

Armchair Lawyers

Why friends and relatives should stay out of your divorce.

When a divorcing spouse brings a parent, an adult child, other relative, friend, or significant other into conversations with a lawyer, potential legal problems loom. Not only may the “third party” dominate, distract from, and distort the discussion, but he or she may interfere with the confidential relationship between attorney and client. If during the divorce the opposing spouse finds out that the third party was present, he or she can require that person to testify in court about what was said.

When clients ask lawyers to represent them, they, in effect, create a partnership with the lawyer. As in any partnership, the parties bring different knowledge to the matter. The client brings an economic and personal history of the marriage, and the lawyer brings legal skills, knowledge of the process, and substantive know-how.

Beyond the legal issues, a third party’s presence may compromise the emotional well-being and comfort of the client. Anyone going through a divorce is experiencing an emotional crisis. Few of us really want parents, adult children, relatives, friends, or significant others to share in every detail of our marriage.

A third party’s presence may make a rational discussion more difficult. Although it is important for the client to express feelings of hurt and anger during the process, ultimately he or she must come to understand and control those emotions if any meaningful settlement negotiations are to occur.

Sometimes a third party may have his or her own agenda. Adult children may bring their own complex feelings, emotions, and needs to the process. Others may seek to pursue a personal dislike of the other spouse, unresolved issues from their own divorce, or personal goals in the financial settlement. Gossip by a third party may inflame a situation and make small steps toward compromise even more difficult.

Many people rely on friends, neighbors, and lawyer-friends who do not practice matrimonial law to comfort and advise them during the divorce. Nonlawyers or lawyers who do not practice matrimonial law, often predict outcomes that are unrealistic and do not reflect the facts of the case or the law of the jurisdiction. These “armchair lawyers” can further confuse and exacerbate the

process. Only your lawyer can provide sound legal advice throughout your divorce.

Remember, almost any divorce triggers a personal emotional crisis for the parties. Divorcing spouses who are having difficulty thinking things through clearly may want to seek the help of a therapist or mental-health professional to assist in emotional healing.

Many family-law attorneys have years of experience in guiding clients through the legal process to arrive at a fair and equitable result. Allowing a third party - however well-intentioned - to get involved in the divorce may interfere with the attorney-client relationship and the foundations of trust and confidentiality that are essential to any successful legal partnership.

Sincerely Yours,

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