Preface

All the relationships, especially marriage relationships, must be based upon absolute openness and honesty.

—Dr. H. Norman Wright

Over fifteen thousand divorces! As close as we can figure it, that’s about how many divorce cases my law firm has handled during the last twenty-five gut-wrenching years. It’s enough to make you sick . . . or crazy . . . or both!

I just knew I had to figure out some way to do it better, to handle things less acrimoniously, to perhaps turn things around and find a more positive focus. I had begun to question my own sanity. Was I starting to fit the frequent (and so often accurate) description of a “sleazy divorce lawyer”?

Throughout my career, my approach has been to try to handle my divorce practice in a radically different, more sensitive, and more positive way—one that endeavors to make the best of the
bad situation that divorcing couples inevitably face. In the process
I have successfully built the largest divorce and family law firm in
Hawaii. Coates & Frey, the ten-attorney firm that I manage, is gen-
erally recognized as processing more divorce cases through Ha-
waii’s family court system than any other.

My “raison de writing.” Although I feel we do the best job we
possibly can for our firm’s clientele, it became apparent to me
that the best way I could reach beyond my own paying clients to
try to dispense whatever grains of wisdom I might have to share
about my positive approach to the handling of the divorce expe-
rience was to write this book. Only in this way could I more
widely disseminate information to readers interested in trying to
explore a more enlightened approach to the entire divorce pro-
cess. My intent was to package some of my entirely too extensive
experiences into a book format that is available for around $20—
thereby making it more accessible to people who are understand-
ably put off by the $200+ hourly fees that I and other prominent
divorce attorneys customarily charge in the privacy of our paneled
offices.

Although my private practice is based in Hawaii, I have delib-
erately broadened the scope of this book to include the basic prin-
ciples of divorce law that apply in most jurisdictions. In this
context, it helps that I am licensed in California and a couple of
other jurisdictions as well as Hawaii. My aim has been to write the
definitive divorce text, providing the maximum possible amount
of information about every aspect of the divorce process.

An all-encompassing divorce guide. I knew from the start that it
would be a difficult and unwieldy task, but I felt strongly that I
wanted to write a book that encompassed all the multifaceted
emotional, psychological, and sociological aspects surrounding
divorce—as well as its strictly legalistic issues. This conviction
mirrors the way I have come to view my own role as a divorce law-
yer. When I first started practicing, divorce law was basically a
“meat ax down the middle” process characterized by a narrow,
and narrow-minded, focus on the single issue of property division.
I have now come to realize, however, that if you want to do a
proper job of divorce lawyering you have to treat divorce as a multi-
level, interdisciplinary behavioral science, essentially peeling
away the multiple levels of complexity of the modern American family structure like the layers of an onion.

Not surprisingly, this book is by no means the first to be written by an attorney on the subject of divorce. Attorneys like to talk; they also like to write, and thousands of books and articles have been written about divorce over the years.

In conducting my research for this book, I have turned up numerous how-to books authored by attorneys and relating to the substantive legal and technical areas surrounding divorce actions. I have also read many treatises that consist primarily of a compilation of war stories recounting, often rather theatrically, actual cases, clients, and courtroom dramas that a given lawyer has handled during his or her career. Yet a third rapidly expanding volume of literature deals with a more sociologically oriented (and often touchy-feely) discussion of the psychological factors involved in divorce.

Some of the most useful new divorce guides focus on the art of successfully threading one’s way through the thicket of emotional and personal issues surrounding a divorce by utilizing expertise from other disciplines, such as the mental health or negotiation fields. Many of these place a special emphasis on the rapidly growing area of divorce mediation.

I have yet to read any book, however, that combines all of these components into one single comprehensive, informative, and, above all, readable work. Writing such a book was the goal I set for myself when I embarked upon authoring this summary of insights gleaned during my twenty-five-year career as a divorce lawyer. I hope you’ll find this book to be useful, thought provoking, anecdotal, and—because divorce is often too tense for anyone’s good—at least occasionally amusing.

