



FAMILY LAW

*Written by John Stocks
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Client: What percentage of cases end up going to trial in divorce or custody cases? What options are there other than trial? Is there a jury trial in divorce cases?

Lawyer: The good news is that in the family law area most cases (90%+ estimated) do not go to trial. This means that cases are either withdrawn (because the couple reconciles) or they settle out of court. The reason this is good news is because trials can be costly for husband and wife, not only emotionally, but financially. Attorneys will often estimate that a full trial before a judge in a divorce can cost between \$10,000 to \$50,000 or more. This is a broad range, but cases are so diverse in complexity and it depends on the issues involved. More recently, courts have focused on having parties attempt what is called "ADR", which stands for Alternative Dispute Resolution. Often, husband and wife go with their attorneys to a "mediation" or "settlement conference" with a neutral, third party (usually an experienced attorney or retired judge) to resolve the case by agreement; here, parties usually are in separate rooms so that they can speak freely about what the settlement will entail. Mediators will then attempt to resolve the case, usually by shuttling from room to room. However, if your case goes to trial, be sure your attorney is experienced with the trial procedures because this is the most complicated work for family law trial attorneys, and a lot of attorneys will avoid trial or do not like to go to trial. Divorce trials are without a jury, which means that a single judge rules over the matter and makes all decisions to resolve disputed issues.

Lawyer, John S. Stocks, answers questions posed to him by clients and/or by e-mails on the subject of FAMILY LAW.

Feel free to submit your family law question to John via e-mail. There is no charge for this and your question may appear in a future column. E-mail your question to: jstocks@vansiclen.com



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