

New York Divorce and Family Law Blog

Five Common Sense Rules for Divorce

Posted by [Daniel Clement](#) on October 26, 2010

Contemplating divorce or already engaged in one? No matter where you are in the process, five common sense rules apply to all family law cases:

- **Don't underestimate the fury of a scorned spouse.**

"Heaven has no rage like love to hatred turned. Nor hell a fury like a woman scorned." Anger, jealousy and feelings of betrayal inspire the need for revenge. A divorce premised on the need for revenge will be costly (economically and emotionally), bitter and damaging to all.

- **You can listen to your friends, but maybe don't pay attention to them.**

Divorces are fact specific. The facts of your case are different from your neighbors your friends, and your co-workers. The facts of your case will determine the outcome. So, when a client tells me that "My hairdresser said that I should do. . . ." or that "I am entitled to. . . ." I try to find out when the hair dresser started practicing law. By analogy, I don't tell my mechanic how to fix my car.

- **Don't write or say anything that you don't want to be read or heard in court.**

Social network postings, pictures, and even causal asides will be used against you in a contested divorce or a custody fight. Your own words could be the strongest evidence against you. If you don't want something to be used against you, exercise discretion and don't say it, post it or photograph it.

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- **Don't let any anger, guilt or remorse get in the way of a reasonable and fair settlement.**

Settlements should objectively fair, based upon the facts of the case. The emotions of anger and guilt cloud judgment. For instance, a spouse who feels that he/she betrayed the other by having an affair, may be willing to “give away the farm” to satiate feelings of guilt. On the other hand, the betrayed party may have a knee jerk reaction rejecting a fair settlement offer because it does not provide for loss of the other’s body parts. Accept the advice of your attorney and financial advisors in order to resolve your case.

- **Hire a lawyer who practices matrimonial law, not someone who handles divorces only occasionally.**

Due to the complexity of the issues involved in the dissolution of a marriage, ranging from the valuation and distribution of assets to the custody and care of children, you should seek representation from an attorney well versed in this particular area of law, not from someone who dabbles.