



Robertson + Associates  
A Divorce and Family Law Firm  
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# Temporary Hearings in Mississippi

I got up early this morning in eager anticipation of today's events. It's game day –the day for my client's temporary hearing. Years ago I hung up my glove and cleats and traded them in for a briefcase, laptop and last season's tie. The smell of pine tar is replaced with the aroma of coffee and toner. It's not sexy, but it is what I've got. Today we compete.

Last night I texted my client two words: "Patience" and "Poise." Law and Order and other legal shows that take a case from start to finish in 60 minutes (including commercial breaks) have given the American population the misconception that the wheels of justice turn faster than they really do. Justice is a little like agriculture –there is lots of dirt and time must pass before we are ready to harvest. I actually think my father-in-law can take his corn from seed to grain in the bin a little faster than I can finish most divorces. With overcrowded dockets, litigious lawyers and soon to be ex-spouses with visions of sugar plums dancing in their heads, sometimes we have to let the process and the grieving rituals take their course. Patience and poise.

A temporary hearing is the thing that restores order to the lives of a divorcing couple. It is the calm after the storm. When two people decide to get a divorce, there is a period of calamity that will continue until a system is worked out for life to continue. Who is going to pay the bills? What is the co-parenting schedule? How is child support and alimony going to work? These are the questions that litigants, lawyers and judges have to answer. The result is a 6 or 7 page document that outlines custody, visitation, child support, insurance, use and possession of real and personal property, debt service, and other stuff using the now further stretched financial and emotional resources of a family that is trying to live in two places (sometimes).

One of the many problems with our system for temporary hearings in Mississippi is the lack of a uniform system for conducting them. But this is more of a lawyer problem than a client problem. The Judge in your case has a way of doing things; even if it is a bad one, and there is nothing you can do about it except remember the words to my client last night...Patience and Poise.

Some basic things you need to do:

- 1) Make sure your financial declaration is complete. This is your first priority. Without an accurate financial statement and information to back it up, the Judge is playing a bad game of adult pin the tail on the donkey. Listen to your lawyer. If she says jump, you say "How high?" (unless they suck)
- 2) Get your witnesses lined up. In a temporary hearing, you are rarely going

to get to call a bunch of folks to testify. If there is a hotly contested issue, the judge may want to hear from 2 or 3 other people besides the parties. That's it. This is not the OJ Simpson trial. We are plugging the leak in your life with bubble gum.

3) Consider diplomacy. Your lawyer should have already completed a draft of a proposed Temporary Order. You have to think about the end game before you really know how to present your case. What are your alternatives to a negotiated settlement? Best, worse and most likely. (BATNA, WATNA and MLATNA) You have to know this stuff.

4) Relax. A temporary hearing is temporary. While certainly important, it is not your last bite at the apple. While a temporary hearing will set the pace of the litigation, if you sit back, be the best version of yourself and trust your counsel (unless they suck), you will make it through this minor speed bump in the road of your life.



## Mississippi Hates Divorce

Mississippi hates divorce. Time and time again our legislators refuse to make it easier to get one. Being the representative or senator associated with divorce is not politically popular, so our system, a creature of statute formed long ago by the predecessors of said elected officials, stays stuck in the 19th century.

I'm not sure how many states share this broken system, but it is not many, and there is a reason. Our system, based on equitable principals, creates inequity and unfairness when the ability to divorce is used as leverage. It's that simple. I know how to play the game. Trust me. I see less than engaged fathers having joint custody, women who need transitional support not getting it, and men agreeing to pay money they cannot and should not be forced to pay. This increases legal fees and the agony associated with that which is already agonizing. It does not protect marriage. It leverages it. What is done in the name of faith creates an atmosphere of despair for everyone, and our kids get caught in the crossfire. Money that should be used for educations and weddings or to otherwise celebrate life is used to pay my office overhead.

I get it. God hates divorce. Mississippi loves God. Hence Mississippi hates divorce. I love God too, and I am working hard to keep the Robertson household together. I believe in second chances. I think God designed us to experience the fruits of the Holy Spirit- love, joy, peace, patience, kindness, gentleness and self-control. Frankly, if you are stuck in a situation where you want a divorce and can't get one or your spouse is stuck to you and cannot separate, it is not conducive for these states of being. The bazaar thing is we are not usually hanging on to God honoring marriages, we are hanging on to our idealized standards as it relates to this most precious but very difficult relationship. We are playing games with what is good about marriage, and there is plenty.

Marriage is a serious thing. It should not be entered into lightly and it should not be exited hastily, but our system of divorce does more damage than good. Ask ten family law attorneys in Mississippi who know what they are doing and they will tell you the same thing.

And to those saying preach it, amen and hallelujah to me for these comments, a divorce won't fix your problems either, it will just change them. Your best chance for a successful marriage, especially if you share children, is the one you are in right now.

# Ten Things About Divorce in Mississippi

No two cases are exactly alike. While people's lives can seem similar for sure, what appears to be subtle distinctions on the surface can make a huge difference as to how a situation will turn out. What follows are ten things everyone should know about divorce in Mississippi, dispelling a few common misconceptions:

1. **There must be an agreement or a reason to divorce in Mississippi.** This fact doesn't just puzzle people faced with divorce; family law attorneys who practice in other states think it is bizarre as well. Mississippi is in a small minority of states viewing marriage through this lens. Notwithstanding an annual try by a few brave legislators, our state simply refuses to make it easier to get a divorce. Because proving a legal reason is often pretty difficult, it puts the more motivated spouse in a less leveraged position. Simply stated, whether or not grounds for divorce exist can create unjust outcomes.
2. **There is nothing magic about sixty-days.** A request for an irreconcilable differences has to be on file for sixty-days before it is granted. Other than that, there is nothing special about sixty-days in Mississippi divorce law. Many people think after the sixty-days have elapsed you are automatically divorced, and this is not true.
3. **Kids who turn twelve get a say not a choice.** Another common misconception is once a child is twelve, he or she can pick their primary custodian. This is not true. Child custody is always governed by the best interest of a child. Best interest in an original custody action is measured by a list we call the Albright Factors. A child's choice is one of them, but it is not necessarily controlling. In a custody modification case, you usually have to prove a material change in circumstances and an adverse affect on the child before you even get to the Albright analysis, with the child's choice again being but one of twelve.
4. **Leaving the house is not the same as abandoning a marriage.** Many people have good reasons to physically separate, and this does not start the clock for desertion, also called abandonment. Abandonment to be legally recognized takes a full year, and the spouse left behind must be ready and willing to resume the marital relationship during that time. Abandonment can also happen within the home when a spouse unplugs from the marital relationship and the two live separate lives, even though they are under the same roof.
5. **Having sex does not necessarily make all legal grounds for divorce null and void.** If the spouse at fault makes a full confession of their wrong behavior and the innocent spouse accepts their confession and the couple resumes physically intimacy, all grounds for divorce can be considered forgiven or condoned. However, continuing the bad behavior can revive the grounds, and one cannot forgive something they did not know.

6. **Equitable distribution does not mean equal distribution.** Mississippi is an equitable distribution state. This does not necessarily mean everything will be divided equally down the middle, as multiple factors are considered, which are called the Ferguson Factors.
7. **Alimony is alive and well.** I have sat with more than one person who thought alimony awards are outdated. The truth is alimony is alive and well in Mississippi, although we do not have hard and fast statutory guidelines like we do with child support. As equitable distribution increases, alimony recedes. As equitable distribution decreases, the likelihood of alimony increases. There are multiple types of alimony, but the factors making up an award of alimony are amount, duration, modifiability, tax consequences, and the effect of remarriage and/or death.
8. **There is no such thing as legal separation in Mississippi.** Unlike some states, in Mississippi you are married until you are divorced. There is no middle ground legal distinction. The closest thing we have to a legal separation is when two people are living under the terms and conditions of a temporary order or order for separate maintenance, which is an interim court ruling saying who pays what and how any children will be co-parented.
9. **Divorce is hard.** There is no such thing as an easy divorce. They simply do not exist. While some divorces have less legal issues or more acrimony than others, all are raw with emotion and sorrow, and your kids will be impacted. Believe it or not, I firmly stand on the premise that reconciliation is no more difficult than divorce, which is why I almost always encourage a client to explore individual counseling to make sure they are positive about their chosen path.

**You need an attorney.** Attempting to do your divorce on your own or with a discount attorney is a mistake you are almost certain to regret. Solid legal representation is the foundation of your new life, and you should choose wisely when it comes to choosing your counsel.



## Legal Separation in Mississippi

There are lots of common questions I get in my practice about divorce, but one of the most frequent is whether or not Mississippi recognizes “legal” separation. The short answer is no. You are married until you are divorced or someone is dead. The closest thing we have to “legal” separation is when there is a temporary order in place which mandates the rules for separation, including but not limited to custody, visitation, child support, medical expenses, additional child related expenses, use and responsibility for the marital home, alimony and the service of marital debt. Across the state and sometimes even within a particular county, judges’ approach to temporary hearings will vary. Some judges will let you talk all day. Many will limit the hearing to about an hour. Some will not grant a hearing at all, they will conference with counsel for the parties and attempt to maintain the status quo. Some judges will place an expiration date on a temporary order and sometimes they will stay in place for years. I have said for a decade that Mississippi needs a uniform approach to temporary hearings, but alas, one does not seem to be in our near future.

This often comes up as it relates to post separation dating. “I just met this great guy who is legally separated...”

Wrong.

He is married and you are *technically* committing adultery.

He may be flat stuck.

Mississippi is the last state that does not have no-fault divorce legislation. You still either have to have a reason or an agreement. Because we do not have true no-fault divorce legislation, we have an archaic animal called separate maintenance. Essentially, a judge can impose separate maintenance if the “leaving” spouse refuses to and has a responsibility to support the “left” spouse. The leaving must not have justification and the left must want the leaver to come home. While I believe in marriage, I think separate maintenance is stupid, and apparently, the rest of the country agrees.

So, when someone on the street asks you whether or not there is legal separation in Mississippi, the answer is no.



## Irreconcilable Differences

A “no fault” divorce through agreement is called irreconcilable differences. You and your spouse can agree that you want to be divorced and agree to all aspects of your property division and all the intricate details concerning your continued care for your children post-divorce. If you choose this route, there are five basic documents your lawyer will prepare 1) Complaint; 2) Two Financial Statements; 3) Marital Dissolution Agreement and 4) Final Judgment.

The Complaint is usually filed in the county of your residence and can be a Joint Complaint or a Complaint which is filed by one of the parties to the marriage. This, like all of your other divorce documents, is public record accessible by anyone. It essentially contains basic biographical information and some statutorily required language and asks the Court to either collectively or individually grant a divorce. The reason a person often files a Complaint before an agreement is reached is because an irreconcilable differences divorce must be on file for sixty (60) days before a divorce is awarded. People often confuse the sixty-day waiting period. It is simply a cooling off stage imposed by the legislature attempting to prevent someone from rushing into a divorce. It has absolutely no other purpose. In the event that a “Contested ID” complaint is filed, the other party must eventually sign a statement that they also consent to the divorce. Sometimes this is a separate document and sometimes it is included in one of the others. The formal delivery called “service of process” is not required in an irreconcilable differences divorce. This is due to the fact that a divorce without fault grounds cannot be obtained by default. The only reason that an attorney may choose to “serve” your spouse with an irreconcilable differences divorce is to give her formal notice of the legal proceeding or because of the rule that requires a lawsuit to be served within a certain period of time so that it does not expire. This is a little on the technical side and is rarely a problem. A few Judges also require litigants in a divorce proceeding to attending a parenting class to talk about children’s issues in divorce.

The financial statements are a requirement imposed by the rules of chancery court. This is the second most important document that you will complete as a divorcing person. Work closely with your attorney in completing your financial statement, which itemizes income, expenses, assets and liabilities. The budget portion of the document is not only necessary for the legal proceeding, but it is very helpful to complete when contemplating the new expenses associated with living in a separate household from your spouse. Most people are in worse financial shape divorced than they were married because most Mississippians simply cannot enjoy the same standard of living maintaining two households. The current form of the financial statement, also called the “8.05” which is the rule number wherein it is required, can be a little confusing and can be completed several different ways. The important thing to be is consistent. We will spend more time on the 8.05 later.

The Marital Dissolution Agreement (aka Property Settlement Agreement or Child Custody and Property Settlement Agreement) is far and away the biggest and most important piece of paper that you will sign if you get a divorce in Mississippi through agreement. It is a contract that takes care of the entire specifics concerning your new divorced life. It will essentially be incorporated by reference in the Final Judgment and become the law as it applies to you and your former spouse. It will provide for your freedom from the interference and control of your former spouse, dictate custody and visitation, provide for the continued financial support for your children, divide property and debts, provide for spousal support (if any) and include all of the necessary legalese.

The Final Judgment is the court's Order. It is the document that legally negates your marital contract and relationship. It will reference the settlement agreement and require you to fulfill all its terms and conditions. The consequence for not fulfilling an Order of this type is civil and/or criminal contempt of court that can entail imprisonment and other bad consequences. It is as important a document as a birth certificate, social security card, passport and the like.



## Fault

The more aggressive way that one can get a divorce is if you or your spouse has a reason. Sometimes I have no choice but to encourage a client to proceed on a contested basis if there are pressing financial circumstances, even if it be an audible such as a request for separate maintenance or partition of real estate, but more on that another time. For a divorce to be granted on a fault basis there must be a hearing in open court.

Reasons for divorce in Mississippi are as follows:

- 1) Natural impotency;
- 2) Adultery;
- 3) Being sentenced to a penitentiary;
- 4) Desertion;
- 5) Habitual drunkenness;
- 6) Habitual use of drugs;
- 7) Cruelty;
- 8) Insanity;
- 9) Being already married at time of marriage;
- 10) Pregnancy by another person at time of marriage;
- 11) Incest; and
- 12) Incurable insanity

The most frequent grounds for divorce are cruelty, adultery, desertion, and habitual use of drugs and/or alcohol. I can count on one hand how many times I have pled all of the other grounds combined in ten years. A fault based divorce is more like your standard lawsuit. It begins with the filing of a Complaint in which a person informs their spouse of the relief they are seeking and the basic theory of law upon which it is based. When I draft a divorce Complaint I like to keep it simple. When we only have to place the other party on notice as to what we want, making a long factual recitation can only hurt because it could limit the theory of your case. This is called "Notice Pleadings." After the Complaint is filed, the clerk of the chancery court will issue the summons. Most divorce cases involved two types. One is called the Rule 4 Summons which goes with almost every type of legal action in our state. This document basically informs the person to whom it is address that they are being sued and that they must take action or bad things will happen. The other type of summons in divorce actions is called the Rule 81 Summons. This is what the law requires to accompany a prayer for temporary relief, which will usually be within the Complaint for Divorce, although some lawyers create a separate document styled "Motion for Temporary Relief." (It is also what is served on an opposing party in a post-divorce modification or contempt). The Rule 81 Summons informs you that you must be in Court on a certain day or they will proceed without you.



## Habitual Cruel and Inhuman Conduct

The most commonly pled but most difficult ground for divorce to prove is Cruelty. Habitual cruel and inhuman conduct is a culmination of conduct perpetrated by one spouse against the other over a period of time that makes the marital relationship insufferable to the innocent spouse and which endangers life, limb, health or safety or which creates a reasonable belief that one is in danger, rendering the relationship unsafe for the party seeking relief. One can also prove cruelty by showing the conduct of the offending spouse is so unnatural and infamous that it makes the marriage revolting to the point that it is impossible to discharge the duties of the marriage thus destroying the basis for its continuance.

A single occurrence of cruel and inhuman treatment may be sufficient to warrant a divorce, but it must be very extreme. What is cruelty in one household may not be cruelty in another. What is cruelty to one Judge may not be cruelty to another. What constitutes cruelty is open to interpretation. Cruelty can be actions or inactions. Cruelty can be characterized by emotional abuse and physical violence, neglect and non-support, drunkenness, drug addiction, refusal of sexual relations, adultery, profanity and verbal abuse. Many lawyers see cruelty as the “catch all” ground for divorce. If a person wants a divorce and the other party will not agree, cruelty is often what will be pled.



## Prenuptial Agreement? How Romantic

Part of being a Mississippi divorce lawyer inevitably involves writing and interpreting prenuptial agreements. While I am not the biggest fan of prenups in first marriages, they have their place in the world, and they are by no means a new development in the law or in culture. In fact, anthropologists tell us that couples have been contracting marital rights for thousands of years. If anything, I would submit that there is much less thought going into the financial component of marriage than ever before.

In twelve years of family law practice in Mississippi, I have seen some really bad prenups- especially sometimes when they appear like an awesome contract because of the fancy font, linen paper and “big firm” company seal. Well intentioned and smart practitioners that do not work in Mississippi marital dissolutions every day find a great form on their extensive firm database and fill in the blanks.

Not good.

The steps to create a valid prenup are pretty simple. First, you cannot do it at the last minute. You and your future spouse both need plenty of time to think about the contract. Second, both sides need independent advice. One lawyer cannot advocate the legal position of two people. They just can't. Third, there must be full disclosure. Each side must exchange financial data. It is better if that financial data is attached to the contract so years later you can find it. Lastly, the contract should be written in plain language and accompany some simple estate planning.

The best way to make sure that your prenup will be rejected by a chancellor is to do it at the last minute. Think about it. Your fiancé has worked for months and months planning for the wedding. She has received dozens of gifts and the honeymoon is planned. She has acknowledged hundreds of well-wishes on her Facebook page, and she has been showing off her ring with beaming excitement. A week before the wedding with pressure from his father, the groom-to-be says, “Oh yea, there is the one thing that we need to do before the wedding...” All I have to say about that is - Bad, bad, bad. I will stipulate that men are stupid sometimes, but this is just bad lawyering on their counsel's part too. I would suggest that you get the prenup worked out before entering into extensive plans for the wedding.

Another way for your Mississippi prenuptial agreement to fail is by not having independent counsel for both people. Billy Bob can draft the contract for your fiancé, but before you sign it, let someone else look at it and explain it to you. If your fiancé is trying to give you the shaft, you may want to tell them to hit the road.

You must swap financial data. Exchanging your social security earnings

statements and a couple years worth of tax returns and an asset/liability statement similar to that which you would give to your banker for a loan is imperative. I would also recommend that if either you or your fiancé has been divorced, that you exchange your Divorce Judgment as well. You simply must complete due diligence and be fully informed to enter into a contract- especially a marriage contract. Heck, most premarital counselors will tell you that everyone needs to be informed about finances prior to the wedding. It is just smart. I cannot tell you how many times I have had a client tell me in response to the question of when the problems began- "Well, when we got back from the honeymoon he told me that he has \$68,000 of credit card debt and he pays his ex-wife \$5,000 per month in permanent alimony...."

Ouch.

The Robertson prenup is actually a pretty simple document that carries a powerful punch upon a divorce. My approach is simple- put the power of creating marital property in the hands of the couple. If it is in the wife's name, it is hers. If it is in the husband's name, it is his. If it is in joint names.... You got it, it is marital property subject to being divided. Easy peasy. Forget about the complicated aspects of commingling non-marital property, tracing and the family use doctrine. Look at how the account is styled or to whom title is vested and you have your division upon a divorce. Now this is complicated by the fact that in Mississippi, you must have a reason or an agreement to get a divorce, but I will save that discussion for our initial consultation.

In summary, a prenup does not have to be that big of a deal if you follow the correct steps. When you put the power of creating marital property in the hands of the couple and not some stranger wearing a black robe, you win. Hopefully if you enter into a prenup, it will be put in your safe and will never rear its ugly head again.

We help people draft effective Mississippi prenuptial agreements all the time for a set fee. If we can help, [holler](#).



## All My Money

A lot of people are talking and writing about the life of Robin Williams in light of his tragic death. I have watched a few things myself, as I always loved his work. His brand of crazy humor coupled with Shakespearean tangents was a one-of-a-kind mixture of freedom and intellect. Notwithstanding his personal demons and the obvious wreckage it caused to those closest to him, we are a better, more thoughtful society for his having lived.

Matt came into my office yesterday, as he often will throughout the day, telling me he had read Robin Williams was divorced a couple of times, having paid tens of millions in settlements to former wives, and despite the mountains of money he made, was experiencing financial difficulties in later life due to poor choices and circumstances. In typical Williams form, he called his payments of alimony “All My Money,” saying divorce is like ripping out your heart through your wallet.

My dad paid alimony to his first wife for decades. While it was not a lot of money, and she certainly probably needed and deserved every nickel, there was an unsettling undercurrent in my house about it. Many people think alimony is a thing of the past, which is simply not true. While more families have two parents that work, the realities of alimony in Mississippi have not gone away, they have simply changed.

Alimony comes in several shapes and sizes.

Permanent alimony is what my dad paid. It is paid from one spouse to another until death or the remarriage of the recipient. It can be modified and the recipient pays state and federal taxes on the money.

Lump sum alimony is a tool of equitable distribution. It is not taxable and not modifiable and unlike the name suggests, it can be paid in installments over time. It is used when certain assets cannot be divided in kind, such as a business.

Rehabilitative alimony is used for the purpose of getting a non-incoming earning spouse back on her feet, and reimbursement alimony is usually used when a spouse works to put the other through school, only to see the marriage fall apart before the investment comes to fruition. Think teacher working to put her doctor husband through medical school, only for him to decide when the big paychecks start arriving to spend his free time with his much younger and eager to please nurse. (If the nurse is married, Dr. Feelgood may expose himself to alienation of affection too.)

Hybrid alimony is where lawyers take the characteristics of alimony- amount, duration, frequency, taxability, modifiability, survivorship and affect after remarriage,

and create custom creatures. This is usually done to shift the tax burden to the lower income spouse and alleviate the bad taste it leaves in one's mouth to pay alimony to a now remarried former spouse.

I have a little rule of thumb when it comes to alimony, which you will not read in any book, but which I use as a sort of guide for alimony analysis. It basically goes like this: If the husband, after paying child support and a pro rata share of the other child related expenses, has significantly more free income than the wife, her best case scenario is an amount of alimony each month which would equalize their incomes for a period of time about half the length of the marriage. All other factors are open for negotiation. For example, if after paying child support and child related expenses, if wife has \$2,000 per month to spend and husband has \$6,000 per month to spend, and the parties have been married for ten years, the most the wife can expect to receive would be around \$2,000 per month in alimony for a period of about five years. This gives both parties \$4,000 per month in spendable money.

Now don't quote me on this because it is a creature of my experience more so than any Mississippi alimony formula (which by the way does not exist- we have [discussion points](#)). There are lots of factors at play as well, including the realities of the [divorce card](#), which creates leverage in Mississippi.

In summary, is alimony "All my money" like Robin Williams said....

Maybe.



# Adultery

I was shocked at how common adultery is when I first started practicing law. Adultery does not require proof of sexual intercourse. Adultery can be proven if it is shown that the offending party had the inclination and opportunity to consummate an adulterous relationship. You can use your imagination as to how this can be shown in court. An adulterous inclination may be exposed by either the defendant's infatuation with a particular person of the opposite sex or a general adulterous nature. Both parts of the test are necessary components. Just because a wife is a flirt and seems to have a promiscuous inclination does not mean that her husband would be entitled to a divorce on the ground of adultery if he cannot prove that she also had the opportunity to establish a physical relationship with someone else. Circumstantial evidence which leads to two or more reasonable explanations of what could have happened is not enough.

The conclusion of adultery must be logical and prove the facts charged, but must also be inconsistent with a reasonable theory of innocence. It is impossible to restate all the ways to uncover the secrets of a cheating spouse, but the common ways we prove adultery is through the admission of their spouse or the paramour (legal term for lover), cellular telephone records, emails, private investigator reports and recorded telephone calls. I am constantly amazed at how stupid people can be when they are cheating. When I am representing someone who has committed adultery, I tell them that they will eventually be asked in a divorce proceeding whether or not they have been faithful to their spouse and they will have three choices: They can lie, they can tell the truth or they can plead the Fifth Amendment of the United States Constitution (because unlawful cohabitation is a crime in Mississippi—look it up!). A respectable lawyer will never tell their client to lie, so that leaves the truth or the pleading the fifth. Even though the judge will be able to take declining to answer based on the fifth as an admission, there are often times when this is exactly the best strategy. Other times it is better just to tell the truth because more times than not adultery is the symptom of an already sick marriage, not the disease itself.



## Cell Phone Bills Can Talk

I did not get my first cell phone until well into my legal career. Almost everyone has one today. Cell phones have changed life as we know it- in some ways for the good and in some ways for the bad. Cell phones have made checking email, finding movie times, checking football scores, updating your Facebook status and pretty much everything else you see in an iPhone commercial easy. But they have also made driving more treacherous, unplugging from work impossible and they have increased the temptations of intimate communication with someone else's spouse.

Having a cell phone in law school at Ole Miss would have made one thing easier for sure- figuring out our utility bills. The electricity, water, and cable TV were always easy, but I can remember having to mark long distance calls on the bill using a different colored highlighter for each roommate and doing a great deal of arithmetic to figure out how much we each had to pay. After debating several of the charges like true baby lawyers, we would set our checks out by the statement and when the last roommate wrote theirs, we'd send it in- not always on time, of course- which drove me crazy! A lesson I was learning as a future family law specialist is how to decode the single most telling piece of evidence in a contested divorce case in Mississippi- the itemized cellular telephone statement.

If there is any inclination that infidelity may be an issue in a case, we issue a subpoena for the cellular telephone records of the potential perpetrator. If a spouse is talking to someone they shouldn't be, those statements will light up like Time Square on New Year's Eve. Texts are worse than calls due to the volume of back and forth that it takes to send messages. While to my knowledge there is no way to harvest the content of text messages without the device itself, the sheer volume of activity and the timing of the texts tell you most everything you need to know. Interestingly, we often look for times when there were no calls or texts to determine when the adulterers may have been together- like on an overnight "business trip."

Recently, I commissioned an artist to paint a series of paintings for my wife as a Christmas present. I didn't want Rachel to know about it. I was communicating with the artist via text, email and of course over the phone. I was also checking out her website. It's funny but even though I was doing nothing wrong, when Rachel would pick up my phone for whatever reason, my heart rate would increase. I can only imagine what it feels like to be cheating. There must be constant panic. Surely this behavior is obvious? I know Rachel knew something was up, but sometimes spouses are so disconnected they don't even notice. Their marriage is already dead or dying and an affair is just a good reason to end the relationship and cast blame for the divorce. I don't judge people who go outside their marriage. In fact, I believe that adultery is usually only a symptom of an already diseased relationship. There is no

question, though, that in Mississippi it will secure sometimes elusive grounds for divorce, impact alimony demands and change the dynamic of a custody case.

If you suspect your spouse is cheating, be on the lookout for very protective behavior with their phone. A husband or wife without a guilty conscious will set their cell phone on the kitchen counter and not think twice about it. He or she would never go to the trouble of making access to their phone password protected. But if they have something to hide, they will never let it out of their sight. It will be locked in their truck, tucked away in their purse, in their pocket or on their belt at all times. Maybe the phone will be noticeably empty of texts, emails, calls and FB messages- that's because they are being deleted from the device (but not the bill). Other "smart" cheaters use prepaid cell phone or "Go Phones." While difficult to trace the activity on these devices, one can look at their financial records to determine when and where the track phone may have been purchased or even better, they find the device itself. Why on earth would anyone have a track phone if they have a regular mobile phone? It's because they are talking to someone that they don't want their spouse to know about.

Cell phone bills can talk; all you have to do is be listening. Of course I believe that there are times when you need to be able to chat in private, but going to great lengths to hide from your spouse who you are talking to is at best unhealthy for your relationship and at worse the telltale signs of an affair.



## Note to Self: Close the Blinds

Cheating. It just happens. It is not a part of every divorce case in Mississippi, but I can say with certainty that it is a part of at least half of them. I personally am a strong believer that in almost every circumstance when a woman cheats, it is a symptom of a marriage that is already on life support. Guys not so much. Sex is simply less emotional to a man than to a woman. Most guys could go out and have sex with a fencepost and then go home and at least on the surface seem to be content with his home, wife and kids. With women, who deeply desire an emotional connection, when they are not getting an intimate bond from their marriage, they gravitate to some form of connectedness. The “conversation” can lead to a physical relationship if she is not very careful.

There is no foolproof way to cheat if your spouse cares or wants to know.

**Private Investigators:** If you are going through a divorce, someone has mentioned to your spouse that they should consider talking to a private investigator. When people cheat, they tell dozens of lies and eventually lose track. No matter how disconnected you and your spouse have become, if he or she is not in a coma, they will eventually notice things are not adding up. When people cheat, their living patterns change, and the people living in your house are going to be affected by it. If you are gone at odd hours or always on the computer or always on the phone texting or having private conversations, alarm bells are sounding. If you are talking about someone at work or there is a different smell about you or you are all of a sudden interested in a new activity, the person that is in your house will figure it out. If you are going through a divorce, you may as well go ahead and assume you are being followed. While I don't think I have ever been under surveillance- I'm told by people who have been followed that you get a sense about it. Trust your instincts.

**Telephones:** The number one way that people get caught cheating is through their cellular telephone itemized call list. If you want to know whom someone is sleeping with, find out with whom they are talking on the phone all day every day and sometimes for hours at a time. Even if you think you are smart and will buy an untraceable track phone, be mindful that if you pay for it with a credit card, debit card or check (or if you refill your minutes with them), you might as well have used your regular cell phone. If you have a regular cell phone, what in the world is a good excuse for having an expensive-to-use track phone? You also have to do a good job of hiding the device itself. It is more difficult to trace call activity on work phones. There are more people, a higher call volume and more complexity in obtaining itemized call logs from a business.

**Tracking Devices:** These days, GPS trackers are cheap and easy to use. It is perfectly legal to put a GPS tracker on a vehicle that belongs to you. Do you really have

a good excuse why you were parked at a Motel 6 in Byram for 4 hours on a Wednesday afternoon?

**Discovery:** Discovery is the information gathering process in a divorce. The most common forms are depositions, interrogatories and requests for admissions and documents. At some point, even if you have been very good at covering your tracks, someone is going to ask you under oath during information exchange whether or not you have been faithful to your spouse. I tell people all the time that you can lie, tell the truth or plead the 5th Amendment. Lying will subject you to perjury and you will get caught and the judge will not be able to trust anything that you say. Many judges will no longer allow you to take the 5th in Mississippi because unlawful cohabitation in adultery has not been prosecuted in decades. The best thing to do 99 times out of 100 is to admit it and move on to the next subject. I had a smart, funny lawyer tell me one time in his personal divorce that he said during a deposition to counsel for his wife that he could pick any name out of the phone book, any woman in Northeast Jackson and he had sex with her, but that is the only question he was going to answer about it- move on to the next question.

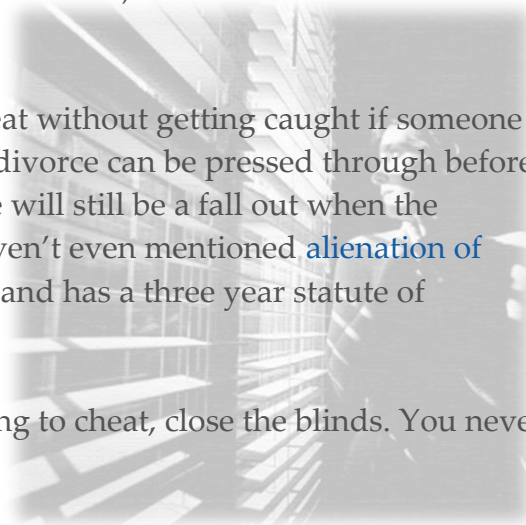
**Credit Card Statements:** These days most people pay for everything on a credit or debit card. Your spouse or some lawyer with nothing better to do is going to look at each and every charge. Count on it. If you don't want someone to know what you are buying, use cash and be prepared to explain the ATM withdrawals.

**Computers:** Computers store data without us knowing it and the Geek Squad knows how to get it off. There are also a number of products on the market that can capture key-stroke-data. This makes it easy to obtain passwords, email addresses and basically anything else that you are punching in on your keyboard.

**Witnesses:** Last but not least to this non-exhaustive discussion are people. The PI may not be following you, but they are following your girlfriend. You guys are going to end up at the same place, right? Even if you decide to lie, will someone else do it for you? Think about it.

The bottom line is there is not way to cheat without getting caught if someone cares enough to find out. Sometimes a no-fault divorce can be pressed through before the other person knows, but at some point there will still be a fall out when the information eventually rears its ugly head. I haven't even mentioned [alienation of affection](#), which is alive and well in Mississippi and has a three year statute of limitations.

Lastly I get to the title line. If you are going to cheat, close the blinds. You never know who is going to be looking.



## Moth to a Flame

I have a theory about good girls that cheat in Mississippi. I am stipulating in the first paragraph that I know very little about the way women think. The sum total of my knowledge comes from my experience in the dating world (years ago), my representation of about 350 or so women of all ages going through a divorce or family crisis, and my wife and two daughters. Any of these references (with the exception of Mollie Ann and Emma) could possibly tell you that I don't know jack, but here goes anyway.

I will start where it ends. I am sitting in a consultation with a new, female client and I have just finished going over the background information, stuff about the kids and the basic facts about the family finances. I put down my pen and say "Tell me your story." Having been in so many of these meetings, many times I could tell the potential client their story for them, but I believe in letting the client do most of the talking when I meet with them for the first time. Because I know what I am doing when it comes to divorce and family law, it usually doesn't take me long to develop the goals and a plan for the client when it is my turn to talk.

She tells me how controlling her husband is or how consumed with his hobbies or work he has become. She tells me that she sleeps with the kids most of the time and they have not consistently slept in the same bed in months or sometimes years. She and her husband may or may not be having sex but when they do, she feels like she is going through the motions and is pretty much "with him" so she does not have to deal with his temper or moodiness when she deprives him of sex. She may or may not have found pornography on the computer history. Most of the time, she has been the person primarily responsible for taking care of the kids on a daily basis, but she has noticed as of late he is taking a more active role with them, which but for the talk of divorce, she would have been thrilled for him to do. She tells me that they are basically roommates, and bad ones at that.

I will usually ask a question that goes something like this "Does either spouse have suspicion of adultery?" She often replies that she does not know if he is cheating or not, but she knows he has to have sex, so if they are not sleeping together, he is sleeping with someone. She does not have a name or a phone number. She then tells me that she has a friend from work (or the gym or church or that she met through her husband or \_\_\_\_\_ - fill in the blank) and they are having an emotional relationship, but it has not become physical. She tells me that he is so nice and he listens to her and he makes me feel special and that if she does get a divorce, she can see him being a part of her life.

She is a moth to a flame. When she gets too close, her wings are going to get burned.

As you are painfully aware if you are breathing oxygen and live on the planet earth, men and women are different. Men are from Mars and women are from Venus or what freaking ever- we are just made by our Creator in vastly different ways because we have different roles in the sacrament of marriage and parenting and community.

Good girls don't cheat until their husband so emotionally starves them that they will drink from a puddle on the side of the road to quench their thirst for intimacy. The new guy gets her, he listens to her, he makes her feel sexy and worthy and she knows the relationship is wrong, but she needs the type of fulfillment and validation that she is getting from Mr. X.

She is afraid of getting caught. She is horrified that she will lose her children, not to mention that the ladies at church or the junior league will think she is a you know what. However, she is so thirsty and she has told so many lies that she can hardly keep up with them anymore.

So if I have just described you, what do you do? Call our office immediately. Adultery is grounds for divorce, but it is also a factor that the Court will use to examine your custody position. Also, being guilty of adultery will have a significant impact on any request for alimony. If you are guilty of adultery, there are things we can do to limit your exposure, but the longer you wait to get good counsel, the worse things are going to be.



## Top 5 Places People That Cheat Meet

If you have read much of what I have written, you know that while adultery causes a lot of divorces, it is usually not the primary reason a marriage fails. The failed marriage leads to cheating --it is a symptom of the disease in most cases, not the disease itself. Nevertheless, where people that cheat meet is pretty predictable, and I thought I would spend a few minutes talking about them.

**Work:** The number one place that people who cheat meet is work. They may be co-workers or there may be a client or customer relationship, but if you put unhappy people of the opposite sex in a situation where they are communicating about anything, it can lead to trouble. I think in all of these areas, the key is access. It is the ability for married people of the opposite sex to be engaged in private community with one another that leads to inappropriate behavior. So if you are suspicious that your spouse is being unfaithful, the first place to look is a person with whom they have a legitimate business relationship. If you want to guard your heart or the heart of your spouse in these situations, you have to limit the access to privacy. Not in a crazy, controlling type of way, but in a mutual decision to place healthy boundaries in place type of way. For example, you and your spouse should have an agreement that you will never go to lunch with someone of the opposite sex. One should also keep the door open if in a meeting with someone of the opposite sex. I also believe it is a good idea for spouses to visit their partners' workplaces on a regular basis.

**Online:** The social media pandemic is fascinating and tragic. I actually did an online poll you may have seen when I was brainstorming about this post. Social media is a representation of the "top 5%" of life. People usually do not post about their problem children, depression medication, porn addiction or overbearing mother. They post pictures when they are all dressed up, on a vacation or when their kids are doing fun stuff in their sports uniforms. You do not see the fights over the spilled ice cream or the dog pooping on the carpet. Facebook or any online media is false reality. It is fantasy. Sure, you can see a picture of someone, get their email address, find out where they work and see their marital status, but can you really know someone through social media? Of course not! But what Facebook does is allow people to connect in a way that was impossible ten years ago. I bet if you asked more senior divorce attorneys what was a place that people would meet to cheat twenty years ago, they would say high school reunions. Facebook is a high school or college reunion that happens every day of the year. Oh BTW, life was easy and uncomplicated in high school and college. Heck, even in law school my rent was only \$175 a month.

