrator (or accused perpetrator) of violence or other criminal behavior
- evidence of your and your spouse’s ability to earn income
- evidence of your efforts to be a good and engaged parent; evidence that your spouse is not a good and engaged parent
- Identify by name, address, and contact information witnesses to your good character, treatment of your spouse and children, your parental fitness, etc. Also identify witnesses to your spouse’s misconduct, abuse, infidelity, etc.

Once you’re safe, have met with an attorney, and have all your documents gathered, then:

4. FAMILIARIZE YOURSELF WITH THE DIVORCE PROCESS.

Talk to an attorney (you don’t have to hire one, just pay for a consultation or two or three) who a) focuses his/her practice on divorce and b) who is willing and eager to help you understand the laws and the procedures involved in a divorce, so that you are not constantly surprised, anxious, or frustrated by ignorance of the process.
Educate yourself. The more you know, the less money you’ll spend paying an attorney to educate you or get you out of the mess you unknowingly created.

Start by reading the divorce statutes in the Utah Code. State with Chapter 3 of Title 30 of the Utah Code (this is the Divorce section of the Code), then read Chapter 12 of Title 78B of the Utah Code (the Utah Child Support Act) if you have minor children. Even you don’t fully understand it all, at least you know where this information is and what it covers.

Go to your local library and browse the books in the “divorce” section. Check out those titles that interest you.

Our website, divorceutah.com also has some of the best, clearest, most useful information about Utah divorce. Scouring divorceutah.com will dramatically improve your confidence, your sense of purpose, your effectiveness, and your efficiency in interacting with your lawyer and negotiating with your spouse.

Other links you may want to browse online include:

- http://www.utcourts.gov/howto/divorce/

5. SAVE UP SOME MONEY FOR YOUR DIVORCE BATTLE.

Even a simple divorce can be expensive, and unexpected expenses are, well, to be expected.

You’ll need money for the court filing fee. You may miss a few days of work to be in court or in a deposition or examination. You may need to hire a babysitter on those days too.

Then there’s the cost of a lawyer. I know you don’t want to pay for a lawyer, but don’t trip over dollars to pick up dimes. If you think divorce law is simple and straightforward, by all means please try to do it yourself. There’s no better way for you to learn how wrong that is. Once you have determined that a good lawyer pays for himself or herself, find the best lawyer you can afford. If the best lawyer you can afford is incompetent, don’t hire that lawyer. Incompetent lawyers cost you money.
Don’t run out and hire a divorce lawyer unless you can afford to go the distance. If that means sticking around in the marriage a while to save up some lawyer fee money, complete your education, get a good job, etc., so be it.

Of course, if you are in an abusive marriage where staying put risks your life or safety, that’s a different matter; if comes down to your money or your life, spare your life and worry about money later.

6. CONSULT A FINANCIAL ADVISOR.

I know you’re not made of money and consulting professionals is expensive, but I’m telling you that if you can, you should avail yourself of sound advice. It pays for itself.

A good financial advisor and a good accountant will help you identify and plan for the tax and credit consequences of divorce as you refinance or sell your house, divide retirement, investments, and business assets. Your advisor(s) can help you understand how divorce affects Social Security health, and life insurance benefits. A good financial advisor or accountant can also help you prepare a financial plan and a budget during the divorce action and for life as a newly single person again.

7. PLAY IT COOL AND PLAY IT SMART.

The fight or flight instinct is pushed to its limits in divorce. The tendency to overreact is strong; you alternate between feelings of utter helplessness and the desire to “take no prisoners” as your case drags on. Your goal (and best course of action) is to stay in control. It’s hard, but well worth it, and far better than spiraling out of control. Don’t fall prey to conduct that can be used against you in court. Conduct yourself with dignity, grace, and class (and the fringe benefit is that nothing will drive your spouse crazier than you staying cool, no matter what he/she throws at you).

