



# Divorces And Snowflakes: No Two Are Ever The Same



By MARLA MARINUCCI, ESQ.

*When I meet with a potential client for the first time about a divorce, I am often asked the same question after they tell me a little bit about their situation: "What will the judge do?"*

It would be easier to answer a question such as, "How many years did the Hundred Years War last?" The obvious answer to that question is an exact figure: 116 years (1337-1453). Understandably, clients are hoping for exact answers but in the bizarre world of family law, where every single case has a different set of facts, there very few black and white answers, and many shades of gray. While a good attorney will be able to assess your case and render an opinion as to a fair resolution of the matter, asking your lawyer for definitive answers about your divorce is like asking a Chicago Cubs fan when their team will win their next World Series Championship.

The first thing I tell a potential client who asks me that proverbial question is that 99% of divorce cases in New Jersey settle, which means that there

are very few divorce trials. After alerting the client that the possibility of their divorce going to trial is less than one percent, I like to share with them an analogy that I coined myself that I find helps them understand just why there are so many shades of gray. That is, that divorces are much like snowflakes in that no two are ever the same. This last thought is so very important for divorcing couples that it bears repeating here:

*\* Divorces are like snowflakes; no two are ever the same.*

So when a potential divorce client says something like, "My friend just got divorced and her lawyer got her so much child support..." As graciously as I can, I immediately inform this potential client how every case is very fact sensitive and how two cases that may appear quite similar, can have completely different outcomes. I will then share with this person some words of wisdom that I always share with my clients and which go hand in hand with the snowflake analogy:

**Do not listen to your friends' advice when it comes to your divorce.**

While they may have your

best interests at heart, with very few exceptions, the "advice" being proffered often leads to unrealistic expectations. For example, if your friend tells you that they got everything in the divorce, or to the contrary, that they got nothing, chances are, that is not the case. Hypothetical: Your friend tells you that their lawyer is the greatest bulldog-barracuda-goes-for-the-jugular lawyer of all times because your friend got to keep the house in the divorce. Chances are, your friend failed to mention that in exchange for the house, they waived their interest in their ex-spouse's pension, which was actually worth more than the house. In other words, it is a balancing act when it comes to dividing assets and liabilities. New Jersey is an equitable distribution state with an emphasis on the term "equitable." For the most part, though not necessarily always, this means that marital assets will be divided fifty-fifty. So when your friend brags about keeping the house, keep in mind that the spouse on the other end of that divorce retained an asset, such as a pension, that was worth about the same as the house.

While no two divorces are ever the same, there are of course some glaring similarities that are present in every case such as

acrimony and hostility. An unfortunate similarity that is often found in cases involving custody disputes is the practice of one or both parents of using the children as pawns in the divorce. Quite often it is in the form of either bribing the children with toys or candy in order to win their affection in an attempt to alienate the other parent.



*My final and most important words of wisdom for purposes of this article are:*

**Do not use your children as pawns in your divorce.**

While I am not a mental health expert, I have seen this time and time again and it only leads to disaster. Your children are undoubtedly your most prized possessions, not pieces in a game of chess.



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*Call my office to arrange a consultation and I'll guide you through the "snow"-storm.*

*Marla Marinucci is a member of the law firm of April & Maudsley, P.A., Marmora, NJ, which has been in business for over 26 years. Her sole area of practice is family law. She received a B.A. in French from Rutgers Camden, and received her law degree from Rutgers Camden School of Law. Her professional associations include Cape May County Bar Association; Co-Coordinator for the Cape May County Mock Trial Competition; Shore Memorial Leaders Alliance; MESP Panelist; Special Civil Part Panelist; Greater Atlantic City Jaycees; the Family Law Section of the NJSBA; and member of the of the Executive Committee of the Family Law Section. Call 609-390-9078 to schedule a consultation.*

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