**Through the Kids:** People who have kids automatically have something to talk about. A common experience that breaks the ice for more intimate conversation that

leads to --well, doing it. In all sadness, however, it is the kids who are most effected by the decision to walk down the infidelity road. You know, new love is like anesthesia. It displaces reality through a rush of testosterone or adrenaline and makes us do stupid stuff. A smart counselor friend of mine told me that “strange nookie” is the strongest drug known to man. The truth is, you put men and women in a situation where they are interacting with one another on an intimate level, and it will lead to chaos.

**Church:** Church’s are like hospitals because both house people that are very sick. I am one of them. They are places where people who need spiritual attention go to get it. At church, people are literally wearing their Sunday best. I am of the opinion that we are all broken spiritually and we need to be fed. God is love. God resides in perfect community in the Holy Trinity. Everyone needs love and community. People seeking after God are actively looking for it. When the love dynamic is broken at home, and that is the reality in way more than half of our marriages in America, it creates a situation wherein under the right circumstances, we find the false love and false truth of adultery at the place where you would least suspect it. It is a sad reality that adultery is alive and well in our churches.

**The Rest:** Bars, Spouse’s friends, Las Vegas, Business trips, the Gym, Neighbors, Grocery stores, etc. People who cheat can meet just about anywhere. I only listed a few. If you are married, there are few good reasons to be in a bar without your spouse. It is just asking for trouble. I guess the same holds true for Las Vegas. Just watch the commercials. Your actions may stay in Vegas, but the ramifications follow your tail home- trust me. Unfortunately, business trips are often unavoidable. The little bit I have traveled for work -I know the road can be a lonely place. The gym is a good one. Most of the time people go to the gym alone and they are surrounded by people that are either fit or trying to get fit- people that care about their body image. As far as your spouse’s friends or a neighbor... Really? How can that be a good idea? I get it. These folks are easy access, but you are asking for more trouble than you can take if you choose to cheat with someone with whom there is a close personal relationship with your spouse –even if it is just through proximity.

5

## The Strongest Drug Known to Man

A counselor friend of mine from Meridian used to say that the strongest drug known to man is strange nookie. Wikipedia, the authority on everything, says “nookie” is a slang term for sexual intercourse. Get it?

As a Mississippi family law attorney specializing in divorce and legal stuff that happens when folks who are not married have children together, I have seen it all. Fourteen years as a divorce lawyer are like dog years in life. You may recall from **previous posts**, common grounds for divorce in Mississippi are adultery, habitual cruel and inhuman treatment, habitual drunkenness and habitual drug abuse. The law says about drug use that one’s spouse is “under the influence of morphine or like substance.” Yes, our laws are dated and move like good honey from a jar over homemade biscuits. Have you seen this month’s **Garden and Gun** cover? But I digress.

New love, aka lust, is intoxicating. It is the stuff that creates songs and poems and novels and paintings and many healthy artistic endeavors. **Love created the world in all of its infinite details.** But strange nookie –that forbidden fruit.... It can make an otherwise sane person utterly stupid.

These days when someone with a job has a drug addiction, it is often pain killers. Pain killers are usually obtained based upon some legitimate health problem. The strange nookie drug is like this too –there is a pre-existing problem in the marriage serving as the entry point of the urge to medicate. This is especially true for women, because I honestly believe that good girls will not cheat if their husband is fulfilling her needs at home. Note that I say “good girls” because not all girls are good.

If you think your spouse is under the influence of strange nookie, my first advice is to check their cell phone bill. While becoming somewhat obsolete, many cell phone companies provide itemized monthly call statements which show whether the call is incoming or outgoing, its duration, date, time and the phone numbers that were connected. It will also show texting activity, but not the content of the text messages themselves. You need the device itself for that or a program on the device such as **Mobistealth** that will spy texting and email activity. If there is something suspicious, the statement will light up like a Christmas tree. There will be dozens of calls, especially during hours where the perpetrator will be alone like during the morning and afternoon commutes to and from work. Another thing to look for is overall secretive behavior concerning the cell phone. Does your spouse leave her phone in the car every night? Does she put it in the drawer on her side of the bed? Does he have it clipped to one of those nerdy belt clip things at all hours of the day?

In a marriage, your spouse should feel comfortable enough to set the mobile

phone on the kitchen table. No password. No anxiety over a child playing games on it. No worries if their spouse needs to make a call because his phone is dead. Nothing to hide equals the absence of strange nookie in the system. Other things to watch out for are new clothes, a new commitment to the gym, new hobbies and new travel habits –basically anything new that does not include you. Many times these are otherwise positive things so don't go all South Jackson on someone until you know the facts.

Bottom line is if you are suspicious about strange nookie, you need to [call me](#). It does not mean that your marriage is dead, but it does mean that you are going to have to have an intervention.



## Uber and Technology in Divorce

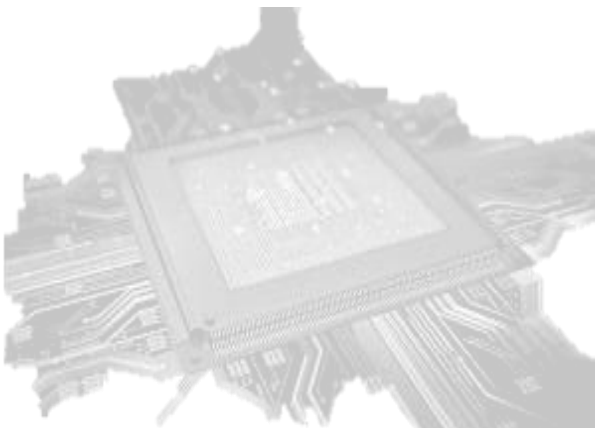
There is new technology in big cities across the world that uses geomapping to connect people who need rides with people willing to give them. It is called Uber. Essentially, you load an app to your smart phone, connect it to a method of payment and when you need a ride, you push a button. The closest several drivers are given the opportunity to accept the assignment. The first one to say yes gets connected with the customer. The driver sees the location on his smart phone, and he picks up his new passenger, usually within ten minutes. After the ride, funds are exchanged electronically based on distance and time. The tip is included. A simple receipt is emailed to the passenger, who is asked to rate the experience and the driver. The driver also rates the passenger. Uber takes a commission for the use of their technology. The passenger gets a better deal than a cab and the driver, who is an independent contractor who has a self-insured, newer model automobile, has almost unlimited freedom when it comes to creating his own work-life balance. Many Uber drivers do it as a supplemental source of income. I used it in recent trips to Atlanta and Chicago and could not say enough good things about my experience.

When I first started practicing divorce law in Mississippi fifteen years ago and adultery was suspected, we employed old school private investigators to follow our subjects. They did it the hard way. If we knew the offending spouse or his paramour was going to be at a certain location, the PI would conduct a stakeout hoping to be led to the site of the tryst where he could capture the encounter on film. I can remember one smart client whose spouse would talk for hours on a hands free landline late in the evening. He set up a police scanner programmed to the frequency of the cordless phone next to a voice-activated recorder. He harvested hours of discussions about what they wanted to do to each other when alone. His system, while creating heart-wrenching revelation, was ingenious for its time.

Technology has changed stuff.

While we still work with PIs and sometimes advise people to record conversations when appropriate, the way PIs go about their business has dramatically changed, even though the ultimate goal remains revealing the truth. Almost everyone has a library of information in his or her pocket in the form of the smart phone. These days our professionals use GPS tracking devices when they can be legally deployed, or we electronically track activity based on find-my-phone-like applications on their device of choice. Also, the use of spyware on computers and other electronic devices is very common. This software hides on the device and sends information to the bereaved husband or wife.

I have learned people who are involved in affairs are not thinking clearly. They are under the influence of **the strongest drug known to man**. Guys cheat for adventure. Girls cheat after an emotional connection lacking in their marriage. Regardless the reason, like a crack addict after the next score, they are going to do unwise things and they will eventually get caught, technology or not.



## The Jig is Up

Rachel and I have lied to our kids their whole lives. I am not proud of it. I certainly want my relationship with our children to be based in truth, but when it comes to stories about the bearded man who likes cold weather and his elf, a rabbit and a tiny little girl who has a thing for teeth, we have not been honest. Yesterday, we were found out.

Actually, it was about a week ago, but we were called out about our lies last night. As has happened in the past on a few occasions, there was no money under Mollie Ann's pillow when she woke up the morning after losing a tooth. When she came back to her room after breakfast, the transaction was mysteriously funded. This was successfully defended in the past, but not this time. The whole thing has fallen apart. Everyone was outed. While my little one is still under the spell, it will not last long. The jig is up.

She took it well. In fact, she thought we would be mad at her for not believing. An external processor, she had been internally mulling this one over for a while before it started to slip out. She smiled and joked about it. She asked questions about details from past interactions I had almost forgotten. Yes, it was Uncle Bubba in the red suit that time. Jingle is currently located in my closet. We used the attic, the office and trunks of cars to hide the goods. I don't know about the online video from you know who, some company selling various services to parents created it, I guess. Culturally the lying Rachel and I have been doing is acceptable --nothing wrong with a little childhood nostalgia. But what about when spouses lie to each other? Marriage has peaks and valleys, good times and bad, hot and cold seasons, sickness and health. At cocktail parties and sporting events when people find out what I do for a living, I am often asked about cheating. "I bet you have seen it all..."

Yes. People cheat. They do it for a variety of reasons. A forbidden relationship is the **strongest drug known to man**, and people fall prey to it every day, especially when in a rocky marital season. But what happens when the jig is up? What happens when the email is left up on the screen or a text comes across the phone when the perpetrator is in the shower? What happens when the offender is confronted --stomach drops, lump in throat, life flashing before one's eyes?

I preach it all the time. It takes **patience and poise** on the part of the leaver and the left, but the best way to deal with disappointment in marriage is just like we dealt with my kid's inevitable discovery --the truth. There is an explanation for almost all behavior in marriage, but continued lies will do nothing but compound the problem when the jig is up.

Jig

## A Bird in the Hand is Worth Two in the Bush

Most everyone knows the old saying that A Bird in the Hand is Worth Two in the Bush. According to [www.wiktionary.com](http://www.wiktionary.com), it means that “It is preferable to have a small but certain advantage than a mere potential of a greater one.” We apply this principal in our legal analysis on a daily basis and many times it guides our divorce clients to a better outcome.

The best way to resolve any legal dispute is through settlement. A Mississippi divorce is no different. A settlement is certain. It is “the bird in the hand.” The resolution of a legal claim through a settlement is like buying an insurance policy. You know the price and the payout. There is also something to be said about being finished. While there may be more birds in the bush, relaxing back at camp and telling stories about the one you caught is a good thing.

Trials are “the two in the bush.” They are risky. They are uncertain. Just when you have the bird in the net, it slips through the mesh and you are still hunting. There are actual costs associated with continuing the hunt and there are opportunity costs. In other words, while you are still hunting, there are things that you are not going to have time to do. If you are hunting, you are probably not resting. Over my career, I have been a part of over 50 divorce trials. I have always been counsel, never a party. When I finish a trial I am exhausted. It takes me several days to regain my energy. A trial is physically and emotionally draining. In the days leading up to a trial and during the trial itself, it is all I can think about and certainly all my client can think about.

When I was in high school, I played football. My team was terrible. In my three years of high school football, my team probably won 5 or 6 games. I can remember after a game, I would replay it over and over again in my head until the next morning. I think when you are going through a divorce, you feel the same way. You replay events over and over again in your head constantly and you cannot rest. There is a frenzy of activity in your brain and a gamut of emotions, none of which are productive.

Unfortunately, not all legal disputes can be resolved through a compromise. A settlement is not an option for every situation. If this is your situation, be still and stay composed and keep hunting.

You will eventually catch your bird.



## It is Cheaper to Keep Her

I am proud I have a pretty good record in our Mississippi family law and divorce courts. The main reason is because I do my best to stay out if my client cannot win. This week has been a humbling exception.

Monday was a child abuse case in Youth Court. Images of a small child hurt by someone close to her are burned in the hard drive of my mind –it's the sort of stuff that keeps you up at night. **Roane Hunter**, one of my counselor friends says "The capacity of the human race for evil just makes you want to be close to God." There is no winner in a child abuse case. Never.

Tuesday was dedicated to a Motion hearing involving an epic divorce stuck on a hamster wheel. After 30 hours or so of formal and informal settlement negotiations over the past several months, with several near misses, the case simply will not settle. We cannot achieve peace and resolution. The parties have chosen war. So to work go the lawyers with our shiny briefcases to maneuver the legal system in an attempt to give our clients an advantage. Remember in Mississippi, if you don't have grounds for divorce and people don't agree to get one, you are stuck. I wrote an article called **The Divorce Card** you should read if you are interested in how this works. At one point in the argument the other attorney, someone who I normally think is really smart exclaimed, "My client has decided it is cheaper to keep her."

It may me throw up a little bit in my mouth.  
It's cheaper to keep her. Really?

**Love is Creative.** Hate is destructive. Going through the divorce process with a mindset of love will help you build something. If your mindset is hate or is driven manically to save or to get a few hundred bucks a month in child support, you will destroy the foundation of your new life. The mindset of "It's cheaper to keep her" will make each of you miserable and in the process, you will jack up your kids –because love is creative. Hate is destructive. Love is the catalyst for change. It is transcendent. Hate is an ugly place, grounded in loathsome despair. Love is a mountain meadow. Hate is a trash heap.

Another thing this smart lawyer said in court to which I somewhat take issue is at any given time while divorcing in Mississippi, you are riding two trains at the same time. One train in the settlement train and one train is the litigation train. I have used the same analogy, but I call them "tracks" or "paths." His thought process is that you ride both trains at the same time and if the settlement train gets stuck, you keep riding the litigation train. I say which train you ride, which path you take, is your choice. You can take a journey of love, even in divorce, or you can be on one of hate. Handcuffed to

the personality and rigidity of our flawed system. The hate train always ends in disaster –even if you save a little money.

The love train is better.



## Supply and Demand

Almost every person I sit with about divorce in Mississippi does not have legal grounds for divorce. I wrote an article a while back called the **Divorce Card** explaining this further. The most common **legal grounds** are cruelty and adultery. Other commons grounds are habitual use of drugs, habitual drunkenness and desertion for a period of 1 year. The rest are old and only come up in a few random cases.

I had academic ADD. A came out of Wingfield High School of the Jackson Public School district with one objective: Play college baseball. Mississippi College was the only school offering me a scholarship, so I went. My first major was Pre-Engineering. I then decided in the second semester of my freshman year I wanted to be an architect. I took a drawing class and everything. After a pretty good freshman campaign on the baseball field, I decided I was SEC material and walked on and made the team at Mississippi State. Because architecture took up so much time, I really couldn't do architecture and baseball, so I stuck with engineering. That was until I met Mr. Linear Algebra and Mrs. Calculus Three. I also met Dr. Cal-Based Physics. They commenced to beat me up. It didn't help that I decided to pledge (and later drop) a fraternity, practice baseball 4 hours a day and work in a restaurant in Columbus on my days off.

Back in those days, Mississippi State had something called the "Super Drop." You got five during your academic career. By the end of my first semester sophomore year, I used two, leaving a "D" in linear algebra on my college transcript to this very day (not that anybody cares). It was then I took the slow walk of shame across the drill field from the engineering department to McCool Hall, the business school. By my junior year, I settled on economics where I finished on time, which required back to back to back 18-hour semesters.

I liked economics because it had a little math theory and a little public policy. One of the things I learned about was the Supply and Demand Curve. The basic theory is pretty simple:

- 1) If demand increases and supply remains unchanged, a shortage occurs, leading to a higher price.
- 2) If demand decreases and supply remains unchanged, a surplus occurs, leading to a lower price.
- 3) If demand remains unchanged and supply increases, a surplus occurs, leading to a lower price.
- 4) If demand remains unchanged and supply decreases, a shortage occurs, leading to a higher price.

How does this relate to divorce in Mississippi? If both parties want the divorce and no particular pressure point exists, the supply is high and the price is competitive. If only one party wants a divorce and cannot prove he or she is entitled to it based on fault grounds, the supply is low and the price goes up if he or she wants out. I call this chewing off your leg to get out of the bear trap. Also, the worse someone wants a divorce who does not have grounds, like when the husband has a girlfriend who is putting pressure on him because she has been sued for **alienation of affection**, the price can go way up. Now the price can mean more than money. It can also mean access to children and money for the support of children, which can often seem pretty unfair, depending on what side of the curve you fall on. This is the main reason I oppose our system of divorce. Frankly, if you want one and are willing to stay separated long enough, you should get one.

Anyway, if you want to know more about this, [Submit an Intake Form](#) and come see me. I will draw you a cute little chart and everything.



## Psychos, Sociopaths and Narcissists

When I got to Mississippi State, I took my first psychology class. It met in an auditorium and had probably 300 students. It was obviously a big room, but it had more of a high school auditorium feel than that of a college lecture hall. The study of the human mind and its functions, especially those affecting behavior is fascinating, and I have been practicing psychology without a license ever since I shook the apple tree of life and it produced the pineapple of a divorce practice.

Thanks universe.

I look at Facebook more than I care to admit. Apparently, there is a lady who wrote a book about her pro se custody battle called *Divorcing a Narcissist – One Mom's Battle*. I have not read it. She has a [blog](#) by the same name. When I am asked about the common causes of divorce in Mississippi, mental illness and extreme personality characteristics are always on the list. Also on the list are adultery, interfering in-laws, addiction, money stressors, lack of intimacy and a host of others. Basic psychological terminology is often confused when people gossip about divorce. No, not everybody getting a divorce or doing something stupid is bipolar –they may just be a jerk. Here are a few of the common psychological conditions we see in our practice:

**Bipolar:** Also called manic-depressive and is characterized by dramatic mood swings –mania and depression. A person who is bipolar goes from very high highs to very low lows.

**Narcissism:** Characterized by dramatic and emotional behavior. Narcissistic personality disorder symptoms include an unrealistic, inflated self-esteem; fantasies about power, success and attractiveness; exaggerating achievements or talents; expecting constant praise and admiration; believing they are special and acting accordingly; failing to recognize their spouse's emotions and feelings and many others. This is more than arrogance; there is a sinister, calculated twist to the actions of the narcissist.

**Borderline:** Borderline is similar to narcissism and also creates significant emotional instability. People with borderline have a severely warped self-image and feel worthless –fundamentally flawed. They act angry, impulsive and have frequent mood swings, which pushes others away, even though they deeply want to have loving relationships. People with borderline take big risks around sex, drugs and rock and roll, and while aware of their behavior, they cannot change it. They have wide mood swings and episodes of anxiety and depression. They also have an intense fear of being alone. Think *Fatal Attraction* when you think about borderline.

***Alcoholism:*** Alcoholism is a prolonged and progressive disease that is more than the inability to control one's drinking. There is a preoccupation with alcohol, and continued use even when it causes harm. Alcoholism is also characterized by physical dependence. An alcoholic cannot consistently predict how much he will drink, how long he will drink, or what will happen when he drinks. Alcoholics do not have the "off switch."

***Anxiety:*** Anxiety is normal. Even laid-back surfers feel anxiety. There is definitely, understandable anxiety surrounding divorce. However, if one has excessive and persistent worry about everyday situations, coupled with panic attacks, it may be considered an anxiety disorder, which merits medical attention.

***Obsessive-Compulsive Disorder:*** OCD is a good trait for a lawyer, bad for a husband. Being OCD is more than being particular or orderly; it is fear driven, obsessive, repetitive, ritualistic behavior that interferes with everyday life. Here is the deal. If you dated and married someone who is a little crazy or a lot crazy, you will be divorcing or divorced from someone who is a little crazy or a lot crazy. More times than not, you simply cannot reason with a psycho, sociopath or a narcissist, and if you cannot compromise, we go to court. Pretty simple.

That is why courthouses were built.



## A Straight Razor Shave and Divorce

I am learning about the importance of doing little things for yourself every day. If you love flowers, make a flower arrangement or work in your backyard. If you are into art, visit a local gallery or buy a canvas and paint --create something. If you are a film buff, sneak off and catch a matinee before the kids get off the bus. A mini personal holiday can go a long way to increasing your joy in everyday life. Yesterday, in pursuit of my own battery recharge, I made an appointment for my first straight razor shave.

I have been shaving for quite a while now, and I for the most part trust the person who does the work. A straight razor shave in a barbershop is different. You lay back, close your eyes and expose your neck to someone you don't know who has a very sharp blade. It is somewhat unnerving if, like me, you are not accustomed to it. I cannot help but analogize this to working with a divorce lawyer. Expose your neck and trust.

The barber was a pretty young guy, which these days to me is anyone under the age of thirty-five. He was dressed sharp, tapping around on his mini iPad when I arrived. "Ever had a straight razor shave?" he questioned. I thought about how my clients probably felt for the last fifteen years when they saw me.

"No. First time."

"The process is going to be pretty repetitive. Lots of hot towels, oils and creams." He tucked the collar of my shirt down, wrapped towels around my lower neck and draped me in a blue, houndstooth apron. His motions said he had completed these steps over and over every day.

"Okay. Let's do it. I have a several days growth for you." My thoughts went to the client who assures me his situation is the most messed up I have ever heard.

"That's a common misconception, you can do a straight razor shave with any length beard." He smiled, raised my chair and laid my head back.

The first step was a hot towel. I closed my eyes and let the heat sink into my face and melt away the busy morning of work. He removed the towel and massaged my beard with thick oil infused with lavender. I love lavender. It smells purple and fresh. Next came another towel, this one invigorated my skin and emulsified the lavender. My mind began to rest. The barber worked steadily. I heard the click, click, click of mortar and pestle, and then with a soft brush he smoothed cream over my stubble. Here comes the blade, I thought to myself. I'm less relaxed now. Instead, my

face was wrapped in another hot towel and my mind drifted again, but more aware of what was coming next. Finally, the towel was removed. I heard click, click, click again and then I felt the cool cream on my face. I opened my eyes and my barber had the shiny, silver blade in his hand. This is probably how my clients feel when they see their name on divorce papers for the first time.

“Here we go.”

The first couple of strokes were okay, but as he continued, it became more and more excruciating. I think I started crying a little. I know I did on the inside. You’re a man. Be tough.

Realizing what was going on as I winced, the barber retreated to repeat the oil, towel and cream ritual once again. He started back with the blade, and by the time he got to my chin, I was ready to quit. I am paying someone to do this to me? This is terrible. I am an idiot. The direction I shave comes naturally, but I am positive he was going against the grain in some sort of whacked out way. When is this going to stop? Holy God! And then with a few instructions and the last swipes of the blade, the shaving was over.

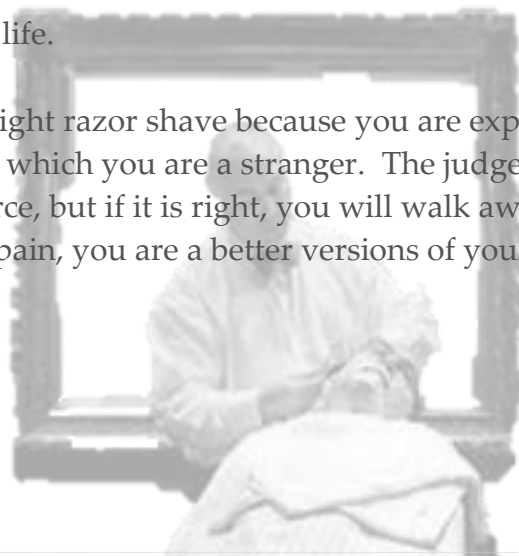
“Your beard is pretty course. That probably hurt a little didn’t it?”

“It wasn’t too bad,” I lied.

Finally, there was more oil, more cream and a quick once over with the blade. This one was tolerable, almost enjoyable. Oil with a different consistency smelling of lavender was smoothed on my ultra clean face and then a final towel. This last one was chilled and refreshing. Like lemonade with crushed ice and a hint of lavender on a hot Mississippi day. Finally, a dusting of powder, light but substantial, and an electric trim of some stray hair, and with the swipe of my credit card I was on my way.

Closest shave of my life.

Divorce is like a straight razor shave because you are exposing your neck to your lawyer in a court system in which you are a stranger. The judge holds the blade. There are highs and lows in divorce, but if it is right, you will walk away renewed, clean and although you experienced pain, you are a better versions of yourself.



## The Grief Cycle in Divorce

I am not a fan of Valentine's Day. This dates back to elementary school. Do you remember wondering if you were going to get balloons from mom or if that person you like would recognize you? I do. It sucked. I did not get balloons and I did not get any swag from the little red-haired girl. My mom worked and I wore ugly glasses. I don't think they send balloons to schools anymore for this very reason. Good move school administration people. Bravo.

On my desk is a copy of *Parents are Forever: A Step-by-Step Guide to Becoming Successful Coparents after Divorce*. In it, author Shirley Thomas discusses the familiar stages of grief as they relate to separation and divorce. They are denial, anger, bargaining, depression and acceptance. These feelings are cyclical –not linear. They proceed fluidly like a river –actually more like rapids, and the “leaver” is further along on the grieving journey than the “left.”

**Denial** is the refusal to believe you and your spouse will not be together. The difference between a death and divorce is death is final. In divorce, there is always the possibility of reconciliation. This makes the grieving process harder in lots of ways. Men and women leave one another simply in anticipation of a better life, and sometimes the feeling of loss is as it relates to what could have been as opposed to the reality of the relationship. To use an unrelated example, yesterday a friend expressed to me she was diagnosed with cancer. I asked her what it felt like when the doctor first made the diagnosis. She described an almost out-of-body experience in which she kept waiting for the doctor to say he was kidding –even though she was gazing at the x-ray showing the tumor. She was in denial. It was a natural, healthy response to bad news.

**Anger** is what can get you in trouble in a divorce if you do not watch yourself. We get stupid when we get angry. Thomas Jefferson said “When angry, count to ten before you speak; if very angry, a hundred.”

Anger can give you energy that depression and sadness robs. It feeds on itself, creating a false sense of action and control. Staying angry creates a continued sense of negative false intimacy with your former partner, and it can be so chronic it warps your personality to the point you are not fun to be around.

**Bargaining** is complicated. It is tricky and subtle. It is like the ugly step-child of denial and anger. It is the postponement of the reality of a healthy life apart by Hail Mary attempts at change (which can be good), longshot hopes of reconciliation, control through emotional and financial manipulation and in being a constant, negative fixture in each other's life.

**Depression** is what you feel when the truth can no longer be denied. Depression as it relates to a lost marriage is real, but temporary and situational. Depression can be combatted with exercise, work, counseling, friends and positive improvements to self and society. A negative antidote to depression is a new relationship before your emotions have flattened as it relates to the loss. Depression sucks, but it is healthy and normal.

**Acceptance** is a peaceful contemplation that overcomes the other emotions. The other stuff is still present, but your pulse does not quicken as much, you do not cry like you did and you finally realize the time you had with your former spouse was a part of your journey in life. You have moved through the rapids and it is time to put your paddle back in the water and move forward.



## A Man and His Big Green Egg

I participated in about 30 hours of mediation and prep work this week for a case pending close to two years. When the substantive components of the agreement had been reached, we started drafting documents and taking a close look at the lists of personal property.

It always happens. A thing or two we assumed was in our client's column wasn't specified, and the other side thought it was theirs by omission. Something amounting to less than 0.05% of the total deal almost sent us home without a compromise, not to mention the other minor disputes that broke out about personal property, including the Big Green Egg, which is only the best grill ever.

Let me digress.

I was helping a friend with his divorce several years ago. Like this case, the couple did not have children, but they liked nice things. One of those things was high-end cookware, including the aforementioned ceramic instrument of delight. I will now stipulate I do not have a Big Green Egg, only a healthy level of Big Green Egg envy. Toward the end of the negotiation, stakes were driven in the ground around this item. I reasoned with my client, a smart guy, he was going to spend more money in attorney fees fighting for his grill than it would take to replace it. "You don't understand," he pleaded. "This Green Egg is a part of who I am."

"Come on man, it's just a grill, you can replace it."

My powers of persuasion got the deal done and my client was now aggrieved and Greeneggless, but he was free. To add insult to injury, while moving this dome of culinary happiness, it toppled over, breaking a portion of it, requiring him to order a new part prior to its delivery to his former spouse who didn't even know how to fire it up.

Now back to this week.

My guy stipulated to give his wife the reasonably big thing amounting to 0.05% of the marital estate, but I drew the line in the sand over the Big Green Egg. I may or may not have told him if he gives up his Big Green Egg, he will need to have his testosterone checked. I may or may not have equated a man's affinity to his grill to a faithful hunting dog. Finally, I may or may not have told him if he gives up his Big Green Egg, I was going to resign as his attorney and report to our board he needs to turn in his man card.

But we got the green.

All kidding aside, stuff is just stuff. But there are a few items, like the Big Green Egg, that stir us in deep places emotionally. The key for me as a practitioner is to be able to identify those things and advise my client accordingly. For some, it is worth dying on the ceramic green sword, for others, maybe not. While stuff is always replaceable, one's pride may or may not be.



## Scoreboard

Fenway Park in Boston is the oldest baseball facility in Major League Baseball. It has a hand-operated scoreboard run by three men who huddle in a bathroomless hallway behind the scoreboard. They watch the game through small, rectangular cutouts and use hand painted signs to keep the fans informed about the progress of the game and the happenings around the league.

Have you seen the movie *Parental Guidance*? Artie, played by Billy Crystal, is an old minor league baseball radio broadcaster who loses his job and correspondingly the dream of being with a big league team. He and his wife, played by Bette Midler, travel to Atlanta to take care of their three grandchildren while their daughter and her husband go to a technology conference. Harper, their oldest grandson, has a Little League game. Harper is a little awkward, stutters, and is bullied at school. Artie is on the edge of his seat when the school bully steps to the plate with Harper on the mound. Harper digs in and takes the count to 0-2. The camera zooms in on the ball as Harper adjusts his grip. The catcher flashes a signal and Harper nods. He winds up, reaches back and blows the next pitch right by the bully. Strike three! Artie is stoked. "Lights out Alice!" However, in this post-modern Little League game, there are no strikeouts. In fact, there is no one keeping score either. Artie charges out of the stands to protest. This is not baseball!

Divorce is not baseball either.

I have lots of people who visit with me about family conflict in Mississippi and want to talk about how to "win" their divorce. While I am as competitive as any divorce lawyer I have ever known, let me be clear –while some divorce settlements (or judgments) are better than others, there are no winners in divorce. Everyone is losing something. I am not saying everyone is a loser, but there are no real winners. Survivor is a good word. Overcomer is even better.

This conversation often arises when working on custody matters and examining the **Albright Factors** the court uses to determine with whom a child will live. They are:

- (1) Age, health and gender of the child;
- (2) Parent having continuity of care prior to the separation;
- (3) Parent with best parenting skills and willingness and capacity to provide primary child care;
- (4) Employment of the parent and responsibilities of that employment;
- (5) Physical and mental health and age of the parent;
- (6) Emotional ties of parent to child;
- (6) Moral fitness of the parent;
- (7) Home, school and community record of the child;
- (8) Preference of the child at age sufficient to express a preference [twelve];
- (9) Stability of parent's home environment and employment of each parent;
- (10) Relative financial situation of the parents;
- (11) Difference in religion of the parents;
- (11) Differences in personal

values of the parents; (12) Differences in lifestyle of the parents; (13) Other factors relevant to the parent-child relationship.

If done properly, the *Albright Factors* are never to be used like the old scoreboard at Fenway. They are discussion points, not a mathematical formula. The Chancellor may give special weight to one, two or several factors to determine the outcome and often use intuition to make decisions. The Chancellor has the ultimate discretion to give appropriate weight and credibility to the things he sees and hears in open court. Like Artie at the Little League game, we want to quantify things. We want to know if we follow instructions and do things right, we can win the game of life (or divorce). I am not trying to bum you out ([read this](#)), but divorce and child custody simply do not work that way.

There is no scoreboard.



## Divorce and Contacts

Yesterday I took my oldest daughter to be fitted for contacts. She has been wearing glasses for a couple of years, but liked the potential freedom contacts would bring. She got her good looks from her momma and her bad eyes from me. She earned her contacts by overcoming adversity to make straight As. This is a big deal in our house. While school comes easy for my youngest (she made straight As too, BTW), God wired Mollie Ann to think three dimensionally and learn in a way most schools don't teach, with the vigor and vitality of the Energizer Bunny. This year, we made the difficult decision to transfer Mollie Ann after the first quarter and she rose to the occasion. Like you, I could not be prouder of my kids.

Personally, I have been wearing contacts for 25 years. I put them in every morning and forget about them until I take them out before settling in at night. I can remember when I first started wearing them back in the 9<sup>th</sup> grade, it changed my world; at baseball practice, all of a sudden I could see the laces of the ball in the batter's box, giving me the ability to predict where the pitch was going to go. I eventually became a pretty good hitter and a college prospect. Due in large part to better vision, I got to play a few years of baseball after high school and was a part of Ron Polk's team at Mississippi State in the mid-90s.

When Rachel dropped Mollie Ann off to me at the office, she had a big smile in anticipation of her appointment. We took the quick drive down to Belhaven, and she plopped in the chair in front of the mirror and held her shoulders back like a confident young woman who knows what she wants. With a little bit of instruction, a blink here and a wince there, she could see clearly –glasses free, the world in high definition again, like it was designed to be seen. It was a little harder to get them in this morning before soccer camp, but it was not as difficult as I remembered when I first started my adventure with lenses. Certainly, I have not wished nearsightedness on my kid, but it is a fun little thing we are able to share. It makes us alike. We get each other. Being divorced is like getting contact lenses. When you are married, people see you as having the conjoined identity of your spouse. "That's Craig, Rachel's husband," one might say. Just like a remark about you could be, "That's Becky –tall, wears glasses, she's a drug rep."

Obviously, one can seamlessly transition from contacts to glasses on any given day, and this is not the case with marriage and divorce –I completely understand how I am oversimplifying something excruciatingly difficult. If you get a divorce, just like if you start wearing contact lenses, not only do you see the world a little differently, the world sees you differently too.

But it does not have to be a bad thing.

With my glasses, I have limited peripheral vision, but not with contacts. When I wear glasses, I have the tendency to fiddle with them, but not my contacts. I feel lighter in contacts. I hate to sweat in my glasses, but I don't mind it in contacts. I know it sounds weird, but I am a different version of myself in contacts versus glasses, and if you journey through divorce, you will be the same but different too, and it is okay.



## The Laws of Physics Are Always the Same

I took calculus-based physics in college. Let me rephrase that statement, I started calculus based physics in college, but used what Mississippi State called a “super drop” to keep from failing the class miserably in mid to late October. We had an international teacher, I was trying to make the baseball squad, I had momentarily pledged a fraternity and it was my first semester in college away from home. In addition, I was living on the 6<sup>th</sup> floor of the athletic dorm with a bunch of hooligans, of which I was one. Needless to say, I didn’t learn much. Everything worked out fine, as business and law school did not require physics.

I am currently representing an airline pilot in a post divorce dispute over some lingering monetary issues as his kids are getting older. The legal scenario presented is pretty straightforward, but I am careful when it comes to fiscal disputes to make sure I am creating value when factoring the costs of litigation. The opposing party was acting *pro se*, so I made a few moves to give my client an advantage at trial if we could not settle out of court. A lawyer came on the scene late in the game, asked for and was granted a continuance. My client was bummed out, because he really wanted to put the nastiness of lawyers and court behind him and his family. As we were talking through the hoops that were ahead, I was trying to use an example from my limited knowledge of what he faces in his job –crowded airports, bad weather, mechanical problems and the like. His response to me was pretty simple. “My job is easy compared to yours, because the laws of physics are always the same.”

Fair statement.

The law is created through appellate interpretations of trial court’s decisions, called common law. The law is also created through state and federal legislative bodies, called statutory law. There are also certain state and local rules for procedure, evidence, appellate advocacy and stuff. All of this information is available for any lawyer who cares to look. However, what can be frustrating to clients are the particular idiosyncrasies of certain judges, who are given a broad range of discretion as it comes to the interpretation of the law and managing their own calendar, called the docket. I like to say a chancellor can do just about anything she wants as long as she properly talks about the law in her opinion, whether it is written or oral. If a judge follows the law and gives a good explanation of why she did what she did, her decision will stand. Judges are not machines and they see cases through the lens of their own life story.

While there are exceptions to my following statement and quite frankly to almost anything, probably even physics, when a dispute is aired in open court, the truth has a way of rising to the surface, and most chancellors, who could make more money practicing law, do their job because they care about justice and doing what is right.

# Cancer

I'm going to say something that could not be more of an understatement. Cancer is a drag. My experience with the disease is next to non-existent, until now. My sister was diagnosed with leukemia about a month ago. The doctors kicked the cancer's butt, but in the process, they took out the good stuff she needs to fight the everyday bad stuff we don't even think about. Now minor infections and yeasts and molds can be life-threatening.

She is very sick.

As I have been sitting in the ICU- shifting from side to side in various chairs, I have been reading two books- one about writing screen plays and the other about believing God to do the impossible. The one about believing the impossible is called *Sun Stand Still* by a pastor from Charlotte named Steve Furtick. Donald Miller and Bob Goff recommended *Save the Cat*- which is the screenplay book. The combination of reading material while Dianne silently fights for her life creates an interesting juxtaposition about the structure of story coupled with the necessity of audacious faith to live a good one.

My sister is a woman who has audacious faith. She can't talk right now, but I hear her words through my niece and brother-in-law. This is a catalytic moment in their lives- it will usher in change. They will not be the same on the other side of cancer- whether my sister rejoins us or not.

A divorce is your cancer. It can be the end of your life or the catalyst into which you are thrust which will usher in your positive character change- the one after the journey through the "All is Lost" and "Dark Night of the Soul" scenes that you will arise from the ashes having proven the theme of your life- even if it were a little uncomfortable.



