

redefining divorce



You Can Lose All Your Money...OR...

There seems to be this idea of "protection" that people buy into when it comes to hiring an attorney. People want someone to "stand up for their rights" and "defend them." Unless people have a very convoluted situation (as most believe they do), the law is the law. In family law, there are only so many ways you can tweak a fact pattern to change the outcome. It is only in cases of severe commingling of money that the representation of an attorney is arguably ideal to solve the problem—even then a forensic accountant may be less expensive and equally effective.

In normal cases, attorneys aren't necessary. Try this fact pattern: Two kids, one house, one or two retirements, some money in a bank account (commingled or not) and maybe an investment. There are laws for each of these issues. Mediators, attorneys and the court have to apply the

same laws according to California even if they alternate between different laws governing the same issue. The court has little discretion to deviate from the law.

The question that remains is: "how much time and money do I want to invest in the resolution of my case understanding that the legal outcome will vary minimally with either a mediator or an attorney?" Mediation is a financially sound choice to start with. You can always go from mediation to litigation but it is much more difficult to go from litigation to mediation. By the time people realize the case is lagging with attorneys and impacted courthouses, a person has already spent unconscionable amounts of money, incurred attorney debt, and is too angry to mediate.

If you start with mediation and try to resolve the issues amicably (or at least without perpetual anger and hatred) you

will spend less money, realize you do agree on some things and the process is much shorter from start to finish. You don't even have to be in the same room with each other. The mediator can communicate between the parties.

95% of all cases that are litigated end in settlement but only after a lot of money, emotions and heart have been spent. Why not start with settlement and work backwards if necessary?

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Zina B. Gleason, J.D.

Family Law
Lawyer-Mediator
Redefining Divorce

www.redefiningdivorce.com • 714-256-4689

