

# Letters To A New DIVORCE CLIENT

**ADVICE AND ASSURANCE  
FOR WOMEN DEALING WITH LIFE AND LITIGATION**



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# Table of Contents



Introduction

The First Letter: The Best and Fairest System in the World

The Second Letter: No One Deserves a Tragedy

The Third Letter: Nothing But the Truth

The Fourth Letter: The Truth Is the Light

The Fifth Letter: Lawyers Behaving Badly

The Sixth Letter: A Lesson in the Obvious

The Seventh Letter: What You *Should* Do

The Eighth Letter: Look Good, Be Right and Be in Control

The Ninth Letter: Your Attorney Isn't God

The Tenth Letter: Keep Your Feet Moving

The Eleventh Letter: Who You Really Are

The Twelfth Letter: What You Think

The Thirteenth Letter: What You Believe

The Fourteenth Letter: How You Feel

The Fifteenth Letter: He Is Not Your Problem

The Sixteenth Letter: What They Don't Know Can Hurt You

The Seventeenth Letter: It Is Only *One* Thing

The Eighteenth Letter: What's Next?

The Nineteenth Letter: The Answer Is Yes

The Twentieth Letter: The Magic Words

# Introduction



If you have ever dreamed of writing, singing, dancing, painting or doing anything artistic but have not found the courage to pursue it, and have not yet read *Letters to a Young Poet* by Rainer Maria Rilke, I strongly encourage you to do so. Written between 1903 and 1908, Rilke's book is a collection of ten letters filled with inspiration and insight that Rilke wrote in response to one young artist's inquiries. A reviewer once described *Letters to a Young Poet* as "a classic that should be read by everyone who dreams of expressing themselves creatively."

I came across Rilke's book at a time when I was wrestling with ways I could marry my passion for writing with my desire to put more of my heart into my legal practice. I wanted to go beyond just drafting documents and dispensing legal advice, I was in search of ways I could help deepen my connection with clients. I spent over a year thinking about writing a book that could help them find ways to succeed both inside and outside the courtroom. I thought about whether anybody would be interested in what I had to say, and whether I was capable of writing the book I wanted to write. I thought about how I could find the time to write and what I would do with the book when it was done.

Reading these words from *Letters to a Young Poet*, gave me the push I needed to finally commit to writing it: *Go into yourself and test the deeps in which your life takes rise; at its source you will find the answer to the question of whether you must create. Accept it, just as it sounds, without inquiring into it. Perhaps it will turn out that you are called to be an artist. Then take that destiny upon yourself and bear it, its burden and its greatness, without ever asking what recompense might come outside.*

You have Rilke to thank if you find the twenty letters (written to a fictional client) included in this book to be helpful to you, if you do not, then the blame is all mine. Here is my one and only disclaimer: applying the advice in this book will have little or no impact on the legal outcome of your particular case. The law is the law, and the judge or jury may have the final say. However, after more than twenty years of practicing law and sharing these insights with my clients I have seen first-hand the powerful difference the advice in this book can make in minimizing the adverse impact participating in heated or protracted litigation has on your life.

## **THE FIRST LETTER:**



### **The Best and Fairest System in the World**

Dear Client:

During one of your initial sessions with your attorney, she will undoubtedly sit you down and explain how the laws that govern your case apply to your situation.

If after listening to what she has to say, or perhaps midway through the discussion, you may start to dislike and disagree with what you are being told about the likely outcome of your case.

And if you conclude the law isn't fair—or at least not fair to you—take comfort in knowing that your conclusions are not that far off the mark. Sometimes when the law is applied to a specific set of facts the outcome is not fair.

Divorce law is rife with examples that support this point. Forget about your case for a moment and let's look at the case of Mr. and Mrs. Jones.

Most states will allow a spouse to file for divorce after being separated for a designated period of time. There is a one-year separation requirement in North Carolina. That means if Mr. Jones moves out of the house and stays gone for one year, he can file for divorce and although Mrs. Jones may not want a divorce, there is nothing she can do to stop it.

Is it fair that after spending the best years of her life as a devoted and loving spouse Mr. Jones can unilaterally take the steps needed to dissolve their marriage?

Is it fair that Mr. Jones can force Mrs. Jones to break a vow that she is committed to keeping?

No. Of course it isn't.

But the divorce law was not *intended* to be fair to Mrs. Jones, or even to Mr. Jones for that matter. The law was enacted to maintain order by providing a practical, uniform and relatively efficient way to dissolve marriages. Mrs. Jones may not agree with this assessment since she is

the one who wants to remain married, but do you think she would feel differently if she were the one who wanted the divorce? If she were the one seeking the divorce, do you think she would think it was fair that she could not get a divorce without Mr. Jones consent?

Mr. and Mrs. Jones are seeking different outcomes, King Solomon could not draft a law they both thought was fair. That is the reason our legal system doesn't concern itself with "Did the application of the law lead to an outcome that everyone thought was fair?" Rather it is founded on a broader more objective inquiry: "Was the law applied fairly and everyone treated the same under the law?"

And that is where your lawyer comes in. No, she can't control the ultimate outcome of the case or guarantee that you get everything you want. What she can do is work hard to ensure that the judge is fair in applying the law to the facts of your case and she can zealously pursue the best possible outcome under the circumstances.

With that said, at the end of the day, once you have had your day in court and the judge rules on your case, if you find that you are still questioning the fairness of what has happened to you, perhaps you can find some solace in knowing that while the legal system in this country is far from perfect, it is considered by many to be the best and fairest system in the world.