A better and broader revised edition. I felt very gratified when immediately following the release of its initial first edition, this book went on to win the Hawai’i Book Publishers’ Award of Merit for Excellence in Guide and Reference Books. I have also received many accolades from colleagues and professional peers saying that my book has turned into the single most valuable resource that they recommend to their clients. Several social agencies, academic institutions and professional organizations have put it on their recommended
reading list—that they, in turn, distribute to students, clients, colleagues, etc. Perhaps the most rewarding responses of all, however, have come from individuals who were going through their own divorces and said it served as a great solace to them in the process. I can’t tell you the number of readers who have told me (some actually with tears in their eyes) that they felt this book had been written “specifically for them.” Many of these folks apparently felt like my book was speaking directly to them and describing precisely their exact individual situation.

I feel that part of this book’s unique sense of personal relevancy is an outgrowth of its innovative indexing system. If you glossed over the index in the front, please go back and take a closer look at it. It is specifically designed to tailor the book’s usage to be of immediate applicability to each individual reader’s set of personal circumstances.

For example, if you are a thirty-three-year-old woman about to terminate her second marriage, with one teenage boy from a first marriage and an infant daughter from the second, you can find specialized chapters precisely addressing each of these situations and scenarios. There is one chapter on second marriages and another on stepfamilies. There is a chapter on how divorce will affect women differently than men, and younger women differently than older women. There is a chapter on how second marriages differ from first, and another on how subsequent remarriages will be different still. If your property settlement is going to focus primarily on the disposition of the marital home, or a spouse’s pension plan, there are chapters designed to cover each of those scenarios. This makes it possible to hopscotch between the chapters and essentially customize the book to focus on any given reader’s personal situation.

Following the incredibly enthusiastic response I received from my book’s first edition, I suddenly found myself being pulled into what has now become a virtual second career as a lecturer, educator, public speaker, and commentator on many of the “spin-off issues” surrounding the divorce phenomenon—and on its attendant effects and ramifications on society as a whole. Nowadays I frequently find myself giving speeches not only here in Hawai‘i, but also on the U.S. mainland, and even internationally, on such
esoteric topics as: “How the divorce epidemic will change the face of American society”; “The key causes of marital conflict and how to solve them”; “Hot tips on achieving sexual fulfillment”; “What the structure of the ‘All American Family’ will look like in the twenty-first century,” etc.

Couples who are contemplating marriage will now frequently call me first for pre-marital counseling and advice. I do a lot of mediation sessions for “rocky couples” contemplating divorce in an effort to put their marriages back on track before divorce becomes a necessity. I have been asked by the American Association of Single People to serve as a Hawai‘i spokesperson for their organization.

You get the basic idea . . . I now seem to be as much of a “talking head” as I am a lawyer. What essentially has occurred is that my areas of interest and expertise have been forced to go way beyond standard divorce lawyering and have instead broadened into far more wide ranging areas. I have expanded my focus to include more general themes such as the preservation and repair of relationships, and the psychological and sociological effects of marital dissolutions on the divorcing spouses, and on their families, and on society in general—as well as the best ways to mitigate those effects.

I have spent hundreds of hours conducting ever more research on all these interrelated topics, and this expanded and revised edition of Divorce with Decency contains many of the fruits of that laborious research. I then tried to integrate some of the more popular materials from my lecturing, teaching and other public appearances, and they too are contained in this “pumped up” edition. Also, I have included updated material on any and all important changes in/to the legal statutes, case law, precedents or principles which have occurred since the release of the first edition.

Even those folks who have read the first edition of Divorce with Decency will find a wealth of newer and more informative data, observations and analyses in this revised edition. All in all, this should make the revised edition a vastly more informative and useful resource for my many thousands of loyal readers. I certainly hope you will agree.

