Preface

All the relationships, especially marriage relationships, must be based upon absolute openness and honesty.
—Dr. H. Norman Wright

Over twenty-five thousand divorces! As close as we can figure it, that’s about how many divorce cases my law firm has handled during the last thirty-eight 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 Hawai‘i. Coates & Frey, the eleven-attorney firm that I founded, is generally recognized as processing more divorce cases through Hawai‘i’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 experience 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 process. 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 understandably put off by the $275+ hourly fees that I and other prominent divorce attorneys customarily charge in the privacy of our paneled offices.

(Author’s note: Most prominent divorce attorneys now charge far more than the $275 per hour range that we currently charge at Coates & Frey. I have always made a specific point of trying to keep my firm’s fees on the more affordable side.)

Although my private practice is based in Hawai‘i, I have deliberately broadened the scope of this book to include the basic principles 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 Hawai‘i. 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 lawyer. 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 divi-
sion. (Author’s note: In those “early days” of my practice almost four decades ago, fights over child custody usually weren’t nearly as big an issue as they are today . . . simply because the kids almost always went to the wife.) 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 multilevel, 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 throughout my thirty-eight 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, way back in 1999, 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, and so on. 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.” I’ve even had more than a few readers contact me afterward to tell me that my book literally “saved their marriage.” Many of these folks apparently felt like my book was speaking directly to them personally 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 contents 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 from 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 individual 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, edu-
cator, public speaker, and commentator on many of the “spin-off
issues” surrounding the divorce phenomenon and on its atten-
dant 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
diverse and esoteric topics as these: “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”; and “What the structure of the ‘All-American
Family’ will look like as we progress ever deeper into the twenty-
first century.”

Couples who are contemplating marriage will now frequently
call me first for premarital counseling and advice. I do a lot of
mediation sessions for “rocky couples” contemplating divorce
in an effort to put their marriage back on track before divorce
becomes a necessity. I have also lectured about relationships for
over fifteen years on cruise ships. I was even asked by the Ameri-
can Association of Single People to serve as a Hawai‘i spokesper-
son for their organization.

Tracking the winds of social change. You get the basic idea—I now
seem to be as much of a “talking head” as I am a lawyer. What
has essentially 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, their families, and on society in general, as well as the
best ways to mitigate those effects. I have also tried to track the
rapidly changing attitudes, demographics, and directions that are
now occurring at warp speed in this modern new millennium’s
speedily shifting society.
I have spent literally hundreds of hours conducting ever more research on all these interrelated topics, and this expanded fifth edition of *Divorce with Decency* contains many of the fruits of that laborious research. I have 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” fifth edition. Some sample section headings for recent additions to the book include the following: “A Brief History of the ‘Institution’ of Marriage”; “Internet (and Other) Porn”; “The Impact of Social Media”; “Some Pros and Cons of Parenthood”; and “To (Re)Wed or Not to Wed.” Some brand new sections that I have written specifically for this fifth edition include these: “Choosing the Correct ‘Mate’ for You”; “Same-Sex Marriage”; “How Baby Boomers Behave”; “Singlehood . . . Preferred Permanently?!?”; “The Millennials and Their New Modern Mindset”; “Modern Trends in New Millennium Relationships”; and even “A Sneak Peek at the Upcoming Z Generation.”

Since I do so much marriage and relationship counseling nowadays, I had already previously inserted entirely new sections at the end of chapter 2 of the third edition entitled “Can Your Marriage Be Saved?”; “Understanding the Basic Biological Differences between Men and Women”; and “Key Tips on Preserving and Improving Your Marriage.” Many of my psychologist friends, not to mention more than a few “conflicted and confused” clients, have told me that these are the best sections of the whole book. I have also included updated material on any and all important changes in/to the legal statutes, case law, precedents, or principles that have occurred since the release of the four earlier editions.

Even those folks who have read the prior editions of *Divorce with Decency* will find a wealth of newer and more informative data, observation, and analysis in this fully revised edition. All in all, this fifth edition will be a vastly more comprehensive and useful resource for my many thousands of loyal readers. Many of those readers have told me that this book has gone far beyond being just a standard divorce tome and has instead become an all-encompassing analysis of modern day interpersonal relationships of any and all sorts. 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 in which, 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 $275 an hour to discuss these intimate details of their lives with me, a total stranger.

My marriage counselor and university professor pal Richard Rapson perfectly phrased the way I often feel in his excellent book, Amazed by Life: “I learned a lot in being a therapist. I’m not sure any other experience I’ve had allowed me to learn as much about human behavior. I gained entry into aspects of people’s lives that I never would have attained on my own before. Where else, other than in the very closest relationships, does one get invited to explore such deep passageways?”

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. Please also bear in mind that by the time this fifth edition has been published, I have had to write, rewrite, and re-rewrite this book five different times over a period of nearly twenty years. Thus, although I have tried to make everything as current as possible, some of the legal principles, statistics, and so on contained herein may be a bit out of date. 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 that 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 or lawyer 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 this entire subject of damaged relationships and divorce, very seriously indeed.

Instead, my admittedly peculiar personal style reflects two of my firmly held beliefs. First, after more than three 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 individually 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 which deals comprehensively with not only the legal but also the psychological, sociological, and economic aspects of divorce, yet is presented from the practical and utilitarian point of view of a divorce lawyer.

I’ll never forget the insightful comment made by a fellow family law attorney when he opined, “Face it, Brad, we divorce lawyers are basically in the misery management business.” Since there is probably way too much truth in that statement, I feel it becomes incumbent on us as divorce attorneys to “manage the misery” as efficiently and holistically as possible.

I also know from my entirely too extensive 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 to the Law Offices of Coates & Frey, and I am the first to admit that many of the attorneys on our staff are far brighter in any number of areas than am I as the “old dog” who started our firm. In addition, I don’t think there is a single member of my firm’s clerical or administrative staff who didn’t wind up putting in several hours in various stages of typing, proofing, editing, or “polishing” this manuscript. My special thanks go to my unwaveringly supportive alter ego in the Coates & Frey law firm, my close personal friend and
successor as managing attorney, Greg Frey; to our incredibly efficient law office manager, Jamie Komatsu; and to my super secretary, Celeste Santos, who did much of the manuscript preparation while simultaneously keeping both my personal and professional lives intact.

A huge note of appreciation goes to my former associate Tom Farrell. Tom put in an insane number of thankless and uncompensated hours helping to edit my original manuscript in order to submit it to the University of Hawai‘i Press.

Numerous other professional colleagues have assisted, guided, and influenced my surprisingly successful career in family law. Foremost among these are Michael Town, former chief judge of Honolulu’s family court, and Mark Browning, its current chief judge. Judge Town especially has been one of my true personal mentors in the family law field, and it was he who showed me that a sensitive approach to divorce lawyering could be excellent cross-training for real life. Mahalo all!