## **THE SECOND LETTER:**



### **No One Deserves a Tragedy**

Dear Client:

If you are still having difficulty getting past what I wrote in the last letter about some of the unintended inequities in our legal system, I hope you are sitting down and not holding any sharp objects when you read what I now have to say.

Bad things happen to good people. Rain falls on the head of both the just and the unjust. Nice guys don't always finish first. Healthy people have heart attacks. The good die young and good deeds routinely go unrewarded.

This is just my short list of the inexplicable and senseless realities of life; the long list would fill the pages of a book.

Benjamin Franklin said: "In this world nothing is certain but death and taxes." While I would not dare argue Franklin's brilliance, perhaps his memory was fading when he made this statement because he clearly forgot something. There is one other certainty in life: just when you least expect it, lousy stuff will happen to you that can neither be explained nor understood.

If I were a gambler, I would wage a year's salary on the fact that you already have a clue as to what I am talking about.

Undoubtedly, not everything that has happened to you thus far in your life has made sense. And you have at least on one occasion struggled to answer the unanswerable about something you are going through. Why is this happening to me? What did I do to deserve this? What did I do wrong to cause this to happen?

What has been true in your life will also be true in litigation. I repeat: Just when you least expect it, lousy stuff will happen to you that can neither be explained nor understood.

You may not deserve the lousy stuff that happens to you during the course of the legal proceedings. You may be forced to spend money you don't have to defend yourself against allegations and accusations that are clearly not true. You may be ordered to discuss the intimate details of your life and relationship in the presence of strangers. You may be required to change your life in ways that make it almost unrecognizable.

And you may never understand why what happened to you happened. But understanding why is probably overrated. Because if you have only \$1 and a complete understanding of why, you still may have trouble buying a good cup of coffee.

Coming to grips with this is not always easy but it is necessary.

On April 17, 2007, I heard poet Nikki Giovanni say something that forever squashed my inclination to feel too sorry for myself for having to deal with difficulties that I didn't deserve. She was speaking at the Convocation in the aftermath of the fatal shootings on the campus of Virginia Tech. I have never forgotten what she said:

*We do not understand this tragedy. We know we did nothing to deserve it, but neither does a child in Africa dying of AIDS ... neither does the Mexican child looking for fresh water... No one deserves a tragedy.*

Since you have done nothing to deserve the lousy things that will happen during the course of your trial you are entitled to a few moments of self-pity. But, after a few moments, you need to get over it. Because while you don't deserve what is happening to you, neither do the children Giovanni mentioned or every other person on the planet who has endured undeserved pain, difficulties and tragedies.



## **THE THIRD LETTER:**



### **Nothing But the Truth**

Dear Client:

Do you swear to tell the truth, the whole truth and nothing but the truth?

Everyone who testifies in court must answer “yes” to this question. Does that mean everyone who testifies in court tells the truth?

Absolutely not.

But I think most people do tell the truth ... as they know it.

As you listen to the witnesses testify against you, keep in mind that the truth is a lot like beauty. It is in the eye of the beholder.

Two people can experience the same event and when it is over they can be asked to tell the truth about what happened. And the two people can have two almost diametrically opposed versions of what happened.

A good example of this happens when listening to adult siblings talking about their childhood or their parents. Two people can live in the same home, be raised by the same parents, eat the same food and sleep under the same roof for twenty or more years and if one child is asked to describe their parents, she might say they were loving and kind. Ask another child what their parents were like, and he might say they were distant and strict.

Is the inconsistency in their versions of what their parents were like an indication that one of the children is not telling the truth?

Of course not.

In fact both of them can be telling the truth. It is possible that both children’s version of what happened is true. It is possible that their parents were a combination of loving, kind, distant and strict.

Two things can be true.

Think about times when you have gone to a restaurant with a group of people. After the meal if asked to tell the truth about the experience, responses might include:

“The food was good but the service was awesome.”

“The food was cold and the service was horrible.”

“Great atmosphere but the wait was too long.”

“Loved the food and hated the prices.”

Who is telling the truth? More than likely everyone is telling the truth about their experience.

I think most witnesses tell the truth about their experience.

During the course of a trial, I often caution clients that they should brace themselves because when the opposing party takes the witness stand he may begin rendering an unrecognizable version of what happened in your relationship.

Is this because he is lying?

Sometimes the answer to this question is yes, absolutely, positively.

However, that is not always the case. Just because the opposing party offers a different version of the truth that does not mean he is lying. Any more than it would mean you are lying because you offer a different version of the truth than he does.

The opposite of the truth is not always a lie.

That's what makes the judge's job so tough and why his final decision doesn't simply turn on whether he believes you or disbelieves the opposing party. He is tasked with entering a ruling, even in cases when he believes both of you.

## **THE FOURTH LETTER:**



### **The Truth Is the Light**

Dear Client:

Clients sometimes worry about what will happen at trial if they have no witnesses to their spouse's misconduct. No worries. There are not going to be witnesses to what happens in the privacy of your home. And regrettably if there are witnesses they will be your children. And rarely is it a good idea for them to testify about what is going on between their parents.

More often than not in domestic cases the case will come down to your word against that of your ex.

And how will the judge know which one of you is telling the truth?