# Soldiering Through

Your marriage is crumbling or has crumbled around you. Maybe you have been unhappy for a long time, but maybe this whole thing really just blindsided you. Everything you thought you knew about your future is about to change and it scares the sh\*t out of you.

You have friends who won't talk to you, your kids are caught in the middle and your spouse is unrecognizable. You can't sleep, you are losing weight, and you can't concentrate at work. Your car needs new tires and you don't have any money. You are drinking too much, your attorney fee bill is outrageous and you think you are going crazy. The stupid dog even bit you this morning.

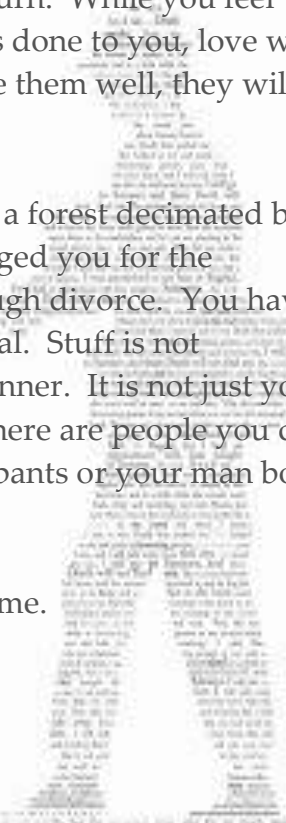
This is divorce.

Divorce is war. While it does not have to entail a bloody court date with your spouse, it is a battle none-the-less. Usually, the conflict is within you. The combat is waged in your mind and in your heart. Divorce is spiritual. The energy surrounding your life is all out of whack, and frankly it sucks.

Whether you think about it or not, life has a certain rhythm. It often lulls us to sleep. We go through seasons –some are good, many are bad. Divorce is only a season. While there is chaos indeed, the natural inclination of the world is to return to order. While your life seems unmanageable, balance will return. While you feel unlovable for the things you have done or for that which was done to you, love will return. Your kids are tougher than you think, and if you love them well, they will love you back. It is their design.

The prognosis is good. This season will end. Just like a forest decimated by fire, new life will return. You are a champion. The heat has changed you for the better. There is greatness within you only discoverable through divorce. You have friends and family who love you unconditionally. Jesus is real. Stuff is not important. You can make it. You are a soldier. You are a winner. It is not just your fault. Sometimes you have to fail before you can succeed. There are people you can trust, and many who are proud of you. Put on your big girl pants or your man boots and get out there and compete.

You *will* do better next time, and there will be a *next* time.



## The Storm Before the Calm

There is a period of time before a court gives divorcing parties rules to follow that I like to call the “Storm before the Calm.” This is that time of delirium that people experience when the reality that their life is about to significantly change comes into focus- albeit usually blurred by cycling emotion. It is usually precipitated by someone moving out, finding out that their spouse is engaged in an affair or any other event of a life altering proportion that affects marriage. This is the period of anarchy when people act really stupid and do and say a lot of damaging stuff. The funny thing is that the rules during this time are actually no different than before. Nevertheless, I often get questions like the following:

“Can I change the locks?”

“Can he pick up the kids from school?”

“Can I withdraw money from the home equity line of credit?”

“Can she take the kids to her mother’s in California for the weekend?”

The answer to the questions is always the same. During the period of time prior to a court order, you can do everything that you could do while living together as a married couple. I am married to my wife and the mother of my kids. Could I change the locks on my house if I wanted to? Yes, but I could also break my own window if I locked myself out. Could I pick up my kids from school without telling my wife? Yes. Get the idea? You can do anything during “the Storm” that you could do before. Now, would it be a good idea for me to pick up the kids without telling Rachel? Probably not. Should I break my own window? Maybe under pretty extreme circumstances- Get it?

Let me caution you again that just because there are no rules, it does not give you a license to do stupid stuff that you would never have done while you and your spouse were on the same page. Be respectful to your kids’ other parent. If you would not want it done to you- don’t do it! If all of your actions are thought out and everything you do is after thoughtful consideration and you truly put the best interest of your kids first and use your best judgment, you will be just fine. Things will get better and you will find your “new normal.” It just takes time.



## Don't Kick the Ant Bed

When I was a kid, I loved to kick ant beds. Admittedly even as a reasonably mature adult, when I cut the yard and spot them around my house, sometimes I still kick. I don't know why, it serves no real purpose; I know they can bite- but I just do. My clients like to kick ant beds. They do things that piss of their spouse for no good reason. It causes unnecessary hardship for everyone.

Regardless of what we say, when we are going through a family crisis, we try to do stuff to hurt our spouse or our ex. It is human nature. Sometimes we do it so that even if its anger, we will get SOME emotion from them. Sometimes we do it to fight back. Sometimes we do it because we are just not thinking.

Don't kick the ant bed. Ants bite.

I know that writing "slut" on the "for" line of the child support check feels good for about five seconds. It sounds like a good idea in theory to take your soon-to-be-ex-husband's favorite gun and stuff hotdogs down the barrel. Reimbursing your wife for her attorney's fees in pennies or taking your husband's beloved computer and putting the nude pictures of his girlfriend as the screen saver and emailing it to everyone in the Bible study group is something that you may see on an HBO sit-com, but these endeavors are as fruitless as kicking an ant bed.

Remember, most attorneys charge by the hour. Is kicking the ant bed worth the money it is about to cost you? Take a look at an excerpt from a bill:

<i>Telephone conference from counsel opposite about ant bed kicking</i>	0.25	\$50.00
<i>Received and reviewed letter from counsel opposite about ant bed kicking</i>	0.25	\$50.00
<i>Telephone conference with client about WTF she was thinking</i>	0.50	\$100.00
<i>Received and reviewed Motion for Citation for Contempt</i>	0.50	\$100.00
<i>Attended hearing on Motion for Citation for Contempt</i>	4.00	\$800.00
<b>TOTAL</b>		<b>\$1,100.00</b>

I rest my case.



## A Mississippi Family Law Trial And Miracle On 34Th Street

I am embarrassed that I have just watched Miracle on 34th Street for the first time this Christmas. This is especially embarrassing and a little telling about my sense of humor because I have seen Christmas Vacation about a hundred times. There is absolutely no wonder why Miracle on 34th Street has survived for over 60 years. It is a classic, feel-good Christmas story. I had no idea that the climax of the movie played out in a courtroom. The family law attorney in me could not help but think what a great deal could be learned about a family law trial by the cast of characters and the ensuing drama.

If you are like me and have not seen it or have only seen it a couple of times, I'll remind you that Kris Kringle, a very special Macy's department store Santa Claus, was on trial defending against a state sought commitment after he bopped the store psychologist on the head with his cane because he was filling the mind of one of Kris' young friends with a bunch of nonsense. The Courtroom drama plays out in vintage Hollywood fashion and the crux of the case hinges on whether or not there really is a Santa Claus.

My first correlation between the movie and a Mississippi family law case is the idea of being polite. A person staring down a court date can learn a great deal from our star, Kris Kringle. He was nice to everyone. Most people in the courtroom did not really believe that he was Santa Claus, but they liked him. Even the opposing attorney liked him. Naturally, because he was so polite and nice, people wanted good things to come about for him. This is how things work in real life as well. When you are at the courthouse, you should go out of your way to be nice to everyone you see, not just the judge. From the people working the metal detector to the court staff, you want those people who work around the judge every day to like you and to want good things to happen for you. It works. You are expected to be a little nervous, but there is no excuse for being anything but on your very best behavior to anyone within a mile radius of the courthouse- not just the person in the robe.

Remember Fred Gayley, the district attorney; he is the attorney for the state that is "just doing his job." He has the unsavory task of trying to prove Santa Claus is crazy. We lawyers have tough jobs. As a person going to trial, remember that the lawyers are just people. Sometimes we do not like what we are being asked to do, but at the end of the day, we have chosen a career in family law for whatever reason and it is the way that we support our children. I don't like it when I have to talk about some of the lapses in judgment of an otherwise good person, but I do it, hopefully in a respectful and professional fashion, because it is my job. I love my job, but sometimes we have to put

Santa Claus on trial. Don't hate the lawyers when you go to court. Most of them are good people.

The judge in the movie was elected. We elect our chancellors in Mississippi too. The trial in *Miracle on 34th Street* was a bench trial just like your family law case will be in Mississippi. Remember the judge, Henry X. Harper, soon to be up for re-election, he had an agenda. He also had a campaign manager that had unlimited ex parte communication with him. Like most politicians, his aspiration was to be re-elected. The judge was also motivated and influenced when his own grandchildren shunned him over the case. Judges are people that are not oblivious to their surroundings. While you may not be able to do anything about the judge's preconceived ideas and beliefs, understanding that they exist will give you valuable perspective about your situation. Just like in the movie, non-party witnesses can sometimes be the key to a successful trial. You expect the plaintiff and the defendant to have polar opposite opinions as to the facts of a case, but the non-party witnesses, who usually take up a relatively small portion of the record, can sometimes be the most valuable. In the show, one of the witnesses was Thomas Mara, Jr., the district attorney's son. He testified plainly that he believed in Santa Claus and that the district attorney himself had told him that there was a Santa Claus and that he would never tell a lie, especially in a courtroom. This young witness knew that it was of the utmost importance to tell the truth, especially in a courtroom. He also knew that his father would never be untruthful to him and if he said there is a Santa Claus- then there is a Santa Claus. The most powerful and profound and honest testimony that I have ever heard in a Mississippi courtroom has come from children. Children first and foremost will always believe that their parents are good people. As an aside it is interesting to juxtapose the DA's son with Mr. Macy, another minor witness, but who like most adults was selfishly motivated when he gave his testimony.

My last thought is on third party documentary evidence. While opinion testimony made for good entertainment in our Kris Kringle lunacy trial, what finally carried the day was the documentary evidence. Hundreds of letters on the Judge's desk from third parties sealed the case for the defense. Now if you know anything about evidence, you immediately would think that these out-of-court statements that could not be cross examined would be hearsay, but I would submit that they were not presented for the truth of the matter asserted, but to simply prove that they were delivered to Kris Kringle who would not have received them from the United States Postal Service if he was not, in fact, Santa Claus.

Anyway, I hope you enjoyed this fun little outtake on a great classic movie. Good luck in your trial, and Merry Christmas!



## The Roller Coaster Ride

Being a divorce lawyer is a relatively recession proof occupation. Unfortunately, the volume of Mississippi family law conflict is endless. People are going to have relationship problems and they are going to need legal counsel, regardless of their ability to pay for the services. That is just the way it is. For many people that may be reading this, their occupation is not “recession proof.” Maybe you have suffered a job loss or a failed business or you are the spouse of someone who has. Many people I know and represent, mostly victims of circumstance, have suffered repossessions, foreclosures, bankruptcy or other negative financial consequences.

It has been a tough several years for a lot of good people.

The good news is that it seems things may be turning around and we are in the early springtime of new economic momentum. It may not change where you are money-wise because of the financial winter that we all just went through, but I am hopeful that in 2011 people get back to work and regain confidence in our American economy.

In marriage, together we ride our personal economic roller coasters. Sometimes we are slowly rising and sometimes we are sharply falling. There are flat spots and twisty spots and every now and then we go totally upside down. When you and your spouse are a team and buckled in tightly to the cart, it can be an exhilarating ride. You throw your arms in the air, wave ‘em like you just don’t care, and laugh and cry and hold on tight. But when people are not acting like partners in marriage, a bumpy ride can get dangerous. One spouse may be about to go over the top of an incline, ready to start an economic fall, but because they are not in a partnership marriage, their spouse does not want to ride any more. They are psychologically in the historic incline or flat spot although their reality is very different.

I represent a number of entrepreneurs- people that are willing to take big risks in hopes for a big reward. These are my favorite types of clients, especially those that are self-made. I consider myself to be somewhat of an innovator and “lion chaser”, and I get pumped by people that will take a calculated gamble to achieve success. If you know many entrepreneurs, you know they can at times be just as likely to go bust as they are to ride the rocket ship of success.

I saw this guy the other day that was an innovative business man. He has enjoyed great success over the last decade and his lifestyle reflects it. To his dismay, a few years ago he gambled on an investment at the wrong time and it sucked away his capital and a great deal of his energy. After bailing water for several years, his economic boat has taken in too much water and it is going down. If he and his wife were in God’s intended partnership, they would be bailing water together as fast and

furiously as their arms would go. Unfortunately for this guy, he is the only one with a bucket. Don't get me wrong- he is no angel. He has his own set of issues. Notwithstanding the economic Titanic, his wife is psychologically still sunning on the deck of the boat or on the slow incline of the roller coaster of life. In truth and reality, she should be buckled in tight with her husband getting ready for the sharp drop, but visions of beach vacations, private schools, foreign cars, expensive gifts and a lifestyle that the rewards of entrepreneurial success can bring are still dancing in her head like sugar plums at Christmastime for excited children. When the non-money spouse is also the "innocent spouse" as divorce grounds go, you get a double whammy of entitlement mentality when sometimes there just isn't anything there from a fiscal standpoint. This is a recipe for disaster.

So smart lawyer, what do you do? This is the toughest type of case. If you represent the person with the money, you must have third party data to show the economic reality, no matter how harsh. If you do not represent "the money", you must build a case based upon lifestyle and potential and attempt to factor in reviews in the future with regard to hopefully changing economic situations. Regardless of whose side you are on, if you do not give advice that factors in non-recoverable legal costs, you are selling your client short.

There is never a good time to get a divorce, but when your family is suffering hard economic times, it is the absolute worst- regardless of whether you are the husband or the wife, the income earner or the homemaker. I would encourage anyone suffering through hard times in their marriage and/or hard economic times to get into counseling, work as a team, bail water together and buckle into the roller coaster tightly, hang on to each other and learn how to enjoy the ride. If your marriage is not recoverable, there may be hope, but it is okay to stop and ask for directions by getting legal advice from a professional that can help.



## The Backlash

I used to fish some. In college, my friend Jerry Dupuy and I would ask folks around Starkville if we could fish in their ponds and many would let us. While I am reasonably coordinated, anyone who has done much fishing has had a backlash on an open-faced fishing reel. I admit that I may have had more than others.

A frequently asked question in my office is “How long does it take to get a divorce?”

I usually answer the question with a few questions. “How long have you been married?”

“How long did you date before you were married?”

“Based on your answer to these questions, what do you think a reasonable amount of time should be?”

It takes a minimum of sixty days to get a divorce in Mississippi. In reality, however, a divorce can rarely be accomplished in such a short time. Getting a divorce is like untangling a backlash in your fishing reel. It takes some time and effort to get back to fishing. Sure, you can take a knife and cut out all the string and start over again, but when you do that, you will be starting COMPLETELY over.

According to [www.fishwithjd.com](http://www.fishwithjd.com), this is what you need to do to remove a backlash:

*The long and short of it is, the best way to get back to casting is to just sit down, take a deep breath and start picking away at your reel. Take the line and back it up to where it cinches down and work that loop out and keep working your way deeper into the spool, one pinch point at a time.*

You can deal with a divorce the same way that you deal with a backlash. Take a deep breath and take it one step at a time. Have patience. If you take your time and work on an efficient resolution to the problem, you will have much more success. If you get excited and start reacting, you are going to have to cut the line.



## Driving in the Snow in Mississippi and Divorce

This morning a recording of the school superintendant's voice called my house at 5 am to tell me that school is closed. When I got up and looked outside- it looked like it was just raining. I have been a Mississippian my whole life, and I can easily count on my hands and feet how many times we have had really wintery weather. I am talking about severe ice on the roads or a significant accumulation of snow. Historically if there is even a threat of snow or ice, we shut everything down. Schools dismiss their students, businesses close, people stock up on water and batteries and canned goods and generally freak out. It looks like today is going to be one of those days.

So what's the deal?

Snow and ice are unfamiliar. We don't have snow tires, proper ice removing tools, fancy heaters or great equipment that keeps us mobile in the snow and ice in Mississippi because most of the time, we don't need them. Your next question is probably, "What does this have to do with divorce?"

I had a law school professor who used to say that criminal attorneys deal with the worst people on their best behavior and divorce attorneys deal with the best people on their worst behavior. In twelve years of family law practice, I could not agree more. When facing a divorce, just like icy roads in Mississippi, we freak out. Why? Because divorce is unfamiliar- our lives are on the verge of being different and it is uncomfortable. We are unprepared for the ice and snow storms of life and when they threaten, we don't know what to do.

Okay smart guy, what do you suggest?

Let's analyze this thing from all the way around. That's what I do! Just like when facing a snow storm, you can stay home, build a fire, make some hot chocolate, grab a good book and relax. If you choose to stay home, there is a chance that the power could go out and the water could freeze and you get miserably stuck in the house with cabin fever. You could get bundled up and go outside and play in the snow and the ice, but if you do you are going to get wet and nasty and you may catch a cold. You may have the best time of your life. If you choose to hop in your car and get out on the roads and see how bad it is, you might make it to where you are going, but you may well end up in a traffic jam or on the side of the road or even worse, slammed into the railing of an icy bridge.

In wintery weather or a stormy marriage, there is the "sure thing" and the unknown. The decision is yours but the best advice I can give is to watch the weather. Get good guidance. Make your decisions based upon logic and not emotions and be careful whichever way you decide to go.

## Back to School

Have you ever had the dream where you were in school and mid-semester you remembered that you had totally forgotten to attend a certain class? The day you finally remember to go, you wander the halls looking for the class and once you find it, the teacher passes out a test. I have this dream every few years and I'm always a little relieved when I wake up.

Being faced with divorce is a real life version of this nightmare.

Today, I met with a beautiful young mother who had recently found out her husband was being unfaithful. His choices are so cliché that I am sad for him, but not as sad as I feel for her and certainly not as sad as I am for their very small children who will never remember their parents sharing the same home. She is in the middle of a nightmare and she cannot wake up. She feels overwhelmed. Her future seemed so secure just a few weeks ago, but now it's all out the window. She is basically freaking out. I totally get it. Everything she has known is about to be different. She is about to summit the Himalayan Mountains and she forgot her backpack. She just woke up and was standing at base camp. She had so many questions and her mind was racing in dozens of directions. As with any complex predicament, the best thing I could do as her attorney was to break the problem into a series of small tasks with logical solutions. While her future as a whole is uncertain, her next step is not. After she takes that step, there will be another... after that, one more. You see, if she tried to think through the next 3 months or 3 years, it will be more than she can take. But if she just only thinks about the next thing she is going to do, it is a little more tolerable.

A divorce is a crushing experience. You grieve through it like a death. The difference between a divorce and a death is that a death is final. With divorce, there is always the glimmer of hope of reconciliation- that things can be restored to the way they were- even if "the way they were" was not that great. No one can totally prepare for a death or a divorce. When you really don't see it coming, it hurts the most.

I gave my new client one task today. She did it and I think she feels a little better. Tomorrow, there will be another. Next week, there will be a few more. She will eventually be fine, but it is going to hurt for a while and she will probably do and say a few things she will regret.

There is no such thing as preparing for divorce, all you can do if you wake up back in the classroom is to sharpen your pencil and do your best- show poise and you will be proud of yourself when it over, even if you make a D+, you still passed.

## The Bottle Tree and Your Divorce

I love bottle trees. We have one outside the window of our keeping room where we spend 90% of our time at home. There is something purely southern about a bottle tree. As you already know, I love the South. Supposedly back in “the day”, people would put them outside their home to catch evil spirits. I happen to have one outside my window because I think it is cool. We have been collecting bottles from antique markets and junk stores. (There may be a Heineken bottle or two on there as well) My former Fondren neighbor, Felder Rushing, famous horticulturist, says: “...after extensive research, I find that bottle trees and ...the superstitions surrounding them were embraced by most ancient cultures, including European. Although glass was made deliberately as early as 3500 B.C. in northern Africa, hollow glass bottles began appearing around 1600 B.C. in Egypt and Mesopotamia. Clear glass was invented in Alexandria around 100 A.D. Soon around then, tales began to circulate that spirits could live in bottles - probably from when people heard sounds caused by wind blowing over bottle openings. This led to the belief in “bottle imps” and genies (from the Arabic word djinn) that could be captured in bottles (remember Aladdin and his magic lamp? This story originated as an Arabian folk tale dating back thousands of years, even before clear glass was invented). Somewhere in there, people started using glass to capture or repel bad spirits. The idea was, roaming night spirits would be lured into and trapped in bottles placed around entryways, and morning light would destroy them.”

So divorce sucks. Nothing super colorful or mysterious about it. Flat out pain. I get it. Not from living it, but from counseling folks through it. I know you already know that, but I thought I would remind you. Some people try to drown their divorce in the bottle- whiskey or prescription. Both bad ideas. These are pain killers- reality escapes. (Admittedly I write this with a glass of white wine next to my Mac) All they do is mask the problem. They don’t treat it. It’s okay to hurt. It’s okay to try to trap some of those evil spirits that are bringing you down and putting them in a special place for the morning light.

I am a fan of destroying evil spirits. I fight my own brand of evil spirits every day. My bottle tree is useless against them, BTW.

So what I am learning as I am reading and studying about the meaning of life and renewing my spirit with God’s word and other books is that what we are searching for in this life is transcendence, rising above our circumstances- almost a feeling of flying that starts in your belly and tingles through your arms and legs and fingers and toes. Transcendence is meaning, purpose, a joy that is deep inside your soul. God is love. We are made in God’s image. We are made to love. God lives in the community of the Holy Trinity. Again, made in God’s image, we need to live in community and experience love to “transcend.”

A divorce represents the culmination of the absence of love in our life. Many times we grieve not what we have lost, but the potential or idea of what we have lost- the culmination of the loss of love we have already been missing. It is like a funeral where the corpse could smile at you and sit up and hold your hand any moment.

God did not design us to know how to handle divorce. Divorce is a byproduct of the fall. I wish I could put a bottle tree outside your window and trap those bad feelings- those whispers that say "You failure."

You are not a failure. Your path is yours- not mine, not his, not hers, not momma and them's- YOURS. Your pain is real. Grieve it out. Feel it. Scream! Now breathe. Focus. You are needed. Your kids need you at your best. Put down the bottle and go hang it on the tree.



## Help Yourself During a Divorce

I was a baseball player in high school and college. It was a big part of my identity until I was around 21 or 22. I still occasionally have people remember me as a ball player, even though I was on the field very little at Mississippi State where I landed after leaving a scholarship to Mississippi College. Hitting was my favorite part of the game. It was a little war between the picture and me. The battle at home plate is mostly psychological, just like the battle between the lawyer and the witness during cross-examination, which is still my favorite thing to do in the practice of law. While I avoid court when we can, it is where I made my reputation as a Mississippi family law specialist.

A few years ago I was representing a brave woman who was diagnosed with stage 4-breast cancer during the middle of a heated divorce. She was under incredible pressure. Not only was she becoming a newly single parent, she smoked cigarettes and drank too much. She lost the battle to cancer after her divorce was final but before we could divide the assets and determine support. It was incredibly sad and her death created some remarkable legal issues that will probably never be resolved. While stage 4-breast cancer is extreme, there is no question a divorce will physically affect you. People experience fatigue, weight loss, sleeplessness, anxiety, depression, stomach problems and a host of other health challenges.

It is critically important to be health conscious during a divorce. You need to go to your primary care physician and get checked out from head to toe, eat balanced meals, exercise, get plenty of sleep, spend time with friends, work with a counselor and get in touch with your spiritual side. I also submit a spirit of volunteerism and missions is good for the divorcing person as well. It is hard to feel sorry for yourself mentoring a troubled teen, visiting orphans or working at a soup kitchen. When we understand how blessed we are and how fragile life is, things get put into sharper perspective. What if we lived every day like we were just diagnosed with stage-4 cancer? It has been said that most men die “with their song still in them.”

What’s your song?

If you have been keeping up with Face Book in the last month, you know I have been blowing up the Internet about the [Five K for the Fatherless](#), which is sponsored by my friend and personal trainer Clint Barr, who is an R+A Trusted Professional who takes a holistic approach to personal training. Obviously I think 200 Million Flowers is a great cause that you should support, but if you are going through a divorce, you need to exercise and you need to be around people, and the Five K for the Fatherless is your chance to do both.

If you are walking through a divorce, listen to your attorney, but also take care of your spirit, mind and body. You are being given a unique opportunity to remake who you are. This can be an extremely challenging time, but it could also be a time in your life when you look back and you almost cannot recognize who you used to be, and that can be exhilarating.



## Piglet on Divorce

After catching a few minutes of Winnie-the-Pooh on television the other night, Mollie Ann wanted to read a little, so like the traditionalists we are, we got out the iPad and pulled it up. We started where we left off before:

Chapter Nine, IN WHICH Piglet is Entirely Surrounded by Water:

*It rained and it rained and it rained. Piglet told himself that never in all his life, and he was goodness knows how old--three, was it, or four?--never had he seen so much rain. Days and days and days.*

*"If only," he thought, as he looked out of the window, "I had been in Pooh's house, or Christopher Robin's house, or Rabbit's house when it began to rain, then I should have had Company all this time, instead of being here all alone, with nothing to do except wonder when it will stop." And he imagined himself with Pooh, saying, "Did you ever see such rain, Pooh?" and Pooh saying, "Isn't it awful, Piglet?" and Piglet saying, "I wonder how it is over Christopher Robin's way," and Pooh saying, "I should think poor old Rabbit is about flooded out by this time." It would have been jolly to talk like this, and really, it wasn't much good having anything exciting like floods, if you couldn't share them with somebody....*

*"It's a little Anxious," he said to himself, "to be a Very Small Animal Entirely Surrounded by Water..."*

*Then suddenly he remembered a story which Christopher Robin had told him about a man on a desert island who had written something in a bottle and thrown it in the sea; and Piglet thought that if he wrote something in a bottle and threw it in the water, perhaps somebody would come and rescue him!*

*He left the window and began to search his house, all of it that wasn't under water, and at last he found a pencil and a small piece of dry paper, and a bottle with a cork to it. And he wrote on one side of the paper:*

*HELP!*

*PIGLIT (ME)*

*and on the other side:*

*IT'S ME PIGLIT, HELP HELP!*

A.A. Milne nailed it again. When it starts raining, it is better to be with someone. As Piglet would say, what good is having anything exciting like floods, if you cannot share them with somebody?

A divorce is to you like the flood is to Piglet. It is better to be in community if the water starts rising. If you aren't (or even if you are), ask for help.



## Cowboy Up

I went on a Christian men's retreat last summer to Wyoming which was led by a counselor friend of mine named Phil Hardin. Come to think of it, four counselors were on the trip, including Ron Mumbower and Don Waller from [Summit Counseling](#), a ministry of First Baptist Church in Jackson. Also in attendance was Roane Hunter -- he's a great, up-and-coming counselor who is originally from Delta East, which is Macon, Mississippi if you didn't know. Roane and his wife Eva will specialize in recovery from sexual addiction, which is a very real thing although it is not included in the DSM-IV (The Diagnostic and Statistical Manual of Mental Disorders published by the American Psychological Association).

Essentially, 15 guys flew into Jackson Hole, Wyoming, where we rented 3 RV's, which became our homes for the next week. We basically made a big loop through Yellowstone National Park and along the way, we went white water rafting, hiking, touring and horse back riding. Every night, we talked about our life, framed through the context of a couple books we read before we arrived. Check out the video slideshow I made when we got back.

As you know, I have been a lifelong resident of Mississippi. We have a few modern day cowboys around. Believe it or not, my dad actually had a small herd of cows that I helped him care for when I was growing up in South Jackson. We didn't have any horses, just an old Chevy truck. On the day we road horses near the border of Montana, we had several guides who led our ragtag crew. They put me on a brown horse. I think his name was Rowdy or Thunder or something that connotes he likes to eat grass every time we even think about stopping. As we made our way in single file line, we had to cross a few creeks on our horse. The crystal clear mountain water was ice cold but probably only two feet deep. Our horses would hesitate almost every time. I'm not naming any names (Patrick Harmon), but one guy almost got thrown over the top of his horse it put on the brakes so hard. Usually though, after a little kick to the side, the horses would fall into line and cross the creek and start the climb up the small bank on the other side. Our guides looked like real cowboys. I told them I thought they had the best jobs in the world. They lead city folks like us on horseback tours, sometimes going deep into the park to camp for several days. In the winter, they do the same thing only they guide people on archery elk hunts. Not a bad way to make a paycheck.

The friend I told you about a few blogs ago who has a heart bigger than his wallet is seeing Phil to help him process all of the emotions associated with his divorce. Seeing a counselor regularly should be a requirement for anyone who is divorcing. He has been very hesitant to really fight his soon-to-be-ex-wife. He takes the

high road at every opportunity and avoids conflict at all costs. It annoys me to no end. Although he and his wife have not had much of a marriage, he is holding on to the principal of marriage and the dream of what could have been with his family. He relayed something to me that Phil said I thought was pretty profound. He said, "Dude, you have been searching for a shallow place to cross this river in your life, but sometimes, you just have to get wet."

Yep.

A divorce is a river in your life. The water is cold and deep and you usually do not have a horse to ride to the other side. We frantically search the banks to find the best place to cross, but sometimes it does not exist. Our enemies advance on us and we can either make a choice or be forced into a decision. Like Phil said, "Sometimes we just have to get wet."



## ICU

The ICU waiting room is a terrible place. I spent 3 days there this week. One of the reasons I am not a doctor, other than not being smart enough, is because I hate hospitals. The people that work there seem to be okay, but the buildings themselves depress me.

My sister is very sick- complications from a post-chemo-infection. The family all came.

You can do a lot of thinking in an ICU waiting room- a lot of worrying too. Every miniature detail seems to be of the utmost importance, even if it is not. You reside in a time warp- one inhabited by coffee, vending machines and chewing gum. The television tells the time during the week- not quite so much on the weekend. It is too cold inside and too hot outside. It makes you want to smoke- except for all the people and ventilators. While you are with loved ones and family, it is not okay to have too much fun.

A doctor on his knee informs a concerned and then devastated mother and daughter. There is a man in a bow tie and vest passing with a person with a blanket over his head. I overhear a family making plans for post ICU care. "What does dad like to eat and who can visit when? Do we use the word "nursing home"?"

Wash hands.

Yellow plastic gown.

Blue gloves.

Breathe in.

Breathe out.

The ICU creates perspective. It is an importance filter.

If you are facing family conflict, it is easy to be "me" focused. How do I make "me" comfortable? What is best for me? You want to be that patient in the room attached to all the machines that everyone is talking about. It is certainly true that if you do not take care of yourself, no one else probably will. But an outward focus is healthy, depending on the target. Sickness is a unifier. Divorce is a divider. There is a healing power to service –to outward focus- to dusting your knees off from the internal struggle and focus on the outward action word of love.

## Love is Creative

Dr. Martin Luther King, Jr. delivered a sermon in 1957 at Dexter Avenue Baptist Church. It is definitely worth **hearing**. He said the following:

Now there is a final reason I think that Jesus says, "Love your enemies." It is this: that love has within it a redemptive power. And there is a power there that eventually transforms individuals. That's why Jesus says, "Love your enemies." Because if you hate your enemies, you have no way to redeem and to transform your enemies. But if you love your enemies, you will discover that at the very root of love is the power of redemption. You just keep loving people and keep loving them, even though they're mistreating you. Here's the person who is a neighbor, and this person is doing something wrong to you and all of that. Just keep being friendly to that person. Keep loving them. Don't do anything to embarrass them. Just keep loving them, and they can't stand it too long. Oh, they react in many ways in the beginning. They react with bitterness because they're mad because you love them like that. They react with guilt feelings, and sometimes they'll hate you a little more at that transition period, but just keep loving them. And by the power of your love they will break down under the load. That's love, you see. It is redemptive, and this is why Jesus says love. There's something about love that builds up and is creative. There is something about hate that tears down and is destructive. So love your enemies.

Until a few days ago, I had never reflected much about the creative power of love and the destructive power of hate. If you think about it though, it makes a lot of sense. In the history of the world how many paintings, books, poems, songs and other forms of creative expression have been inspired by love? God, who is Love, created the world –from galaxies of stars to atomic molecules. He created me. He created you. And he created the person you hate –in his very Own Image.

I sat with a guy recently who did not want a divorce. His wife did, although she had no legal reason for a divorce, which is still required in Mississippi. To divorce in our state, you have to have a **reason or an agreement**. I personally think this law is outdated and creates wasted resources and unjust resolutions in family disputes, but no God-fearing Mississippi legislator is going to become the guy who made it easier to get a divorce. That's crazy talk. He has gone to counseling, marriage retreats and attempted to change, yet his wife persists that she wants out. Having just studied MLK's sermon, after giving him some much needed advice about covering his financial basis and doing some basic self-help investigative work, the best thing I could do was to tell him to love her –there is just something creative about love.

This is also good for people in post-divorce situations. Post divorce battles are some of the most bitter. MLK goes on to say:

Another way that you love your enemy is this: When the opportunity presents itself for you to defeat your enemy, that is the time which you must not do it. There will come a time, in many instances, when the person who hates you most, the person who has misused you most, the person who has gossiped about you most, the person who has spread false rumors about you most, there will come a time when you will have an opportunity to defeat that person. It might be in terms of a recommendation for a job; it might be in terms of helping that person to make some move in life. That's the time you must do it. That is the meaning of love. In the final analysis, love is not this sentimental something that we talk about. It's not merely an emotional something. Love is creative, understanding goodwill for all men. It is the refusal to defeat any individual. When you rise to the level of love, of its great beauty and power, you seek only to defeat evil systems. Individuals who happen to be caught up in that system, you love, but you seek to defeat the system.

Hate for hate spreads like kudzu on a Mississippi hillside. Returning hate to your ex-spouse for the hate you are receiving only intensifies the conflict. It steepens. The caldron of hate you are creating is devouring your children. As you throw hate into the vessel it boils and the temperature rises and it eats the love and the joy and the childhood out of their eyes.

Somebody has got to have enough sense to stop the hate.



## The Halls of Justice

I was at the Hinds County Courthouse this week. We had achieved an Agreed Order earlier in the day, so all I had to do was quickly visit with the Judge to have the Order signed. With my work for the morning being a little mindless, I observed what was happening around me closer than usual and have these thoughts about showing up for your big day.

You know, the courthouse can be an intimidating place if you are not familiar with it. When you come in, there are about three armed deputies standing up front and a large, airport looking metal detector stands in the way of you and the elevator. It all feels so formal. It was raining pretty heavily so we were negotiating umbrellas as well. Everyone empties their pockets, and don't even think about bringing in your pocket knife or a cell phone. It will be left at the front door in a brown envelope with the rest and you will be given a number. Place your mobile on silent unless you want everyone to hear your Gangnam Style ringtone. If you think it will help you, go to the courthouse a week or so before your hearing and check things out. Sit in on a hearing with your Judge. Get a feel for place. Always be humble and respectful. Let the lawyers be the loud and flamboyant ones if necessary. We are better at it than you anyway.

If you are a litigant, it is normal to be a little freaked out while you are in Court, but let me make a couple of suggestions. First, look your best. Dress like you are going to church –a conservative, traditional church, not one where people have on flip flops and shorts. Also, be nice to everyone. If you are rude to the bailiffs, clerks and people at the vending machines, it has a way of leaking back to the Judge. Be on your best behavior from the minute you get out of your car until the minute you get back in it. You can quietly freak out off state property. Also, if you are a smoker, try to walk around the corner of the building out of everyone's site. Smoking is gross anyway. Just ask my daughters. If you have any tattoos or non-traditional piercings, cover them up and take them out.

The magic in the halls of the courthouse sometimes get people interested in settlement when they have otherwise been immovable. There is something about walking under Bible verses before entering a state funded building that flips a switch in people. Expect it. It is a good thing. Settlements are almost always better than a Judge's ruling because they are certain. Judge's rulings can be appealed, which costs more time, energy, money and emotion. If your lawyer is prepared, he or she will have the ability to reduce an agreement to writing quickly so you can leave with some finality, even if just for the day.

I always recommend that people bring a book or magazine when they come to Court. Our judicial system put the wait in “hurry up and wait.” Just because you are on the Court’s calendar, you will likely not be the only hearing the Judge has and you may not go first. Also, if you are the only hearing on the docket, stuff comes up. Lawyers sometimes show up unexpected and people get flat tires and have babies and are living a life independent of your circumstances. Also, there is a good chance that your lawyer will not hate his adversary (sometimes we do). Friendly lawyers get things done. Polarized lawyers do not. If you are with me, I will never make a deal without your input. Most lawyers work the same way.

It is very usual for lawyers to speak with the Judge in their office or chambers. Don’t worry about it. Judges are people too and sometimes they like to small talk. While you may feel like you are at a party where you don’t know anyone, rest assured that business is being handled.

If they bailiff asks you to do something, do it. When your hearing begins, quietly take notes. Do not visibly respond to testimony if you can help it. When you are called to the stand, smile, be friendly. Pretend you are on a job interview. Include the Judge in the conversation you are having with the attorneys. Remember, he is the one you want to impress. Do not be argumentative with the attorney for the other side. It will not do you any good to be sarcastic or flippant. You can intelligently disagree with someone. If someone asks you a question, answer it. Do not respond with a question of your own. If elaborating on your answer helps you, do it, but if it doesn’t, don’t.

Got it?



## Dr. Mike and His Heirloom Tomatoes

Saturday Rachel and I were at the pool with the girls. It was an uncharacteristically cool, Mississippi August evening. We had just enjoyed a little poolside pizza when Emma decided to jump rope her beach towel. She didn't even make the first jump before her feet were tangled and she came crashing down to the concrete. It seemed like it happened in slow motion.

At first, as she cried hysterically and Rachel tried to comfort her, I could not see what she hurt. A year or so back, she had been slung out of our golf cart by a now unemployed babysitter, knocking out her front two teeth ---so I immediately inspected her mouth. Everything was in place. That's when Rachel showed me her chin.

Ouch!