8. CLEARING THE SKELETONS OUT OF YOUR CLOSET (OR AT LEAST GET YOUR HOUSE IN ORDER, IF YOU DON’T HAVE ANY SKELETONS):

- Stay away from drugs, alcohol, pornography, gambling, and any other addictive behavior. Divorce can drive almost anyone to drink, smoke, snort, snack—anything to ease or dull the pain. Don’t start. So call your mom or your best friend instead (every day, if you have to until you’re back in control). Take a brisk walk. Read your scriptures. Pray. Join a softball or
bowling team. Volunteer at a school or hospital. Focus on picking the best
lawyer you can afford. Take the focus off yourself—it works (and don't tell
me it doesn’t until you try it). It keeps you out of trouble, it helps you get
your perspective back, and it lets the sun peek through the clouds of doom
just a little bit more.

- If you abuse alcohol or drugs, if you have a gambling, overeating, or
  pornography problem, etc., change course immediately. Being
  branded a drunk, an addict or a reckless, irresponsible libertine is
  the last thing you need in a divorce. Get professional treatment, if
  needed. You'll not only be improving your own well-being, but also
  showing the divorce court that you deal with trials and adversity in a
  mature, productive manner.

- If you are an alcoholic or abuse pain medication or other drugs, get
clean and sober and fast, or you will likely kiss your kids goodbye in
divorce.

- If you’re having an extramarital affair, break it off and keep it off. If your
  spouse discovers the affair and confronts you about it, come clean
  immediately, no more no less (don’t beat yourself up over it or try to "buy"
your spouse’s forgiveness by offering damn fool concessions as fast as your
  lips can move or your hands can type or sign extortionate agreements).

- If you’re a petty criminal, stop committing crimes, now.

- If you like porn, stop viewing it. Yes, I know it’s legal (except kiddie porn),
  but it’s more trouble than it’s worth in divorce. Don’t think you can fly
  under the radar. Your spouse will find out and thus, so will the court. Again,
pornography is legal, but that’s not the point. Viewing pornography makes
you a sitting duck for allegations that you’re a dirty old man (or woman)
who might molest the kids. I know that sounds crazy to some, but that’s the
perception. Don’t fight it, just dump the pornography and get in the clear.

- If you actually are a dirty old man or woman who has a pornography
  addiction, get into treatment now. You don’t have to shout the fact
  from the rooftops. You can keep this kind of thing to yourself, but do
  get treatment before you hurt yourself or your family.
• If you have gambling debts or have been engaged in other shady dealings, set things right, stay away from bad influences, don’t fall back into bad habits and start running with the wrong crowd again;

• Get acquainted with your children’s teachers and coaches at school, at church, in Cub Scouts/Girl Scouts and in other extracurricular activities. Get to know your children’s friends and the parents of their friends. Find out what your children like to do, what they like to watch on TV, to read, what video games they enjoy, etc.

• If you haven’t been a good neighbor in the past, now is the time to make amends and to straighten up and fly right;
  
  o If you have been physically or emotionally abusive toward your children and/or spouse:
    
    ▪ Stop abusing;

    ▪ Seek counseling and/or therapy (even if you don’t think you need it, the judge will look upon it favorably);

    ▪ Ask your counselor for a reading list of books and articles about being a less violent/critical spouse and parent, then buy them and read them and mark them up to remember what they taught.

    ▪ Go back to church (as long as you’re sincere about it)

  o If you are a spendthrift, get your spending under control, vow never to return to your profligate ways, and practice fiscal discipline;

    ▪ If you don’t know what to do or where to start, try one (or several) or these free offerings:

      • [www.mint.com](http://www.mint.com)

  o If you are a tightwad, loosen the purse strings and do right financially by your spouse and/or children

    • Keep a detailed, honest account of your time spent caring for the children and interacting with them. This will become important when a child custody award is made. Keep a calendar and make notes of every hour you spend with the children. Keep movie and game ticket stubs, copies of homework you helped with. Take some candid photographs when you’re out with the kids. If your account doesn’t make you look like a very good parent, then work on being a better parent, immediately. Don’t fake good parenting, but don’t be afraid to improve as a parent now. It can’t hurt.