Because the truth is the light, and there is something about the truth that has a way of resonating in ears of others. It is difficult to tell a lie. Well, let me qualify that statement. It is not hard to lie when what you are saying is not being challenged. But under the intense scrutiny of cross-examination it is difficult to keep a false story straight.

Few clients admit it but many are afraid to tell the truth. They are afraid that telling the truth will hurt their case. But you should not worry that telling the truth makes you look bad. Judges do not expect people to be perfect.

They do expect them to be honest about their imperfections. Your bad decisions and poor judgment can be explained. But what can't be explained is your decision to lie to the judge.

Once you are weaving one lie you will be soon caught in the proverbial tangled web. And the judge will look cross-eyed at everything else you say.

So what should you do if the opposing counsel asks about your boyfriend?

Tell the truth.

What should you say if the opposing counsel asks about the money you have buried in your back yard?

Tell the truth.

What should you say if the opposing counsel asks about the four-letter words you used when speaking with your ex in front of your children?

Tell the truth.

When in doubt, always tell the truth.

Because if the opposing counsel is asking the question, you can bet real money that they already know the answer and are just waiting for a chance launch an assault on your integrity.

Tell the truth.

It is always easier to tell the truth than to try and explain why you lied.

## **THE FIFTH LETTER:**



### **Lawyers Behaving Badly**

Dear Client:

At times during the course of the trial, particularly when you are being cross-examined by the opposing counsel, it may appear as if they have something against you.

But, and you may need to just trust me on this: the opposing counsel is not against you. They are just *for* the opposition.

So what are they trying to do when they keep asking you the same question over and over? What are they doing when they stand up and object before you have an opportunity to respond to the questions being asked? What are they doing when they try to twist everything you are saying so you can't think straight?

They are not making personal attacks against you. They are trying to convince their client that they are working hard on their behalf and are worth the money they are being paid.

Let me preface what I am about to say by saying I don't approve of the attorneys who behave badly and I would never try to condone their behavior. However, I do think it may be helpful to understand why they find it necessary to behave badly.

I blame television. That's right, television.

You may not watch a lot of television. And if you do, you may be able to distinguish the difference between fictional dramas and real life.

Regrettably, not everyone has the power to do this.

That's why many attorneys feel the need to perform in a manner that fits their clients expectation of how attorneys should behave. So when they walk in the courtroom they have to put on a show and act like the attorneys portrayed on shows like *Law and Order* and *Damages*.

There is a good chance that their client's understanding of the court process is based in large part on what they've seen on television. And that their client's opinion of them will not be based on their legal competence, knowledge of the law and pre-trial preparation, but on their ability to cause you to break-down during cross-examination.

The truth is when the opposing counsel is talking to you they are not really focusing on you per se. They are thinking about their client, and trying to persuade the judge or jury. They may even be thinking about the last case they tried or the one they have to try next.

They are thinking very little about you.

That is why you should not take anything they say or do during the course of the trial personally. I know they are looking at you. I know they are talking to you. I know they are questioning you. I know they may be challenging you. I know they may be irritating you. I know they may be doing everything but calling you a bold-faced, lily-livered liar. Despite all of that, you still should not take anything they say personally.

Since there is a good chance that prior to the commencement of the case you had never met the opposing counsel, and once the case is over you will never meet them again, there is no point in giving them a lot of thought beyond the case. Their opinion of you should not matter. What they believe about what transpired prior to the lawsuit being filed should not concern you.

Taking their actions personally will only cause you to become frustrated and lose your focus. And once you lose focus then you will be helping them to achieve their objective and hurting your chances of getting what you want.

## **THE SIXTH LETTER:**



### **A Lesson in the Obvious**

Dear Client:

Let's have a quick lesson in the obvious. Lawyers get paid by the hour. More time equals more money. That's why you should not waste time or money asking your attorney questions that only you can answer.

Here is an example: Should I file for custody of my children?

Your lawyer doesn't know your children. He or she doesn't know what is in your children's best interest. Your attorney can advise you about the custody laws in your state. She can advise you regarding your chances of winning custody and can develop your case and present it to the judge. She can give you guidance on your rights as a parent.

What she can't tell you is whether you should file a custody case. She can't tell you what type of arrangement will work best for your children.

Would you consult your attorney about what college your child should attend? Would you consult your attorney about the curfew you should impose on your children? Would you consult your attorney about what religion you should bring your children up in? Would you consult your attorney about at which age you should allow your children to begin dating?

Of course not.

So, why would you allow an attorney to decide whether you should pursue custody?

Okay, here is another example of a question only you can answer:

Should I divorce my spouse?

This is not a question you should ask your lawyer. This is a question you may need to ask your spouse. This is a question you may need to ask your spiritual advisor. This is a question you may need to ask your mother or your best friend.

This is a question you need to ask yourself.

You can tell your lawyer the circumstances of your break-up: Who did what, who didn't do what, who left, who stayed, who said what and what was left unsaid.

And based on the circumstances or the facts that you share with your lawyer she can assess your situation. She can tell you what your rights and obligations are, what you can expect if you go to court, and the consequences of your decisions to leave the marriage. She can share with you what she expects will happen if you go to court.

Here's what your lawyer can't do:

Assuming there is no domestic violence, she can't tell you whether you should end your marriage. That is personal decision. You should consult with the same people about ending your marriage that you consulted when you decided to get married: your parents, your friends, your spiritual advisor.

You are an adult and no one has the right to tell you what you should do. You have to trust your own instincts about whether or not you should exercise your right to end your marriage.

