



Divorcing in a Down Economy-Don't Tase Me, Bro!

by STEPHEN F. MCDONOUGH on SEPTEMBER 6, 2010

At The Divorce Collaborative LLC, we never tase our clients. Breaking up is hard to do, but it can be even worse during a down economy. An August 28, 2010 article on the **Wall Street Journal** Personal Finance page [*Breaking Up Without Breaking the Bank*](#) discussed some of the challenges couples face when divorcing, and how those issues are amplified when assets have diminished in value or when one spouse is unemployed.

There is also a comment from a St. Louis divorce lawyer who notes that hostility between couples is also up – so much so that she even keeps a taser within reach at her office! Although I think this could be true as people are more nervous about their financial futures (just like folks in intact marriages), we do not have a taser at either our Bedford or Franklin, MA offices.

Plenty of pepper spray, but no tasers.

On a more positive note, the author discusses how alternatives to litigation,

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including divorce mediation and collaborative divorce, can pay off financially and promote cooperation during and post-divorce. Correctly, the article reminds readers that the key is working together. There is nothing shocking about this advice (OK, that is really bad, sorry).

There are a few points in the article I disagree with, including the statement that most divorcing couples cannot easily work together. Sure, there is nothing easy about the divorce process, but I think most divorcing couples can work together in a mediation or collaborative setting if they select the right professionals and are mindful of staying focused on the future instead of dwelling on past behaviors – or what you cannot change vs. what you can.

In my experience, the issues that complicate divorce for clients are much more emotional than legal, so I encourage the use of mental health professionals, such as a highly-qualified Divorce Coach, as part of the process.

Remember, although lots of cases (at least here in Massachusetts) start off as court-based, very few result in a trial. If you want to tell the court about how bad your spouse was, you probably will never have the chance and the courts are not usually too interested in this anyway.

Thus, since the odds are great that you and your spouse will settle your divorce before a trial, why not start off in that direction from the beginning – saving money, time, and lots of stress?

Clearly, not every case is right for mediation or collaborative divorce, but I don't buy the argument that most couples cannot work through their divorce in a better, more respectful manner.

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