She had a nice gash, but it was one of those in between injuries. It wasn't obvious to us whether or not she needed stitches. We began to call all the neighbors we knew who worked in healthcare, but it was Saturday night and nobody was home. Finally, I sent a text to my friend Mike who is an emergency room doctor. By this point, the talk of a possible hospital visit had Emma positively freaked out.

*Craig:* Are you in town? Emma busted her chin – not sure about stitches.

*Mike:* Yeah. In town. Send picture. What did she hit?

*Craig:* (Sent Picture) Concrete – Doing jump rope.

*Mike:* Let's glue it. Can y'all come to the house???

*Craig:* Yes.

So we loaded up our crew, wet bathing suits, blood soaked towel and all, and headed to Dr. Mike's house. Mike and his wife, Angel, were happy to see us. Emma had calmed down. She was glad to be in a house instead of a hospital. Mike skillfully guided her to lie on his kitchen counter and within a few minutes, had her chin cleaned and glued back together. He was smiling the whole time. It was impressive. Afterward, he took us on a tour of his backyard garden and he and Angel put together a mess of heirloom tomatoes for us to take home. I love Mississippi. I felt grateful.

You see, my family was in crisis. We had a bleeding child and lacked the knowledge and skill to help her. It was not during regular business hours. Emergencies are not restricted to Monday through Friday from 8 until 5. Mike didn't care. He was happy to help –joyful to be honest.

As a Mississippi divorce lawyer, I need to take a lesson from Dr. Mike. While most of the time I am not dealing with physical injury and the courthouses are only open during the week, I am always faced with emotional wounds. My child was at risk

for a lifelong scar, and so are the kids caught in the crossfire of divorce. It is an honor to have the opportunity to help people when they need it, and it comes with great responsibility. Dr. Mike knows this.

So here is the lesson. If you think your situation needs professional attention, it probably does. If your professional acts joyful at the opportunity to help you, especially if he sends you home with a mess of tomatoes, you have found a good one, so follow his guidance.



# Divorce is White Water Rafting

Last weekend I went white water rafting on the Ocoee River with nine guys I do an edgy Christian men's group with on Tuesday mornings. I have been a few times before, including a weeklong trip on the Salmon in Idaho and a trip on the Snake in Wyoming. We had a blast, but to be clear, I am no river expert --just family law in Mississippi, which is obviously the genesis of the following analysis:

Divorce is like white water rafting.

**Training:** Nobody trains to go white water rafting, just like nobody really plans in advance to walk through a divorce. One's training for a river trip, even from a good outfitter, consists basically of a 10-minute talk on the bank and a very short demonstration in the boat. We do an [initial consultation](#) for a divorce, which is way more involved than the river bank tutorial.

**The Guides:** Your attorney is to divorce as the guide is to white water rafting. The river guide has been down the river hundreds of times. He knows all the names of the rapids, where the dangerous hydraulics are located and the proper lines to hit so you stay in the boat. He has cool gear, knows the terminology and where you can take risks and where you can't. Most importantly, your guide can help you, but only if you listen to what he says. Your lawyer is a slightly better dressed, often more cleanly groomed and sometimes better smelling river guide. His job is to navigate the paperwork, court systems, opposing counsel and the times when you are not thinking clearly. He is your counselor. Like the personal flotation device (PFD) on a river trip, he won't save your life, but he may help you float.

Butt down.

Feet up.

**The Shock of the Beginning:** The start to any good river trip is shocking. Mountain river water is cold. It will take your breath away. Frankly, the start to a good river trip is not very fun. You will be wet and you will be cold. Divorce is like that too. It cycles depending on if you are the leaver or the left. **You will experience depression, denial, bargaining and anger.** The beginning of the divorce process is frankly excruciating, but you will settle in and settle down. There will be rapids, but there will also be flat places and deep pools where you can relax or jump in without the fear of a foot entrapment.

**Who's that Guy Eddy?** The eddy is a place where the current either stops or turns to head upstream. These are usually below obstructions and on the inside of

bends. If you are involved in a protracted divorce, you need to know how to spot the eddy. They are usually after the **temporary hearing** if it is a contested matter. That is when order is somewhat restored and you can rest a little bit.

**Ridding the Bull:** Riding the bull is when you sit on the nose of the raft without a paddle and hold on to the front strap. Your guide can tell you when it is safe. When I road the bull at a place our guide gave us the choice of “Hero” or “Chicken”, I lasted about two seconds. We went the hero route, of course. The river ripped the strap out of my hand and threw me under the boat. On the Ocoee, Powerhouse is a much better rapid to ride the bull. It is bumpy and wet, but if you hang on, you are good to go. It is exhilarating. Trials are the bull riding of divorce. The Judge can and will throw you under the boat if she wants. But sometimes, although it should be avoided, you have to drop your paddle, man up and ride the bull.

In summary, while I don't recommend divorce for your weekend leisure activity like I do white water river rafting, there are obvious similarities. The biggest key for both is to work with an experienced guide. The only thing more stupid than white water rafting without a river guide, is trying to journey through a divorce in Mississippi without an experienced divorce specialist.

Remember, butt down, feet up.



## Social Media and Divorce

If I meet someone new, especially if it has anything to do with work, I usually jump on Facebook and see if I can find them. For others, they may check out Twitter, Vine, Instagram or something newer I don't know about yet. Of course you can't get to know someone through their self-edited digital representations, but you at least get a hint about who they are –or at least who they like to think they are. So what do you do with your social media presence if you start walking through a divorce?

Let's back up. Things suck at home. You and your spouse are miserable with each other, so you spend a reasonable amount of time catching up with old friends or making new ones online. I get that. If you kill a big deer or go to a concert or a ballgame or get a new car, you want your digital following to know about it, so you post a picture or something you think is catchy. Or maybe like me, you fancy yourself an aspiring writer with a poignant thought the world will be lost without. Maybe you want to tell the world what a jerk he is and you think it is just fine to show off what God or your plastic surgeon gave you. You are not getting any attention at home and it's refreshing to have people say nice things. Like it or not, social media creates a platform for the average person with access to the Internet –a voice. Sometimes when marriage is at its hardest, the voice is coming from a place you never thought was in you.

If you are a mom or a dad, you need to be extra careful about your online subtle or overt messages. If you don't have kids and you want to post pictures of yourself doing keg stands, by all means my friend, go right ahead. However, be mindful that anything you post can and will be used against you in a divorce, especially if child custody is or is made out to be an issue.

My thought is simple, before anybody files anything, go through and edit your social media accounts and remove anything you would find yourself having to explain to a Judge. You also may want to update your security settings and delete random people you don't really know from your network. Drink in your hand? Delete. Rant about how you got into an argument at Wal-Mart with someone in the checkout line? Click to remove. Any picture where you are shaking like a Polaroid picture? Yes, that too. And lastly, if you do not have on a shirt or you are in a bikini, say bye bye to the picture.

Now the plot thickens. What if something is already on file? Talk to your lawyer. There is an idea in the law as it relates to spoliation. Spoliation is the concept of an adverse consequence from destroying evidence. Odds are the picture of you at a party with a drink in your hand will not be worth the lawyering it would take to make a case for spoliation, but every case is different.

Social media has its place in the world, but like anything, moderation and a certain level of tasteful reserve will serve you well, especially in divorce.



## Patience and Poise

I am sitting at the coffee bar in Jackson's new Whole Foods Market, enjoying a café au lait. Mississippi has officially gone cosmopolitan, sort of. The chain, which began in 1980 in Austin, Texas, is one of 365 worldwide for the publically traded company with over \$9 billion a year in annual revenue. While it has a homegrown feel, it is sure to negatively impact true local places such as McDade's and Rainbow Co-Op. I like it none-the-less. Rachel and I care a lot about food, and these folks seem to share our obsession.

Earlier this week, I had a meeting with a smart potential client. She knows how to get things done. Beautiful, organized and Type A, she will admit to managing her life more than living it. Talk about someone who can really rock a checklist, this girl has got it. After she finished telling me her story, it became evident for her to be able to make a decision about the future of her marriage, she needed some information it would be impossible to get for several weeks or even months. We Type A folk's are not very good at strategic waiting. A song from my youth began to play in my head, and while I didn't sing it to her, I thought about it:

Said, woman, take it slow

It'll work itself out fine

All we need is just a little patience

Said, sugar, make it slow

And we come together fine

All we need is just a little patience

(patience)

Mm, yeah

...little patience, mm yeah, mm yeah

need a little patience, yeah

just a little patience, yeah

some more patience, yeah

need some patience, yeah

could use some patience, yeah

gotta have some patience, yeah

all it takes is patience,  
just a little patience  
is all you need \*

I don't think GNR actually had this situation in mind when they sang **Patience**, but the idea is the same. Because you live it, we forget how much life changes over the course of several years. From the perspective of a marriage on life support, it seems the steady beat of the past will continue into the foreseeable future after divorce, giving every decision the illusion of life or death magnitude. I will let you in on a little secret – stuff changes really quickly and time has a way of revealing what we need it to, if we have a little patience, yeah patience.

The other part of this winning divorce equation is poise. To have poise is to have balance, to carry oneself with a sense of equilibrium –a relaxed ready position. Poise is a synonym for dignity. Be steady for your kids, steady in your thought patterns and move forward with cautious optimism, patience and poise.

We all make choices every day that affect our forever. No question your life can take on a different paradigm in the blink of an eye, but I find in the realm of divorce, this is the exception, not the hard and fast rule. I will leave you with this. If you are walking through a divorce in Mississippi, open a blank document on your computer and type the words PATIENCE AND POISE. Put it in your favorite font at around 20 point. Now print it. Get some scissors and cut it out and tape it to something you look at every day. Maybe its your computer monitor, maybe it's the dashboard of your car, maybe it's the back of your smart phone, but live by the mantra of patience and poise in the heat of divorce and you will be just fine.



## Visceral

I knew a guy in law school at the University of Mississippi who had a Masters in English. He was a voracious reader, listened to National Public Radio and drank dark beer. When he would read, he kept a dictionary close at hand in an effort to expand his vocabulary. A very passionate guy, I associate the word visceral with him, because it encapsulates his often-zealous approach to life. It's also a term absent in most people's everyday vernacular, but not his.

Visceral is an adjective meaning felt in the internal organs of the body,

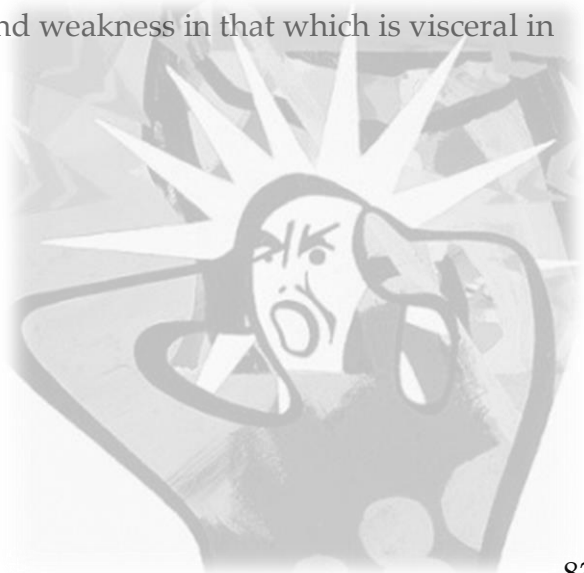
Not intellectual, or dealing with crude or elemental emotions. A visceral mindset or more precisely absence of mindset to certain aspects of divorce is natural, but often devastating. Speaking before one thinks is a visceral reaction. We vomit words on each other (email and texts count) from an emotional as opposed to a reasoned place.

Contrast this to silence.

In Henri Nouwen's *The Way of the Heart*, he describes the practice of silence as a place of creativity –the “mystery of the future world.” Silence, he writes, makes us pilgrims, guards the fire within, and it teaches us to speak. He recounts the Taoist philosopher Chuang Tzu:

The purpose of the fish trap is to catch fish and when the fish are caught, the trap is forgotten. The purpose of a rabbit snare is to catch rabbits. When the rabbits are caught, the snare is forgotten. The purpose of the *word* is to convey ideas. When the ideas are grasped, the words are forgotten. Where can I find a man who has forgotten words? He is the one I would like to talk to.

Counterintuitively, there is power in silence and weakness in that which is visceral in divorce and in life.



## A Bad Divorce

Last week, Rachel and I were talking in the kitchen about a new acquaintance, and Rachel commented, “I think she and her first husband went through a bad divorce.” This morning while driving to work, a caller to a radio station expressed how she had recently gone through a “bad divorce”, but things were looking up for her. Over lunch, a pastor friend of mine brought up how someone he is counseling recently completed a “bad divorce” after a two or three year struggle. You hear the phrase too from time to time. It shows up in our everyday vernacular as citizens of the world. It makes you wonder if there is any such thing as a “good divorce.” I have unique perspective on the subject, having worked in family law for fifteen years and after being involved in hundreds of matrimonial surrenders.

If a couple does not have children, a divorce is rarely bad. I am certainly excluding from this observation circumstances of domestic violence, stalking and other sleeping-with-the-enemy-type behaviors. Infertility can also create a very sad set of circumstances, even if the parties are open-minded to assisted reproductive technology, fostering or adoption. But a situation where a couple has been married for a year or two (or five), they have no money and no children, is simply an embarrassing, expensive mistake, not the life trajectory altering or paradigm shifting tectonic plate shift the parties, their parents and their inner circle of friends may think. In this scenario, there can be a clean break. After the accounts are divided and the furniture is in the U-Haul, there is no reason for them to have any interaction with their former spouse. They can grieve the lost opportunity for the life they expected, and step into their future much wiser and more in touch with who they really are.

People who should have a “bad divorce” often do not. Let me be clear. *All* divorces are bad on some level. Most people do not set out to be divorced. While I have had more than one person talk about their wedding day being one of the saddest of their lives, this is pretty rare. Most people who end up divorced tried really hard to make it work, had big plans for a bright future with their spouse, and they did not give up for a long time. Believe it or not, many people in divorce act civilly with a deep sense of fairness, respect, and gratitude for shared experiences. While saddened, these folks share a sense of collaboration to work out a fair resolution, creating a foundation for future co-parenting. Having the right type of lawyer can help in this endeavor.

Finally, some divorces are just bad. They have crazymakers. They have psychos, sociopaths and narcissists. They have bad lawyers. They have judges who are out to prove a point and/or who do not value your resources. They have parties who have a hate running as deep as the Grand Canyon and who have colossal and frequent lapses

in judgment. They have unfounded allegations of abuse. They have untreated addiction or mental health problems. They have lots of resources and parties (or parents) who are willing to spend them. They have alienation of affection and parental alienation syndrome. They have selfish people doing selfish things. When a divorce is really bad, it is an energy zap for everyone. It is like one of those big magnets you see in cartoons that pulls, not metal objects, but the life energy of all those who encounter them. A bad divorce is just that –bad.

But it doesn't have to be that way. Love your kids. View every decision through the lens of their best interest. Find common ground with your ex or soon to be ex. Employ an experienced, practical minded attorney, and live in the future, not the past.



## The Wide Net

I have been sued once in my life. I sort of expected it, but I sort of didn't. I was sitting in my office, and the front desk rang me. "There is a Mr. Lopez here to see you." I have represented a lot of folks and I know more than a few lawyers, but I couldn't think of anyone named Lopez. "I'll be up in a minute."

I buzzed Lori. "Are we involved with a case with someone named Lopez?"

"Lopez? I don't think so," she replied.

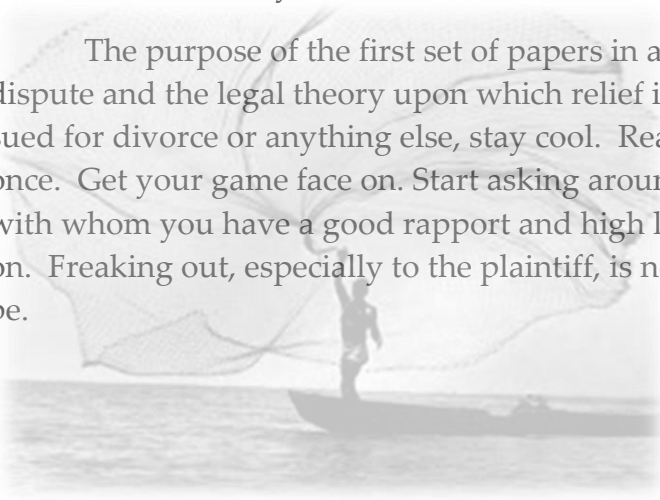
I cautiously made my way up front. In a three piece suit and sunglasses was a guy who could have been an NFL lineman, who was sweating profusely from his trip from car to front door on a sweltering Mississippi August afternoon. "Are you Marty Craig Robertson?"

"I am."

"These are for you." He handed me a flat envelope and turned for the door. I knew immediately who was behind the papers, but that is a story for another day.

There is nothing fun about being sued. You will never get used to it. A lawsuit is an energy zapper. It's like getting a ticket for a bus ride across the country you didn't want or need. People freak out about the content of the papers. I am guilty of it myself. It is hard when the person on the other end of the litigation stick is someone with whom you were in a close relationship. But the content of the initiating pleadings in a lawsuit is to place you, the defendant, on notice of what the plaintiff would like to have—their best-case scenario. If the plaintiff does not ask for it, they cannot get it, so they cast a wide net. Also, when a lawsuit is filed, the press is not notified and the filing does not immediately end up on the judge's desk. (Some small towns still print the names of litigants in the paper, but most folks don't read them if they have a life of their own, and if they don't have a life of their own, what do you care?)

The purpose of the first set of papers in a lawsuit is to announce the subject of the dispute and the legal theory upon which relief is based. That's about it. So, if you get sued for divorce or anything else, stay cool. Read the stuff carefully and more than once. Get your game face on. Start asking around for an attorney who is a specialist and with whom you have a good rapport and high level of communicative ability, and carry on. Freaking out, especially to the plaintiff, is not going to get you where you want to be.



## Cease Fire

I'm calling for a cease-fire. If you are divorced or divorcing, please put away your weapons. Lawyers, holster your guns. It's Christmas. Work is winding down, and excitement is mounting in the spirits of children everywhere –even the big kids. The divorce will be there to pick back up again on January 5<sup>th</sup>. Your ex will still be a jerk next year, so a temporary reprieve will give you energy for the conflict yet to come. This Christmas, hit the reset button of your life and think about what you want to have accomplished this time next year. You too, Lawyer. How will you grow as a person from this unique set of circumstances?

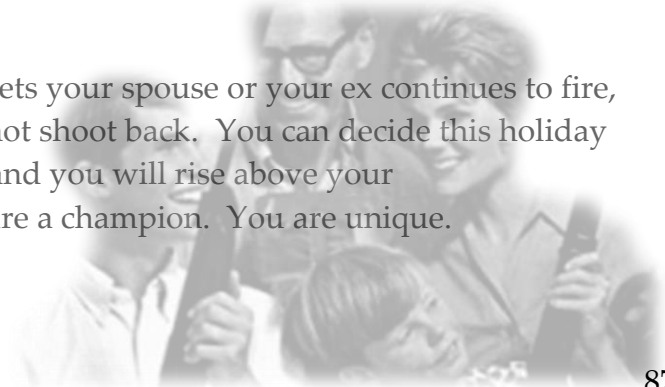
Sure Craig, this crap is easy for you to say. I'm pissed. How do I contain the anger boiling inside? I stipulate it is not easy. But summon self-control. Have patience and poise. Think big picture and let the small stuff go. Think forest, not trees.

While law enforcement obviously continues to work over the holidays, and you should call them if you need them, most courthouses have limited staff and judges are in the woods hunting or they are out shopping. They are getting some rest. They are worried about their families, not so much yours. Believe it or not, as much as we want to help you, successful family lawyers are not sitting around plotting and scheming in our dark little offices about you and your divorce, so you shouldn't be either. Focus your energy on things you can control, and count your many blessings, and as the old song goes, count them one by one.

For me, when I am off work and out of my routine, after resting for two or three days, I can feel my creativity begin to percolate. Distance tends to give one perspective. I know you are not going to be with your kids the entire holiday, but is that really all bad? You are a wonderful, complicated, dynamic person who is more than just a great mom or dad, and more than someone's wife or husband. Do some volunteer work. Help someone who needs it. Also, take time for introspective reflection, planning and goal creation. Where do you want to be in six months, a year, three and five? The holidays are a perfect time for this when the busyness subsides. Unwind. Find a great book, listen to a new album from cover to cover, go see a movie (I am going to see Unbroken) and focus your energy on the pluses of your life and not the minuses.

While you cannot control the bullets your spouse or your ex continues to fire, you can decide right now that you will not shoot back. You can decide this holiday season your glass is more than half full and you will rise above your circumstances. You are a winner. You are a champion. You are unique.

Merry Christmas.



## Your Kids and the Holidays

Next week is Thanksgiving and I can always expect a few calls from clients that are finding it impossible to work with their spouse to figure out a schedule. Whether you are living under a child custody order or not, the best advice I can give someone who does not live with their children's other parent in Mississippi is to be flexible and make the most of the time that you have.

A few years ago at an ABA Family Law Section conference I heard a presentation from Robert Emery, Ph.D. I recommend his book, *The Truth About Children and Divorce: Dealing with the Emotions so You and Your Children Can Thrive*, all of the time and have given away several copies. Dr. Emery is Professor of Psychology and Director of the Center for Children, Families, and the Law at the University of Virginia. His research focuses on family relationships and children's mental health, including parental conflict, divorce, child custody, family violence, and associated legal and policy issues. Dr. Emery engages in a limited practice as a clinical psychologist and divorce mediator. He also is a divorced father of five children.

He has some ideas about the holidays, which I will share with you below. I totally suggest that you check out his website, and I hope you and your family have an awesome holiday.

### Ten Tips for the Holidays

#### **Remember the holidays are not all about you.**

Your children deserve their celebrations even if you feel cheated out of yours. Encourage them to have a blast with their other parent, even if you can't stand the prospect of being alone.

#### **Get into the spirit of the season.**

This is a time of giving, forgiving, and fresh starts. Turn Scrooge's emotional lessons about holidays past, present, and yet to come into New Year's resolutions about letting go of anger and treasuring all you have -- despite all you have lost.

#### **Another lesson from Scrooge: Love means far more than money.**

Your time, attention, and emotional presence are much more important to your children than lavish gifts. You may be short on money but you can be long on love.

#### **The holidays are not a competition with your ex or for your children.**

Teach your children the true meaning of the holidays, not the meaninglessness of materialism.

**Communicate and coordinate with your children's other parent.**

A brief email, telephone message, or conversation can insure that you don't duplicate presents or plan back-to-back feasts for stuffed and confused children. Ten minutes now can save days (or weeks) of fuming later. (If communicating with your ex takes more than 10 minutes, you probably are getting into issues better left for another time.)

**Do the details.**

Work out exactly where your children will be during what times, and when, where, and how exchanges will take place. Your children will feel more secure, and all of you will avoid frustration and disappointment.

**Celebrate with your children's other parent.**

Consider celebrating part of the holidays together with your children's other parent, especially if your separation is fairly recent. Some people are shocked when divorced families celebrate holidays or birthdays together. Go ahead and shock them!

**Set up a plan for next year now.**

If you went through the agony of 11th hour negotiations this year, set up a plan for next year now (or after New Year's). Everyone will be happier knowing what is coming, and avoiding conflict on the eve of the holidays.

**Plan in advance with your extended family.**

Work things out in advance with your own extended family too, whether that means that you say "no," spend the holidays a little differently than usual, or ask for your family's understanding and help.

**Establish traditions with your children.**

Establish traditions with your children, even new ones that may be off time or different from past rituals. Your kids may not remember the details of 2004, but year-in, year-out traditions will stay with them for a lifetime.



# How to Win a Child Custody Case in Mississippi

There are few relationships that are as important in our society as the parent-child relationship. Child custody cases are the most difficult in all of the law. Jesus said that children are the very center of his Kingdom, and I strongly believe that absent unusual circumstances, a child needs both parents to be an active part of their life. Men and woman are simply equipped differently to nurture their children. I could spend my time in this article talking about the Albright factors and strategies for convincing a judge that your child should be in your physical or legal custody, which is common sense but something I have had great success doing through the years, but I am going to take a different approach today- one developed from over a decade of experience and enriched by being the father of two precious daughters. The best way to win a child custody case in Mississippi is not to have one.

You may remember the famous story of the two mothers who showed up before King Solomon. The first woman said, "My master, this woman and I live in the same house. While we were living together, I had a baby. Three days after I gave birth, this woman also had a baby. We were alone—there wasn't anyone else in the house except for the two of us. The infant son of this woman died one night when she rolled over on him in her sleep. She got up in the middle of the night and took my son—I was sound asleep, mind you!—and put him at her breast and put her dead son at my breast. When I got up in the morning to nurse my son, here was this dead baby! But when I looked at him in the morning light, I saw immediately that he wasn't my baby."

"Not so!" said the second woman. "The living one's mine; the dead one's yours."

They went back and forth this way in front of the king. After a moment the king said, "Bring me a sword." They brought the sword to the king. Then he said, "Cut the living baby in two—give half to one and half to the other."

The real mother of the living baby was overcome with emotion for her son and said, "Oh no, master! Give her the whole baby alive; don't kill him!"

But the other one said, "If I can't have him, you can't have him—cut away!"

The king gave his decision: "Give the living baby to the first woman. Nobody is going to kill this baby. She is the real mother." 1 Kings 3:16-28 (The Message)

Having a child custody case is like giving the king permission to cut your child in half. It is an agonizing experience that will bitterly divide parents, making honest communication and real co-parenting next to impossible. I have been through more child custody cases in Mississippi (and one in Tennessee) than I would like to remember. Each time I take one to trial I leave a little bit of my soul in the courtroom. My exertion of energy is pale in comparison to that of my clients'. A

custody trial is absolutely miserable. Why on earth two reasonably intelligent people would put themselves through agony only to allow a stranger to decide what is best for their children is amazing to me. Throwing away enough money to pay for your children's college education on lawyers is stupid.

Don't get me wrong. There is a reason we spend taxpayer dollars to build courthouses. Sometimes issues of abuse, chemical dependency, psychological issues and other real world difficulties make hearings on child custody situations unavoidable. But many times Mississippi child custody cases are fueled by emotions that have nothing to do with a child's best interest such as jealousy, greed, pig headed unreasonableness and desire for control.

If you think your case has real child custody issues, my advice is simple. For so long as everything you do and say is honestly calculated to promote what is best for your children, you cannot make a mistake. If you want to increase your success in a child custody case- BE A GREAT PARENT. Great parents know that they are doing a terrible disservice to their children if they are fighting out a custody case. Good custody arrangements in the less-than-ideal circumstances of divorce are as different as the people who live under them. What works for one family may not work for another, but parents are way better equipped to make those decisions after an honest assessment of their children's circumstances than a judge with a sword will ever be.



## Your Story Ends in a Funeral

I had a dream that woke me up early this morning mad and then grateful. Rachel and I were traveling in the mountains and we were both in separate cars. She was with her mom and I had someone with me too. I think it was a friend but I am not totally sure- you know how dreams are. The kids were with her and they were supposed to be following us to a scenic area. I went to the spot, and she didn't show up. I thought to myself that maybe I have the wrong place. So I called her. She didn't answer. I looked for her vehicle, but she was nowhere to be found. I unsuccessfully called her again. I drove around- still no Rachel and still no kids. After what seemed like hours, I finally got her on the phone and she dismissively told me that she made another plan and basically I was out of luck. In my dream, I went crazy. I was yelling at her words to the effect "What gives you the unilateral right to change our plans and take the kids?" Thankfully, in the middle of my rant, I woke up and my kids were safely in their beds and Rachel was sound asleep next to me.

My immediate thought was that my dream is many people's nightmarish reality.

Years ago I was representing a lady that had lost custody of her daughter due to strong evidence that her little girl was being abused by one of the several men that had gone in and out of her life. A few weeks into living with her father, she was killed in a heartbreaking accident while literally playing with some kids in the backyard. The parents fought over where the child was to be buried. It had to be decided in court. I think about it often.

My friends David and Stephanie, a happily married couple, lost their infant daughter due to complications from an operation to correct a lung defect. I saw this beautiful angel lying in the smallest casket available. I am emotional thinking about how unbearably grief-stricken my friends were and in some ways remain over this loss.

I am helping this really nice guy with a divorce. He and his spouse have three adult children that are all out of the house and self-supporting. Their divorce is fueled by years of unexpressed emotion and is bitter. Two days ago, while on her way home, their youngest daughter was killed in a car accident. She died on impact. I watched my client, in the midst of the most difficult time of his life; have his child ripped away. It is horrific. I saw this young, gorgeous woman lifelessly lying in her casket as her parents grieved over her body. What was equally profound was the visible grief of her older siblings.

A man named Job had seven sons and three daughters. He loved them passionately. Job was a man after God's heart. So much so that it led to a conversation between God and Satan about the source of his devotion to God. A tornado killed all of

his children who were having a party at their brother's house. You can read how he responded to this and other challenges in his book.

Each of these stories was marked by a funeral. Your story will too. It may not be today, it may not be tomorrow, but life stories end in funerals. Wake up people- your kids need and deserve you both! This life is so short. Even in God's favor, we are not promised another minute. You can decide to not live with each other, but you cannot decide to no longer have kids together. When it comes to issues with your children, as it says in James 1:9, be quick to hear, slow to speak and slow to anger. God designed families so that mothers and fathers both pour into shaping who their kids are going to be. This is by design. When we follow other plans for our lives outside of God's Will, it does not change their design or your children's default position that they need, love and are defined by both parents. If every decision you make is fueled by an honest assessment of what is truly in your child's best interest, you cannot make a mistake when it comes to a family legal situation and your children.

If you live in the same house with your kids, don't take it for granted. If you are regimented to a visitation schedule, follow it as if your life depended on it. If you are the custodial parent, realize that outside extreme circumstances, your kids need your ex as much as they need you.

Your story is going to end in a funeral that may be sooner than you think, how are you going to write it?



## The Super Dad Syndrome

Occasionally, Rachel will go out of town and leave me in charge of Mollie Ann and Emma. This past weekend was one of those times. Food? Lunchable- No problem. Entertainment? RedBox- I got this. Clothes? She left them out. Hair? Hair? Hair!

Okay, while I'm pretty much fine doing everything else, I admit that I send my kids around with jacked up hair when Rachel is gone. I am somewhat metro, but I do not have an ounce of hairstylists' ability in my body.

I have said it many times but I will repeat it here for the record, if God forbid Rachel and I were to get a divorce, there is no question that our kids should be in her physical custody. Our kids just need their momma's touch. This is highly evident in my inability to fix their hair. Emma's is easier, but God gave Mollie some funky cowlicks and I just don't get it.

In the world of divorce, there is a phenomenon that lawyers know well. I lovingly refer to it as the Super-Dad Syndrome or SDS. I say lovingly because under any other circumstances, it is a very good thing. SDS is when a marriage is coming to an end and overnight an otherwise disinterested dad starts his campaign for Father of the Year. All of a sudden in an act of desperation he wants to coordinate carpool, he shows up at school to eat lunch with the kids, he takes an interest in their activities and he even helps out with homework. He may even do a nice thing or two for his soon-to-be-ex-wife. He may send her flowers or agree to go to counseling. He may encourage her to take a girl's night out or visit "momma and them" without the kids. In short, he becomes the type of father and husband he was always supposed to be. So what do you do if your husband has SDS? Do you fight it?

My advice is no. I say if your man has SDS, you enjoy it. See if it lasts. Hell, if it does, you may reconsider the divorce altogether. If he is just putting on a show for you or his lawyer or some judge, he will not be able to keep it up. Let's face it, in general guys grew up playing with guns and cars and action figures. Girls played with kitchen sets and dolls. That's just the way we are wired. Look, I have helped many men in legitimate custody disputes, and I believe that in many circumstances, a father is the best choice to be the custodial parent. I also think that shared legal and physical custody can work for some families. But in Mississippi, in most cases, even though you will not find it spelled out in the law, the mother has a slight edge in a custody case. Especially if you have girls like me. If I was going through a divorce and came down with a case of SDS, all Rachel would have to do is have me fix the girls' hair.

Q: Mr. Robertson, did you fix Mollie and Emma's hair this morning?

A: Yes.

Q: Do you recognize the images in this photo that Rachel took of them a few

minutes later?

A: Yes. That's their hair.

Q: And you responsible for fixing their hair?

A: Yes, I was.

By Counsel for Mrs. Robertson: I have no further questions of this witness.



## The 800 Pound Gorilla

The family dynamic is extremely complex, even when biological parents are living together. It is no surprise to older parents that smart teenagers will take advantage of these situations to get their way. When parents are no longer unified or married and new love interests and, sometimes, new step brothers and sisters are added to the equation, an already complex dynamic is exponentially more difficult.

Over the years, some of the most bitterly fought courtroom battles of my career have happened in custody cases. I leave a little bit of my soul at the courthouse when I help a client through one. Modification cases are worse. In original custody determinations such as in a divorce, there are a myriad of other issues, so custody, while usually the most important, gets watered down when coupled with grounds, property division, alimony and child support. While parents sometimes don't like each other very much after years of marriage, I have never helped a couple get a divorce when each party did not equally express their undying devotion to their children, and the "good times" of the relationship are not as distant a memory as they become in modification situations. When several years have passed after a divorce, any affection that formerly married parties have for one another has worn off, and their hate for one another fuels rancorous and usually mutual dislike.

The 800 pound gorillas feed off this contempt and hatred.

If there is a material change in circumstances and your children suffer adverse effects, a judge can review any custody decision. Frankly, when a child reaches a certain age, if one holds them in a custodial situation in which they have grown dissatisfied, they become like a caged animal thrusting their body against the sides and exposing their teeth- again, the 800 pound gorilla.

Parents anguish over these custody disputes, and understandably so. Besides, the relationship that most closely mirrors our relationship with our Heavenly Father is the parent child relationship. I never truly understood God's love for us until I had children of my own. However, similar to our fleeting time on this earth, all custody determinations are temporary. As I have developed in my practice and my understanding of divorce and related issues becomes more mature, this idea has been repeatedly reinforced. There will be a point in the future, whether your children are 2 or 10, that your legal and physical custody status will be irrelevant. This is the time that your children will no longer care what the "court papers" say and you will be simply holding on for dear life while the wild animal of a teenager tears through your divided homes.

The intangible nature of a custody case makes an economic cost benefit analysis impossible. It simply will not pencil- period. In a custody case, you can throw your

checkbook out the window. While I can justify to a client the logic behind not spending \$2.00 for a chance to get \$1.00, I cannot tell a client not to spend extra money if it means that they will be protecting their children's welfare. No one can put a price tag on the parental relationship, no matter how quickly they are moving toward their inner gorilla.

An older teenager, especially a young man, like the 800 pound gorilla, is pretty much going to do what they want to do. It doesn't it take a PhD to understand how this happens. The custodial parent has a set of rules in her home and the teenager is going to challenge them. The non-custodial parent's home is a safe-haven from those rules so the teenager gravitates to the other home and so on and so forth. Maybe the non-custodial parent is paying a great deal of financial support, maybe he feels guilty about not being "as there" as he should have been and he is now trying to make up for lost time, maybe he is just trying to get back at his ex-wife for the torture she put him through. No matter, the smart gorilla plays the parents back and forth to accomplish one thing- exactly what they want. They are like King Kong on top of the Empire State Building swatting at your parental helicopters and airplanes.

I guess the point of this post is to reiterate the following: Your children need you both and they need you to be unified. It takes a team to tame the 800 pound gorilla, and regardless of your new marital status, the best way to train one is to start when they are manageable.

The 800 pound gorilla will rip you apart if you don't.



## The Mistake-Proof Divorce with Children

It happens almost every time I am in court. I will be cross-examining a witness and he or she will ask me a question in response to my question. I get to ignore them. I sometimes get to ask the judge to instruct the witness to not direct questions to counsel. You see, when you are the lawyer- you get to ask the questions. That is one of the good things about the job. We ask. You answer.

So as you would expect, lawyers that handle family disputes are not immune from divorce- maybe because we ask so many freaking questions. You would think that after hearing story after story about the mistakes that clients make in marriage, we would be ahead of the curve. I don't know if there are any statistics on this, but I would venture to guess that divorce lawyers are more likely to get a divorce than the national averages, despite the fact that we should be learning from the cumulative experience we have in marriage trouble. We are in high stress jobs, we work long hours, we come into daily contact with people in dysfunctional and transitional stages of life, and we are generally assholes.

My wife and I have a good marriage. I hope it stays that way, but we are not immune from periodic arguments. As you know if you have kids, there is almost no way to argue in your home without the kids being involved. My daughters will physically place themselves between us and vocally demand that we "stop fighting" at the least little sense of tension.

This brings me to today's main point developed from my experience as a husband, father and divorce lawyer. There is a way to go through a divorce without ever making a mistake. All you have to do is ask yourself one question before you do anything. The question is simple: **Is what I am about to do going to promote what is best for my children?** That's it- nothing miraculous. One positive thought before you act. Don't you hate it when a lawyer answers a question with a question?

Q: Should I leave the home?

A: Is what I am about to do going to promote what is best for my children?

Q: Should I give my spouse any money?

A: Is what I am about to do going to promote what is best for my children?

Q: Should my wife and I try to negotiate ourselves?

A: Is what I am about to do going to promote what is best for my children?

Q: Can I bring my girlfriend over to my apartment?

A: Is what I am about to do going to promote what is best for my children?

Get it? When you need to know the answer ask that question and act accordingly. The best way to stump a lawyer in a hearing, deposition or trial is to explain how as the parent of the kids that nobody knows better than you, what you did was genuinely calculated to promote what is best for them.

How can I argue with that?