You have to decide whether you can live with the financial consequences of ending your marriage or staying in your marriage. You have to decide whether you can live with the emotional consequences of ending your marriage or staying in your marriage. You have to decide whether you can live with coming home to an empty house every night or whether you can live with coming home to a raving lunatic.

Only you can answer the question as to what hurts most: the thought of living with your spouse or the thought of living without your spouse.



## THE SEVENTH LETTER:



### What You *Should* Do

Dear Client:

Let me remind you of something I am sure you already know. Just because you have a right to do something that does not mean you should do it.

Lawyers are trained to advise you regarding what you have a right to do. But they receive little, and by little I mean no training in advising you on whether you should exercise your rights.

Lack of training is not the reason you should not be surprised if your lawyers keeps their opinions about what you *should* do to themselves. The decision to keep quiet about what you should do has little to do with you and everything to do with covering their rear ends.

Consider this example. You have the right to one-half of the equity in the house you share with your spouse. However, you realize that once the marriage is over you will be in a much stronger financial position than your spouse. So, you do not really need the equity.

Or, maybe you realize that your spouse invested a lot more sweat equity in the property than you did.

Or, perhaps the amount of equity in the home is nominal and you don't really think it is worth the energy to pursue it.

What will happen if you ask your lawyers what you should do? There is a good chance they will advise you that you are entitled to one-half the equity.

Why is that?

Because you are hiring them to be your lawyers, they are obligated to give you legal advice. They may fear that if they encourage or suggest that you do anything other than go full throttle after your share of the equity that you may make the decision to forego it. And then a few years down the road you may run into financial trouble, and although your share of the equity seemed negligible at the time, now because of your changed circumstances you regret not going after it.

And regret is generally followed closely by blame.

Now you turn to the attorney and ask: Why did you let me do that? Why didn't you stop me? Why didn't you warn me that one day I would regret my decision?

Lawyers don't like to be blamed when things go wrong. That's why most of their advice will center on what you have a right to do. They will leave what you should do up to you.

## THE EIGHTH LETTER:



### Look Good, Be Right and Be In Control

Dear Client:

I may be wrong about this but I think money has gotten a bad rap. It is not the root of all evil. It may be the root of some evil, but our insatiable desire to look good, which is indistinguishable from our desire to be right and in control, should share some of the blame.

The facilitator at a personal development seminar I attended several years ago was the first person to point out the heinous potency of these desires.

This point was indelibly seared into my consciousness after I read *House of Sand and Fog* by Andre Dubus III. As the title implies it is a book about a house.

Do you have a relative (maybe it is your sister or your uncle) that everyone looks down on and talks about when they are not around? The person that always seems to show up a day late and a dollar short? The main female character in *House of Sand and Fog* who owned the house would fall a rung beneath that person in her family's pecking order.

She inherited a home and did not have to pay anything other than the property taxes, but for many years she neglected to do so. When she finally scraped the money together to pay the back taxes the clerk in the county tax office makes a critical error and does not properly credit her account. Since it appears the property taxes are delinquent the county mistakenly assumes ownership of the home.

And that is when the plot thickens.

An Iranian immigrant who has worked hard at jobs that nobody else wants to do in order to save money and buy a slice of the American dream purchases the home from the county.

Once the mistake is discovered, a legal battle ensues.

Her position is clear: it is my house. I paid the taxes to the county. I didn't do anything wrong and therefore I must be right.

His position is equally clear: It is my house. I bought it from the county. I didn't do anything wrong and therefore I must be right.

As the story unravels it became clear that the battle between the man and the woman became less and less about the house and more and more about looking good, being right and being in control.

The woman didn't want to look bad to her family. She was the family screw-up, and she was afraid that losing the house would reinforce her family's low opinion of her.

The man was more interested in looking good and appearing to be in control than he was in holding onto the house. In Iran he held a position of respect and great stature. When he came to this country, his status took a major hit and he spent his days swallowing his pride. In his mind losing the house was another slap in the face that he was not willing to endure.

What's the moral of the story? (Don't worry; I won't spoil the ending). The consequences of placing our desire to look good, be right and be in control above all else can be devastating. Check yourself and make sure this desire is not what is motivating you.

## **THE NINTH LETTER:**



### **Your Attorney Isn't God**

Dear Client:

Since I have never met your attorney, I can't say anything about who she is. But, I can say with a very high degree of certainty who she isn't.

Your attorney is not God. You have every right to expect her to be competent and to work very hard on your behalf. It is not reasonable to expect her to walk on water or to raise the dead. Your actions have consequences. Your lawyer may be able to mitigate the repercussions of your decisions but it is not likely she will be able to completely eradicate them.

Your attorney is not Einstein. She may strut around like she knows it all but she's no smarter than you are. When she speaks, she should sound like she knows what she's talking about. But that doesn't mean you shouldn't speak up when you have questions or concerns. Don't allow her legal expertise to cause you to ignore your instincts. Your attorney may know a lot but she certainly doesn't know everything.

Your lawyer is not your priest. I am always blown away when I hear stories about people who lie to their attorneys because they don't want to be judged. Excuse me if I have said this before but it bears repeating: The opposing attorney's opinion of you is irrelevant, and quite frankly your own attorney's opinion does not matter, either. Her job is to provide representation, not a path to redemption.

Your lawyer is not your parent. It is not her job to tell you what to do, but to advise you regarding your options and the consequences of various choices. It is your job to make the decisions.