Intruding on intimacies. One of the really wild parts about being a divorce lawyer is the way it enables, or even entitles, one to
participate so extensively and intensively in the lives of other people in a fashion that would never be permissible in any other context. How many other professions are there where during the first one-hour meeting with a new client you are actually expected, or even obligated, to ask them every close personal question imaginable?

Just envision meeting a total stranger at a cocktail party and asking, “How is your relationship with your husband?” “How much money do you make?” “How good is your sex life?” “Do you cheat on your spouse?” “How much do your own family and friends know about what you are telling me?” “Are there any skeletons in your closet that no one else knows about but that I expect you to confide in me?” All these, and many more, are the sorts of questions that you would never dream of asking someone in any other context. Yet, asking every imaginable, and sometimes unimaginable, personal question of people you’ve just met, clients, is part of any good divorce lawyer’s job. People walk into my office daily and pay more than $200 an hour to discuss these intimate details of their lives with me, a total stranger.

While on the subject of other people’s intimacies, I should point out that many of the examples I draw from in this book pertain to the personal experiences of my own firm’s clients. I have therefore had to alter some of the individual case studies/stories in order to prevent their identification. (Honolulu has often been described as the world’s largest small town!) Although I have taken some poetic license in order to protect client confidentiality, the essential point of each example or experience remains accurate.

_Cautions, caveats, and disclaimers._ Although I try to be a less legalistic and more empathetic attorney than most . . . I am still a lawyer. As such, I must issue the following mini “CYA” disclaimer: This book contains only general information, and readers should not take any actions based on the summary information contained herein. This book is not intended as a substitute for hiring your own attorney. Instead, appropriate experts should be consulted for each individual’s own case and/or fact situation. Although I have used my best efforts in assembling material for this book, I cannot warrant that its information is complete or accurate.
Neither I nor the publisher assume (and in fact specifically disclaim) any liability to any person for any loss or damage caused by any errors or omissions which may be contained herein.

Bottom line. Don’t make any legal or other decisions in your own life based upon this book. Use it as background only and instead hire your own counselor, lawyer, etc., to analyze your specific situation before you take any actions.

Divorce “lite”? As you read through this book, you will notice that it contains cartoons, quotations, and editorial comments that often tend to point up the more humorous aspects of the divorce process. My clients over the years have often remarked on the light touch I use in handling my cases. Some of them have undoubtedly even been offended by it. It’s not that I don’t empathize with each of the individual clients. Au contraire! I take my job and the subject of divorce very seriously, indeed. My admittedly peculiar personal style reflects two of my firmly held beliefs. First, after two decades as a divorce lawyer, I would by now have become stark raving crazy if I had allowed each case to consume me personally. Second, and more important, I strongly believe that since divorce is now so common in our society, it is probably best if people can accept it as a frequent, and frequently unavoidable, fact of life and then just deal with it as best they can. Humor can be therapeutic under these circumstances.

If divorcing clients can understand that they are part of a massive and overarching sociological phenomenon, there is less of a tendency for each person to feel like a failure or to blame themselves for being unable to maintain their marriage. Personally, I feel that maintaining a light and upbeat (maybe even offbeat) touch in divorce cases ultimately serves to improve the psychological health of my clients, not to mention my own. In fact, my law firm even carries this philosophy so far as to host an annual “Heal the Hearts” Valentine’s Day Ball as a show of appreciation for our many former clients, and to give them a chance to mix, match, mingle and commiserate with one another.

So there you have it, my “raison de writing,” so to speak. My goal has been to write the first book that I know of that deals comprehensively with not only the legal, but also the psychological, so-
ciological, and economic aspects of divorce, yet is presented from the practical and utilitarian point of view of a divorce attorney.

I now know from personal experience that when a marriage unravels the one thing every divorcing person needs is a good friend. And that’s really what this book is all about. I sincerely hope it can serve as your friend when you need one. Aloha.