## Making the Most of Your Weekend

Now living in Mississippi is not the same as living in some place where there is a steady stream of activities, but your weekends don't have to be like a trip to Disney or "Dad Camp" each and every time. The most important thing is to be together- to be focused on your child and not whatever else or whoever else is in your life at the moment.

Occasionally, Rachel goes out of town on the weekend and leaves one or both of the girls at home. I guess it is the divorce lawyer in me, but I often wonder if the people who see us together around town think that it is "my weekend." These are among the times that I relate the most to my divorce clients. While I have helped over 500 people through the process of divorce, I have never lived it, so I certainly cannot relate to all the blended internal emotions. I find myself explaining to people who could not care less why our family is not together. I don't know why I feel the need to make an excuse as to why I am with my own kids without their mom. It's almost like I think there is some ridiculous shame in one on one parenting.

There is not. In fact, I think one on one parenting is the best way to get to know your child.

I am experiencing a little one on one parenting this weekend. Rachel took Emma to Pensacola because our nephew was being dedicated in church and she has been honored to be his godmother. Because my dad has not been getting along well and we have a big thing at work next week, I decided to stay behind with Mollie. It didn't matter to me whether Mollie Ann or Emma was staying- our decision was based on logistics.

As I am sure you can relate, we have been on the go since she got off the bus Friday afternoon. About ten minutes after she got home, we went straight to the hospital to see my dad. Mollie Ann made his day. Like Rachel, she has an amazing way of interacting with the elderly. I think that serving others in some capacity with your kids is a good way to spend your time on the weekend. They have a blast, you are blessed more than you bless someone else, and you are setting the right example for your child- teaching them to make eternal investments. Embrace the time you have with your kids. You can be sad about your lack of time or you can make the very best out of it by really dialing in.

After the hospital, we went to a minor league baseball game. She loved it- maybe a little too much. I had to drag her away at the end (we called them cleat chasers when I was in college). While Mollie doesn't really sit still, I was able to tell her a little bit about what position I played when I was younger and a little about the game as it unfolded. The outing was an inexpensive way for us to be together one on one. You don't have to

spend a bunch of money on your kids to be with them. You can go fly a \$5 kite, go to the community pool, grill hotdogs or buy art supplies and work on a craft. Use your imagination, and remember to focus on being together.

Talk to your kids. You will be amazed at what they have to say and some simple insight they have on the world. For example, we passed a man that appeared homeless with a cardboard sign asking for money. I have always had this weird anxiety about panhandlers, but I fought those instincts and pulled out a couple dollars, looked him in the eye and handed them to him. He said, "God bless you!" as I pulled away.

Mollie said from the backseat, "Dad that was a nice thing to do. God WILL bless you."



## Building Sandcastles

I am sitting in a coffee shop in Starkville finishing this entry started at the beach – hence the analogy. We finished the first day of a two day divorce trial. Everything was at issue at the start of the day, but by lunch, we had narrowed what we did not agree on to a hand full of things --including the non-custodial parent's access to the child at certain times during the year. I have taken my share of child custody cases in Mississippi to trial. Did one in Tennessee several years back too ---Sevier County. There is statue of Dolly Parton in front of the courthouse. Seriously, look it up.

Over the weekend, I stared at the ocean a good bit, watching the waves move in and out, my mind traveled back to other courtroom battles where parental relationships were at stake. The kids and I had built a sandcastle I saw melted by saltwater as the shadows grew longer. Custody cases are like building sandcastles.

From the beach its sandy walls rise,  
Its turrets reach up to touch the skies.  
A tiny moat dissolves the keep.  
Its pavers are strong, though only two inches deep.  
Tiny footprints embedded in the sand,  
Where once a child there did stand.  
Its grace and beauty a short time will last,  
Before the sea washes it into the past.



When we let judges make decisions about our kids, we often expensively battle and toil for the temporary. Our children can be the weapons used to inflict pain on our former partner. But as the tide rolls in and out, our children will develop their own identity, even if grounded by the shaky foundation created by our conflict. They will stop thinking what you tell them and have opinions of their own. Remember, a child draws his or her emotional health equally from their relationship and opinions about their mom and dad, so while you are poisoning their thoughts about a parent, you are poisoning your kid.

Childhood is as short as the life of a sandcastle, but its impact burns in the deep places of your kid's mind forever. You are the steward of your child's experiences.

Be a good one.

## Tell Your Kids This

I had a client sit with me today who is staring down the barrel of his second divorce. He and his wife do not have children, but he does have a child from his previous marriage. He has talked to his counselor and he has talked to me about what, when and how to tell his child he may be walking through another divorce and things are going to change. It got me thinking. What do you tell your kids?

My short take –the truth, while always protecting their opinion of their other parent or step-parent.

Here are some other ideas that apply to anyone with kids:

You are awesome.

I love you.

You rock.

You are a super star.

You make my life better.

Do you know how smart you are?

You are beautiful.

You are a champion.

God made you to be great.

I think you're a winner.

Your mother loves you.

You are as gorgeous as your mother.

You are so gifted.

That was hilarious.

I know you did your best.

Way to hustle.

You have your father's eyes.

I can relate to how you feel.

You are supposed to do amazing things.

God has incredible plans for your life.

You are going to change the world.

You make things better.

You are one of my favorite people.

Your brother loves you.

That was brilliant.

I have never met someone as creative as you.

You are so much fun.

I am so proud of you.



## A Journey with Your Kids

Rachel and I recently had a chance to take a trip with our kids, Mollie Ann (9) and Emma (8). They had only been in an airplane one other time. Due to our travel schedule, we had to catch a 7AM flight out of Jackson, which meant we needed to get moving at the house before 5AM to get to the airport in plenty of time for baggage checks and security clearance. We forgot to get our boarding pass online, and we were running about 15 minutes behind, which felt like an eternity on a rainy Thursday morning. The kids looked so grown up with their headphones and backpacks, foreshadowing of the day in the not-so-distant future when they will be leaving for college. Uhggg.

We had to split up on the packed jet. Each parent took a kid. Rachel and Mollie found seats in the front, one behind the other, and Emma and I were across the aisle from each other on Row 19. My legal and non-profit work is limited to Mississippi for the most part, so I only infrequently travel on airplanes. Nevertheless, I have learned to tune out the safety instructions before take off –but *not* today.

I am traveling with my kids.

I get thumbs up from Mollie Ann from the front of the plane, big smile from ear to ear. Emma is all smiles too, asking tons of questions, excitedly noticing every little detail inside and out.

“How do I buckle my seatbelt?”

“What’s that orange thing he is holding connected to that tube?”

“What’s this tray for?”

“Are those the clouds?”

“Do they have apple juice?”

“When is my drink going to be here?”

“Who is the captain?”

I patiently answered all her questions. Her enthusiasm makes me happy, but it made me think about kids caught in the crossfire of divorce. They are going on a life journey with their divorcing parents where things are uncertain, although strangely exciting. They have to grow up fast and be little adults before it is time, sometimes packing suitcases to go between mom and dad's houses every week. I think divorcing parents should pay close attention to instructions from counselors, attorneys, trusted

mentors and friends. There will be lots of questions needing patient answers fashioned in a way they can understand.

Like Rachel and I did on the airplane, parents can navigate life separately, although no one who knows would call it ideal. Pay close attention to instructions, be patiently supportive of your kids, and enjoy the ride.



## My Dad is Awesome

I have been thinking about Father's Day, which is next Sunday, for several reasons. For one, we are doing a fundraising campaign for 200 Million Flowers where we are encouraging our supporters to consider making a gift in honor of their dad. Also, this will be the first Father's Day since my daddy passed away last July. When we were cleaning out our attic in anticipation of an upcoming move, I ran across his wallet in a box of his things from the nursing home where he spent the last couple of years of his life. There was a motorcycle warranty card for his 1975 Honda dirt bike.

It made me love him more.

Daddy was a man's man. His gravestone is finally being installed today. From Proverbs 27:17 it says, "Iron sharpens iron, so one man sharpens another." Daddy made me sharp, and set the bar high for fathering my kids.

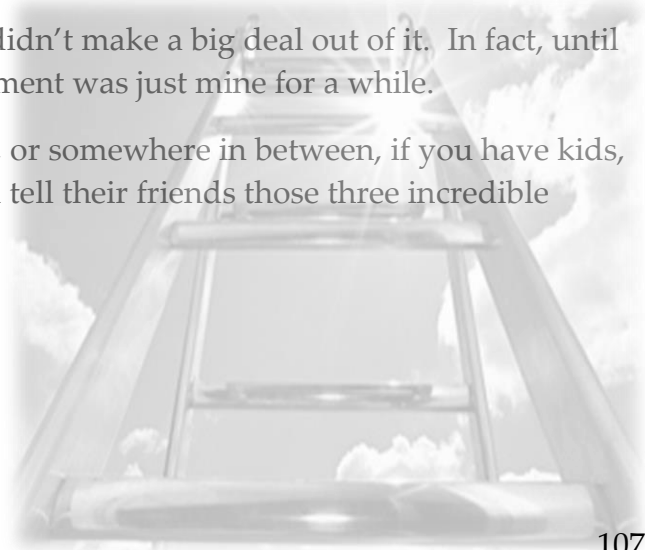
I have two girls. Eighteen months apart, they are very awesome, and very different. My oldest is a leader and an artist. She sings constantly and cannot sit still. This kid stands on her head when she watches television. She has a cool spirituality she takes from her mother –a connection to God that is beautiful. The little one is emotional. Only eight years old, she will change clothes five times before we leave for anything. Thank goodness for school uniforms. She loves to read; she loves to be helpful; and she is more like me. She can dial in her level of concentration at will. I see her as our future lawyer, but she wants to be a Panda Nanny in China.

Yesterday I was carrying stuff out of the attic and putting it into a pile in the garage for Gateway Ministries to pick up this Saturday. I carried down box after box and all sorts of other items from styles and residents past. No gym for me this week. The girls were playing basketball with a friend in the driveway. They were talking about something when I heard my oldest tell her friend "My dad's awesome."

She didn't know I heard her, and I didn't make a big deal out of it. In fact, until now, I haven't told anyone. That little moment was just mine for a while.

Whether you are married, divorced, or somewhere in between, if you have kids, how are you investing in them so they will tell their friends those three incredible words?

"My dad's awesome."



## The Reverse Logic of a Child Custody Case

I am coaching girl's softball this fall. At least for this semester, we have become one of "those" families with activities almost every night –soccer, gymnastics, dance, voice, running club, brownies and now softball. In addition, we do lots of homework and a few church activities. While we resisted softball all this time, now my kids are getting into it. I don't know if they like it because they know daddy spent a lot of my childhood playing ball, or if they are naturally attracted to the ebb, flow and energy of a bat and ball game. Of their many activities, I certainly know more about batting stances than back handsprings or pirouettes, and I am admittedly as much or more excited than they are to be out pitching and hitting and throwing, even though it is underhanded.

As you know if you have them, kids do not come home with a set of instructions from the hospital. You can take classes and read books and make other steps to improve your parenting abilities, but there is no substitution for on the job experience. Good parents spend time with their children. They nurture them, care for their health, safety and psychological needs. They also take an interest in their activities. Good parents teach their children about God and good manners and try to shape their activities and education around their natural inclinations, ability and sources of joy. Parenting is a two-person job. Children will grow to be the best version of themselves when two healthy parents pour in life and energy.

When parents divorce, it is more difficult to be a team because parents do not show up for the work of parenting on the same days, and because of the hurt associated with the failed relationship. Most spouses are thrilled when the other parent takes an active interest in their child's activities, but in divorce, the hurt creates a sometimes unintentional territorial response to the other parent's attempts at doing the job which would have otherwise thrilled their spouse before the breakup. This is the reverse logic of child custody and divorce. Said another way, why is active interest in the life of a child praised in marriage but sometimes scorned in divorce? I submit it should not be, except in circumstances of addiction, abuse and neglect.

No big surprise that parenting is a challenge. Parenting post divorce can be more so. In the life of parents with adolescents, our worlds often revolve around our kids. But to be healthy, we need to take time for our romantic relationships, for cultivating our friendships and for our own physical, spiritual and emotional well-beings. Well-intentioned single parents are challenged by doing it on their own, or by even bigger obstacles associated with navigating their new, blended families. These challenges can be sources of pride, but they can also be overwhelming and the catalyst for unhealthy enmeshment.

In summary, if being an active parent is a good thing in marriage, I submit it should be a good thing in divorce.



## Should I Call My Mississippi Divorce Attorney After Hours?

This weekend I got a call from a client at 10:00 a.m. on Saturday morning. He is one of my favorites. While the issue meant the world to him, in the grand scheme of his case, it could have waited until Monday. I helped him with his problem, but I admit that I was probably pretty short with him. For about thirty minutes or longer he was on my mind instead of my wife and daughters who share me with dozens of client during the week. It got me thinking about the mental process (or lack thereof) that went on before he dialed my number, so I thought I would share some thoughts about whether calling your Mississippi divorce attorney after hours is a good idea.

For the most part, almost every issue can wait to the next workday.

Courts are open Monday through Friday during regular working hours. Your lawyer really can't do anything without access to the courts. Also, the practice of family law is very taxing emotionally, physically and spiritually. Of the already nerve racking legal profession, it is one of the most stressful. Your lawyer needs appropriate boundaries and to have a life away from work. He or she cannot be their best for you if they do not have time to unplug and rejuvenate their mind and body. Also, there is rarely anything that a family law attorney can tell you after hours that a trusted friend or family member that is removed from the situation and thinking rationally could not tell you. A great deal of the advice that we give is common sense with a legal twist. Through the years, I have fielded my share of calls on major holidays, during all hours of the night, and on Saturdays and Sundays. I can say on all but two or three occasions, the calls probably could have waited.

Like everything in family law, there are exceptions to this rule. If someone dies or gets seriously injured, it is okay to call. If someone gets arrested (especially if it's you), it is okay to call. If you win the lottery, it is okay to call. In other words, if the event that transpires is one of life-altering proportion, it is expected and appreciated when you call. It is also okay to call if your lawyer asks you to call or they call you first. Sometimes when I am preparing for a trial, I am going to be working through the weekend and I may need access to a client. Trust me, when it is game time, the Robertson + Associates team focuses and gets ready. I have made a few unexpected and unsolicited 5:00 a.m. wakeup calls in the heat of a trial. But for the most part, we divorce

lawyers need our time away from the office to well, be away from the office. So what should you do? Write it down. Think about it. If you take very good notes and you do a great job of gathering evidence by taking pictures, making recordings and documenting information in an effective fashion, it is going to make your lawyer's job easier, it will also cost you less money and you will have a better relationship with your attorney. If you call your lawyer on Sunday afternoon, are they sitting at their desk with a legal pad and a pen ready to take down every word that you say? No. So do it for them. Write it down in your journal. If it is not a huge deal, don't even email it to your attorney until you have put together a collection of events. Remember, if your lawyer is billing you by the hour, you are getting charged for every email and every call. Most lawyers charge more for non-emergency after hours calls.

An attorney/client relationship is a relationship that should be built on mutual respect. Respect your lawyer's personal time and he will give you 100% when it is time to get down to business. If you wear them out, they are not going to like you and they are not going to fight as hard as they would if you respect their time away from the office.



## When It's About the Principle

If you know our team at R+A, or if you have checked out our biographies, you know there's not a mental health professional in the bunch. We attorneys are called counselors, but that means counselors at law. We are technically no more qualified to give advice on psychological issues than the next person, although it seems we are often called to by well-intentioned clients on a daily basis.

Many times we "counsel" with a client like one would with a trusted friend seeking to determine what's really driving a dispute. After peeling away some of the layers, we hear that our client is fighting or wants to fight because "it's about the principle." In most cases, we couldn't agree more that their belief is worth the struggle, but we typically want them to clearly articulate exactly what principle makes the battle worth fighting. If the client can't, they may have a problem that the legal system is not going to be able to fix.

Sometimes the principle is easy to state. When kids are involved, the principle might be holding accountable a non-custodial parent brazenly refusing to pay financial support for months or even years. The custodial parent obviously needs the help but also does not want the children to pick up terrible habits, like not following the rules, by watching the guilty parent get away scot free. What about a husband of 25 years finding his wife in bed with another man? He is justified in his conviction that his wife and the meddling third party should answer for what they've done. Like we said, sometimes it's easy to coherently state the principle.

In some cases, though, it's tougher for people to say exactly what they want and why they feel the need to push forward with a case. We get puzzled looks in response to the question, "Why?" If you find yourself thinking about legal action because of principle, do this: state aloud, in one sentence, the principle. Then say what you want the law to do for you. If it's something like, "I want the hurt to go away" or "I want to understand why I can't get over this" or "I want him to quit drinking" or "Why doesn't she love me?" The principle is definitely important, but there may or may not be a legal solution. It might be something that a real counselor, a mental health professional, is better equipped to help you address. It may be something to talk over with your pastor, a spiritual mentor or the Counselor that the Bible is written about.

You see, every dispute has an emotional component (the E) and a concrete component (the \$). In Mississippi family law the concrete component is most often money, but sometimes it can encompass more abstract parenting arrangements and attitudes. It is unhealthy to skip over the emotional component of a dispute because you end up in orbit around the solution- never breaking the cyclical nature of passions that fuel conflict. Often times, unfortunately, a person wallows in the emotional aspect of a

dispute and creates a tangled mess of emotional debris that can cause real damage and incredible wreckage making conflict resolution impossible. Both of these scenarios are bad. The key to authentic dispute resolution is to deal with the emotional issues in a healthy way with qualified assistance and begin to focus on the solution as opposed to the problem. Move through the "E" in a healthy way to get to the "\$."

Also, you need to bring into sharp focus whether your stated principle is worth real money to pursue. For example, if your ex-husband is 3 days late in paying a \$300 cellular telephone bill, is it worth a \$50 phone call to your attorney and the additional charges associated with resolving this particular conflict du jour? Maybe. Maybe not. You must make yourself think in terms of cost versus benefit.

In summary, stating the principle and what you want the law to do to help you will not only prepare you to communicate with your attorney, it will also prepare you to speak about these ideas in open court if your situation unfortunately is resolved there. At R+A, we are serious about our client's principles and will help you move through the emotional component of your dispute and reach real legal resolutions when a problem can be resolved through our admittedly sometimes very flawed system.



# The Truth The Whole Truth and Nothing but the Truth

It happens all the time and I can see it coming from a mile away. There will be an uncomfortable pause in our meeting and a client will say- "There is one thing that I have been meaning to tell you..." At that point, something is revealed that I would have ideally been told in the initial meeting.

Even if a little late, telling your attorney the truth the whole truth and nothing but the truth is essential.

I understand why people wait to tell their lawyer about the skeletons in their closet. This stuff is embarrassing. It is something that you have been hiding from friends and family and not talking about it is easier than the reality. Maybe it is a one night stand. Maybe it is an affair. Maybe it is an abortion. Maybe it is closet pornography or drug use. Maybe you drink too much. Maybe you are taking medicine for depression or anxiety or some other physical or mental condition. Maybe you have been talking on the phone to your college sweetheart with whom you reconnected on Facebook. Whatever it is, it is okay to tell your attorney. The greatest privilege in all of the law is the attorney/client confidentiality privilege. When you tell your lawyer, it is in the vault only to be revealed when it is totally necessary to put you in the best possible legal position.

There is something liberating and disarming about speaking one's secrets out loud. Our imagination can often make something much worse than it really is. We suppose because we spend so much time and energy obsessing about and protecting our secrets that they are bigger than they actually may be. Guilt mixed into the equation makes it worse. As your attorney- our job is not to judge you. Heck, I have my own garbage. The great thing about being a divorce lawyer is that you are on the computer side of the desk. The other side is where all the soul searching happens. I've been on that side of a lawyer's desk and it isn't fun.

We lawyers are better equipped to help you if we know all the facts. Two people in the world that you cannot surprise are divorce lawyers and judges. We have heard it all. Your lawyer needs to know everything so we can help you, and you never want your Mississippi divorce attorney to be surprised- especially in the courtroom. In a family law case in Mississippi, 95% of the usable evidence comes from the parties. All

you have to differentiate your version of the facts from your adversary's is your credibility. If you get caught in a lie, you will have no credibility. You will be less likely to be caught in a lie if your lawyer sees the ambush coming. Get it?

Our job is to help you. If I know everything- I can do it better. Your life is going to look differently. In all my years of family law practice in Mississippi I have learned one thing for certain- the truth will usually come out. Maybe not today, maybe not tomorrow, but one day- the truth will rise to the top. Help us help you by being honest from the very beginning. If you do not trust your lawyer enough to share your dirty laundry, find another lawyer.



## In the Bubble

My dad worked as an electrician for over sixty years. He is retired now, but I believe that a great deal of my work ethic is directly attributable to him. He is probably the hardest working person I know. Through the years, I worked with him on and off- I have an electrician's tool belt and everything. I tell people all the time that I know just enough about electrical work to burn a house down. Many times while on the top of a ladder measuring where a light should go, if it was close enough my dad would borrow a word from the carpenters he worked around for many years and declare, "It's in the bubble." That's a way of saying that something is where it needs to be- taken from the bubble that is in a spirit level, which marks when something is level or plumb.

In family law, I have expounded on the idea of "It's in the bubble." You see, judges in family law cases have a broad range of discretion to make decisions as long as they analyze certain points when rendering their judgment. Sometimes it may appear that the chancellor is favoring the wife, and sometimes it may seem like the chancellor is favoring the husband, but as long as the judge's pronouncement is within sound discretion and all the proper steps are followed, an appellate court will uphold the decision. It's good enough- in the bubble. When a Mississippi family law attorney is advising a client about settlement, which is like recommending the purchase of an insurance policy because it is something that is certain, we must advise a client about the chancellor's discretion. We also must advise about costs- both emotional and financial. If a possible settlement is not as good as one might expect at trial, but after factoring in attorneys fees, time, energy, opportunity costs and emotional strain and stress- a proposed resolution may just be in the bubble anyway.

For instance, let's say that the best case scenario at trial is that my client will get \$100,000. The offer on the table from the other side is \$75,000. Going to trial will cost my client \$15,000, but it will also entail hours and hours away from work, many sleepless nights, a high likelihood of an appeal which will cost more money and it will keep the conflict hanging over their head for another six months or possibly longer if the case is appealed. The \$75,000 settlement offer is "in the bubble."

After I settled a case when I was a younger lawyer, I used to stay awake at night wondering if I advised my client the right way. I don't do that as much anymore. It may be because I am better at analyzing the range of things that can happen, but it may also be my acceptance after years of working Mississippi divorce and family law cases that I accept this concept of something being "good enough." Let me backtrack for a second, if you are not "in the bubble", you have no choice but to push to trial. In fact, that really should be the only time that you go to trial. If your outcome at trial will be better than a settlement, after factoring in all the intangibles, it's GO TIME.

Good Mississippi divorce lawyers know this stuff. As the client, I challenge you to momentarily set your emotions aside and what you think is fair, listen to your counsel and understand that this life is so short- if it's in the bubble, it is good enough.



## Your Own Brand of Garbage

There is a time in the initial consultation with a potential Mississippi family law client when we have finished talking about all the biographical data, income, assets, insurance and other black and white stuff when I sit back and say, "Tell me your story." That's the part of the meeting when the client tells me how they ended up in a lawyer's office. It is necessary to talk about the ugly stuff so that I can start putting the pieces together and help a potential client develop realistic goals and a plan to accomplish those goals. If I don't know everything, I cannot effectively develop a plan.

You may be in denial.

You may be ashamed.

You may be lying to yourself or others, but if you do not tell me the whole story, I cannot help you. This goes for any other lawyer you work with too.

We all have our own brand of garbage. I am not excluded from this category. Ask anyone that really knows me. While it is difficult to tell a total stranger all the bad stuff in your life, that's what divorces and family conflict are about- the bad stuff. Trust me, I have my own brand of garbage too, so does your spouse, so does the other lawyer and so does the judge. It is just part of being a human being living on this planet. If you have been in a bad marriage, you probably have your guard up. The same holds true if you thought you were in a good marriage and you got blindsided by your spouse. The worst mistake you can make in an attorney/client relationship is to start off being less than honest. It is like asking a really good poker player for their wisdom on how to play the game without letting them see the hand they have been dealt. They can do it, but they will be much more effective if you just let them see their hand- ALL FIVE CARDS. Everything that you say to your attorney is completely confidential. According to Rule 1.6 of the Mississippi Rules of Professional Conduct, "A lawyer shall NOT reveal information relating to the representation of a client unless the client gives informed consent, the disclosure is impliedly authorized in order to carry out the representation, or the disclosure is permitted..." In other words, when you tell your lawyer, it is in the vault. It is as safe as the information can be, and the disclosure will only be used in a way to further your legal position.

Not only is being honest the best way to work with your lawyer, it is also the best way to live. To know and be known is at the core of who we are as individuals. Being known starts with honesty. That's how God hardwired us. When we live in a way that tries to push all that stuff down, we have a constipated existence.

Your own brand of garbage is just that, garbage. It does not define you. When you wrap your mind around that truth, you can start to live without a weight around your neck. If you are to the point where you needed to meet with a lawyer, the first step is to be honest. Let us know the hand we are dealt and that way we can put you in the best possible position to succeed.



# Can One Lawyer Represent Two People in a Divorce?

On occasion I get a phone call or speak to someone about their divorce and they tell me that everything is going to be simple and they are hoping that I can represent both sides. While these calls are a lot easier than the ones where I hear gunshots, screaming and police sirens in the background, there are two very basic problems with this mindset.

First, there is no such thing as a simple divorce. When you give yourself away in marriage, ending it is complicated, even if it is not an extraordinarily intricate legal process. Admitting that divorce is hard and that you will be grieving is healthy. Denial is not healthy. It is also not healthy to medicate your heart with the narcotic effect of a new relationship until after you have grieved for the one that is being lost, but I will save that speech for another article.

The second problem with the aforementioned (lawyer word for before) idea is that one attorney can never represent two parties in a divorce. Here is why. According to the Mississippi Rules for Professional Conduct for Attorneys, a lawyer "Shall not represent a client if the representation of that client will be directly adverse to another client." I know of no way to complete a divorce where the parties are not adverse to one another. Now, although I can only represent one side to a dispute, that person is the boss. If they tell me to prepare documents a certain way, while I will advise them from 360 degrees about the legal consequences of their instruction, I will prepare the paperwork with all the proper bells and whistles and I can process everything that is necessary without dealing with a second attorney. It happens all the time but the key for you to understand is that even in this scenario, I am only representing one person. In fact, my mentor LC James taught me long ago to spell this fact out in the paperwork itself. The divorce contract states very clearly that I am representing one person and the other has been given the encouragement and the opportunity to seek separate legal counsel if they did not choose to do so.

Two non-adversarial approaches for resolving a divorce recognized nationally are mediation and collaborative law. These processes fall under the heading of Alternative Dispute Resolution and may be a more practical solution for the non-adversarial divorce.

Collaborative divorce is a process in which you and your spouse negotiate an acceptable agreement with professional help from a collaborative attorney. It is more like working out a prenup than a divorce. You and your spouse each hire a separate lawyer who advises and assists you in negotiating a settlement agreement. You meet separately with your own attorney and the four of you meet together, if necessary. A collaborative divorce may also involve other professionals, such as child custody specialist or an accountant. Normally, both spouses and their attorneys sign an agreement that requires the attorneys to withdraw from the case if a settlement is not reached and the case goes to court. That is the special part about a collaborative divorce. Collaborative divorce is very new in Mississippi but the notion is exciting. It is almost always better to reach a settlement outside of the formal litigation process, and a collaborative approach to divorce is a very useful tool when progressive minded people are faced with the end of a marriage but they want to maintain the integrity of the family.

Mediation is much more common in Mississippi. I am a mediator and I believe in the process. Essentially, the mediator is a person who helps facilitate communication. This usually happens in a daylong event where everyone is present in one building. The mediator has the opportunity to go back and forth between the parties (who are usually separately represented) and gain insight into what is driving the dispute and the reason that a person is taking a particular position. The mediator works with the parties until the dispute is resolved or there is an impasse. Obviously, mediation involves the added expense of a third party facilitator, but this cost is cheap compared to the price to have one's dispute resolved by a judge in open court.

While in Mississippi one attorney cannot represent two parties to a divorce, a divorce does not have to be an overly expensive and adversarial process. Alternatives to litigation are becoming the rule, not the exception, and I strongly encourage you to ask questions about mediation and collaborative law if this is of interest to you. I do not recommend that anyone proceed in a divorce without the advice of independent counsel, even if it is only to complete an initial consultation and review the paperwork that your spouse's attorney has created.



## Minutiae

So I am working this case with a lawyer who does not practice family law. She is blowing up my email about things that in no way shape or form merits attorneys speaking to one another. It is utterly annoying.

I wrote a blog article called **Don't Kick the Ant Bed** this past December. While the subject matter is different, the principal of wasted resources remains the same. The inability to speak with your spouse or former spouse about simple stuff is a colossal waste of time and money. There is no reason that I, as your attorney, should have to be coordinating simple stuff like leaving a key under the doormat so that one person can retrieve toiletries from the house. Look, if you pay me enough money, I will shampoo your dog and pick up your laundry, but I don't know very many people that like just flat wasting money, and I certainly don't like being an accomplice when it comes to wasted resources. Unfortunately, some clients and even attorneys don't know any better.

Here's your much anticipated caveat- Sometimes lawyers have to deal with small stuff. That's what we do and it's fine. Lawyers work on minutiae. Normal people hate it. We (some of us) love it.

I am a big picture kind of guy. I think you have to keep the big picture in focus at all times. If whatever it is we are doing does not move you closer to your goal- I would rather not do it. It is that simple.



## What am I Not Asking That I Should be Asking?

I get to meet with all sorts of people about all sorts of things. I am sure you do too. I love to talk to marketing people, counselors, pastors, lawyers, accountants, doctors- you name it. A part of my business growth plan is to make personal connections with folks like me that are in the business of helping people in family crisis. Lately, I have been meeting with a lot of people about adoption. To me, it makes no sense why it should cost \$35,000 to adopt a starving or impoverished child in another country. It also makes no sense to me why it should be so difficult and similarly expensive to make connections in our own country between children that need to be loved and a family that has lots of love to give. We want to do something about it. R+A needs to be in the happiness business in equal parts with the sadness business: One child- one family- one connection. After all, piecing blended families together is our specialty. If we can take them apart, we can certainly put them back together again; but more to come on this later.

One of the things that I have accepted as a soon-to-be-forty-dude is that I don't know everything. I don't want to know everything. Know-it-alls can suck the life out of you. Don't get me wrong- there are plenty of people in the world that know a lot, but NOBODY knows it all. If they tell you they do, they are deceiving themselves, but probably not anyone else. I know a lot about divorce in Mississippi, but I don't know jack about bankruptcy or worker's compensation or real estate. So if I need to know something, I ask and then I ask it again.

Maybe you are married to one of these know-it-alls. I hope not. I am personally trying to get to a place in life where I am more transparent- where I have the freedom to "just be me" and to say "I don't know" when I don't. Just being me requires me to accept advice and counsel from the many, many people that know more than me. That is why I try to surround myself with people with varying personalities and skill sets- starting with my best friend and wife, Rachel.

When I am in a meeting in which I am seeking information, when we are starting to wrap things up I like to ask, "What am I not asking that I should be asking?" In other words, I don't know enough to know all the questions that I should be asking so tell me what to say. Sometimes I get a blank stare, but sometimes it opens up an entirely new subject in the conversation and I learn more than if I had not asked the question. The ability to shut our mouths and listen is a skill that many of us lawyers lack. I am working on it, although MANY will tell you that I have a long way to go. When you are meeting with your family law attorney or anyone from whom you are trying to gain information, ask the question and see where it takes you. Many times when I ask it, the more knowledgeable person will tell me that we covered it. I just say

“Great, that’s what I wanted to know.”



## Momma and Them Don't Know Better

If you know me, you know that I am a proudly from South Jackson- I'm not talking about Byram. I'm not talking about Terry. I'm talking about snuggled between McDowell and Raymond Road around the corner from Wingfield High, South Jackson 39204. My phone number growing up began with 372. I proudly wear my South Jackson t-shirt because it is a part of who I am. If you are from South Jackson, you immediately get the benefit of the doubt in my book.

I am also a proud Mississippian. For years I was of the mindset that I was going to move off one day to New York or California or Colorado or to some foreign country. But as I have grown older, I better understand the concept of home. Mississippi is just that- home. I love living in the Bible belt, eating fried catfish or chicken or anything else we feel like frying. I love bottle trees and backyard gardens and good ice tea and on any given Saturday, I may cheer for the Dawgs or the Rebels because I have a degree from both of our fine Universities. (Yes, I intentionally did not recognize USM)

We Mississippians have a unique relationship with Momma and them. (If you are reading this and you are not from the South, "and them" generally refers to the rest of the family) Even in the land of Faulkner where our families are as screwed up as anywhere on the planet, what Momma says matters.

Of course if you are going through a divorce, Momma is going to have an opinion. You already know that. In fact, if you are going through a divorce you may have to ask Momma to help pay for it. People have a jacked up way of forgetting their responsibility to their spouse and children when they start walking through a divorce, so Momma and them sometimes have to step in to help pay the bills until a judge can set the rules. I call this the Storm Before the Calm. I must warn you, however, just because Momma and them are paying the bills, it does not necessarily mean that in the purview of your family crisis, Momma always know best.

Listen to your lawyer.

I know Momma knows a lot about a lot of stuff and there is a great deal of wisdom that she has gained through the years, but when it comes to your divorce, listen to your lawyer. I have no hidden agenda. In the grand scheme of my life, the decisions that you make are going to have very little impact on me. They will, however, impact your Momma. In other words, I am an impartial third party that has no skin in the game that has been through at least 495 more divorces than your Momma. I will also throw your friends into the "and them" category. It does not matter to me what happened in Mary Jane's divorce. Each case is different and there is usually no one-size-

fits all approach. Your friends can get you in trouble in many, many ways. If they are feeding off the drama that your life has become, keep them at arm's length.

Now Momma and them have their place in your divorce. They need to help you watch the kids when you need to unplug and they are a much less expensive sounding board for the venting that you need to do. But when it comes to decisions that are going to affect the rest of your life, leave the hard stuff to your lawyer and keep Momma and them in the much needed role of unconditional love.



## The Body of the Spider

If you have read much of what I have written, you know my dad is an electrician- IBEW Local 480. At age 78, he served as the primary electrician when Rachel and I constructed our home. This man has an incredible work ethic that I am blessed to attempt to model in my life. Like my dad, I have always enjoyed the construction business. It has been a hobby ever since I finished law school. I have been actively involved in the construction of the addition on our first home in Fondren, a house at the reservoir, an office building on Avery, a house in Reunion and the office/condominiums in Olde Towne Ridgeland.

On occasion, I have worked with some of the subs myself during the building process. I help create so many intangible results in my law practice; it is a nice balance to see the completed work of a construction project. I plan to do more in the not-so-distant future. When building, I have worked with architects, city planners, general contractors, bankers, decorators, surveyors, civil engineers, mechanical engineers, subcontractors, attorneys, real estate agents and the list continues.

Yesterday, I was meeting with a retired person who had been very successful throughout his career. He and his spouse had been involved in various business ventures and had amassed a fortune that I was privileged but sad to be asked to help divide. I was explaining how I would help coordinate the many moving parts of his divorce case, from getting him lined up with a counselor, financial advisor, forensic accountant, private investigator and other professionals that we may need to consult while working through his situation. I described my role as somewhat of a “general contractor.” He responded that I was more like “the body of the spider.” I have been called many things in my career: shark, piranha, and asshole. But spider was a new one. I think it is fitting (although I cannot stand spiders). Here are some of the legs of this arachnid. I am going to list eight of the many, for obvious reasons:

**Counselors:** I am trained to be a legal counselor. I have some insight about the grief you are feeling because I have helped hundreds of people work through the process of divorce. You need to be working with a specialist who can help you process your emotional journey through divorce.

**Witnesses:** Witnesses are one of the most important parts of a family law dispute. Your situation is otherwise a simple “he said” “she said” dispute.

**Private Investigators:** Sometimes you need to know what’s going on behind your back.

**Process Servers:** These are the folks that hand out the papers, sort of like the movie

Pineapple Express (not really).

**Court Reporters:** During a court proceeding or deposition, these are the people that record everything that's said.

**Forensic Accountants:** These are the very smart CPAs that help analyze complex financial information.

**Appraisers:** These are the professionals that place values on residential and commercial real estate or high-end personal property.

**Financial Advisors:** Highly trained professionals that help our clients make the most of the financial spoils of a divorce.



## Point A to Point B

I am an efficiency junky. As a family law attorney in Mississippi, this can be frustrating because we operate in such an inefficient legal system. I tell people all the time that I am a fullback, not a tailback. I run a few trick plays and juke and jive a little, but most of the time I like to hit the hole and run right at you.

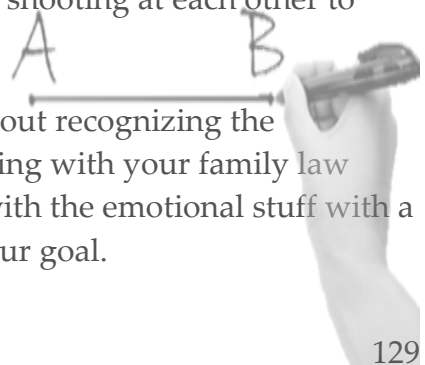
Yesterday, a couple of board members of [200 Million Flowers](#) and I hitched a ride with my friend, fellow board member and financial advisor Chris Tipton, who has been able to expand his practice all over the Southeast because of his passion for flying. He leases a small airplane and travels weekly to visit clients from Raleigh to Kansas City and all sorts of places in between. We had to go to Tupelo for a meeting, and since Chris was going anyway, we were able to turn 6.5 hours in a car to 1.5 hours in the air. It was great –by far the best way to visit Elvis’s birthplace.

