

Reflections on the Divorce Cases that Wind Up Being Litigated

Three categories of elements in divorce cases can make it more likely that the disputes will have to be litigated:

1. Emotional impediments:

- Anger & blame.
- Obsessing.
- Inflexibility & control.
- Affairs.
- Psychiatric problems.
- High-conflict marriages.

2. Legal issues:

- Bad faith (dissipation, concealment, etc.).
- Financial figures don't add up.
- Imputation of income.
- Valuation of business/professional practice.
- Tracing separate property.
- Different styles of parenting.

3. Process matters:

- Personal issues between counsel.
- Disclosure/discovery problems.
- Intervention of friends/relatives.
- Unforeseen events/situations.
- Mounting legal fees & costs.