

## *Preface*

One of the universal beliefs about divorce is: 'This relationship breakdown is over, now we can get on with our lives'. Unfortunately, for some, the pain is just beginning.

The average divorce process can take one to two years to complete and can vary in cost from several hundred to several hundred thousand dollars. Divorce is a major life-changing event. The emotional trauma caused by separation, often compounded by a change in financial fortunes, affects and shapes one's circumstances for years to come. My marriage lasted only three years, but a lifetime of hard work was washed away by the wave of greed that flowed from the divorce process. It can sometimes seem that divorce cases are the legal system's method of punishing people for their failure to maintain their relationships.

For twenty years, I had used my experience as a successful real estate agent to educate my many clients about the importance of planning for their retirement through wise investment. As my divorce proceeded, I witnessed first hand my own future security, and that of my family, and even of my ex-wife herself, being destroyed by acrimonious and costly divorce litigation. It seems that the courts, the lawyers and the child support agencies fail to see that the pending financial disaster for the very people they want to protect is being fostered by the system they preside over.

Strictly speaking, *divorce* means having a marriage officially dissolved by a court order, so that the parties are therefore free to remarry. However, most people associate the term *divorce* with the whole process of separation, property settlement, resolving disputes about children and the dissolution of marriage. In this book, the term *divorce* comprises all these things.

The Family Court system contains an inherent contradiction. It relies on lawyers to make divorce cases run smoothly but those lawyers are often using up the future assets of the very people the Court seeks to protect. This happens, in part, because the system has no safeguards to ensure all the necessary legal work actually benefits the client. A lawyer may work many hours on your case, but experience suggests that, frequently, they are not advancing your cause. Many are simply defending against attacks from the other side and getting extensions of time to delay having to focus on trying to win.

In order to 'win' your lawyer must take control of the case and dictate the agenda. Your legal expenses will be just as high whether your lawyer takes control or they simply react. Unfortunately, if both spouses' lawyers fail to take control, the case will develop a life of its own, resulting in enormous fees to lawyers who are merely following procedures, but not taking stock of their clients' goals and objectives.

This book is about doing your divorce 'well'. It will help keep your money in your pocket, not your lawyer's. Remember this is your divorce, not your lawyer's. So you need to be actively involved in how the process progresses. Your lawyer can and will advise you about many things. In the end, however, you are the one who needs to be making the decisions, so that you can achieve the best result.

Divorce will have a variety of lasting consequences for all parties. It brings with it changes in financial affairs: assets are likely to be frozen; liabilities may have doubled (they may now include child support payments, two sets of household expenses, additional rent for one spouse at least, and spousal maintenance orders). The cloud of litigation and emotional grief you are experiencing may even put you at risk of losing your job because your ability to perform at work is affected. If you have young children, your ability to provide them with the emotional support they need at such a time is diminished for the same reasons. These risks are real and should not be ignored. Doing so will lead to your making bad decisions about how you conduct your divorce.

I want to let you know that you are not alone in experiencing these things. Everyday, people find themselves facing the stress, grief, anger, and insecurity that divorce brings with it. This book draws on my experiences — good and bad. I pass this information on to you in the hope that it helps you find the strategies and strength to manage through this difficult time.

Once the divorce settlement is finalised, there is usually little you can do to change it. Even if it can be changed, it is likely to be very expensive. The result is usually something you will have to live with the rest of your life. So do it right!

This book will help you through the divorce minefield. It has been written so that it can be used in conjunction with the set of manuals titled: *Managing your divorce*. The **Aussiedivorce.com.au** package comprises all you will need to ensure you are in control of your divorce.

The **Managing your divorce** ‘manuals’ consist of three folders (white, black and blue) each with a different purpose. They will assist you to organise and document all the crucial data needed to make appropriate and substantiated claims in and out of court. Without organised and relevant documentation, you will struggle to make a case.