One of the reasons you can get places so much faster in an airplane (other than the fact that you are traveling 3 times the speed), is that you travel from point A to point B in a straight line. Lawyers do not do this, and it creates a good bit of confusion, inefficiency and frustration.

I was in a town I practice in a good bit on Monday. In high conflict families, what each side wants can evolve and change and grow as raw emotion and lost love converge with the legal system and lawyers and money (and sometimes guns). In this particular case, it was relatively clear what each side wants, but this lawyer filed a Motion to Dismiss my pleadings saying that I had used the wrong wording (he was wrong, of course) even though if he were right, I would have been able to amend my pleadings to create the right wording and everything was going to be superseded by a pre-trial order anyway. In other words, he made a maneuver because he could, not because it would help move the case toward a resolution.

Some lawyers would call this type of legal choreography “job security”, but I call it –well I shouldn’t say what I call it on the Internet. It is a suspension of common sense, which seems to happen a great deal in family legal disputes by lawyers and the parties. I am blessed to have enough to do without creating more work for me and my clients --increasing the bullets flying between the parents of real-life kids who love the people that are shooting at each other and need the people shooting at each other to pour into their life in a positive way. Can I get an Amen?

Granted if you try to go through the legal stuff without recognizing the emotional component you end up in orbit, but when working with your family law attorney, begin with a clear definition of your goal –deal with the emotional stuff with a trained counselor, and only take legal steps that further your goal.



## You Should Mediate Your Divorce

Although I have been a divorce lawyer for 14 years, I have never been divorced. Well, let me take that back, I did get divorced from a law firm one time. Actually got served with a lawsuit by a big African American guy named Lopez. He was wearing a three-piece suit on a hot July Mississippi day –sweating like it was nobodies business. Looking back, it was sort of comical, but at the time, it was serious stuff.

I got prepared for war –started doing legal research, brought my most respected and trusted colleagues to come to my aid, and started position maneuvering. The last thing I wanted to do while rebranding my practice without the big firm was to have the hassle of a lawsuit looming over my head. While I certainly felt like I was right, the opportunity cost significantly outweighed the potential gain. Whenever you are in that legal position, there is only one thing to do –settle. That does not mean that there is not a time and place to go to court, because many times the legal fees and energy you will expend are very worth it.

Judges are great. They have a servant's heart. They want what is best for you kids.

But Judges are in the business of making decisions that are often less customized than what lawyers will negotiate. Judges decisions are based on their view of the world –not yours.

While we didn't have to mediate my case, I would have. I believe in the process of mediation. Professor Debbie Bell did a couple of videos for me forever ago on the subject. You can look at them in our on our [Vimeo site](#).

Mediation is a structured discussion about resolving the issues in your case with the aid of a neutral third party who helps facilitate the conversation. Often times, people very much disagree with one another in a polarizing way. It is easy to be polarized from your most trusted friend. The one who hurt you the most. However, when people have a third party to hear the basis of their position, and then they turn around and do the same thing with your soon to be former spouse, you may be surprised that while you disagree on some points, you agree on many of the important things, and you can come to a creative compromise.

Divorcing people both love the same kids, they have shared experiences and there is something within them that put them on the same page --at least once upon a time.

Ask your lawyer about mediation today. It may save you thousands of dollars and months of sleepless nights. Tell them about me. I am a mediator. I take a fast paced, practical, creative approach to the process and will help you resolve your dispute.



## Attack of the Lawyer

There is a pretty common tactic in a hotly contested divorce I rarely think about, but was reminded of just last week –The Attack of the Lawyer.

Let me say a few words about divorce lawyers in general before I talk about this mental game. Each divorce lawyer, like any other good professional, has different strengths and weaknesses, but the best of the best will excel in litigation, financial matters, negotiation and counseling.

A divorce lawyer is a litigator, which means we navigate the paperwork to get you into court if you cannot reach a resolution on your own. Litigation entails document preparation, motion practice, information gathering and trial presentation. Unfortunately, many divorces end up in court and your lawyer has to be as comfortable as Matlock in seersucker.

A divorce lawyer also has to have pretty good financial sense. She has to be familiar with small business practices, tax documents, financial statements, pensions, 401(k)'s, W-2's, 1099's and lots of other personal financial matters. The most important document in any Mississippi divorce is the [8.05 Financial Statement](#) and your lawyer should be able to read them in braille.

A divorce lawyer is a counselor in the truest sense of the word. They are to provide third party insight detached from raw emotion in the midst of chaos. They are the light in an otherwise dark time, but they know their limits and they are quick to refer to outside professionals to provide holistic service.

A divorce lawyer is a negotiator. Every divorce has dozens of moving pieces like a bad jigsaw puzzle: legal custody, physical custody, standard visitation, holiday visitation, child support, life insurance, health insurance, uncovered expenses, property division, debt division, alimony, attorney fees and many other subcategories of the dissolution of a marriage you never thought about. The skilled divorce lawyer takes a 360 degree analysis of the problem, thinking ten years into the future, and advises you about your best, worst and most likely alternatives to a negotiated agreement.

When people are getting a divorce, they attack each other. No big surprise. They use every tool in their arsenal of personal information gathered in the heat of passion to cause harm or self-doubt. You have placed your relationship with your children and your financial future in the hands of a lawyer; of course your spouse is going to try to make you lose confidence in him or her. I have had my intelligence, faith, judgment, morals and even my choice of suit disparaged by angry spouses who are opposite me in a domestic matter. So what do you do with this?

Your homework.

When you employ an attorney, do your homework. Once you have made a decision after doing your due diligence –trust it. Not all attorneys are created equally and not everyone is going to get along with every attorney, but the last person you want to listen to about the ability, moral aptitude, or intelligence of your attorney is your soon to be ex-spouse.



## I Chose to Pay

I stayed in downtown Starkville, Mississippi last night. I did not have a reservation at a hotel. My plan was to drive back to Madison, but I tossed a few things I might need in the car just in case, including an extra lawyer uniform. I stayed at the Hotel Chester downtown. Corporate rate. When I was in college at Mississippi State (Go Dawgs), this was the Ritz Carlton of the Golden Triangle --today, not so much. It is dated and a little dingy. I was told after already checking in it is the subject of an episode of *Hotel Impossible*. You live. You learn. Over time, if things don't change, they can die. The Chester is on life support, but I am rooting for it.

They do offer a free breakfast.

After tossing and turning throughout the night, I finally stumbled out of bed to go downstairs and check out the breakfast. I walked into an empty dining room, a television was blaring in the corner, and a single staff member was sitting at the bar with her back to me.

"What time does breakfast start?"

Without turning around, she muttered, "Now."

"Is it a buffet or do I order from a menu?"

Again without turning around "Menu."

Out of the corner of my eye, I noticed the coffee and what actually looked like a pretty nice spread of fruit. "I'll just get some coffee and come back."

No response.

I decided to take my coffee on a little walk. Downtown Starkvegas is so much improved since I was in school. There is a really cool coffee shop, more than a few restaurants in walking distance, small college town boutiques and a few scattered law firms with single attorney names painted on large glass windows. One of the staples in downtown Starkville since forever is the Starkville Café. It is your typical Mississippi diner. They do a standard southern breakfast and it's a hamburger joint for lunch. Instead of dealing with the deadhead at my hotel, I decided to pop in to the lively café --where there was a buzz in the air fueled by caffeine, grits and conversation. So I turned down my free breakfast to have the experience of the Starkville Café. Ten bucks versus free. I made the same choice with my second cup of coffee at that ultra

cool 929 Coffee Bar. What an inspiring place. I was told it is the pet project of a local architect. Nicely done dude.

So to the point --free, or even cheap is not always good. What once *was* does not necessarily mean it *is* anymore.

And so it is with lawyers.



## Find an Attorney Through an Attorney

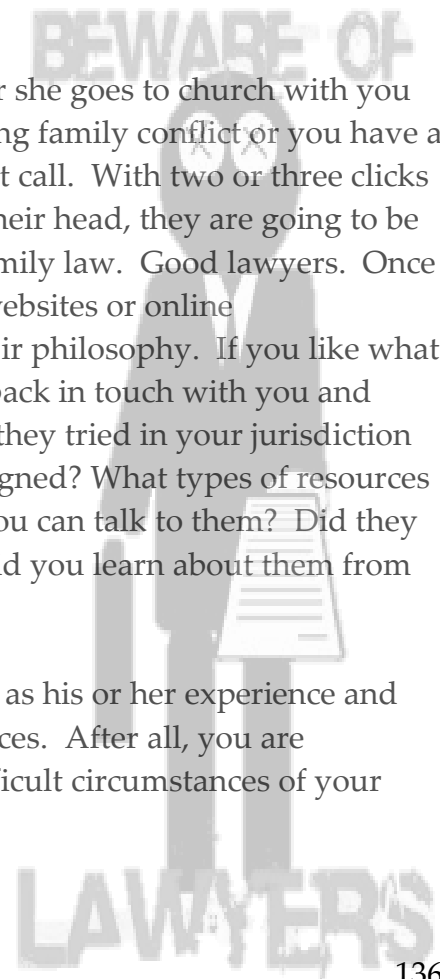
We have a nifty tool at R+A allowing us to keep up with all sorts of statistics when a potential client [submits an intake form](#) to our office. We have been doing it since October of last year. About 40 people have been in contact with us for various family law issues who completed our online form, the most prevalent reason being divorce. As it turns out, 28% of people find out about us through an attorney, which is our biggest referral source by a pretty wide margin.

I have been working divorce cases in Mississippi for 14 years now. Frankly, I have noticed the quality of family law legal work decreasing across the board, especially in the last several years. I attribute this in large part to tort reform. While trial lawyers have taken a hit, the defense bar has as well. Gone are the days when big firms employ five or six new associates fresh out of school in Mississippi. There is simply not as much legal work to do, and we have just as many or more attorneys. So if a lawyer wants to work in his or her chosen field, they are hanging their shingles without receiving much training, and almost everyone knows somebody with family conflict. You see, you can practice law in Mississippi without one day of practical, real life experience working with clients and the court system, and many people do. An old lawyer in Meridian told me practicing family law is like playing baseball, you either have a feel for it or you don't.

Almost everyone knows an attorney. Maybe he or she goes to church with you or maybe your kids go to school together. If you are facing family conflict or you have a friend or family member who is, they should be your first call. With two or three clicks of the mouse, a well placed email or right off the top of their head, they are going to be able to create a list of 3 – 5 attorneys who specialize in family law. Good lawyers. Once you get those names, I recommend you check out their websites or online profiles. Read what they say about their practice and their philosophy. If you like what you see, reach out to them. How efficiently do they get back in touch with you and handle your intake information? How many cases have they tried in your jurisdiction or specifically before the judge to whom your case is assigned? What types of resources are at their disposal if things heat up? Do you feel like you can talk to them? Did they take notes when you met? Were they dialed in? What did you learn about them from looking around their office?

Not all lawyers are created equally. As important as his or her experience and reputation is their ability to relate to your life circumstances. After all, you are employing them to speak and act for you in the most difficult circumstances of your life, and you only get one shot to do it right.

Need a lawyer? Call one you know and go from there.



## The Warrior Poet Lawyer

We have done some advertising on social media this week and it has me thinking about the decision-making process a person goes through when employing a divorce attorney in Mississippi and the different personas we encompass. I am at peace with the reputation we family lawyers have for being considered the scum of the earth. After all, we feed on other people's misfortune. We are scavengers, even vultures. However, if you have been served with papers or you have caught your spouse in a compromising situation, like us or not, you may just need us. (The American bald eagle is a scavenger, BTW.)

Divorce lawyers in Mississippi wear lots of different masks depending on our given objective in any particular case. We change these masks from time to time, adding to the complexity of our already shaky image. At my firm, our attorneys can be all of these things on any given day. Let's spend a little time thinking about the personas of your friendly divorce barrister.

**Gladiator:** I love being the gladiator lawyer. It is how this old washed up baseball player gets to compete. I get to charge into court on emergency motions, serve people with process, issue subpoenas, cross-examine helpless witnesses, cuss, spit and throw stuff. You have been wronged and you need a soldier on your side to take care of business. Sometimes my missions are stealth operations with global positioning systems, private detectives, spyware and hidden cameras. Sometimes I am in someone's face with deposition notices, drug test requests and alienation of affection lawsuits. The gladiator is within every divorce lawyer worth his or her salt, but we know this mask is not a sustainable model for peace, resolution, redemption and rebirth.

**Prostitute:** In many ways, we all prostitute our time, energy and resources for capital gain. If you work a job you don't like for money, you feel this way all the time, even if your employer is gracious and provides you with as much love and support as possible. I am, on occasion, called upon to help people I don't care for very much because it is how I earn a living. I help folks who make bad decisions, and even worse, who like the bad decisions they make. I have helped abusive husbands, drug addict wives and lots of folks who cheat. I have clients ask me to do things or take positions I don't want to take. While I will not and do not lie or knowingly harbor mistruth, like every good lawyer, I will use court rules to my client's advantage or drag my feet if it is necessary to accomplish my client's goals. The prostitute lawyer embraces the complicated shades of gray.

**Accountant:** Divorces are always about money. Good divorce lawyers know their way

around tax returns and financial statements. They have a knack for finding out what stuff is worth, what a reasonable monthly budget looks like for a particular walk of life, and very importantly, how to conserve precious resources when it comes to spending their client's money in litigation related expenses. Knowing when the good money is chasing after the bad is like recognizing pornography –you know it when you see it.

**Therapist:** One of the things I love about being a divorce lawyer is I get to work with people in a transitional chapter of their life story. My clients have the opportunity to reinvent their lives and sometimes even their marriages. I need to know good people to come around them, good books that will speak into their paradigm, and to appropriately empathize with their journey with love, compassion and healthy perspective –the 10,000-foot view. Clients want you to tell them everything is going to be alright, and most of the time it will, just not as quickly as they may hope. The therapist lawyer prescribes poetry reading, long walks, introspective priority inventories, journaling and life groups.

**Academic:** Divorce is not art. There is a healthy amount of academic material your attorney has got to know. He needs to know about the rules of evidence, civil procedure, key judicial opinions and be studious and current in his understanding of national and local trends. Stuff he hears needs to ring bells and create itches they know how to silence, efficiently scratch and use to his client's advantage.

**Diplomat:** The diplomat is the antithesis of the gladiator –the good cop to the bad. Hand him lemons, and he will make basil lemonade with a hint of St. Germaine. He is known, liked and most importantly, respected. When he talks, people listen. He knows when to send the one-sided settlement proposal in his client's favor or to waive the white flag. He will get out of his office and have a cup of coffee with his opponent and seek to understand the hopes and dreams of the other side, looking for the places where they intersect or diverge from the hopes and dreams of those of his client. He embraces mediation, joint custody and differences of opinion. He speaks truth when it is hard to hear. He takes donuts to the courthouse and asks about his opponent's kids. He shows up at funerals, shakes hands, and when he says good luck or God bless to the other side –he means it.



## It is Not Just Paper

At the office, we hang out in the hallway from time to time –usually in front of Lori’s office. This week we have been doing it a little more. Spring is in the air, the dogwood in the backyard is blooming, and Matt’s getting married this Saturday. We have seen him grow from a skinny, dreamer of a law student to one of the top up-and-coming divorce lawyers in Mississippi. He’s a little jaded, but we all are. I told him he knows lots about divorce, but exactly zero about marriage, and the two are very different indeed. We are all excited to celebrate with him and his lovely fiancé, Caylee.

In this particular hallway meeting, we were lamenting over what we believed to be the pre-mature decision of one of our clients to overlook a very serious marital transgression. “It is easy to show remorse for eating the cookie when you have chocolate smeared all over your face,” I remarked. Not that I want to see anyone divorced. No way. I just don’t like to see people being played like a fool. Time will determine if the brokenness is real or a con.

As we continued to dissect the elements of this particular client’s story, Lori pondered, “I guess when we do dozens of these each year, it becomes just moving paperwork. Put the deal together, sign here, notarize there, go see the Judge, good luck, God bless, move on with your life. But divorce is crazy hard, even if you hate your spouse.”

I learned in a mediation seminar several years ago that every problem has an emotional, intangible element (the “E”) and the financial, “nuts and bolts” component (the “\$”). If we try to skip the emotional healing necessary for problem solving, we find ourselves orbiting around what it takes to make a deal –never getting to the elements to create a solution because we have avoided raw emotion. Conversely, if we stay in the emotional wreckage of our dispute, wallowing in the sorrow and grief, we wander aimlessly, never finding true resolution. Effective diplomacy deals with the emotional hurt in a healthy, but forward thinking manner, slowly working the financial considerations of the dispute into the dynamic. In a case with children, the nuts and bolts include the custody and visitation related objectives.

The mommas of effective divorce lawyers probably didn’t do enough hugging and encouraging. To be really good, we have to have pretty thick skins to say the least. If I always broke down at the sight of heartbreak, I couldn’t do my job. However, my personal growth and development depends on my ability to turn it on and off, and I am learning to do it in my practice as well. You don’t want to deal with a robot. You need a person who sometimes will just sit in disarray with you, but who has perspective --the 10,000 foot view.

## Sharks

I am reading a borrowed copy of *Unbroken* by Laura Hillenbrand, the epic story of Louie Zamperini, World War II bombardier and former Olympic athlete. You only need to read the book jacket to get a sense of his amazing journey. One of my favorite parts discusses his relationship with the sharks constantly circling the rafts he and his fellow castaways occupy for an incredible forty-six days after his B-24 crashed into the Pacific: "Two sharks, about eight feet long, were placidly circling the raft. Each time one slid past, Louie studied its skin. He had banged sharks on the nose many times but had never really felt the hide, which was said to feel like sandpaper. Curious, he dropped a hand into the water and laid it lightly on a passing shark, feeling its back and dorsal fin as it slid beneath him. It felt rough, just as everyone said. The shark swished on. The second shark passed, and Louis again let his hand follow its body. *Beautiful*, he thought."

Later in the same chapter, Hillenbrand describes Louie's frustration with the sharks after they start taking leaps at the crew in the raft:

Louie was furious at the sharks. He had thought that they had an understanding: The men would stay out of the sharks' turf—the water—and the sharks would stay off theirs—the raft. That the sharks had taken shots at him when the raft had been mostly submerged after the strafing, had seemed fair enough. But their attempt to poach men from their reinflated raft struck Louie as dirty pool. He stewed all night, scowling hatefully at the sharks all day, and eventually made a decision. If the sharks were going to try to eat him, he was going to try to eat them.

And then a final encounter:

...Something had struck the bottom of the raft with awesome power. The garden-variety sharks that made up their entourage weren't large enough to hit them with such force, and had never behaved in this way.

Looking over the side of the raft, they saw it. Swelling up from under the water came a leviathan: a vast white mouth, a broad back parting the surface, and a long dorsal fin, ghostly in the moonlight. The animal was some twenty feet long, more than three times the length of the raft. Louie recognized its features from his survival school training. It was a great white shark.

As the castaways watched in terrified silence, the shark swam the

length of one side of the raft, then bent around to the other side, exploring it. Pausing on the surface, it swished its tail away, then slapped it into the raft, sending the raft skidding sideways and splashing a wave of water into the men.... Again came the mighty swing, the shower of water, the jolt through the raft and the men.

There are over 400 species of sharks. Most are harmless. They are stunning creatures, just going about their business in the ocean and doing their thing. There are a few species that are very dangerous. You must avoid them. Stay out of their water. Louie got mad at the sharks while stranded because they did not play by the rules he had established in his mind, although their behavior probably seemed just fine to them.

Lawyers are known to be shark-like because it appears to the general public we feed on the misfortune of others. I understand it. I get paid when you have family conflict. Many attorneys work for people after being seriously injured, and on the other side of the case, there is the lawyer working for the insurance company who only wants to pay what the policy allows, which is not always clear even though the contract was drafted by some other attorney. Lawyers defend the civil rights of criminals, and the list of seemingly carnivorous activity goes on.

Like sharks in the ocean, lawyers have a place in the ecosystem of society. Lawyers help people purchase homes, adopt children, care for the elderly and plan for the future. An interaction with a bad lawyer can make you feel helpless, wounded even. But when you find a good one, one who moves aerodynamically through the bureaucracy of the judicial system to create efficient results, it can be beautiful –at least as beautiful as something can be in a suit and tie.



## The Search for the Carpenter

When I was a kid, summer lasted forever –shelling butter beans in front of the television, eating watermelons and having bottle rocket wars. A time of transition, I would ride my bike to the YMCA while my parents were at work and hang out at the swimming pool most of the day. In the afternoons, we played baseball games, and at night, chased fireflies and occasionally slept on the trampoline in the backyard. I hope time feels like it's moving slower for my girls than it is for me. Our summer so far has been packed with camps, a convention, a busy caseload, a local move and a new construction project for which I am serving as the general contractor.

My dad was an electrician, and I grew up around construction. At any given time in my 12-year marriage to Rachel, we have been building something –a new master bathroom and closet, a house at the reservoir, an office building, another house, a mixed-use commercial building and now a house in Ridgeland. Unlike almost all legal results, when you finish a building project, you have created something tangible. Something you can look at, stand on, take pictures of and show your friends. It doesn't work that way in the world of divorce, child custody, adoption and such.

Another thing I love about construction is the people. Now granted, on a construction site there is much more testosterone than in my house or at the office. The hard working men are from all walks of life with an array of life stories and circumstances. Being a construction manager can be like my divorce practice because it requires a little bit of knowledge, but a lot of organization, diligence and problem solving. Every day is a new challenge.

One recent struggle has been in the employment of a framing carpenter. When the time was right, I started asking around for a referral from my friends in the building world. I got lots of names. The first guy I met with had decades of experience and a minor role in a previous project we did. He was obviously knowledgeable and when our meeting was finished, he emailed me a simple contract with his price. I was flabbergasted by the number, which was way over what I had budgeted. I moved on. The next guy I talked to was late for the eventual meeting and it took a half dozen unanswered text messages and voicemails to get him to sit down with me. I took the contract from the veteran carpenter and tweaked it downward based on my budget. I had worked with this guy before too, and I knew a little bit about his personal life. I knew he could get the job done, but it was going to take me watching every move he made, which I don't have the time or the know-how to do. He accepted my price and I was going to work with him. However, as we got closer and closer to the start date, he was radio silent. I asked him for a material list and it never showed up. I would

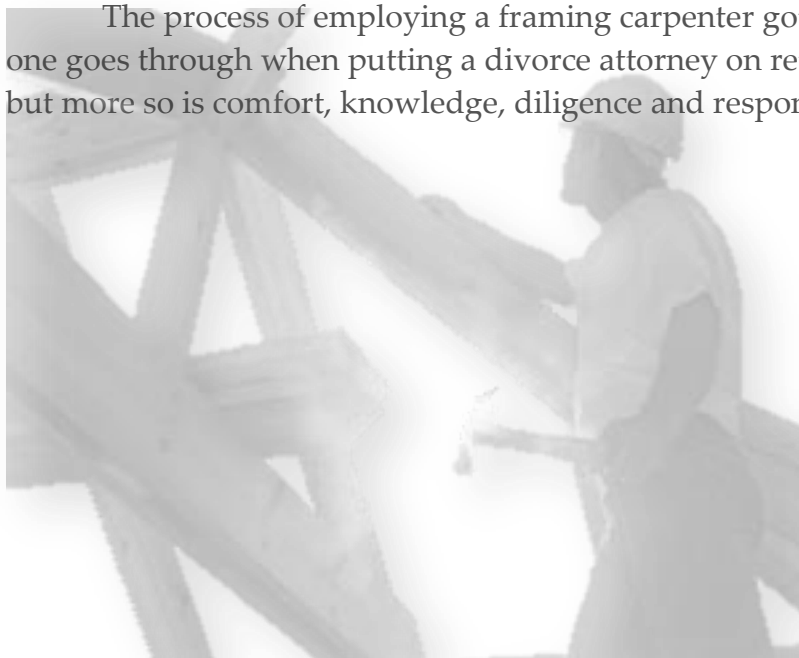
text. No reply. I would call. Nothing. I resorted to having my builder friend, who keeps him pretty busy, to act as a third party message deliverer. It was agonizing. I finally got a message he was going to do my job, but it would be a week after we had talked about starting because of the weather, which happens in construction. I decided to keep him on the hook and look for a Plan B.

I called my cousin who is a builder on a Sunday afternoon. He had just talked to his framing carpenter who was looking for work. He raved about this guy's knowledge, speed and diligence. I set a meeting. In the meantime, I got another referral to a guy who does volume work and runs big crews. The person who gave me his information did not know him personally. We met at the job; he quoted a low price and said he could start the next day. Because I had committed to a meeting with my cousin's carpenter, I told him to hold off, but he was eager to start. I knew something was a little off about our meeting and that he was a little too eager, so after our meeting, I began to call around and ask about his reputation. It was not good, and I started getting concerned.

The next morning, I sat down with my cousin's carpenter. He was early for our meeting. An old school construction worker, he analyzed my building plans and told me about the challenges of the plans and the expected scrutiny by the building inspector. He quoted me a price, which was the highest yet. I shook my head in frustration and explained to him my budget, but he calmly countered with what doing my job right would take.

In the end, I went with the first carpenter. He was not the lowest priced, but I knew he could get the job done and that he would be responsive to me. He has a stellar reputation and I knew I would not have to hold his hand.

The process of employing a framing carpenter got me thinking about the process one goes through when putting a divorce attorney on retainer. Sure, price is important, but more so is comfort, knowledge, diligence and responsiveness.



## Specialization and Geography

A few days ago a pastor friend asked for a referral to a criminal attorney for the family of a church member. To be able to give him the right name, I had to know the alleged crime and the jurisdiction. I would not necessarily send someone to the same person for a DUI as I would for domestic violence. If the crime happened in Meridian, I would not likely make a referral to someone from Greenville.

Like criminal conduct, while divorces are cut from a similar cloth, they are not created equally. Some things that will complicate a divorce are true custody issues, complicated financial circumstances, ownership of businesses, protection of significant non-marital property and highly emotionally charged allegations of fault.

Lies make things harder too.

While many lawyers could handle a divorce where the parties have been married for a few years, have one small child and a house, the field of available legal talent diminishes when that child has special needs and the spouses are involved with a multimillion dollar multigenerational family business.

Geography is an interesting subject in the world of Mississippi divorce. I am fortunate to be among the “Jackson divorce lawyers” who get to work in other parts of the state. I am happy to drive to the Coast or travel to Vicksburg or Tupelo to help someone with a complicated family dynamic. I have done it for years. In small towns around Mississippi, it is often necessary to look to Central Mississippi to find someone who is not fishing buddies or Pilates partners with your spouse. While knowledge of your local chancellor’s tendencies and procedures can create a small advantage, these tendencies and procedures are not huge secrets that a few well-placed phone calls will not uncover.

Let me be real for a second. If you live in Southaven and you think you would like to work with an attorney from Ridgeland, you are going to spend a little more. It may be worth it. It may not be. Divorces are like fingerprints, they are all different. (I was going to say snowflakes, but I use that for custody schedules.) To use a building analogy, the foundation of your life as a divorced person is of critical importance. If you go cheap, you may find you have lots of headaches to contend with in the future. But if you take your time to do it right on the front end, you are going to have a better chance of success.

While not always possible, the best divorces get filed away and are never looked at again by anyone. The former spouses do what’s right and fair and love their kids,

making the best of a less-than-ideal situation. Those circumstances where the parties are in constant post divorce litigation are impossible to “win.” With winning being defined as a meaningful life filled with love, joy, peace and the rest.

If you are faced with divorce, take a serious inventory of your circumstances and seek the right type of specialist, taking into consideration your geography, but most importantly, your goals.

BEFORE YOU CAN UNDERSTAND THE WORLD YOU HAVE TO

UNDERSTAND A PLACE LIKE

**MISSISSIPPI**

WILLIAM FAULKNER, EUDORA WELTY

BIRTHPLACE OF ELVIS PRESLEY,

**BLUES, AND BB KING**

IN ORDER OF PRIORITY IT'S GOD, FAMILY, AND FOOTBALL

RICH IN FOLKLORE, GRACES AND CHARM Y'ALL

**LONG LAZY SUMMERS,**

JUKE JOINTS, RIVER BOATS, COTTON FIELDS

GULF COAST BEACHES, MAGNOLIA TREES

SOUL FOOD AND SWEET TEA,

**SOUTHERN HOSPITALITY**

## If I Could Give You a Magic Wand...

One of my favorite questions in an initial meeting with a potential Mississippi family law client is this: "If I could give you a magic wand and you could waive it and make a wish, what would it be?" I get all kinds of interesting answers. Some are realistic, and some are not.

So what would you wish for with a magic wand? What are your goals? More importantly, why do you have these goals? Now is the time to be defining your expectations and how we can help you achieve them. Don't you think that your lawyer needs to know exactly what he or she is being employed to do from the very beginning? That's why the lawyers at R+A define goals and make a plan to accomplish those goals in every initial meeting. Spend some time thinking and praying about achievable goals.

Maybe your objective is to be divorced, to be in the best possible financial situation, and for your children to be safe, happy and properly supported. That is a very reasonable plan. What is not reasonable is for you to think that your "new normal" is going to be exactly the same. The old way was not that great anyway, right? If you are divorced, your kids are not going to be with you all the time. That is just the way it will be. While married, you would have loved for your spouse to have one-on-one time with the kids so that you could find yourself again for a little while, right? Also from a financial standpoint, two people living apart are not going to have the same lifestyle they enjoyed while living together. Unless you have more money than you know what to do with, things are going to be different money-wise after a divorce. Two people can live together as man and wife more efficiently than they can live on their own. It is a fact. It is also a fact that you will adjust. We humans are survivors and adapters. God made us that way.

You think it is fair for you to have full custody of your children and for your spouse to have standard visitation. Why? How is this going to serve your children's best interest? Let me fill you in on a little secret- Mississippi chancellors don't really care what you think is fair, but they do care about what is best for your children. Our law calls them the "super guardian" of the children in their jurisdiction. Because of this, you need to articulate your goals through a selfless examination of what circumstances will put your children in the best possible position to achieve their potential. I know you are hurt right now, but when it is said and done, your kids need two parents that love them and care for them. God designed moms and dads to have different sets of skills to raise well rounded children. A child that does not have a mother and a father pouring into their life is going to have little bits and pieces of their personality that do not fully develop. Think about these things when you waive your magic wand.

If you are facing a divorce in Mississippi or a situation where you will not be living with your child's other parent, mentally pick up your magic wand and think about your realistic goals and how you are going to achieve them. When you define these goals, set aside your idea of what you think you want and take an honest inventory of your situation, your available resources and what is truly going to be best for your kids.



## Redemption and Divorce

I was in the bookstore the other day and I was browsing while Rachel and the girls were listening to story time in the children's section. A little red book by Mark W. Gaither called [Redemptive Divorce](#) caught my eye. I finished it last night. While it would seem that Redemption and Divorce are antonyms, Gaither uses a Biblical discussion of marriage and divorce as the backdrop to introduce a legal strategy aimed at keeping marriages together. He proposes that filing for divorce can help save a marriage about 20% of the time.

I've known this for a while.

As you know, I hate divorce, but I love the people that are walking through the minefield of a failed or failing marriage. I feel like at R+A, we are on the front lines of a battle being waged in households across Mississippi all day every day. Most preachers could tell you that God only releases a person from a marriage when there is sexual immorality or abandonment by a non-believing spouse, but what they sometimes will not tell you is that staying in the marriage while the other spouse is \_\_\_\_\_ (fill in the blank), actually reinforces the bad conduct and undermines a healthy marital respect. There are consequences for bad behavior in life and in marriage, and the non-offending or upright spouse has to set healthy boundaries to protect their children and themselves. As **Phil and Karla Hardin** talked about in a recent marriage retreat that Rachel and I attended, for marriage to survive, both partners have to be committed to growth as individuals and as a family. A marriage is a greenhouse- a place of personal and spiritual growth. If you are not growing, you are dying. The cornerstones of marriage are safety, commitment, dialogue and a healthy willingness to change. Redemptive divorce is about restoring these pillars of marriage, using the catalyst of a threatened divorce for the terminally ill marriage.

Gaither recommends that if your goal is reconciliation, you create a three person team that consists of a Christian family law attorney, a Christian marriage counselor and a friend. The attorney prepares a divorce contract and a post-nuptial agreement aimed at a structured path to reconciliation if the bad behavior stops and true signs of repentance are present. With the moral support and practical assistance of a friend, a skilled counselor presents these documents prepared by the attorney to the wayward spouse in an intervention-style meeting in which the wayward spouse is given the choice whether or not they would like to continue in the marriage or seek the divorce. The upright spouse commits to reconciliation if the bad behavior stops, and if it doesn't, divorce is aggressively pursued. According to Gaither, "We cannot say with integrity that we believe in the sanctity of marriage and stand idle while someone willfully defiles it with sin. And if we fail to hold the guilty partner accountable, we

become his or her accomplice. Redemptive divorce, on the other hand, does not ignore an affront to the institution the Lord ordained. It honors the mystical union as sacred. It refuses to pretend everything is fine when, obviously, the union has been severed by the destructive behavior.”

As you might imagine at R+A we are all over this. If you want to give Redemptive Divorce a try, buy the book and let's put together our team. We are rooting for your marriage.



# The Parasite

I get inspired for these little articles, aka rants, from all different sorts of crazy places. This week, it comes from an official looking note on orange paper being sent home with Emma about a breakout of lice in her classroom. When I was a kid.... Yep, I got them. My little tail was sent home from school after an examination from my teacher with a sharpened pencil. It was very embarrassing and getting rid of them was a long, annoying, time consuming process.

Wikipedia, the world's foremost authority on everything, defines Parasitism as a type of symbiotic relationship between organisms of different species where one organism, the parasite, benefits at the expense of the other, the host.

I think marriages can be parasitic.

Men and women are different --not different species, but close enough. Anyone who has lived more than six years on this planet is well aware of that. We were both meant to bring something to a marriage. To serve one another in ways that are complimentary. The parasitic marriage happens when there is one partner doing all of the serving while the other, the parasite, does all of the receiving. Like the woman who has the steady job as a nurse while her husband "plays in a band." She provides the families' only income, the health insurance, and she does most of the cooking, cleaning and child rearing. The guy sleeps to 10 a.m., smokes pot and looks at porn. That was fine when you were 23, but not so much when you are 33. Maybe he day trades on the computer. Maybe he is a "writer" or even better, a "blogger." He is probably also chasing some addiction --alcohol, gambling, drugs, sex.... whatever. By the way, that's where we guys go when we are not living by design. When we are not the King, Warrior and Priest we were designed to be, we go addictive. As a man who believes in hustle, I have very little sympathy for the parasitic husband.

Girls can be parasites; too, although it is often less obvious than when the husband is the parasite. They are "stay-at-home-moms" that go to the gym, talk on the phone, play tennis and/or shop and/or flirt all day. They may run the kids around a little, but they complain about it heavily. They contribute very little to the home other than their presence and their spending habits. Women can go two unhealthy ways in a marriage. They can go hyper-controlling or they can become hyper-needy. Now let me be clear. Being a stay-at-home mom can be the hardest job around. I am not talking about those moms who are investing in the lives of their children and their families. I am talking about the other ones. You know who they are. They starve their husband from sexual intimacy or they immaculate him by not believing in him or even worse, belittling him. The most fragile thing in any home is the ego of the man of the

house. By not believing in their man, wives can create a scared little shell of a man or even worse, a guy who becomes abusive or an abuser of substances or experiences. Sometimes both parties to a marriage can live as parasites. Those are the families that live a life beyond their ability because of the success or wealth of their parents. Family money can be a huge blessing or a wicked curse. This can also happen when people over extend themselves with debt.

When the resources are coming from the parents, the lifestyle of the marriage will never be sustained for both parties –only the party who is the second generation money. Attention first generation money: If the parasite is not paying for their legal services, they have no incentive to make good decisions based on a practical cost/benefit analysis.

Also, Credit and access to money will eventually dry up.

When the parasitic marriage ends, the parasites are in trouble. You see, parasites can do very little on their own. They are helpless without their host, just like lice are helpless without a child's hair.



## Your Creative Center

This holiday weekend I sat by the pool, went fishing and ran in the Magnolia Meltdown 5k with Mollie Ann and Emma. We also made a “commercial” for the Raising the Barr Fitness Five K for the Fatherless. It was Mollie’s idea. I have discovered after about four days without working, creative ideas start coming to me. Part of my artistic outlet is to tell you about it today.

I recently read a book called *The War of Art* by Steven Pressfield. Mary Margaret Harper, our new director of communications for 200 Million Flowers, is reading it now. It was basically about getting yourself (he called it your ego) out of the way to fulfill your creative life calling, whether as a writer, a painter, an entrepreneur, a philanthropist or whatever. The book also contained a little bit of psychology, which I love. I took a bunch of psych classes in college and as a divorce attorney; I have basically been practicing mental health without a license for over a decade. I loved the book, but I only highlighted the following passage:

*The artist and the mother are vehicles, not originators. They don't create the new life, they only bear it. This is why birth is such a humbling experience. The new mom weeps in awe at the little miracle in her arms. She knows it came out of her but not from her, through her but not of her.*

So let’s talk about art and babies.

We live in an age of instant gratification. Our lives have become about what makes us comfortable. Good stories are not written about comfortable lives and if a comfortable life is your ambition, it is certainly fine, just may be a little boring. A story, according to author Donald Miller, is always about a person who wants something who overcomes conflict to get it. Note the part that says “conflict.” I was telling this to my friends Jason and Brandy who started a [ministry](#) to AIDS orphans in South Africa and they were playfully looking at each other and me and their words and body languages were saying “Yep!”