    • Do not move out of the house, if you can avoid it. Moving out of the marital home is ill-advised, unless you have overriding interests, such as avoiding domestic violence. In that case, protect yourself first. You’re no good to your children if you are dead or hospitalized due to domestic violence. As you can imagine, if you are not living with your children on a daily basis, but your spouse is (and in the family home to boot), your claim to being a primary caregiver or the primary caregiver is substantially, if not fatally weakened. If you move out, your spouse can accuse you of “abandoning” the family. If you have already moved out of the house, move back in if you can do so without causing trouble for your spouse or the children.

9. HOPE FOR THE BEST, BUT PREPARE FOR THE WORST.

• Avoid the very appearance of evil. Your spouse may be the type who will cast everything you do in a bad light. If you exercise, you’re a narcissist. If you work hard, you’re ignoring your family. Are you frugal? No, you’re a miser! Are you generous? No, you’re a spendthrift! Stay the night at a friend’s house and you’re gay. ‘Love spending time with your kids? Well,
that’s just creepy . . . The point is this: keep your nose clean and don’t do anything—even if it’s totally innocent—that can raise suspicion. Act as if your every move is being watched and recorded to play back for the court. Yes, it’s unfair, but it’s smart and a heck of a lot cheaper than having to defend yourself against cheap accusations and innuendo.

- So keep a regular, detailed record of your day-to-day activities.
  - Make sure you can account for where you went, who was with you, what you did (what it cost), and for how long. If you have children, keep track of when you see or call them, what you do with them when you’re together, and what you talk about (do not coach them or disparage your spouse to them, but do keep notes on how they’re feeling, what makes them happy or sad, how they’re doing in school, what they’re thoughts of the future are).
  - Note each potentially negative rumor or fact, then consult candidly with your attorney as to what steps you can take to mitigate any possible damage.
  - If child custody is an issue, document the good you do and the bad your spouse does. Be honest and don’t exaggerate the good or the bad, just keep a record that reflects who takes care of the kids and in what ways.

- Become a model citizen. Just as staying away from drugs, alcohol, pornography, gambling, and any other addictive behavior keeps you out of trouble, it also makes you look good to the court. Even if it sounds cynical to you, go to your church, synagogue, or mosque. Take time to help the less fortunate by donating your time and money (within reason). Coach your kids’ team. Volunteer at school and with the Boy or Girl Scouts. Make friends with those in your religious organization and in the good causes you support, so they can be character witnesses for you. Feel good because you are doing good and being good. And document your good works.

- If you can’t say anything good about your spouse, don’t say anything. Tearing your spouse down does not build you up in the eyes of the judge. Disparaging, defamatory remarks about your spouse—even if based in fact—usually boomerang and draw negative attention you. When you sling mud, it not only ends up dirtying your own hands, but you lose ground too.
• As I’ve noted above, if you have some skeletons in your closet, clean them out. For those indiscretions and faults you cannot dispose of or fix up, don’t draw unnecessary attention to them. If you are confronted with them, do not lie to cover them, just don’t start singing like a canary about them either. Good P.R. is a useful tool in divorce.

• Keep a low profile in other areas. Don’t antagonize your spouse, and don’t rise to his/her bait. In a divorce setting, your spouse is not happy with you, and discussion between you will likely not be pleasant or on pleasant subjects. So limit contact with your spouse. Don’t give him/her the silent treatment, just avoid confrontations. Stay calm. Be courteous to your spouse no matter how hard that may be. It keeps you from being branded the bad guy, and helps build good will for settlement. Let your lawyer be the bad cop where necessary. And while few things can match the pleasure of a good zinger, rubbing your spouse’s nose in misfortune (even if it’s well-deserved) will come back to bite you, oft times repeatedly. If it’s you who is being insulted and smeared, don’t fight fire with fire. For reasons I still do not fully understand, it always seems that the court punishes your reaction, not your spouse’s bad acts that led you to react. Don’t attract attention to yourself by getting into or causing trouble.

