



Introduction

The concepts in this book are simple, yet radical—and they are not for everyone. Many people will scoff at them, while others will laugh. Having been a trial attorney for over twenty years and a divorce attorney for more than eleven, I've had the benefit of seeing exactly what litigation does to people over time. I have witnessed what happens when love turns into hate and hope turns into bitterness—and what I've seen day after day has made me believe that there has to be a better way to end a marriage.

The stories in this book are composites of what has happened to real people in real courtrooms. I've watched judges struggle to handle social and psychological issues that the court system was never designed to address. I've seen high-powered lawyers fight for hours over who gets a \$100 vacuum cleaner or who spends an extra half hour with the children on Christmas. I've stood by in courtrooms as people raged in anger, sobbed in despair, or were hauled off to jail in handcuffs. All of this has been done in the name of *justice*—in the name of what is right. After watching people litigate every conceivable personal, social, moral, and ethical issue in public courtrooms before judges who are imposing what are at times arbitrary laws, I can only say that much of what I see has nothing to do with either righteousness or justice.

This book is not an indictment of the judicial system or lawyers. I am a lawyer—I practice family law. I believe in the judicial system. I know that, for the most part, the lawyers, clerks, sheriffs, and judges who are a part of this system do an incredible job in cases that are often very emotional and difficult to deal with. However, the reality is that judges are human. Lawyers can only do so much. In spite of everyone's best efforts, the system is still far from perfect. Going through a divorce still ranges from being mildly unpleasant to being sheer hell. What people often don't realize is that how they get through the divorce process, and whether they emerge with their integrity and their sanity intact, depends not so much on the judges and the lawyers, but on themselves.

The simple truth is that divorce stinks. It doesn't matter how amicable you try to make it, how civilized you attempt to act, or how rationally you approach the situation. Going through a divorce is a lot like getting hit by a Mack truck on a deserted highway in the middle of winter—it's cold, it's lonely, and it hurts like hell. If you didn't see the truck coming at you in the first place, it can leave you shocked and confused, as well as in excruciating pain. However, no matter how devastating or unexpected the collision, no matter how intense the agony it causes, you can still collect the pieces of your life and knit them back together in ways that you never would have dreamed possible while you were still married. Doing so, however, requires that you act in exactly the opposite way that most people want to act during a divorce—it requires that you have patience, perspective, and compassion.

Having patience with yourself, your spouse, and your divorce is not easy. In our society, which values instant gratification, we delude ourselves into believing that we are entitled to have what we want and have it now. However, human emotions are not nearly so predictable. They take time to work through and time to resolve. Finances take time to separate. The courts take time to process cases. You must give yourself, your spouse, and your children the time it takes to emotionally process

and financially adjust to a very different life than the one you created as a married couple. If you do, your divorce will be considerably less stressful than if you insist on getting through the process on your timetable. If you don't, you will likely face ten times the amount of resistance that you ordinarily would have encountered, and in the end, your divorce will probably take about the same amount of time anyway.

Not only do you need patience, you also need perspective. Maintaining perspective means looking at the big picture, and making conscious choices about what is really important and what is honestly in your best interests and the best interests of your family. It also means letting go of what's not. That includes giving in on some things that may seem important at first glance, but upon reflection, only matter to you because they provide a means to control your spouse or your children, or to make your spouse suffer.

Finally, getting through a divorce sanely and with integrity also requires that you approach the situation with as much compassion as you can muster—for yourself, your family, and if you can manage it, even for your spouse. That is not to say that you are ever going to repair your relationship or save the marriage. It does not mean that you should excuse your spouse's bad behavior or allow yourself to become a doormat while your spouse rakes you over the coals financially and emotionally in divorce court. What it does mean is that you try to understand not only your own fear and pain, but also your spouse's fear and pain. You don't have to agree with your spouse, believe your spouse, or trust your spouse. You don't even have to like your spouse. However, if you can at least understand your spouse and keep yourself from demonizing him or her, your own experience of divorce will be qualitatively different than if you storm through the process in anger, grasp greedily for every penny you can get, or wallow in self-pity as you become the consummate victim.

No matter what choices you make or how you conduct yourself during your divorce, it's still going to hurt. You're going to be angry, sad, scared,

and lonely. No matter what you do, your divorce is very likely going to take longer, cost more, and be more aggravating than you would have liked. However, if you approach your divorce with patience, perspective, and compassion, you just may be able to get through the process with your head held high, while leaving you and your family considerably less traumatized than if you had engaged in the *War of the Roses*.



Disclaimer

The characters in the stories in this book are purely fictional. The stories are loosely based upon real cases; however, for ethical reasons, the names, facts, and all identifying characteristics have been changed to protect the identities of those involved. Many of the stories are composites of several different cases put together. Some of the stories are based upon cases I have seen in court or learned about from other attorneys, even though I did not represent anyone involved in the case. Any resemblance any of these stories bears to any past or present client I may have had during the course of my career is purely coincidental.

The only alternative to coexistence is co-destruction.

*Jawaharlal Nehru
First Prime Minister of India*



Kindness

*It's Kindness, Human Kindness
That the World Needs Most Today...
Not Quite So Much Talk of Duty
But a Friendly, Kindly Way.
Sometimes the Good Are Selfish
And the Righteous Stern and Cold...
But the Kind Are Always Welcome
For Kindness Never Grows Old
And There is No Force More Potent
Than a Gracious Act or Smile...
It's the Kindly Men and Women
Who Make Our Lives Worthwhile.*

—Author Unknown

*This saying can be found on a plaque
on the bench of Judge Gerald C. Bender,
Circuit Court of Cook County, IL.*