Your lawyer is not your employer. That's right: You are the boss. Your attorney works for you. You hired her and you have the power to fire her if you are not happy with the services she is providing. As long as you are the person signing the checks you should accept nothing less than the respect people routinely show their bosses.

Your lawyer is not your friend. We all have heard horror stories of what happens to kids whose parents choose to befriend them in lieu of parenting them. Friends can tell you what you want to hear. They can give you a soft place to fall when you deserve a swift kick in the rear end. Your lawyer's job is always to give it to you straight. If she becomes more concerned about preserving your feelings or massaging your ego than representing your interests then the results could be disastrous.

Your lawyer is not your therapist. There is a reason your lawyer doesn't invite you to lie down on a couch during your meetings. She has neither the desire nor training to help you decipher the meaning of your reoccurring dreams about strangling your ex or unraveling the connection between your mother's decision not to breastfeed you and your ability to pay child support in a timely manner.

Knowing who your lawyer isn't is as important as knowing who she is.

## **THE TENTH LETTER:**



### **Keep Your Feet Moving**

Dear Client:

There is a story about a young man about to embark on a spiritual journey. Before he begins his quest he asks his grandfather for advice on how he should proceed. His grandfather told him that as he proceeds along his journey it will get very dark. And in the midst of the darkness dragons will seemingly appear out of nowhere. These dragons, his grandfather explained, will represent all of his fears and limiting beliefs. His grandfather told the young man that no matter how dark it becomes and no matter how menacing the dragons appear, that his grandson should keep his feet moving because if he does eventually he will find his way out of the darkness and into the light.

The advice to keep your feet moving is sound advice that applies when involved in the legal process as well.

What does it mean to keep your feet moving?

Keeping your feet moving means you are always open and willing to move beyond this process. Litigation and lawsuits are designed to be a means to an end. They were not intended to be an end in themselves.

Keeping your feet moving means you are focused on what is happening beyond your immediate circumstances. It means no matter what happened or is happening you commit to keep looking ahead.

Keeping your feet moving is a metaphor for doing something about the problems you are having. It means not getting stuck thinking about or fretting about what needs to be done next.

What can keeping your feet moving do for you?

Keeping your feet moving will allow you to look ahead at what awaits you around the corner.

Keeping your feet moving will keep you from looking down and behind.

Keeping your feet moving will keep you from looking around for someone to blame.

Keeping your feet moving will allow you to remain alert and agile, which will make it easier for you to adapt to the inevitable yet unexpected changes that may occur during the course and as a result of the litigation.

Keeping your feet moving will allow you to be proactive and continue taking the steps needed to move from where you are to where you want to be.



## **THE ELEVENTH LETTER:**



### **Who You Really Are**

Dear Client:

Litigation can be an unpleasant ordeal.

This is true whether you are participating in litigation as a result of a lawsuit you filed against someone or as the result of a lawsuit someone filed against you.

And like all unpleasant ordeals, it can be a spotlight that has the power to illuminate who you really are.

If you are a reasonable person, you will not allow yourself to find escape or seek comfort in false logic and empty rhetoric. Just as you have always done, you will continue to behave rationally and respond appropriately to whatever problems you face during the course of litigation.

If you are a patient person, engaging in litigation will strengthen your patience muscles. Your patience will certainly be tested and you will pass those tests in the same way you have passed tests in the past. You will do whatever it is you always do when you are forced to wait and are faced with what appear to be endless false starts and delays. You will tell yourself whatever it is you need to hear to remain calm and assured while you wait. Because you are a patient person, the waiting will not cause you to lose confidence in your decision or lose trust in those around you.

If you are a fair person, having to file a lawsuit will not dampen your spirit of cooperation. You will not allow negative impressions of the process or the opposing party to blind you to ways to find compromise. No matter how narrow the path becomes you will continue taking the high road and seeking common ground.

However, if you are an angry person, the legal process will provide ample kindling that you can use to fuel your anger. It will offer you endless opportunities to unleash your wrath on people with whom you disagree and chances to spew your venom on people whom you dislike. If you like to fuss you be will able to find sparring partners with whom you can fight.

If you are whiner, the legal process will provide you with infinite reasons to whine, whimper and complain. Whenever you are looking for a reason to feel sorry for yourself, you will find one. When you are looking for something to criticize, you will find one. When you are looking for a reason to cry and pout, the legal system will provide one.

If you are a greedy person, you will use the legal process as your opportunity to get more than your share. Instead of listening to your attorney, your avarice will be your guide. Selfishness will take the place of reason and no matter how much you get it will never be enough.

What will the process disclose about you?

That is impossible to predict. It may affirm what you already know about yourself, or it may reveal new insights. You are not likely to discover that you are “only this” or you are “always that.” You will probably find that you are both this and that. It is possible to be both patient and greedy, or fair on some occasions and unreasonable on others.

What will you do with what you discover?

That is up to you. Unearthing contradictions is one thing; integrating them into your awareness is an entirely different and far more difficult proposition.

## **THE TWELFTH LETTER:**



### **What You Think**

Dear Client:

There are a lot of factors that will dictate the outcome of your case. The facts of the case and the applicable statutes are critical. The attorney's performance and the judge's competence are essential and will play an important role.

But there is something else that will have an impact on your case that few clients consider and even fewer discuss with their attorneys.

Your thoughts also matter a great deal.

