



Client Consultations: One Question Every Divorce Lawyer Should Ask

By Christopher R. Bruce

"Have you tried marriage counseling?"

Every divorce lawyer needs to make a habit of asking this question when conducting an initial client interview. Many reading this are probably thinking "why on earth should a divorce lawyer care whether a prospective client has tried marriage counseling when the client is in the attorney's office asking questions about divorce?" The answer: if the purpose of an initial client consultation is to give the best possible advice to someone considering divorce (which should always be the number one and only objective) than it makes sense to find out whether the client has tried marriage counseling before having the client dismantle their marriage. This is especially true when there are young children involved or in the early January consultations with potential clients who may have just had too much exposure to their in-laws over the holidays (yes, this actually does happen).

Why Marriage Counseling?

It works- plain and simple. Marriage counseling can yield a lifetime of benefits to couples who are willing to take the time to step back and examine their relationship and dedicate themselves to improving their relationship. Also, divorce is expensive, and in some situations, can take years to resolve. By comparison, the cost of marriage counseling is covered by many insurance plans and seeing a counselor can yield benefits immediately. Oftentimes, couples can experience dramatic improvements in their marriage through the simple action of learning how to better understand what is and is not important to their spouse in a relationship. See, e.g., Gary Chapman, *The Five Love Languages* (2009).

There will always be enough people getting divorced to keep divorce lawyers in business. Given the potential upside to marriage counseling, practitioners owe it to their clients to at least suggest counseling when appropriate.

When is Counseling Not Appropriate?

Make no mistake; there is a reason divorce exists. Not every marriage can or should be saved. Some people are in marriages that are toxic, abusive or just plain dangerous and divorce is the only way for a spouse to be happy and healthy. In other cases, couples have drifted too far apart and/or into new relationships and the marriage cannot be saved. Whether counseling is or is not appropriate is a case by case issue and depends on the dynamics of the situation and values/viewpoints of the client.

Signs that counseling is not appropriate are usually the same signs that a relationship is not safe or healthy for at least one spouse. Counseling is clearly not appropriate when a client is a serial victim of domestic violence, when a spouse has been emotionally abused, or when the other spouse has a personality disorder (engaging in marriage counseling with a full blown narcissist may not accomplish much). Furthermore, in cases involving a volatile spouse and a highly liquid marital estate, it might not always be a good strategic decision to engage in marriage counseling when a client thinks divorce is likely. If the volatile spouse controlling the money is tipped off to a potential

divorce through a request for counseling the odds off pre-petition secretion of assets go up substantially.

Other Reasons to see a Therapist

Practitioners should be mindful that therapists can be a big help to their clients even when a marriage cannot be saved. When a client is codependent (in a relationship where they are controlled or manipulated by their spouse) it is critical to have the client see a therapist for the purpose of developing the sense of self worth needed to internally prioritize a settlement covering their needs over the continuous protest and intimidation campaign of their manipulative spouse. Additionally, many clients stand to benefit from consulting with a therapist to assist in recovering from a divorce and avoiding the problems that doomed their marriage happening again in future relationships.

Counseling for Children

Clients need to be educated that divorce is almost always a traumatic event for their children. Children are resilient, but they are also prone to blaming themselves for the separation of their parents or being unjustifiably afraid of being forgotten, abandoned or replaced. A therapist experienced in working with children and adolescents can help soften the initial impact of divorce and assist children with adapting to their parents' separation. Furthermore, a therapist can help parents adapt to the many challenges of coparenting following a divorce.

Bottom Line

Divorce practitioners cannot become numb to the fact that divorce is an incredibly traumatic experience for nearly all of their clients. Effective representation of clients in crisis requires not only mastery of the law, but an understanding of how mental health professionals can help clients possibly stay married or, at the very least, better navigate and recover from divorce.

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The Divorce Lawyers of Nugent Zborowski & Bruce are proud to introduce StayMarriedFlorida.com, a complementary resource helping couples have (and keep) wonderful relationships while living happy, healthy & enjoyable lives in South Florida.



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