Pressfield describes your “ego” being the part of you who likes to be comfortable, and the “self”, within which the ego resides, being where dreams and creativity are born. While Pressfield did not exactly say it, I believe that the self is the dimension wherein the Holy Spirit lives. We must have times where we can put the ego aside in a healthy way so we can get to our creative center to make art. Many people try to get to the self through the fast food methodologies of sex, drugs and rock and roll. These things destroy the ego to get to the self. That’s why so many talented

artists die young. They destroy their body to get to the creative self. They also leave collateral damage for the people who cross their paths. Divorce is like this.

We are unique beings created on purpose by God who is the Creative Center of the universe. I think the reason that so many birth moms do not make a plan for adoption is because they are using the miracle of the life to satisfy her need to feel comfortable as opposed to overcoming the conflict and grief associated with the loving choice for adoption --living a better story and giving their child a chance to live a better story. So what does all this mean to you? I have no clue. I am trying to figure it out for myself. The one thing that I know is I want to live a great story, so if that means we are in for some conflict, I guess we are in for some conflict.



## Divorce Remorse

I was talking to a client today I saw for the first time back after Thanksgiving. When we did our goal sheet, his primary objective was to stay married. He was working toward that end. Just last week, he and his wife were sharing an intimate moment on their couch at home –her feet in his lap, talking about their kids, watching the fire crackle and drinking red wine. The very next day, she wants to have a meeting to define the terms of their separation. My theory is this- she put a plan in motion, but she was having a momentary case of “divorce remorse.”

Divorce remorse, a phrase I coined just today (trademark pending), is that period of time after a major decision has been made when the deciding spouse reminisces about what the marriage could have been. The fragrance of what things might have been if only... This could be experienced after an act of adultery, a lawyer is employed, after papers are served or even after a trial or court appearance.

What do we do with divorce remorse?

Divorce remorse could be a precursor for reconciliation. Divorce remorse could be about longing for peace. Divorce remorse could be about putting aside adult differences and truly co-parenting. It could be about the acknowledgment we were not designed to be divorced and our body and spirit is gravitating to a place of connectedness.

I do know this. It is rarely more difficult to do the work to be divorced than it is to do the work to stay together. I have said it often –either way you are looking up from basecamp of the Himalayans with a long way to go.



## Family is a Choice

I think one of the scariest things a person faces when divorcing in Mississippi, or anywhere for that matter, is that their family will look differently. A family is supposed to be a mommy, daddy, two kids (a boy and a girl), a house with a picket fence and a dog named Barkley, right? The daddy works from 9 to 5 and not on the weekends and mommy stays home and does housework and Pilates, with cookies and milk waiting for the kids when they get off the bus, as Barkley obediently sits next to her side, tail wagging and tongue appropriately extended. At night, they play board games, read books and do their homework before dozing off to a peaceful sleep in their matching twin beds.

Whatever.

I am a Generation Xer –read the **book** in law school and everything. I grew up on Bugs Bunny, schoolhouse rock, MTV and Leave it to Beaver reruns. The confluence of the old idea of family and modern ideas of family in the Deep South created a paradox for me and those like me. We like the idea of family more than its practice. Although I have been in the family redefinition business since 1999, I sometimes still cling to old fashioned ideas about who and how to love those connected to me by blood, marriage and final judgment, but I know some people that have it figured out. Rachel and I went to a wedding this weekend for a friend who started off as a client. He got his girlfriend pregnant about eight years ago. He is from Generation Y. He has always had a remote control and a cell phone and probably has never seen a Polaroid picture in person. As opposed to selfishly evading his rights, duties and responsibilities, he leaned in to his then new role of father. It is inspiring. His son was the best man at his first wedding. He knows what is important.

His mom posted the following on Facebook, which was the spark for the ideas you are reading:

There were so many special moments this weekend, but my favorite, when I finally lost it and the tears flowed... after they had left the reception, my grandson was a little sad. We found some things the newlyweds had forgotten and we went to their hotel. They came down to the beautiful lobby. The bride sat down on the floor in her Cinderella dress and she and my son talked softly to him, and what I saw was a beautiful family! LOVE!

On Sunday when we got home, we went down to [We Will Go Ministries](#) in downtown Jackson. Rachel and some other girls were providing the food for about 150 folks. They do church in the backyard of this couple's house and try to be Jesus to those living in poverty in their community. I had heard about it, but this was my first

experience. After they finish church, they pull out tables and shift around chairs and sit down together for a meal. They do not look the same. Everyone is encouraged to find a new friend. It is a dynamic display of family.

So I am left with these thoughts. Family is a choice. If all families were the same, this world would be boring. Family is not necessarily defined by how much time you spend together, but how you spend the time you have. Although when you let court's make decisions about your family you are handcuffed to the rigidity of our flawed system, you can rise above your circumstances and choose wisely.



## Touchable Distance

The girls and I have a game we play I partly read about in a parenting magazine and partly made up. It doesn't have a name. Rachel likes to be a spectator; she just loves how excited the kids get about it. I take the girls to school most mornings, and the game is great way to have conversations and create a fun, yet competitive spirit with Mollie Ann and Emma.

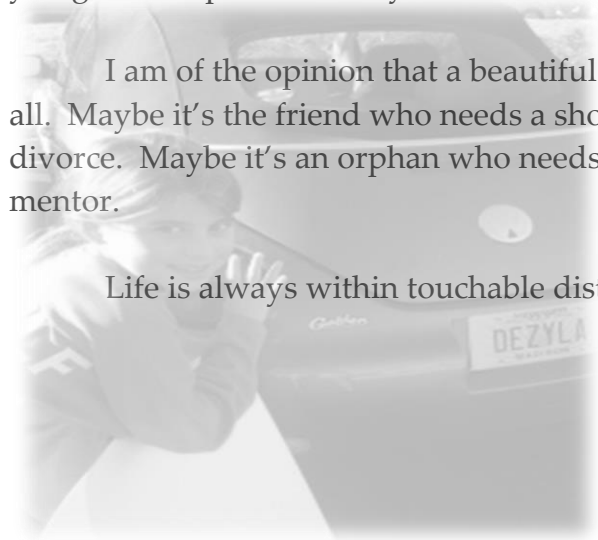
So here is the deal. You may have played the Punch Buggy game in the car growing up. In Punch Buggy, you punch someone next to you when you see a Volkswagen Beetle and say, "Punch Buggy."

Our game has no physical violence.

You get points for spotting certain vehicles. A VW bug is worth 2 points. You must say "Punch Buggy" and then the color of the car and whether it is in the "stop" or "go" position. For example, if Emma sees a pink VW bug, she says, "Punch buggy, pink, go!" You get one more point if it is a convertible or if it's vintage if you call it. Any other passengers in the car can also score points if they see the car and repeat the words, but one less than the initial spotter. Finally, if we see the car in a parking lot or something, you can get another bonus point if it is within "touchable distance." A Mini Coopers also counts and the big score is when we see a Fiat, which we call an "Italian." There are not many in Jackson. The Holy Grail of our game is the Fiat convertible in touchable distance. I saw one in Memphis a while back. Big score. For a while now, when I speak in public about 200 Million Flowers or whatever, I have been using a picture of a Volvo to represent the stuff we live our lives attempting to acquire, and what a boring story we write for ourselves in the process. Lawyers are the worse. Today at the Mississippi College School of Law family law class for which I was a guest lecturer, I talked about my game with the girls –especially the part about how you get more points when you are within touchable distance.

I am of the opinion that a beautiful life story is within touchable distance for us all. Maybe it's the friend who needs a shoulder to cry on while in the throws of divorce. Maybe it's an orphan who needs a home or a foster care kid who yearns for a mentor.

Life is always within touchable distance, and when we reach out, we score big.



## The One and Only Ivan

Emma was asked to read an award-winning book for school and make a diorama, so we headed to the bookstore to find one. She's in second grade. She had a few choices ----a Newbery Medal and Honor Book or a Caldecott Medal Book. The Newbery award is given to "the most distinguished contribution to American literature for children." The Caldecott Medal annually recognizes the preceding year's "most distinguished American picture book for children." In short, one has a bunch of words and the other has pretty much nothing but pictures.

Our choice was obvious, so we headed to the local big box bookstore.

The Newberry section clearly noted it was for grades 3<sup>rd</sup> through 6<sup>th</sup>. We looked for the section of Newberry books for younger readers, but apparently it does not exist. At my subtle suggestion, Emma decides to look for picture books. As it turns out, the Caldecott books are mixed in with the other fifty thousand children's books that unfortunately did not win the Caldecott medal. While I love bookstores, I hate trying to find a specific book. It is a needle in the proverbial haystack. It's no wonder most people these days prefer to go online when looking for a book, especially a specific title. I was on Amazon searching for the list of Caldecott award winning books while standing in a bookstore finding it impossible to find what was allegedly directly in front of me. So we hesitantly return to the section of Newberry books I again pointed out to my ambitious child was a little more advanced than we needed.

With my assistance, Emma starts perusing the titles. Every time she would pick one up, regardless of subject matter, I would check the number of pages, size of font and spacing of the words. From what I could see, we were in trouble. One particularly thick book had a cute elephant and a silverback gorilla on the cover, adorned by a very large, gold Newberry sticker. Emma's pupils dilated ever so slightly and I saw little hearts swimming in her beautiful brown eyes. I turned directly to the back to see it was a voluminous 300 pages, but I was too late, Emma had made her choice. Being the master attorney and negotiator I am, I was able to convince my eight-year-old to bring home a "back up", *Sarah Plain and Tall*, a more palatable 95 pages in what appeared to be about 12 point font.

What followed over the next week and a half was some of the most precious time I can remember spending with just Emma and me. She would read night after night and I would follow along over her shoulder, helping her with the words she did not know.

*The One and Only Ivan* is a beautiful story about a gorilla who lives in a zoo which

is the main attraction at a mall –the Exit 8 Big Top Mall and Video Arcade to be exact. Ivan is an artist who makes a promise to a friend. The story is about how he keeps it. I'm not going to give it away, because you really should read it with (or to) your kids, but one of my favorite parts is toward the end. In a poignant statement about community Ivan says, "Is there anything sweeter than the touch of another as she pulls a dead bug from your fur?"

I don't think so Ivan.

Amid all the hustle and bustle of our daily routines, which seems to be exacerbated during the holidays, what will matter most when we reflect on the good stuff is life on life interaction –sharing stories that make you feel grateful with those you love.

Merry Christmas.



## Frozen Pipes

Like everywhere else, it is colder than usual in Mississippi this week. No snow. Just cold. While we are utterly ill prepared for snow, we do have hunting gear and such to deal with the temperature. In fact, I wore thermal underwear under my suit Monday morning to court. It was a first for me. The night before last, the girls and I had come in from basketball practice, and as we ate and settled in for the night, the national championship football game in the background, we talked about the day's events and the cold. "We probably need to leave the water running or something tonight," remarked Rachel, "So the pipes don't freeze."

"Surely that's old fashioned in today's modern houses—I think we have those plastic things on our outside faucets, we should be fine" I replied as our attention and energy shifted to getting the girls in bed, the SEC seemed to have the game under control.

The next morning, when I turned the knob to splash cold water on my face, there was a knock in the wall and then –drip, drip, drip, and then nothing. The whole system was frozen. More on this in a minute.

Today is the first day of my fortieth year. We celebrated over the weekend by going to Graceland. I have always had a special connection with Elvis. We are both from Mississippi and we share the 8<sup>th</sup> of January as the day of our birth. I read a lot about him online to fill in the gaps left by the audio tour. Elvis received the proceeds from his first major record deal in the lobby of the Peabody Hotel in 1955. It was something like \$4,000, which would be around \$30,000 today. He recorded lots of music and then spent a couple of years in the army, where he met his future wife. Most of the 1960's, he focused on making movies and the associated soundtracks. He got married in 1967, had his only child in 1968, which was the year his music career was resurrected after a television special watched by half the population of the world. By 1973 he was divorced and his child moved across the country. Four years later, at the age of 42, he was dead. Nobody will ever know whether it was drugs or his heart or both. When he passed, he had lots of debt and some stuff. You can see some of it along with about 600,000 other folks each year for \$37 on the platinum tour.

For me, I got to know my parents, my family and God during the first decade of my life. During the second, I played lots of baseball. During the third, I got educated and went on some adventures. During the fourth, I worked, met Rachel, Mollie Ann, Emma and God (again). I will keep you posted on the fifth –I have a few ideas. The pipes thawed in the afternoon sun yesterday. We have not discovered any major leaks. Not to be beaten by the cold, we were vigilant last night. I put a propane heater

in our attic, cranked up the heat to 70 degrees, made a huge fire, dripped every water spicket in the house, and took any other precautionary measure available I could find on the web, no matter how bizarre. This morning, glorious, life-giving water came forth from the pipes.

This is the take away for me. If you ignore the insight of those you trust the most around you, things may seize or worse. To live and live well, there must be fluidity, motion, vigilance and receptiveness to feedback, especially from those closest to you. If Elvis would have lived 30 more years or even 10, how would we have remembered him? What would have been his legacy and what will be mine?



## Timing

I am reading Steve Jobs by Walter Isaacson. I am going beyond the text by watching old videos online, including a joint discussion with Jobs and Bill Gates of Microsoft that took place in 2007 where they talk about the history of the personal computer and what Jobs called Post-PC devices. I love reading about business and I'm a little bit of a tech geek, so the 600-page behemoth is a worthy mountain to climb. I am not even halfway finished, but I have come to this conclusion: Steve Jobs success, at least initially, was basically attributable to one thing –timing.

Don't get me wrong, he was a visionary industrialist, extremely bright and blindingly motivated, but he was in the right place at the right time. Steve was adopted as an infant, but had his birthparents been older, had the first couple with whom he was matched wanted a boy, had his adoptive parents not lived in the Silicon Valley where he met Steve Wozniak, he may have just been a hippie, dropout, Zen Buddhist with serious body odor living in the basement of his parent's house dropping acid and eating vegan cuisine. Instead, the cosmic circuits aligned and he became the founder and later the redeemer of an amazing company touching most of the world population in some way or another.

This idea about timing cuts universally across all genres: athletics, art, music, literature, religion, politics –everything. If a professional baseball player is not drafted at the right time by the right team, his career will tank. If the rebel had not been expelled from art school and began to self-medicate, he may not have tested the boundaries of what we view as “art.” Had I not been sitting by the door at Bravo one summer night with nothing more productive to do, I may have never met my wife and had two awesome kids.

There is a natural order and rhythm to the world. Sometimes we have control over it, but more often when something really big happens, we don't. The biggest mistake I see people in divorce or post divorce debacles make revolves around timing. If you don't act or if you act too soon, the trajectory of your life could be very different, but sometimes you have absolutely zero control, and no amount of worry or fret or work will make things different. The natural order of the world works more like agriculture than mass transit, like writing a great novel as opposed to cutting down a tree.

Although timing was his friend, Jobs raged against the machine, was tormented by worry and anxiety and died young. In contrast, Bill Gates was methodical, steady and unwavering. Jobs brought us the iPhone but Gates may help eradicate malaria.

## When the Preacher Gets Divorced

I just finished rereading *Wild at Heart* by John Eldredge with a bunch of guys I meet with once a month. Eldredge says in a round about way that the church is full of posers and the preacher is the biggest one of all. By poser, he means someone who is playing a roll –a man who is wearing a mask for the public, but deep inside is tormented. Senior pastors are gifted self-starters –leaders. These achievers are socially acceptable forms of violent men, and the victims are their marriages, families and their health. Nobody is surprised when the CEO of some big company falls into an affair or has kids who hate him, but no, I mean heavens no...not the preacher.

This morning I started counting how many people I have represented who had a connection to ministry in Mississippi. I stopped because it makes me a little sad. Preachers' wives, senior pastors, youth ministers, faith based organization leaders and the third parties caught in the web with all of the above.

And the preacher's kids –oh the preacher's kids.

I will let you in on a little secret. Preachers battle with porn, addiction, wondering whether they have what it takes, same sex struggles, isolation, health issues, workaholism and a host of other things you are not going to hear about from the pulpit on Sunday morning. Men can look moral but be weak. Men called to ministry ache for God in a special way, and sometimes they get sidetracked. Women connected to ministry can be achievers too. They live under the weight of constant public judgment, they are wildly self-conscious and they are tired –very tired. Balancing their kids and the church and the duties at home thins them out. Their husbands always have at least one mistress –the people they serve. The balance of God, spouse, children, church and vocation gets all out of whack and it makes them a little crazy.

But it's okay.

I'm going to get all religious on you for a minute. People in ministry are the targets of attack on a spiritual level. If you don't feel it or believe it, the enemy has you exactly where he wants you. There is stuff going on on a metaphysical level that is bigger and more powerful than a person's individual giftedness.

If we want to protect our preachers, the ones on the front line, we need to let them be human beings with hurts, hang-ups and habits. I'm not saying we should hide lapses of morality, look at the alleged scheme of child abuse and the sexual shell game created in the modern Catholic Church, but we need to care as much about the people as we do "the system." People called in and around ministry are special, but they are

the same too.

One of the saddest realities is the vocational usefulness of the fallen pastor, or more accurately, the pastor who has been picked off by sniper fire. Frankly, the pastoral skillset does not translate well into the modern business world. Or does it? What do you do with a master's level educated guy with 15 years of big organization experience who, due to public perception, cannot do what he believes he was called to do? Their feelings of self-worth are tied to the ministry that is now shattered into a hundred pieces at their feet.

I don't have the answer. I am just observing the problem. We need to stop being such posers and love people. Starting with our pastors. We, the Church, have created the multiple personality syndromes that are exposed when the preacher get's divorced, and it is *our* responsibility to do something about it, by letting them live in freedom. "Live freely, animated and motivated by God's Spirit. Then you won't feed the compulsions of selfishness...Legalism is helpless in bringing this about; it only gets in the way." Galatians 5:16,23 MSG.



## Crazymakers

This morning in my men's group we talked about Crazymakers. I had heard my counselor friends use the word for years, but I ran across the topic again from a part of *The Artist's Way- A Spiritual Path to Higher Creativity* by Julia Cameron, which discusses recovering a sense of identity. A Crazymaker is someone who makes you crazy. They disrupt your natural rhythm. "Often larger than life, they acquire that status by feeding on the life energies of those around them," says Cameron. Crazymakers can be parents, spouses, children, employers, clients, people at church and ex-spouses. Sometimes, the Crazymaker is you. I think we all have the potential to be Crazymakers during different seasons of life, but being in the presence of a chronic Crazymaker will make your head spin.

Cameron goes on to write about the following characteristics of a Crazymaker:

- Crazymakers break deals and destroy schedules;
- Crazymakers expect special treatment;
- Crazymakers discount your reality;
- Crazymakers spend your time and money;
- Crazymakers triangulate those they deal with;
- Crazymakers are expert blamers;
- Crazymakers create dramas –but seldom where they belong;
- Crazymakers hate schedules –except their own;
- Crazymakers hate order; and
- Crazymakers deny that they are Crazymakers.

People who live with Crazymakers may become codependent, which is a maladaptive (bad) coping strategy. It is a way of living in which we create the path of least resistance to keep ourselves as comfortable as possible around a Crazymaker. It is walking on eggshells. It can be considered "relationship addiction" because people with these behaviors preserve the one-sided, destructive relationships with the Crazymaker when logic would dictate otherwise. When your thoughts compulsively revolve around appeasing the whims of the Crazymaker, you are acting codependent.

What if you are married to a Crazymaker? Or maybe worse –*you* are the Crazymaker? What do you do? Cameron spends about five pages identifying what makes a Crazymaker and exactly four lines explaining what to do about it. She says get a book on codependency and join a 12-step group. One often recommended is *Boundaries: When to Say Yes, How to Say No to Take Control of Your Life* by Dr. Henry Cloud. Christian theology explains your identity is in Christ, not the Crazymaker. (Romans 7:14-25) Codependency is a byproduct of fear. It is the need to

control that which may be uncontrollable. We can only truly control what we say and do. In Al-Anon speak, it is the Three C's filter ---I Didn't Cause It, I Can't Control It and I Can't Cure It.

Not all Crazy-makers are created equally. Highly successful people can be Crazy-makers because they need the energy of a team of people to get big things done. This can be bad, but it can be good too. A dad trying to get his kids out of the house in the morning may temporarily resemble a Crazy-maker, but he will tell you and I agree that his temporary crazy-making may be called for in some instances.

When the crazy-making goes clinical, it gets scary. If you are living with an addict or an abuser, it could be time to end the relationship. If you work for a Crazy-maker, it may be time to get a new job. If your client is a Crazy-maker, you may refer her to another professional --one you don't like very much. Another book Dr. Henry Cloud wrote is *Necessary Endings*, which may also be worth checking out.

There is no divorce lawyer hook in this post, but I think the concepts are worth considering as it relates to how we spend our time and energy. How much of your energy is being drained by the Crazy-maker in your life, and how do we get it back? We have a finite amount of spark in any given day, and often channeling it in productive ways is the biggest challenge we face in our post-modernist lives.



## Nirvana

Elizabeth Gilbert wrote a book called *Eat, Pray, Love* in 2006. She was formerly an "unpublished diner waitress," with a stack of rejection letters from publishers. Her book was wildly successful, but she found herself "regressing" to the sentimentality she felt before she hit it big. Her first follow up book was a flop, but she felt strangely better and got back to work. Her next effort was received well.

Bubba Watson won the biggest tournament in golf in 2012 –the Masters. After this high, his game began to flounder, and he faded from the eye of the public. He posted average score after average score until he found a new equilibrium. Two years later, he won the tournament again. He praised his parents for their support and guidance –his mother working two jobs to pay for his golf.

Another left-hander, Kurt Cobain was living in poverty in the Pacific Northwest in 1988. Cobain's parents were divorced and he bounced around from place to place as an adolescent. In the book *This is a Call: The Life and Times of Dave Grohl*, author Paul Brannigan said Cobain internalized the split and dwelt upon it constantly. As a child, he had written on his bedroom wall: "I hate Mom, I hate Dad. Dad hates Mom, Mom hates Dad. It simply makes you want to be so sad."

His little band was without a steady drummer and had a branding issue. They took out an advertisement in *The Rocket*. It read: "DRUMMER WANTED: Play hard, sometimes light, underground, versatile, fast, medium, slow, versatile, serious, heavy, versatile, dorky, nirvana, hungry." It was the first mention of what would be his band's new name. In Buddhism, it means a transcendent state in which there is neither suffering, desire, nor sense of self, and the subject is released from the effects of karma and the cycle of death and rebirth.

The band found a drummer and got a record deal. Their first major label album was called *Nevermind*. His benefactors had modest expectations and Kurt thought the corporate suits had butchered it, making it sound too slick –too polished. While recording the album, he was evicted from his home and started living in his car. The album sold over 30 million copies worldwide, and became the life soundtrack for Generation Xers like me. On April 5, 1994, Cobain tragically took his life with a self-inflicted gunshot wound. He was the father of a two-year-old little girl.

Each of us has a place of balance. Incredible success or failure takes us out of it. Divorce does that to folks too. Even sadder, it does it to our kids. I don't know anything about Gilbert or Watson's childhood, but I do know they were able to regain their equilibrium after amazing success. Cobain, who we know had divorced parents,

could not.

Unfortunately, as long as there is marriage, there is going to be divorce. As long as there is success, there is going to be failure. I think the key, regardless of life's polarization, is to remember and seek after your center. For Gilbert, it is writing. For Watson, it is golf. For Cobain, it was music.

What's yours?



## What is Your Word Worth?

If you read the stuff I write, you know I am building a home, serving as my own general contractor. I told a guy about it at church the other day and his response was, "What would possess you to do that?"

Good question.

Maybe it is the challenge. Maybe it is the milestone of the first anniversary of my dad's death, with whom I did construction stuff. Maybe I am a control freak. Maybe I am just cheap.

After working as a Jackson, Mississippi area divorce attorney for over 15 years, helping hundreds of people create lots of intangible results, although I love my job, I have the desire to see my energy turn into something you can touch and see. Something tangible. I love to learn new things, and the process of building is for me a continual learning process. I enjoy talking to tradesmen, going to manly places and negotiating with vendors. Rachel and I have fun collaborating on the design aspects of the project and dreaming of living in our new, custom created space --our own little HGTV moments.

But I am becoming increasingly frustrated. Not due to my inexperience or the work itself; but in dealing with folks who do not value their word, who simply do not do what they say they are going to do. It is a disease in the world of subcontractors (and sometimes lawyers), and I will never get used to it. Ever. Abraham Lincoln said, "We must not promise what we ought not lest we be called on to perform what we cannot."

Preach it, Abe.

Broken promises wreck lots of things. A history of them creates the anticipation of being let down, even if the promisor eventually comes through in the end. People who have adulterous spouses say broken promises and lies hurt way more than the consummation of the physical act. Post divorce, broken promises can lead to contempt proceedings, which can bring monetary penalties and even time in jail. In my law practice and in life, I try to under promise and over deliver. A promise is a big deal. If I say I am going to do something, I do my very best to do it. A man or a woman can go a long way in life by simply doing what they say they are going to go. Keeping promises.

The woods are lovely, dark and deep,  
But I have promises to keep,  
And miles to go before I sleep,  
And miles to go before I sleep.

~~Robert Frost



# The Four Horsemen of the Apocalypse and Christmas

When I was a kid, time would stand still before Christmas. It seemed like an eternity from Thanksgiving Day until Christmas Eve. My mom worked in retail and was really over the holidays because they involved lots and lots of work for her. She was OCD and hyperactive, so it was not uncommon for our tree to be in a box by Christmas afternoon. After all, she had to be back at work December 26<sup>th</sup>. I guess I was distracted as a child, but it bothered me as a young adult.

These days, the holidays are crazy and a small part of me understands where my mom was coming from (the larger part is talking it out in counseling). My friend, Roane, says “I’ll be home for Christmas and in therapy by New Years.” Today, we race from school to work to soccer games and ballet. There are Christmas parties and family gatherings, shopping, cooking, mid-term exams and other projects we do out of obligation or to create a sense of self-worth. Add separation, divorce or marital problems to the mix, and you have a recipe for self-medication, anxiety and depression.

Happy Christmas.

**John Gottman** is world renowned for his work on marital stability and divorce prediction. He and his fellow researchers conducted 40 years of breakthrough work with thousands of couples. His Four Horsemen of the Apocalypse are used as predictors for divorce in couples. They are 1) Criticism 2) Contempt 3) Defensiveness and 4) Stonewalling. The horsemen, like your in-laws, come for long visits during the Christmas season when couples are in conflict and especially when the conflict has or is headed to divorce.

*Criticism:* This is attacking the personality of your spouse. It applies to your ex too. The “I’m right and you’re wrong.” “You always drink too much.” “You never talk to me when we are with your family.” “Why are you so mean to the kids all the time.” “Why can’t you get your sh\*t together?”

*Contempt:* Contempt is an attack on another’s sense of self with the intention to insult or abuse. Contempt is name-calling, hostile humor, sarcasm and mockery. It can be expressed through body language, tone of voice, loud sighs, sneering, rolling eyes or the curl of one’s upper lip.

*Defensiveness:* This is seeing oneself as a victim. It is excuses for a perceived attack. “It’s not my fault I didn’t buy the eggnog, I was busy all day.” Defensiveness can also come

through cross complaining. It is dishing it out as much as you take it. It is meeting criticism with criticism –contempt for contempt. "I only slept with my nurse because you are too busy with your new career."

*Stonewalling:* Stonewalling is the silent treatment. It is the flight not fight. Criticism and contempt are met with silence. It is disengagement. The stonewaller always "wins" because he is checked out. The stonewaller feels he is avoiding conflict, but he is actually conveying disapproval, distance, separation, disconnection and arrogance.

Silent freaking night.

So if you are happily married or headed for divorce, the Four Horsemen will show up like Uncle Eddie in his Winnebago. Nobody likes them. Nobody wants them. They have no place in your marriage or in your divorce. Learn to recognize them and send them packing.

Merry Christmas.



## It is More Fun to be the Crazy One

The stuff I work in every day is what people talk about at cocktail parties. The soccer mom who left her car at Shucker's all night, the swingers who live down the street, and the kid who was sent to school by his daddy in pajamas with a bad case of bedhead. This is the stuff people don't post on Facebook –okay most people don't post on Facebook.

A person behaving badly in marriage is often the rule, not the exception, but the bad behavior can often be attributed to addiction. Addiction is cyclical. It starts with fantasy. I would love to have a "donut" right now. An addict's "donut" can be porn, sex, alcohol, work, drugs or an actual donut. Fantasy is the false belief that the addict will feel better if he eats a donut. A donut will make everything okay. The donut truly loves and understands the addict. Fantasy is a lie.

From fantasy, the addict moves to ritual. The internal conversation goes like this:

I will just drive by the donut shop on my way to work. No harm in that. Oh my goodness, the "Hot Now" sign is on. Maybe I will just pull into the parking lot. If God wants me to have a donut, a parking space will be open.

On the fifth trip around the parking lot, a spot opens right in front and the addict pulls in.

From fantasy, there is acting out. It doesn't happen after every ritual. Sometimes the addict resists. And sometimes the bad behavior is only a donut or two. But inevitably, at some point if the cycle is not broken, there are three boxes of donuts on the back seat of the car, and this moves the addict into the fourth phase of the addiction cycle, guilt and shame. The addict feels a deep sense of remorse and self-loathing because of his acting out. He feels worthless enough to self-medicate again and again and again, and hence the cycle continues.

The person in relationship with the addict dances the crazy dance too –the worse cases become full blown codependency. I think of codependency as the state of worrying about someone else's junk more than your own. It is when your emotional state is controlled to a large degree from someone else's words and actions. According to Skip R. Johnson in *Codependency and Codependent Relationships*:

Codependent relationships are a type of dysfunctional helping relationship where one person supports or enables another person's addiction, poor mental health, immaturity, irresponsibility, or under-achievement. Among the core

characteristics of codependency, the most common theme is an excessive reliance on other people for approval and identity.

I have now come to the conclusion it's more fun to be the crazy one. The crazy one has to deal with all the guilt and shame associated with their poor choices, but at least they are numbing the pain with lots and lots of donuts and visions of donuts and the excitement they feel right before the bite. The codependent spouse gets all the angst and none of the fun. They are at home taking care of the kids and losing sleep, wondering if the addict is dead or alive.

**Anne Lamott**, a left coast, left wing hippie Christian author says, "Healing begins with Step Zero: we wake up and say... This shit has got to stop!" I think that logic applies to both the addict and the codependent. At some point, the crazy dance has got to end.

As you know if you have read many of these blogs, I am a divorce lawyer, but I value marriage and I have unique perspective on the subject. Maybe one way to get the shit to stop is by taking a legal stand.

What do you have to lose?



## Sexual Addiction and Divorce

Back in early 2001 when I had been a lawyer for about two years, L.C. assigned me to work for a husband and father in his early 30s. His wife had abruptly left their home in another state with their child and moved in with her parents who lived in a small Mississippi town. The wife's family was very wealthy.

A few years prior to his need for a family law attorney, a job change had geographically separated the parties for a short while. When his wife did join him, she visited her family often and for weeks at a time. The couple was rarely intimate. They were both virgins when they married, and he was understandably very curious about his sexual identity. Her familial enmeshment was unhealthy at best. When it was apparent she was not coming home, my client was asked to return a computer they both used in the marriage. He resisted, but finally relented and shipped it back to her. Suspicious of his reluctance, she had the hard drive swept, and to the horror of this young mother, remnants of pornography were found –all types of porn. Wanting to keep his marriage together at all costs, he did an intensive workshop with Dr. Mark Laaser, who I got to know a little because of his work with my client. Dr. Laaser said he was like a shoplifter on murderer's row at the workshop and later the recovery groups he attended.

This case lasted for several years and ended in multi-day trial, so it is impossible for me to articulate the ends and outs in this short blog, but it was the first time I was introduced to the concept of sexual addiction.

Patrick Carnes is the pioneer in the field of sexual addiction and wrote a book called *Out of the Shadows*:

Like an alcoholic unable to stop drinking, sexual addicts are unable to stop their self-destructive sexual behavior. Family breakups, financial disaster, loss of jobs, and risk to life are the painful themes of their stories. Sex addicts come from all walks of life - they may be ministers, physicians, homemakers, factory workers, salespersons, secretaries, clerks, accountants, therapists, dentists, politicians, or executives, to name just a few examples. Most were abused as children - sexually, physically, and/or emotionally. The majority grew up in families in which addiction already flourished, including alcoholism, compulsive eating, and compulsive gambling. Most grapple with other addictions as well, but they find sex addiction the most difficult to stop. Much hope nevertheless exists for these addicts and their families. Sex addicts have shown an ability to transform a life of self-destruction into a life of self-care, a life in chaos and despair into one of confidence and peace.

In the movie *Thanks for Sharing*, one addict described recovery from sexual addiction as like trying to quit using drugs while walking around with a loaded crack pipe in your pocket. While I do not recommend this film to someone struggling with sexual addiction due to its graphic sexual depictions, it may be something the spouse of an addict would consider seeing for an introduction to the recovery process and to give insight into the mind of an addict. There are many secular and Christian books on sexual brokenness, and Dr. Laaser's ministry, Faithful and True, [has links to sexual addiction self-tests](#) put together by Carnes and his team (You have to click a few times to get to it.)

How does sexual addiction affect your marital rights? In Mississippi and every other state, **adultery** is a ground for divorce. Additionally, the behaviors associated with sexual addiction could also be seen as **habitual cruel and inhuman behavior**. Certainly, engaging in risky sexual behaviors is not conducive to a quality parent-child relationship, and as with most addiction, does not lend itself to the contribution to the stability and harmony of the home, which the court reviews when examining equitable distribution and alimony awards.

While sexual addiction may or may not lead to the end of your marriage, I recommend if you are married to a sex addict, visit your doctor and have a head to toe medical exam. Also, whether you intend to stay married to your addict spouse or not, [counseling is highly encouraged](#).

Odds are if you are married to a sex addict, you have grounds for divorce. The question you have to ask yourself is whether or not you want to fight through the recovery process or cash in your chips.

I can make a strong argument for both.



## Life Uniform

Baseball players express their personal styles in various ways through their uniforms. The idea of a uniform, of course, is to identify an athlete as a member of a certain team. But inevitably, the personal tastes and individualism of the athlete will shine through. I knew guys who hiked their pants up high below their knees, and some that wore them all the way to their spikes. Some guys pushed their rainbow arched caps down just above their eyes, and some kept the bill flat but pushed up to their hairline. There are also thousands of differing undershirt styles and enough accessories to make teenage girls jealous. I will not even start writing about a player's glove, which is by far the most custom part of the player's on-field identity. Finally, there are dozens of popular facial hair variations, date stamping the era of our timeless American pastime.

Steve Jobs is famous for being a technology pioneer. Regardless of how you feel about him or his companies, one cannot argue the creative genius he was and with whom he was surrounded. Interestingly, however, he had zero variation in his personal wardrobe. He wore the same thing every day –black mock turtleneck, blue jeans and tennis shoes. He got the idea from factory workers in Japan, and he tried to implement something similar at Apple, which did not go over well. He spoke to his biographer, Walter Isaacson, about it:

In the process (of getting a uniform designed for Apple employees), however, he became friends with (famous Japanese designer Issey) Miyake and would visit him regularly. He also came to like the idea of having a uniform for himself, both because of its daily convenience (the rationale he claimed) and its ability to convey a signature style. "So I asked Issey to make me some of his black turtlenecks that I liked, and he made me like a hundred of them." Jobs noticed my surprise when he told this story, so he showed them stacked up in the closet. "That's what I wear," he said. "I have enough to last for the rest of my life."

Forbes wrote an article about it. You can read [more here](#).

My daughter is doing a presentation about Annie Oakley today at school. She is dressed in turn of the century western gear. Annie Oakley, whose real name was Phoebe Mozee, was not from the West at all. A world famous sharpshooter, she developed a stage character due to the popularity of stories from the American West and brought to life by Buffalo Bill in his traveling shows. People loved her.

It got me to thinking, if I had a life uniform, what would it be? I like my True

Grit zip pullover, corduroy jeans and comfortable brown boots. My wife, Rachel, likes her Lululemon workout gear and tennis shoes. What would be yours?

I am not exactly sure what this has to do with Mississippi family law and divorce. Maybe the message is maintaining your individuality in a world of sameness. Maybe the message is about simplicity and the futility of personal possessions. Maybe the message is about prioritizing decisions and separating the important from the unimportant.

You tell me.



## My One Hundred Dollar Bet

The guy who taught me how to practice divorce law represented several very high profile women in Mississippi. I don't know if my work with him is the reason or if it is something else, but I have always helped a slightly higher percentage of women than I do men. Each person and life circumstance is unique, but the one recurring theme is their promise to me they will never get married again. When they say this, I just knowingly smile. "I'll tell you what, I bet you one hundred dollars you will be remarried in the next five years."

"No way, Craig. You're crazy. I'll take that bet."

I win every time.

In fact, I am presenting divorce papers tomorrow for a beautiful, professional woman. I made the bet with her. She emailed me this morning:

Hey, Craig. Such a weight has been lifted in the last couple of weeks. Not having the divorce stress play in the background has been such a relief. I am concentrating better at work and just feel light. Thank you for everything you have done. I am looking forward to the closure tomorrow of having it finalized. If all goes well, I might even have a coffee date on Saturday! Good things ahead.

Thank you for helping me travel through the bad.

I love those types of emails and I love collecting my winnings. (Some of you out there who may be reading this need to pay up.) What they don't know that I do is the median time between a divorce and a remarriage is 3.5 years, and of all divorced people over the age of 25, 44% of women have remarried. Five years after divorce, 58% of women have remarried and ten years after divorce, 68% of women at age 25 or older at the time of their divorce have remarried. Remarriage rates are higher in the South than in other parts of the country. [See this little article for more.](#)

Believe it or not, the likelihood a client will remarry is something we give some consideration when we are negotiating a divorce contract. Especially alimony. There are many types of alimony in Mississippi, but the components of all the awards are amount, duration, modifiability, taxability and terminating events such as death, remarriage or cohabitation with a romantic partner. Old school permanent, periodic alimony terminates upon remarriage. So if I am representing a woman who falls within the statistics giving her a high chance of another walk down the aisle, I will try to negotiate an alimony arrangement with that in mind. Getting her the best possible

financial outcome.