They play a critical role, because if you are like most people you are convinced that everything you *think* is true. And because you believe what you think is true you behave and respond based on what you think as opposed to what is actually happening.

Let's say you have blue eyes and the judge has brown eyes and you believe that people with blue eyes are smarter than people with brown eyes.

Although you may think that your thoughts are private, if you are not extremely careful, your thoughts will be revealed in how you behave.

And unconsciously you may respond to the judge in a way that appears to be disrespectful or condescending. You may be saying "yes sir" and "yes ma'am" but if you are thinking something to contrary, trust me: In court your thoughts will speak louder than your words.

I won't insult your intelligence by explaining how appearing disrespectful or condescending to the judge could adversely impact your case.

If I could say one more thing, it would be this: It is not just what you are thinking about others that can get you into trouble, what you think about yourself can also create problems in your case.

You make think you don't deserve to win your case because deep down you don't think you are worthy. And because you think you are unworthy you will behave in a way that supports your thoughts.

Instead of doing everything you can to win your case, you will begin to sabotage yourself and undermine your case.

I can remember a case early on in my career when I represented a woman who was trying to get custody of her son. She worked as a secretary, and her ex-husband was a doctor. He took every chance he could to remind her that he was better educated and made more money than she did. This was true but it was also true that she had been the child's primary caretaker since birth.

We went into court with a strong case, I had little doubt she would not be awarded primary custody. That was until she showed up two hours late for the hearing, with no explanation for her tardiness. The parties were awarded joint custody.

Did she have a legitimate reason for her behavior? Or did she allow her thoughts to become contaminated and then acted like she was going to lose?

Thoughts are like rain. You can't control how long or hard it will fall. That's why I'm not suggesting you should try to control your thoughts; just be aware of the potential they have to drown your case.

## THE THIRTEENTH LETTER:



### What You Believe

Dear Client:

Once you get a handle on the role your thoughts may play in the outcome of your case, dig a little deeper and wrap your head around this fact: just because you believe something that does not make it true. And just because your friends and family members believe the same things you believe that does not make them true.

The judge is bound by the law, not your beliefs.

Just because you believe your spouse should not be allowed to visit with your children because he doesn't pay enough child support and he didn't spend quality time with the children when you all lived together, that does not mean it is true. Again, the judge will make a decision about custody based on the law not what you believe.

Just because you believe your spouse should be forced to move from the marital home because you came up with the money for the down payment and he laid on the couch while you were out working hard to pay the mortgage payment, that does not mean it is true. The judge will make a decision about your home based on the law, not on what you believe.

Just because you believe the judge should only listen to what you have to say because you are a saint and a paragon of integrity and totally ignore everything the opposing party has to say because they are evil and incapable of being truthful, that does not mean it is true. The judge's job is to listen to what both of you have to say and apply the law accordingly.

Just because you believe your spouse does not deserve one-half of the assets you both acquired during the marriage that does not mean it is true. The judge will make a decision about your assets based on the law, not on what you believe.

Of course, you are entitled to your beliefs. I am in no way trying to change your mind about what you believe. I support your decision to believe whatever you want to believe.

But, here is a promise I can make with absolutely no qualifications or reservations: freeing

yourself from the expectation that others (and by “others” I mean the judge and the opposing party) should or will believe the same things you believe, is a decision you will never regret.

## THE FOURTEENTH LETTER:



### How You Feel

Dear Client:

Now that we have addressed the influence your thoughts and your beliefs can have on your case, let's discuss your feelings, which is the final piece of emotional housekeeping we need to attend to before we move on.

In his book *Constructive Living*, author David K. Reynolds offers advice that will serve you very well as you navigate the legal system. According to Reynolds, "We are responsible for what we do no matter how we feel at the time."

Feeling bad is the excuse we often use to condone our bad behavior. How many times have you justified your poor behavior because you were in a bad mood? How many times have you allowed the way you feel about a person or a situation to govern how you behave toward them?

We all have been guilty of this at one time or another. But, just because we all do it doesn't make it right.

Your success inside and outside the courtroom will be directly proportional to the extent to which you allow your feelings to dictate your behavior.

You must be able to do what's right and what needs to be done even when you don't feel like doing it.

Yes, your feelings are your constant companions. But, no, they are not your friends. Here are three reasons why.

First: Your feelings of anger will stop you from doing what you know you need to do. Your feelings will cause you to say things you really don't want to say. Your feelings will keep you stuck in places where you don't want to be.

Second: Your feelings of doubt will cause you to fire the lawyer you should retain. Your feelings will cause you to retain the lawyer you should fire. Your feelings will cause you to file lawsuits that should never be filed. Your feelings will keep you from settling cases that you need to settle.

Third: Your feelings of fear will cause you to sit down when you need to stand up. They will convince you to crawl when you can walk. They will insist that you walk when you should be running. They will make you run when you are destined to fly.

If you have not read Reynolds book I hope you will do so. I will close with this advice from the book: *Feelings are for feeling. They aren't for explaining, for justifying or for acting out. They are to be noticed, experienced, and accepted while we go about doing what needs doing.*



## **THE FIFTEENTH LETTER:**



### **He Is Not Your Problem**

Dear Client:

In light of our previous discussion about your thoughts, beliefs and feelings, there is something important I think you should know.

No matter what you think about the opposing party, he is not your problem. No matter what you believe about the opposing party, he is not your problem. No matter how you feel about the opposing party, he is not your problem.