The manuals will enable you to keep track of and record everything about your divorce from start to finish in an easy-to-reference fashion. Every divorce lawyer and family law judicial officer will tell you that it is essential that you document the process meticulously. Investing in this product costs less than the cost of an hour with your lawyer, but it will save you thousands of dollars.

You will be given a road map for:

- Finding and hiring the right lawyer
- Working with your lawyer on an action plan
- Monitoring and controlling your legal expenses
- Communicating effectively with your lawyer.

When you select a divorce lawyer, find one who has a reputation as a good negotiator, not one who only has a reputation for ‘going to war’. Though a ‘war’ may sometimes be necessary, it is expensive, and no one really wins.

Make a list of your immediate and future needs and goals, as well as any issues on which you feel there might be room to negotiate a compromise. Discuss your list with your lawyer.

Refer to your list often, so you stay focused on the business at hand. You

undoubtedly have important emotional issues, but using your lawyer to deal with these can change the focus of your dealings. Having your lawyer focus on emotional issues can turn your lawyer into someone who involves you in costly litigation rather than someone who helps with providing for your financial future to having.

Pay close attention to your future financial circumstances. Organise the financial records and documents your lawyer may ask you to gather as best you can. Get these materials to your lawyer as soon as possible after you have hired them.

Co-operate whenever possible with your spouse. Avoid stonewalling. Avoid 'dirty tricks'. The emotional and financial tolls of such games can be enormous.

## *My Experiences*

You must have the right lawyer to have a successful divorce. Many people believe that any lawyer can and will protect them from the potential nightmare of family law litigation. In reality, the lawyer can become part of the nightmare instead. You owe it to yourself (and your children if there are any) to hire the best lawyer possible.

My first lawyer was a good man who had been highly recommended by a close friend. He was the right lawyer for what I call 'the diplomatic approach' to negotiating a settlement with the other side. And that was how he approached my case. He wrote to the opposing lawyer and explained that the matter did not warrant lengthy litigation and that both parties could end up with barely any money if the matter proceeded to court. The letter went on to propose that the parties attempt to negotiate a settlement and avoid the expense of litigation. Unfortunately, there was no response to this proposal and my wife simply continued with court proceedings.

My divorce was a long and very bitter process made even worse by the involvement of extended family with their separate agendas. Much of the evidence presented had little or no relevance to the financial outcome. Despite my wife's best attempts to make me the villain of the piece, she was no better off financially in the end because nearly all the proceeds that she was entitled to were spent on her legal fees. Confidentiality of the parties restricts publication of the full details of this story. Suffice to say, that after marathon hours in the family court I came to the conclusion that divorce is a business and that being in total control is all-important.

**Aussiedivorce.com.au** products deal with all the relevant strategies that you will need to ensure you are in control of your divorce. By following the advice in them, you are guaranteed to save money.

The book provides the knowledge you will need to evaluate the strengths and weaknesses of available lawyers and then to pick the right one for you.

The folders contain forms designed in consultation with experienced family law lawyers. Completing the three folders will deliver two things: a great legal practitioner and hours of pre-prepared cost-free legal work.

## *The Sunrise*

One morning, in the throes of my divorce proceedings, I was awake early enough to witness the sunrise. It was a wondrous experience. It reminded me that life keeps on reinventing itself; that new days do dawn.

My divorce was always reinventing itself—endless litigation kept me prisoner in the legal system. Financial, emotional and legal strains kept me busy, often overwhelmed.

As an optimist by nature, I was surprised at how depressed I was getting. I understood, though, that depression was coming from the fact that nothing I was doing made any difference. I was feeling helpless. Depression arises from a loss or from not being able to control your environment.

In fact, I was perceiving reality accurately. There were many things I could not control, but in order to turn things around, I looked for those areas in which I could make a difference. I decided to take on my negative thoughts and that was the beginning of a huge change.

We get used to our habits and patterns. Deep in our ruts, opportunities pass us by. We do not see them. And so we deny ourselves the joy of real things.

Though I have at times felt overwhelmed by life, something larger than me is ready to shoulder the burden.

My secret to success: Live by faith instead of fear.

Alan Weiss