• Control your temper. Do not engage in violence or threats of violence. Any violent act you commit against your spouse, no matter the circumstances (self-defense included), can and likely will reflect badly on you. If your spouse is coming at you with a knife, and you have the option of standing and defending yourself or running away to safety, consider running away to safety. Justifying any physical harm to your spouse by claiming it was self-defense is a hard argument to make stick, even when true.

• Don’t do anything illegal.

11. TAKE ADVANTAGE OF FLAT FEES, LIMITED SCOPE REPRESENTATION, AND USING A LAWYER CONSULTANT.

Paying an attorney by the hour is handing your lawyer a blank check. It’s not required by law, it’s just what lawyers and clients have gotten used to. I recommend hiring a lawyer who charges flat fees, also known as fixed fees. That way you know in advance you’re your costs will be. You can budget for your divorce. You have greater control.
Limited scope representation allows you to utilize the services of a lawyer when you want or need to use an attorney, rather than hiring an attorney on full-time basis. Limited scope may in some cases let you communicate with spouse and opposing counsel more by making it harder for them to erect barriers to communication and impose costly wastes of time or busy work. Don’t get me wrong, some divorce cases are so acrimonious and complex that you may need a full-time attorney’s assistance, but for simpler cases, or in situations where you simply cannot afford full-time representation, limited scope representation allows you hire a lawyer when you want. For example, if you want to prepare your own documents, but want a lawyer to appear in court to make your arguments, you can do that. Or if you want a lawyer to help draft your documents without appearing in court, you can do that too. There are many other options with limited scope representation. It’s not the best option for everyone, but it’s worth exploring.

11. SEEK SECOND OPINIONS AND ADVICE AT EVERY TURN.

Determine your objectives, and stick to them, being flexible enough to change when change is needed.

You do your worst thinking when contemplating divorce or going through it. I’m not telling you to second-guess yourself at every turn, but remember when you’re going through divorce your perceptions of reality can—and likely will—get warped. If that weren’t enough, what you believe divorce law is and how it actually functions are two very different things. Ensure that you are making informed and sensible decisions when your reasoning and willpower are compromised. Ask for and listen to advice. Don’t be afraid to question your lawyer and seek second opinions (good lawyers aren’t afraid of this). Be willing to rethink your positions. Bounce your ideas off of people who aren’t as close to your divorce as you are. Seek out expert analysis and recommendations.

12. LET TIME WORK FOR YOU.

Time lost is never found, so knowing how to manage time and use it wisely is key. Whether it means being patient or being the one with your foot on the gas, understand how time affects your case and how to make it work for you, in your favor. Preparing yourself as outline in this article will enable you to leverage your limited time and resources for maximum benefit.

13. STAY ENGAGED AND PERSEVERE.

“When you’re going through hell, keep going.” – Winston Churchill
Most divorces are hard. Even divorces that are relatively amicable and quick take their toll. It’s emotionally and even physically exhausting. It is oh so tempting to just say “to hell with it” and give up, give in. Don’t. You can’t make a bad deal now and expect to come back a few months or years later and “renegotiate”. That’s not the way divorce law works. Court orders or final, and can only be changed in rare situations where you can show material and substantial changes in circumstances necessitate a modification of your decree of divorce. Harsh though it may sound, when you give up you deserve your fate. A quitter never wins. And by “win” I don’t mean that a winner gets total and unconditional surrender, I mean that a winner comes out of divorce treated fairly; you may not be completely satisfied, but you didn’t let the divorce process steamroller you. The court will not look out for you when it comes to getting fair treatment in divorce. You have to fight for and defend your rights, and you have to do so vigilantly from beginning to end. The more you prepare by staying engaged and involved, the better you’ll fare.