He is who he is and he is going to do whatever it is he is going to do. You can't change who he is and you can't control what he does.

The only way the opposing party is your problem is because you empower him to become your problem. You empower him to become your problem by allowing him to dictate how you will respond to what happens in the case. You empower him by allowing him to push your buttons. You empower him each time you react in a way that causes you to lose your focus and compromise your values.

The opposing party is not your problem because he does not have the power to dictate the outcome of the case. He will not be allowed to serve as either the judge or the jury. And unless he serves on the state legislature, he does not have the power to enact the laws that will govern your case.

The opposing party is not your problem because he has absolutely no say in how you are going to litigate your case. He is not your problem because what he thinks about you, what he believes you deserve or how he feels about you are not relevant to anyone but him.

The opposing party is not your problem because he does not have the power to define success or failure for anyone but himself. He is not the final arbiter or what it means to win or lose. And he did not write the dictionary that will be used to define who you are and how you are going to live your life.

The opposing party is not your problem unless you make him your problem. Who he is is not your problem unless you want him to be something other than who he is. What he does is not your problem unless you are holding your breath until he does something differently. What he says to you or about you is not your problem unless you are waiting for him to say something differently.

It will be tempting to make the opposing party your problem because he is the reason you are in litigation. He will sit across from you in court. He may get on your nerves and make you sick to your stomach. He may be backwards, unfair and ugly. He may be a problem, but don't make him *your* problem. Making the opposing party your problem can distract you from your real problems.

Problems are situations and circumstances that can be resolved through a combination of time, energy and effort. Do you want to know what you call something that no amount of time, energy and effort can resolve? Those things are not called problems. Those things are life.

## **THE SIXTEENTH LETTER:**



### **What They Don't Know Can Hurt You**

Dear Client:

You are paying your attorney good money to provide you with competent advice and wise counsel about your case. You hired her to provide guidance and direction on what you should or should not do in order to obtain the relief you seek from the legal system.

Since you hired her to represent your interests, it makes sense for you to listen to what she has to say. It doesn't make sense to pay your attorney money to give you advice and then completely ignore it.

What makes even less sense is to pay your attorney money to give you advice, ignore what she has to say and listen instead to people with absolutely no legal training.

Your neighbor may also have gone through a similar situation as you are going through but that does not make them an expert on your case. Legal matters, particularly family matters are very fact specific. Like snowflakes, no two are exactly alike.

The path your neighbor took may have made sense in his situation but it may not be a smart choice for you. That's why when you explain the strategy your attorney has outlined for your case to them, he may question whether or not it is a good idea.

There is a reason it is illegal to practice law without a license. People who give legal advice without knowing what they are talking about can do a great deal of harm to the people who listen to what they have to say.

It is reasonable that others may not agree with your attorney's approach to the case. What is not reasonable is for you to side with them against your attorney. It is not reasonable to allow their skepticism to undermine your confidence in your attorney.

If you have questions about the soundness of your attorney's approach to your case then that is a conversation you should have with your attorney. And if after having that conversation she

doesn't answer your questions to your satisfaction or your faith in her ability to represent you wanes, then you should consider seeking other counsel.

I am not suggesting that your attorney should be above reproach. I am not suggesting you should never question your attorney about how they are handling your case. Just be careful that the people you are listening to know what they are talking about.

The fact that the people who insist on offering you unsolicited advice are well-intentioned does not alter the fact that they still may not know what they are talking about.

Want an effective way to drastically reduce the volume of unsolicited legal advice you receive from people who are not qualified to practice law? Don't talk about the facts of your case with anyone but your lawyer.

## THE SEVENTEENTH LETTER:



### It Is Only *One* Thing

Dear Client:

Your experience in the legal system may be unpleasant. It may be stressful and it may be one of the most difficult experiences in your life.

However, it is only *one* thing.

While you are in the throes of it, it may feel all encompassing. It may appear to take up every cubic inch of your life. It may be the first thing you think about when you wake up in the morning. It may occupy every nook and cranny of your thoughts and the empty crevices in every conversation. It may be the last thing you think about before you go to bed each night.

In your mind there may be no real demarcation between where your life begins and the case ends.

But, the case is not your life.

It may feel like everything. But it is only *one* thing.

Regardless of how important the issue you may be litigating, the case is just a case. Your life is your life.

No matter what may be at stake in your case, it is not bigger than your life.

It is just *one* component of your life. It is just one chapter in your story.

Always remember, and never forget that, it is just *one* thing.

The case is not more important than your health. Each day you must juggle lots of balls: legal issues, work and family matters and whatever other commitments you have. These balls are all made of rubber. If you drop one or more of them they tend to be resilient. They are likely to bounce back. However, the ball that represents your health is made of a precious glass. If you drop it, there is chance that it will not bounce back. It could even shatter to the point that it is beyond repair.

If you lose sight of the fact that the case is just one thing, you will neglect your health. You will not take time to manage stress through eating well and exercise. Instead of sleeping at night, you will toss and turn and worry about the outcome of the case.

Your health is your life. It is what allows you to attend to all of the other things that are important to you.

Think about it, if you win the case, and are awarded custody of the kids, possession of the marital home, and lots of money but have neglected your health, then what have you really won? It will be a shallow victory if you are too sick to enjoy the kids, relax in the home or spend the money.

## THE EIGHTEENTH LETTER:



### What's Next?

Dear Client:

Once you decide to engage in litigation, whether by choice or force, your already overloaded to-do list will expand beyond recognition.

