

3 Biggest Mistakes That Salesmen and Saleswomen Make During A Divorce

As regular readers of my divorce blog know, I am pretty darn blunt. I call them like I see them, so to speak I suppose it's because after nearly 20 years of



It's All Sales

dealing with divorces I am not looking to make any more friends and don't need to worry about creating business! Well, I'm continuing that tradition today by looking at some common and very serious mistakes that sales professional bring into a divorce case.

Let me start out by defining what I am calling "sales professionals". I am really referring to anyone who sells anything. From the door to door bible salesperson to the multi-million dollar service contract salesperson, at the end of the day it's all sales no matter what you actually sell.

I will start out with the disclaimer that not all sales people have these problems of course, but I notice that it's very common for salespeople to fall into these 3 traps.

1. Thinking They Don't Need A Lawyer.

This is the biggest and most common error I see and I see it a lot. Now to be clear not every person needs a divorce lawyer (I've written a lot about that topic actually and you read about needing a divorce lawyer [here](#)) The short version is that if you have no kids, no property or no assets, well then the [court forms](#) are going to be just fine, but if you have any of those things, you really should spend the \$500-\$1,500 to have a good (note I said GOOD) divorce lawyer review and prepare the documents and give you advice.

The most common reason I hear that sales people do not hire a lawyer is they think they don't need one. It's not the money, but they don't see a value in a divorce lawyer. They are usually pretty self-sufficient people and they don't usually feel they need to rely on other people for help. Well the problem is that if you are not a good divorce lawyer (again notice I said GOOD) then you don't know even know what you don't know! Karon Waiver,[518.17](#), marital property division, [QDRO's](#), etc. all are just strange words to the non-divorce lawyer. But each one of these words do mean something and not knowing this can cost thousands of dollars or worse, loss of custody.

I'm going to go on a bit of a side tangent here and tell a story of a dear friend who was a very good sales person. Made well into the 6 figure a year territory in terms of income. He wanted my advice during the divorce but I knew his wife and him very well and didn't want to get in the middle of that mess.

I suggested several good local divorce lawyers yet he never hired one. I asked him why not and his response was he told me "what can a lawyer do for me?". Then he went on to tell me how he knows more about the case than a lawyer ever would, he knew the value of the car, the house, the property, he knew his kids, etc, etc. I couldn't argue about that but when I told him what he didn't know was what the Judge would do if you couldn't agree on say values he just thought the Judge split everything equally. Needless to say, he ended up filing bankruptcy about 3 years after the divorce when his sales job dried up and made some seriously bad agreements he signed regarding the divorce.

I won't rehash the arguments on why you should at the very least hire a lawyer to review the final documents, but I see this happen much more frequently in sales professionals than in the general public.

2. Thinking They Can Always Work A Deal.

Salesmen and saleswoman close deals. That's what they do, some might say that is their primary purpose, to get the party to sign on the line which is dotted. Now, a good sales person will work with the customer to find the best product or service, but even then at the end of the day they need to close the deal.

Many sales people tend to believe that a divorce is just another deal that can be closed by a variety of tricks and tactics learned from self-help sales books (the [Art of The Deal](#) comes to mind). The problem is that unlike a sales deal where the worst case is the deal is not done and the salesman and customer part ways, in the divorce world there is a different result if the parties can't agree.

The result of not "Closing the Sale" is a trial. A trial that will [cost](#) \$10,000 at a bare minimum, will be the most stressful and anxiety inducing event in their life and to top it off, losing at trial could be both financially ruinous and have serious consequences regarding custody of the kids.

This means that you cannot approach a divorce negotiation the same as you do say, trying to close selling a high-end sleep number bed. The alternatives of not closing the deal are

simply too great. For example, I've seen too many sales professionals try and explain what is best for everyone, using what is called a win-win situation. This is a tactic that sounds great, but this will absolutely not work if the non-sales spouse walked in on her husband having an affair. There will be no win-win instead she will probably want a pound of flesh from that "cheating sob"!

One tactic I see employed with terrible results is when I see a sales person deal with what is called "objection handling" It's a critical skill that a good sales person needs overcome reluctant customers when they are told that an item is too expensive, or the competitor does something better.

But, the problem in a divorce case is there are so many emotions going on that trying to talk logically about why joint custody of the children is best or why the spouse should pay \$3,000 a month usually falls on deaf ears and instead of making the deal happen it will cause the other spouse to just get bad!

3. Winging It

Regular readers (and past clients) know that my mantra for having a successful divorce boils down to two things: 1) creating a workable budget and 2) having a [plan](#). I see salespeople nearly always fail on #2.

For example, a recent call came in and the salesman was talking about how he had mediation coming up, didn't really want a lawyer but just wanted to talk with me for a few minutes (a "quick question") well when I asked what he wanted for custody he said 50-50 or equal parenting time. I then asked his works schedule which he told me was from about 6 a.m. until about 5 p.m.

Well, I asked how he intended to get the children ready for and to school if he was at work at 6 in the morning. Now, most folks this would seem like a reasonable question, one that needed to be addressed. Instead Mr. Salesman brushed it off and said he would figure something out.

"figuring something out" is not a plan. Unless you want to call it a plan to fail, but the Judge will absolutely not accept "I'll figure it out" regarding getting 3 young children ready for school in the morning. I think the problem is that sales people think that they can close any deal, overcome any objection, hit any sales goal but, unfortunately in the Family law world, failing to create a detailed, realistic plan is the best way to plan to fail.

There you go, the top 3 mistakes salesmen and saleswomen make when getting divorced. Stay tuned next week for the 3 mistakes, accountants & engineers make! (spoiler: they are not even close to the same as the 3 mistakes!).

Jason Kohlmeyer

www.MankatoFamilyLaw.com

Mankato, Minnesota

507-625-5000

With over 18 years experience in high conflict family law cases, having received numerous awards, and a frequent lecturer through both Minnesota and the United States on family law issues, Jason has decided to help people through a blog, answering some of the most common questions that people have during divorce and family law. cases.

www.khmnlaw.com Remember this isn't legal advice. Just blog and attempts to answer general questions, for legal advice you need to hire a lawyer. If you're in Minnesota our firm would be happy to see if we can help you.