



EXPLANATION OF PROCESS

1. Commencement of Process

Decision to move forward with Divorce is made by one spouse. The other spouse either knows about it or simply a letter of introduction from your attorney to your spouse would appropriately commence the process. The letter states that you wish to proceed with an amicable divorce and, if that is what he/she wishes as well, he/she must contact the attorney within three or five days to confirm they got the letter and wish to proceed amicably. Sometimes the spouse has their attorney call on their behalf to discuss moving forward amicably. This is the ideal way with which to proceed and I always recommend it as it sets the tone for the litigation.

The other way to commence the Divorce is with the filing of a Divorce complaint with which your spouse would be served by a Constable with the Complaint. This is done when it is believed that the spouse will try to run off with money or take some other type of rash measure upon learning of the Divorce.

Sometimes I proceed with the letter and get no reply from the other spouse. So to prevent delay I will file a Complaint to force the other party to get their head out of the sand and deal with the situation.

2. Financial Examination

The next step is financial disclosure documents need to be completed and a "temporary order hearing" will be scheduled within the next two to four weeks. The temporary order hearing will establish whether alimony and/or child support is appropriate and how much one is obligated to pay for each. This hearing will also establish your co-parenting schedule setting forth when you will have time with your child(ren) every week if applicable.

The terms of the temporary order can be reached through mediation style negotiations and the terms of the order are written up collaboratively between the lawyers. However if one party is particularly angry or unreasonable, the issues to be decided must be argued before the Judge.

3. Discovery

The temporary orders will remain in place until a divorce settlement is negotiated or the matter is resolved by Trial. During the temporary order timeframe the parties engage in "Discovery" which involves valuation of assets/liabilities, income, document production, depositions, etc. The scope of Discovery depends on the complexity of the issues in any particular case.

4. Settlement Efforts

Once Discovery is complete, the parties and counsel have a "Four way" settlement conference to discuss overall settlement terms to be mutually agreed upon. If so, a settlement agreement is drafted and finalized between attorneys, presented to the Judge and you are divorced. If no settlement can be reached at the four way conference, then a "Pre-Trial" conference is held with the Judge to discuss the issues preventing settlement. With the help of the Judge, most cases settle and a settlement agreement hammered out in the hallway is presented to get them divorced that day. If no settlement is reached after pre-trial, the case is referred to "Conciliation". A process in which a seasoned Divorce attorney meets with the parties and their lawyers to try to resolve the remaining issues in dispute.

5. Trial

Approximately 95% of cases filed settle prior to Trial. That being said, I have had many of my settled cases resolve themselves on the Eve of or the Morning of the first day of Trial.

Through Settlement Agreement or Trial Judgment, you are then divorced. The length of time from start to finish is between 12-18 months.

I hope the above has adequately answered your questions regarding the process and/or procedure.