You will have to meet with your lawyer. You have to respond to requests from the opposing counsel. You will have to provide your attorney with mounds of documentation. You will have to prepare for court hearings. You have to attend to court hearings.

If you don't have time to do all of the things that you are presently facing, how can you possibly find the time to meet the additional demands of the court action?

Whatever you do, don't make the mistake of thinking about *everything* you have to do.

Thinking about everything you have to do will lead to exhaustion. And exhaustion will lead to feeling overwhelmed and being overwhelmed is just a few steps away from paralysis.

Instead, try to limit your focus to only the *next* thing you have to do. Don't ask yourself "What do I need to do?" but rather, "What's next?"

That is the only question you should allow yourself to entertain.

While it may be impossible to figure out how to do everything that needs be done as a whole, it is much easier to summon the strength to do the next thing that needs to be done.

For example, whenever your lawyer requests information, and it is likely that she will be requesting lots of it, break the requests down into individual units, and then approach one unit at a time. Complete one and then move on to the next.

If the thought of pulling together the names, addresses and account numbers of all of your creditors causes you to want to run and hide, narrow your focus to getting the name, address and account number of *one* creditor. Channel all of your energy on only that task. And once it is accomplished move on to getting the information needed for the next creditor.

If you continue to proceed by focusing only on what needs to be done next, eventually everything you need to do will get done.



## **THE NINETEENTH LETTER:**



### **The Answer Is Yes**

Dear Client:

To ask or not to ask... that is the question. I am of the opinion that you should never hesitate to ask questions. Ask early and ask often, that is my motto. Although, I can't provide the answers to any of the questions that relate to the particulars of your case, I do know that the answer to the big questions you may find yourself asking in life and during litigation is always yes. Here are a few examples:

Will I be able to handle what happens?

The answer is yes.

Do I have what it takes to meet the demands of this moment?

The answer is yes.

Will I find the strength I need?

The answer is yes.

Can I overcome the challenges I face?

The answer is yes.

Will I be able to meet the challenges of this day?

The answer is yes.

Will I be able to get the help I need?

The answer is yes.

Will I be able to move beyond any mistakes I make?

The answer is yes.

Will I be able to start over again if I need to ?

The answer is yes.

Will I able to transcend my circumstances?

The answer is yes.

Do I have the right to change my mind?

The answer is yes.

Can I rise again if I fall?

The answer is yes.

Can I choose a different path?

The answer is yes.

Can I try again?

The answer is yes.

Can I make peace with the past?

The answer is yes.

Can I decide differently?

The answer is yes.

Is it okay to cut the opposing party some slack?

The answer is yes.

Is it okay to cut myself some slack?

The answer is yes.

Will I get through whatever I am going through?

The answer is yes.

What should you do if you ask a question and the answer is not yes? Ask yourself a different question.

## **THE TWENTIETH LETTER:**



### **The Magic Words**

Dear Client:

Imagine waking up one morning and having to move heaven and earth to arrive on time at the courthouse for a hearing that has already been postponed more times than you can count, only to be told by your attorney that the case has been once again continued to a later date because the judge had a prior commitment that the clerk overlooked when she scheduled your case.

Or consider this: Imagine your attorney sitting you down and explaining that you made a critical mistake in moving out of the house you shared with your spouse without first getting copies of all of your financial documentation because now it appears that your spouse may have destroyed information that would have been helpful to your case.

If you have not yet experienced moments like these in your real life experience with the legal system, trust me; you will experience many of them before the process is over.

Fortunately, instantly transforming a moment that is saturated with frustration and futility into one that is filled with calm and acceptance is possible.

I didn't say it was easy. But if you are willing to use the magic words when confronted by things that are beyond your control to change, you will have the power to make magic happen.

What are the magic words?

*It is what it is.*

Write them down. Commit them to memory. Repeat them as often as needed.

*It is what it is.*

This simple acknowledgement is an expression of your recognition and acceptance of things that are beyond your control. And your willingness to embrace these things can make things like

harmony, peace and contentment appear out of thin air.

*It is what it is.*

There will be many occasions when this is the best explanation and most appropriate response to what is happening with your case. Your lawyer may attempt to offer you a more elaborate and eloquent rationale for the inevitable ebbs you will encounter. He probably assumes your retainer fee entitles you to a more extensive explanation or perhaps, he simply may not be familiar with the magic words.

*It is what it is.* Once you begin uttering this sentiment, the benefits of doing so will soon begin to resonate throughout your life.

## About the Author

Jackie Stanley, a graduate of Wake Forest University Law School, is a divorce lawyer with over 20 years of experience. She is also a writer whose books have been featured in *Essence Magazine* and *Psychology Today*.

Jackie's clients routinely refer to her as both their attorney and "encourager" at law. Why? Because her divorce law practice goes beyond just legal advice and representation in court. She is also committed to giving women the support and encouragement they need to move beyond their broken relationships and on with their lives.

One way she expresses this commitment is by conducting free legal self-help workshops called, *Breaking Up and Moving On!* at the Women's Resource Center in Greensboro, North Carolina. Her workshop is one of their most popular and highest rated programs. "Inspiring and entertaining" is how one participant described Jackie.

The success of the *Breaking Up and Moving On!* workshops ignited Jackie's desire to do even more to reach a broader audience and to help as many more women as possible.

Jackie would love to hear what you think about this book as well as suggestions on other topics you think should address in future books.

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