Divorce sucks. No better way to say it. But there is life after divorce. Maybe even remarriage.



## Being Hit by a Pitch

I had the privilege to play baseball two seasons for Coach Ron Polk. He is an iconic figure in Mississippi State University athletics, the winningest coach in school and SEC history, and a member of College Baseball's Hall of Fame. Although I never made it into any record books and the best compliment I ever received from Coach was on the golf course, not the baseball field, he sends me a birthday and anniversary card every year. He does the same thing personally for every player he ever coached. I'm not talking about an automated email. He sends a hand written card twice a year.

Playing for Coach Polk was one of my first experiences in a highly efficient organization. We practiced every aspect of the game in workouts timed to the minute with a stopwatch. Coach Polk literally wrote the book on coaching baseball, and believe it or not, he was so detailed we even practiced how to be hit by a pitch.

For many years, pitchers who consistently throw inside are extremely effective. When pitchers try to throw inside, they are going to hit more batters than usual. I think the reason some kids shy away from playing baseball is the fear of being hit by a pitch, and I'll be the first to admit that it hurts. Basically, if you are about to be hit, you turn your body down and away from the baseball and tuck your hands so that the ball does not catch the bat or your fingers. That's about it. You take the lick and a base and try to act like it didn't hurt.

Marriage throws inside fastballs and wild pitches. There is a right way and a wrong way to get hit.

I have attended a few second marriages. One was for a college buddy who went through a nasty and complicated divorce. He and his beautiful new bride were married in a casual wedding, barefooted and on the beach. It was an awesome and happy occasion. One of the couples kids was sick that day, which was foreshadowing of how complicated a blended family can be, but my friend and his wife trust that God has a plan for them despite the fact that they were both hit by wild pitches. They tucked and turned away from the ball, protected their hands and took their base.

Recently I had lunch with Dr. Perry Sanderford of Crossroads Christian Marriage and Family Counseling Center. Dr. Sanderford is an elder in my church, has counseled with thousands of families, and is the founder of a great organization with sixteen therapists who work to bridge the gap between church and community. Dr. Sanderford and I were talking about my conflict as a Christian over advocating divorce. I explained that I rarely tell someone to get a divorce- I just help them after they have made their

decision. He says it either takes enough faith to stay or enough faith to go- but either way faith is the best way to deal with marriage's inside pitches.

So is your marriage throwing inside fastballs? Sometimes you get hit by a pitch, but sometimes you can stand your ground, have faith and rip a base hit down the leftfield line. Either way, you end up on first base.



## Define Your Divorce

My goal is not to be defined by what I do for a living, but define how I do what I do for a living. I think my team and I are doing a pretty good job. As you know if you have spent any time on our site, I am open about my Christian faith. Obviously, the Bible teaches that divorce is wrong except in very limited circumstances. I think God basically hates divorce, and I admit it is often uncomfortable telling people I am a divorce lawyer- especially in church settings.

I was certainly uncomfortable talking about my job when I first met Rachel's parents, both devout believers who are very much opposed to divorce and not very big fans of lawyers in general. I can remember their distaste when hearing about my occupation. Voltaire said that behind every successful man is a surprised mother-in-law. Mine is pretty taken aback, not because I have had tremendous financial success, but because I have effectively taken a different approach to divorce- so different that I do everything possible to help people avoid it if they can, but walk them through it when they can't. Other family members have also not been super excited about what I do for a living through the years. One time at a family reunion an aunt told me how horrible she thinks I am for "capitalizing" on people's suffering. At times is my career, I have felt that same way. But a smart family counselor recently told me that it takes as much faith to "go" as it does to stay; if I had a firm slogan- that would be it.

A person can be defined by their divorce or they can define their divorce.

You can wear around a scarlet "D" or you can transcend your circumstances and grow as an individual from your experience in a failed marriage. You are more than your marital status. You are God's unique creation with a unique purpose and a unique plan.

Take Paul, the author of most of the New Testament. After he and his associate had been severely beaten and thrown into prison, they were praying and singing hymns to God, and the other prisoners were listening to them. Suddenly there was such a violent earthquake that the foundations of the prison were shaken. At once all the prison doors flew open, and everyone's chains came loose. [Acts 16: 23-26](#)

Maybe, turning to God in your struggle will be noticed by others and not only will your chains come loose, but someone else's will too. Take Kathy for example. She was married for a long time to a prominent businessman. They had four children together and she lived a comfortable life in a small Mississippi town. After the kids were almost all out of the house, he announced that he did not love her anymore and he wanted a divorce. She was devastated, ashamed and she fought the divorce for a long

time. Finally realizing that her marriage was over, she agreed to the divorce and after receiving a good decision from a judge on the things she and her husband could not settle upon, she started her new life single again. Kathy could have sat around feeling sorry for herself or jumped into a relationship so she would not feel so lonely, but instead she started doing things for others and taking short-term mission trips. She was not going to be chained to her circumstances. As her faith grew, she eventually sold almost all of her possessions and is now on a journey as a full time missionary in a far away country.

I would also love for you to meet Marsha. She was spunky, stay-at-home mom with two young boys and a husband with a good job in the timber industry. She had never really worked outside of the home and had never finished her college degree - completely dependent on her husband when she discovered he was sleeping with her best friend. They fought a nasty divorce in a very public setting that culminated in a four day trial. Fortunately, her judge was not impressed with her idiot husband and she was given a sizable award of property and alimony. Instead of living off the spoils of her divorce, she used the time and money to finish her college degree. She is now a nurse making a good income and happily remarried to a great guy. She has continued to battle her ex, but she is a testimony to perseverance despite less than ideal circumstances.

Kathy and Marsha both defined their divorce, and so can you.

“A pessimist sees the difficulty in every opportunity, but an optimist sees the opportunity in every difficulty.”

--Winston Churchill



## Why I Like Second Weddings Better

So statistically, a second marriage is more likely to fail than a first marriage. In my opinion as a Mississippi divorce attorney, it is obviously because of the new life circumstances that surround a second marriage, such as the complex family situation associated with the blending of children from previous marriages coupled with the sometimes even more complex dynamics of the relationship with the other parents. Sometimes if a person has been single for any length of time, there is an associated unwillingness to compromise their independent lifestyle.

But to me, even though a couple has a statistically lower chance of success than in a first marriage, there is something very satisfying about seeing a person who has overcome adversity start a new chapter of their life. Divorce is such a bad thing, but a wedding is hopeful- even if it is a second for either the bride or the groom- sometimes especially if it is a second marriage. A person that has been through a divorce has learned a lot about life, love, happiness and how the choices they make affect their relationship.

I have been to four second weddings. I was a groomsman and later handled the divorce for two of them. If the bride had been previously married, the wedding takes on a very different feel (if they haven't, it doesn't really look that different). Men typically don't care that much about the wedding – whether it be the first or the second. We are too busy thinking about the honeymoon. Little girls dream about their wedding. It is how most of the Disney princess movies end. Millions of people worldwide are fascinated by the royal weddings because they are usually about a prince finding their princess. I guess when a woman gets married for the second time they have already had their “fairytale.” The second wedding is usually much more practical.

This past weekend Rachel and I went to a wedding. It was the second for her, first for him. The wedding was at the bride's family lake house north of Birmingham. It was very happy occasion. The area had been hit badly by a tornado and they did not have power or water to the home where it was held. They had to improvise to handle the small group of family and friends in attendance. Everyone was dressed casually. The bride and her dad walked down the steps of their dock where a few chairs, a white bow here and there and a simple, flower lined arbor were pretty much the only decorations. When the bride was approaching her future husband, she realized that she had forgotten her flower bouquet. She didn't give it much of a second thought. She just shrugged her shoulders and the wedding went on. An uncle ran up to the house and grabbed it and the bouquet got passed to her as the ceremony continued. The couple casually and happily went through their vows. The ceremony was hopeful. It was a tasteful, small, probably relatively inexpensive event that will be remembered by all

who attended for a long time.

You know, the excitement of the wedding wears off pretty quickly. A wedding is a celebration. You can have a celebration without spending a crazy amount of money and without going to ridiculous lengths. A wedding is about two people who love each other making a commitment. It does not have to be about all the rest. I guess my favorite thing about a second wedding is that it is just so much more laid back than a first. A second marriage is more about real life than a first wedding. A first wedding is the fairytale. Life is simply not a fairytale. We don't all ride off into the sunset and kiss as a heart shaped cloud appears and the credits start to rise. Marriage is work. Life is complex. A second marriage is about having another chance, and we all deserve a second chance.



## The Leaver and the Left

In every divorce, each spouse takes on a role- the leaver and the left. [Robert Emery](#) talks about this phenomenon in his book *The Truth About Children and Divorce*. I have recommended it to dozens of folks after seeing him speak in a conference a few years ago. The leaver and the left have a very different mindset when it comes to the process of divorce because of their place on the divorce grief cycle. Remember that unlike a death that has finality, a divorce continues to have the chance of reconciliation and therefore the grief cycle can be extended as the couple vacillates in the good times and bad that encamp every failing relationship. As time goes on, the grief cycle of love – anger – sadness begins to flatten out and the person can feel somewhat whole again, although very different.

The “leaver” has emotionally taken the first steps to leave the marriage. She has already started working the process. Imagine a slinky that is stretched out. The grief cycle gets smaller as you move forward in time. The “leaver” also gets to go at her own pace. She is emotionally detached at times, pissed at times, nostalgic at times. She has probably been lonely and emotionally starved and dying for the intimacy for which we were created to yearn for a long time. While there are butterflies in her stomach when she contacts an attorney or tell him that she wants to end the marriage, the feeling quickly turns to relief. (often followed by some level of regret)

The “left” feels like he has been punched in the face. He hears the “D” word or discovers the affair or is served with papers. The left is scrambling, reacting, and is in longer periods of prolonged love, anger and sadness. In essence, he is behind the “left” in the expedition of divorce.

This brings me to a little thing I learned in a mediation training seminar by [Troy Smith](#). Every conflict has an emotional element- the “E” and a financial element, the “\$.” When voyaging through the process of divorce, if you skip the emotions and go straight to the money, you end up in orbit and the problem is not resolved. If you get stuck in the emotional component of the dispute and never move past it, you end up circling over and over again creating a random entanglement of actions that are unproductive and excruciating. Healthy resolution of divorce requires a concerted effort. You must work through the emotional component of the situation while steadily moving to the nuts and bolts- kids, money, property division, etc.

Where are you in the cycle of grief?

I believe understanding what is happening to you is one of the first steps in dealing with it. While divorce stinks and there is rarely a great outcome, some divorces

are definitely easier than others. I think that working with a mental health counselor, a high quality attorney and taking a proactive and selfless approaches to parenting in a cooperative manner is the best you can do.



## Everyone Deserves a Mulligan

I started playing golf 20 years ago as a high school senior. I had some garage sale clubs and some buddies and I would trounce up and down the Jackson Municipal Golf Course or the links in Raymond at Hinds Community College. It has always been fun, but I have never really taken it seriously. In fact, I have never taken a single golf lesson. I pretty much just go out and play. My golf swing is of the classic has-been-baseball-player genre. Imagine that.

Over the years, I have played golf with all sorts of people. Some golfers are hyper-sensitive about the rules, counting every stroke and requiring you to finish every put. The day I make it to the Senior PGA is the day I am going to play like that. I have also played golf with friends who get way too angry at themselves and others on the golf course. It's a little unnerving. I can remember a former roommate from law school that could get a little scary out there. Yikes!

My favorite way to play is treating the time as an enjoyable outing with friends where we get to chat about little of nothing and maybe share a beer or two. Sometimes I keep score, but most of the time I don't really care. If I play a few holes back to back where I am having trouble getting the ball in the hole, I will quit keeping score altogether because I am just competitive enough to let it ruin my day. I just try to take it one shot at a time and one hole at a time. Being a person that was pretty serious about baseball for a long time, I decided that the day I practice golf like I did baseball for hours a day every day will be when I start getting upset about my score on the golf course. For me, a successful golf game is just being able to play. If I make a handful of pars and mix in a birdie, that's great. I don't care about the scorecard or my handicap.

That's not why I'm there.

Oh yes, the Mulligan. A Mulligan is a do-over, a second chance, a freebee, a shot that does not count against your score. Sometimes people play with a Mulligan per side, sometimes it seems there are unlimited Mulligans. As you may have suspected by some of my other thoughts in this little blog, I am big time in favor of the Mulligan. I am not in favor of them because I care so much about my score, but I am in favor of them because sometimes you just need to overlook a shot to get back on track. You see, when you shank one into the woods, you have to play the second shot from the woods. Because of the trees, you may or may not get back into the fairway. If you don't, that bogie could turn into a triple or worse before you know it. However, if you take a Mulligan, it is amazing sometimes how "that golfer playing behind you" corrects the little mistakes in the previous swing and you are playing from the short grass again. Instead of looking for your ball in the forest, you just forget the bad swing and the extra

stroke and just keep on playing.

So Craig, what's this got to do with Mississippi marriage or divorce? Good question. I think the bottom line is that we all deserve a second chance. Whether your marriage has failed or whether you are happily together and you just dropped the ball on Mother's Day (which I have been known to do), you can live life like the guy who gets angry at every shot or you can treat it like a relaxing time with friends where you get to be outside and chat about whatever.

Everyone deserves a Mulligan.



## Go Buy a TV

I have gotten on this kick where I like salmon for breakfast –whether it be in an omelet or on a bagel or served Benedict style, throw in some tomatoes, purple onion, cream cheese and capers and it is on. If you are feeling frisky, you could include a little spinach for color. While I have been trying to cut carbs lately, for breakfast, especially one including “pink fish”, I make an exception. Every now and then I will go to breakfast by myself. It is a good way for me to clear my head before I get in to the office to face the day’s challenges.

I was sitting in a place near my house last week eating a salmon bagel when I ran into this guy I used to know who was a counselor in a former life. He had served as an expert witness for me a decade ago in a custody case that is now a published opinion. I told him remember “So and so....”, and of course, he did. “Well, they are at it again. This time over who is going to pay for college.”

He smiled, shook his head and said, “I have determined that people in constant, post-divorce conflict need to buy a television and watch some reality shows instead of trying to live them out.”

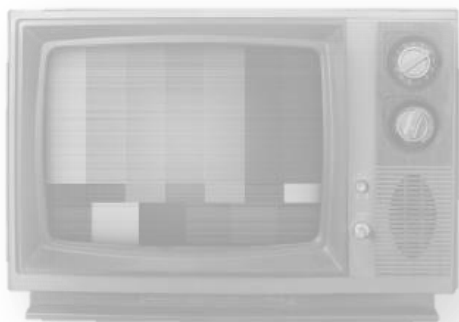
I laughed at the analogy, knowing deep down he is very right.

Here is a little side note about divorce in Mississippi. While I am a big fan of marriage, I hate that Mississippi is a fault-based divorce state. This means that in Mississippi, if you do not agree to get a divorce and you do not have a **legally recognized reason**, you do not get a divorce. It is ridiculous. It creates a situation where the party that wants a divorce the most will sometimes have to chew their leg off to get out of the bear trap of a miserable marriage. If someone stays separated long enough, they should be able to get a divorce in Mississippi, but it is an unpopular position for a southern legislator to take, even though it creates an incredibly hostile environment that will pollute the parties’ ability to cooperate in the future, just like the ones I am helping figure out the deal with the cost of college.

Last week, Jeremy and I tried a case in small town that I have worked in for years. With all the work putting our **adoption agency** together and several favorable family law settlements in which we were able to avoid a trial, it was good to get back into the courtroom. It felt like the old days. Cross-examination is one of my favorite things to do, and I am pretty darn good at it. My motto is “When in doubt, object!” In this case, the parties have been married for 35 years, and one of the few things they agree on was they had not had sex since 1995. Their marriage was not just on life support; it had been dead for a long, long time. Amazingly, it will be a close call as to

whether or not my client will get a divorce –because her long since estranged husband will not agree to a divorce because if the case goes to the Judge on the money issues, he will have to pay her a good bit, and he is holding onto his money with a dead man’s grip. Had he tried to hold onto his marriage half as hard as he is trying to hold on to his money in the divorce, these folks would be off celebrating life together. Instead, they spent two days in a throwback to the 1950’s courtroom and they will collectively spend tens of thousands of dollars just to get a divorce.

As I have gotten a little older, I do not watch very much television, much less reality TV. But many divorcing or divorced people would be better off if they did, as opposed to trying to live it out. Man, life is just too short. Although I obviously like a good fight in a courtroom every now and then, if it were my life on the line, I would avoid it at all costs and just spend my money on a good television and stay home.



## KEEP CALM and CARRY ON

I should be in the shower headed to the office, but I am writing to you instead. Last year I was in the habit of writing almost every day. I was sharing thoughts inspired by our church's **L3 Journal** to a bunch of guys. It hasn't gone that way this year. When Emma started kindergarten, our mornings became much more hectic, and if I didn't write first thing in the morning, it was not going to happen. This week, Rachel is on a mission trip in Costa Rica with a group called [Visiting Orphans](#). I am getting a small taste of being a single dad.

It is not fun.

Don't get me wrong, I adore my kids – but why anyone would choose this life is beyond me. I guess if we decide to start a family, few of us expected that we would do it by ourselves. It is against design. I will testify.

During WWII the British government commissioned propaganda posters to convey messages to its citizens. The guy who designed our website posted a YouTube video to Facebook that told the story about how one of these posters resurfaced in 2000 in a secondhand bookstore called Barter Books. While I had never heard of the poster before yesterday, apparently a lot of people have, and it has had a viral impact in the UK and the rest of the world. The British government printed about 2.5 Million posters in the 40's, but I am sure hundred of millions have seen the images at this point. The original poster is faded orange and is adored with a simple crown of a dead king. It says KEEP CALM and CARRY ON.

That is my advice today to my Mississippi divorce clients and potential clients. KEEP CALM and CARRY ON. Man, we know how to freak out about every little thing. I know I do, especially trying to do this thing by myself. I get caught up in the small dramas of life and lose site of the epic story God is trying to write with me. KEEP CALM and CARRY ON.

Before Rachel left we took the kids to see the new Lorax movie. It was in 3-D. I see more kids movies than anything else at the theatre these days, but this movie was awesome. According to Box Office Mojo, the Lorax has made \$158 million in 3 weeks. At about \$8 per ticket, that means that 20 million people (or thereabouts) have seen the movie so far. If you don't know the story, everything in the town of Sneedville was plastic- even the air was bottled. "No nature, no flowers, and no one seemed to mind..." There is a little girl who loves trees. Real ones. This little boy loves the girl, so he sets out to find a tree. The story is all about how materialism killed what was beautiful in the world, but that there is hope things can be better if at least one

person cares --If one person will KEEP CALM and CARRY ON.

Have you seen the Kony 2012 video? The last report I saw said that 80 million people have seen this movie, which was put out by a group called Invisible Children to make a Ugandan rebel infamous and bring him to justice through the international court system. It is a powerful short documentary and is an example about how our world, through Internet based media, is changing and being impacted.

Media is such a powerful thing.

Whether it is a war poster, a children's book or a movie, art and story engages our minds. It is how we were meant to communicate with one another. It gives a longing hope that one person or one idea can carry us through. That we can be fulfilled in this life if we lean into the Right Plan --if we KEEP CALM and CARRY ON.



## Not the Same

It has been a while since I sat down to write a blog article. Who would of thought being the executive director of a new, [Mississippi non-profit adoption agency](#) would be so time consuming? But I digress (more on that later)... I have a friend and client who is going through a divorce. He is a great guy who made a few mistakes. Actually, in the grand scheme of mistakes that a person can make in a marriage, his were relatively minor offenses, but his wife, a hard-charging, type-A personality, cannot stand that her perfect little idea of a life may not have a starched shirt and slick, silk tie. I grieve for him, but I grieve for her just as much. I want to reach out to her and tell her that if your idea of living is measured relationally to those around you as opposed to what springs from inside, inhabiting the spiritual realm, there will never be a sense of satisfaction, but what do I know, she is going through one divorce and I have been through about 500.

Folks, it ain't that easy on the other side of the marriage fence. Remember, God created family and when we traverse in a world post divorce, it is operation against the blueprint. Mind you we are all operating against God's intended purpose of unity after the fall, but divorce in the modern world with kids is like trying to fly a toaster –it is against design and it ain't gonna be easy. That's two "ain'ts" and a "gonna" in one paragraph –you can take the boy out of South Jackson, but you can't take the South Jackson out of the boy!

Speaking of South Central, I celebrated my twenty-year high school class reunion last weekend. I kept calling it my ten-year anniversary and Rachel kept correcting me – thanks babe. Everyone has changed so much, but yet there was nostalgia and a familiarity that created a kindred mood. Except for me, everyone looked so old. Lifetimes had unfolded since we had last been collected together. In high school, you are together for about 3 or 4 years, and you lived about 15 or so in preparation for the experience, but we were twenty-years removed and we were different.

The same friend who is going through the divorce wants to agree to do something that he cannot afford to do for his kids. He is that type of guy. His heart is bigger than his bank account. He says she tells him she knows he cannot afford the provision; she just wants it in "the papers." She will not hold him to it.

Wrong!

Your failed or failing marriage is like the high school experience. The marriage was a time of your life you needed to develop into the "who" you are, but when the busted relationship changes over time and there are other external and internal factors

at play, your former spouse will be as different as my high school classmates. There will be a familiarity about them, but they are not the same. When you are negotiating your divorce, you have to keep in mind that you are not negotiating against your spouse; you are negotiating against the person they will become in five years.

You don't know that person, but I do. I deal with her all day every day.



## I'm Divorced, I'm Separated, I'm Miserable, What Now?

Happy New Year! I have been intentionally silent in the blogosphere and email blast world for the last few weeks since our big gala for [200 Million Flowers](#) on December 6th. I guess I was just out of gas, having run so hard in 2012. It took totally unplugging from everything just for the creative energy to start to percolate again. Even on the last day of the work year I was forced to send a message to a young attorney. MESSAGE: If we are going to deal with one another for the next decade or two practicing divorce law in Mississippi, it goes a long way to pick up the phone and talk to me before trying to go around me. Be a problem solver not a problem creator.

Watching the ball drop in New York and all of the festivities associated with it, I realized just how tunnel visioned Rachel and I were in 2012. I totally missed Karmin and PSY, even though together the artists had something like 2 billion plays of their videos online. Have you seen this stuff? I am amazed at the power of the Internet. A seemingly sexually ambiguous Korean and a kooky duo featuring a girl with a great voice from Nebraska became international celebrities via YouTube.

Talking with a friend last night watching our kids play we agreed the first 20 years of life seemed like an eternity, but the last 20 have moved in warp speed. Do you feel that way? Maybe before you even realized it you no longer know the person with whom you share your bed.

So its 2013 and you are divorced or separated or miserable. What now?

I'll be direct.

If you are miserable, change something. It is a new year and you get a fresh start. If you hate your job –do something else. If you hate your body –make healthier choices in your life. If you hate the person you live with –stop pushing the dirt under the rug and deal with it.

If you are separated, solve the problem. Move to a resolution. Living in limbo is miserable. See above.

If you are divorced, take care of your kids and your responsibilities and then do anything you want to do.

I have this client. She and her husband had no kids although she longed for them. Her husband was promoted, and started working crazy hours; his plans no

longer included her. As an outsider looking in, I saw this as a golden opportunity for her to make a clean break. She grieved and then her grief turned to partying. After this lost its flavor like an old piece of gum, she went right back to something safe. A stale relationship in a stale house in a stale job and a ho hum attitude. If there was ever someone who should be embracing something more, it is her.

Don't be that guy. Have you read **the 4-Hour Workweek**? Go pick it up. It is extreme, but very thought provoking.

Lot's of cheesy seize-the-day-type clichés come to mind, but whether you are miserable, separated or divorced, do something grand. Start today.

My new year's resolution is simple –ENJOY TODAY.



## 10 Tips for Divorce Recovery

The papers are signed, the money is settled, and the kids are for the most part situated. Today is the first day of the rest of your life. The divorce is over and there is a big scary world in your windshield. You are feeling sad, happy and angry –all at the same time. While you are a little bit in denial, you know it is real. Surreal actually. You bargain with yourself about what could have gone differently, but you know you must move ahead. What follows are ten tips for recovery from divorce to help you navigate the upcoming months:

*Community:* This is embarrassing. My wife and I have a dog we named Wilson. Wilson has gotten in the bad habit of waiting till the dark of night and creeping his way into our bed, using the bench at the base as a little ladder, for he is only about a foot tall. I know what they say happens to you when you lay down with dogs, but he none-the-less has been known to wedge himself in between me and Rachel. You see, Wilson does not think he is a person; he thinks we are a bunch of dogs lying around. Wilson is right. People are pack animals. We need community. Whether yours is a life group, book club, softball team or group of fellow students, you need a community of like-minded people who let you be who you are, or better yet, who you are becoming.

*Cut Out Media:* I know this article is posted on Facebook and every other media outlet I can find, but I think you need to take a break from media for the first six months after your divorce. Delete the Twitter App from your phone, cut off the television and put down the newspaper. I like social media and a good TV show as much as the next guy, but when you think about it, they can be a mind-numbing downer, and you don't need that in your life right now. Through social media, people are for the most part posting the best 5% of their life, so make the choice not to look at it, as you will inevitably compare your worst to their best.

*Books:* As I have gotten older, books have become an important part of my life. Who doesn't love a good story of redemption and overcoming adversity? I know this sounds like a Schoolhouse Rock song, but you can go anywhere and do anything through a great book. Expand your mind. Yes, read that piece on transcendental meditation. Why not study the history of Venice, Italy or the life and times of Dave Grohl? If you are not growing, you are dying, and post divorce is a time for lots and lots of growth.

*Journal:* I am starting to work with this old book called *The Artist's Way- A Spiritual Path to Higher Creativity* by Julia Cameron. One of the keys to her ideas on becoming more creative is the idea of writing "morning pages." She suggests to discover and recover your creative self, you should put three pages down on paper to clear your mind each

morning. This is stream of consciousness not meant for public consumption. It is a time to clear away the cobwebs, pray, and seek to understand what is going on in your head. I have heard this talked about in spiritual circles for years, while I admit I am not very good at it. If you are worried it could be used in court at some point in the future, make it in the form of a letter to your lawyer.

*Don't Date for One Year:* This is a tough one I admit is easy for me as the Monday morning quarterback to say. You may have been in a loveless, sexless marriage for years and are ready, quite frankly, for some love and some sex. Okay, that's fair. While I have never lived it, I have observed a new love relationship being like Novocain to the wounded heart. A new lover does not heal the "what's wrong" it covers it up. If you do it again, you want it to be for keeps, and if you or your new interest has kids, it is going to be more difficult. One must become good alone before they can be good with someone else. Jerry Maguire was lying when he told Rene Zellweger "You complete me," and you are lying to yourself if you are saying that about the new person in your life. Your lover is simply not enough for you to be a whole person.

*Help Others:* I obviously don't know your story, but as a Mississippi divorce lawyer for a long time now, I doubt very seriously if it would surprise me. I promise you are not alone, and while your story sucks, others share an equally crappy set of life events with you. Psychiatrist Dr. Victor Frankl was a contemporary of Sigmund Freud and a holocaust survivor. He said for people to have meaning in their lives, they need to be focused on selfless projects, be in loving community and find redemptive purposes to their suffering. Living in America, we are some of the richest people in the world. There is some aspect of the human condition that pings your heart. Roll up your sleeves, drive downtown, hop on an airplane or a train or a bus, and go help someone. See if you can feel sorry for yourself while helping someone less fortunate than you. I bet you can't.

*Get Healthy:* I have suggested you wait a year to date, and you have already lost some weight over the stress of the divorce. It is time to get your body healthy. Go get a complete physical and find out what you can and cannot do. Let's get that body moving and put down the ice cream. You are going to feel better, look better and have more confidence for whatever is next.

*Take an Adventure:* What have you always wanted to do? Backpack through Europe? Ride a motorcycle across California? Take a rafting trip up the Salmon River in Idaho? Hike to basecamp of Mt. Everest? Visit every Major League Baseball park in the country? Learn to surf? Now is the time. Captive, you have been set free. Don't squander the gift of reinventing who you are. Go make a memory you can tell your kids about.

*Counseling:* I have a bunch of counselor friends and I am on the board of a local group

of therapists. I know one has to find redemptive purpose to the bad things that have happened in their life, but I want to see you moving forward as well. Like any other profession, there are good counselors and bad ones, ones with whom you will relate and ones with whom you will not. Find a forward thinking counselor and dig in to do some work about who you really are and who you would like to become. I have said before and I will say again some of the wackiest people on any college campus are in the psychology department, and that's good, because we need to start thinking outside the box about the next chapter of your life. Counseling is a tool, it is not the end all be all to your redemption. Do it, but not in isolation, and if you don't like the one you are with, find someone else.

*Fill Your Life with Love:* I believe God designed us to love and be loved. Above my backdoor, there is a painted piece of wood that says "Go Be Love." I think this list can be summarized by those words. If you focus your recovery on yourself alone, you are limited to your individual capacity. Dig deep with your kids. Dig deep into your own heart. Figure out what geeks you up and gives you a transcendent glow filled with love and do lots and lots of that.



## Husband-in-Laws

My friend Dr. Mike recently invited me to go on a quail hunting trip to Clarke County, Mississippi. You remember him from a **blog** I wrote a little while back. There are not that many wild quail left in Mississippi because of fire ants and coyotes, but enthusiasts buy farm grown quail and release them to be hunted. I am told it is not as good as the real thing, and it is admittedly a little unfair to release quail that have never flown and expect them to have a sporting chance at life. But the hunters only harvest about 50 to 60%, so these birds actually have better odds than the ones who end up on the menu in fancy restaurants.

I have done a fair amount of hunting in my life. I married into the type of Delta family that makes many of my hunting friends extremely envious. I have hunted deer, duck, squirrels, rabbits and dove. But never quail. When I was younger, we used to hunt deer with men who ran dogs. While my dad liked to be around hunting, he was more interested in the “ing” than the “hunt.” He liked working around the camp house, cooking homemade biscuits from scratch, watching football, taking care of the dogs, napping in the afternoons and listening to the men talk about what they saw or didn’t see. Like the times with my dad, this trip was as much about the “ing” as it was the “hunt.”

One of the things I liked about quail hunting was watching the dogs work. Bird dogs on a quail hunt are doing exactly what God made them to do. There is Brandy, a sixteen-year-old Brittany Spaniel. A bell was tied around Brandy’s neck because she couldn’t hear when her master called. He didn’t have the heart to leave her in the kennel, because she would whine and cry if she were not allowed to join the hunt. Brandy will probably not live past this quail season, but she will die doing what she loves. Sassy is an English Setter. Sassy is young and slim and worked the brush with fervor and diligence. Stone is an English Pointer. He is muscular and clumsy. He would point at the quail, but then ease in slowly but surely to snag it. He caught way more birds in his mouth than any hunter shot. Lastly are Rusty and Lake. These were Brandy’s pups who hunted slowly and methodically. They worked as a team. The hunters would let the dogs out two or three at a time, as it was early in the season and they were not quite in shape to go much more than an hour.

Two of our hosts on the hunt were locals, Jack and Andy. Interestingly, Jack and Andy had each been married to the same woman. Jack had been married to her for 25 years and they had a son together. Andy had been married to her for 10. When they talked about Jack’s son, Andy referred to him as “our” son. They were both very proud of him, and everyone thought he was a fine young man. They joked about their similar experiences with the wife they shared in different lives, and made light of what could

have been heavy circumstances. Andy said when he got married to Jack's ex, he met him for coffee and declared since they were going to be in each other's lives and Andy was going to be involved in raising Jack's son, they might as well become friends. And they have hunted, broke bread and done the "ing" together ever since. In fact, these husbands-in-law live across the street from each other.

Jack and Andy have decided to spend more energy on what they have in common than what they don't. The only thing sadder than a divorce is when the chaos never subsides. I am not necessarily suggesting you should become the hunting buddy of your spouse's ex, but focusing on common ground instead of past hurts is better. After all, love is creative.



## 200 Million Flowers

It is my pleasure to announce the formation of a non-profit adoption agency called **200 Million Flowers**. Although as a family law attorney, I can already assist in the adoption process, a home study, one of the essential steps in adoption, must be conducted by a licensed social worker employed by a licensed adoption agency. Streamlining this procedure is an essential tool in creating more efficiency in the adoption process, which is my primary motivation.

The vision and name originated from a careful study of several books, including **Orphanology**. I am learning that experts disagree as to how many orphans are in the world. Estimates are between 143 and 210 Million, but organizations that keep these statistics do not define “orphan” the same way. 200 Million Flowers will promote the welfare and best interests of children. In opposition to abortion Mother Teresa said, “How can there be too many children? It’s like saying there are too many flowers.”

There are not enough flowers.

More than an adoption agency, 200 Million Flowers will be committed to making the connection between children that need love and people that have love to give by promoting adoption, foster care and social services. 200 Million Flowers will be fueled by creative, energetic volunteers and staff with a heart for children that deserve to be healthy and happy.

200 Million Flowers will:

- Partner with parents to facilitate domestic and international adoptions
- Conduct home studies
- Use a mixed media campaign to influence public perception
- Provide social services to adoptive parents, birthmothers and caregivers of children in crisis
- Provide financial support and resources for partner organizations and ministries
- Work with networks of attorneys to provide world-class legal service aimed at building families
- Create mechanisms for parents to fund adoption journeys

Our initial goals are to:

- Employ a Licensed Mississippi Social Worker(s) with the LMSW or LCSW certifications
- Obtain adoption agency licensure in Mississippi

- Obtain 501(c)(3) tax exempt status
- Begin publicity campaign to identify potential adoptive families
- Begin Interim Program- Legal/Social Work/Counseling
- Create World-Class website and begin targeted media campaign
- Begin organization funding campaign
- Network to make connections with orphanages world wide for International adoptions
- Identify partner organizations and ministries to support
- Begin publicity campaign to identify crisis pregnancies in the United States

As of today, other than initial funding from a significant portion of the gross revenue of Robertson + Associates, we are finalizing the makeup of the board of directors, interviewing to find our social worker and working closely with the DHS in anticipation of submitting our application for licensure. While we are excited about the potential of these ideas, today they are only ideas. The global orphan crisis is an enormously complicated, generationally engrained tragedy in our modern society, and while there are limits to my vision, intellect, knowledge, energy and creativity, I serve a big God that has no limits.

If you would like to get involved, please send me an [email](#) and I will add your name to our list of contacts and keep you posted as we move forward.



## 200 Million Flowers Update

A few people have asked me whether or not I am going to quit practicing law and focus on [200 Million Flowers](#) full time. I kind of laugh when people say that, not because it is necessarily a crazy idea, but because I am leveraging the law practice to be able to help, in part, finance this new adoption agency. One friend said “The divorces are funding the adoptions.” I guess that’s true. However, I really love practicing law and managing my law firm. I get to work with an client base every day – many of whom are in the worst crisis of their life, and **the R+A team** is world class in my humble opinion. But I am also having a blast helping to get 200 Million Flowers off the ground. It is a really fun second job and we are just getting started.

I know many of you are interested in the progress of the agency, so I am going to spend a few minutes to provide you with an update. It is a very exciting time to become a partner with this awesome movement. 200 Million Flowers was just formed in June of 2011, and over that time, we have been constantly gaining momentum. The following is a short list of what’s happening with 200 Million Flowers:

- A sibling group from Ukraine is being pursued for adoption that they met through a 200MF event;
- We are working closely with the PALS house, a ministry of SCSCY;
- Liquid Creative is building our website and continuing to support us in many ways in developing our brand and marketing strategy;
- We submitted our application for licensure to the DHS on February 23, 2012 (Which was about a 7 inch thick three ring binder);
- We are working on brochures and cloud based administrative tools;
- Raising the Barr Fitness has agreed to be our title sponsor for our spring fundraiser, a race named Five K for the Fatherless and currently scheduled for June 2, 2012 in Olde Towne Ridgeland. [Please “like” us on FaceBook to get updates;](#)
- Our social worker will become a full time employment on or about May 1, 2012
- Creative partnerships are being formed for ministry and product development

I hope you will mark your calendar and plan to participate in the [Five K for the Fatherless](#). So you know, we are still looking for sponsors for the race. Contact me if you want more information.

It has been an incredible start to the life of this organization. Obviously, fundraising and public relations are a big part of what has to be done before we dig into the real work of combating the fatherlessness pandemic. We believe that our initial focus will be to provide home study services to adoptive couples and begin to build our

outreach program to women in crisis pregnancy situations. Last year in Mississippi alone, 7,000 children were born to teenage mothers.

Thank you for caring enough about this organization to reach this little update. Hope to see you on June 2<sup>nd</sup> at the race!



## Adoption, Mentoring, and Teen Pregnancy

By now you probably know that Mississippi ranks the highest in teen pregnancy nationwide. [Check out this recent news report.](#) According to Governor Bryant and his Plan to Prevent and Reduce Teen Pregnancy in Mississippi, youth in Mississippi are burdened with high rates of adverse life circumstances such as:

- *Only 71.4 percent of high school students graduate – lowest in the nation*
- *23 percent of 18 to 24-year-olds do not attend school, do not work and have no degree beyond high school – 2nd highest in the nation*
- *33 percent of Mississippi children under 18 years old live in poverty – highest in the nation*
- *39 percent of children live in families where no adult has a full-time, year-round employment – highest in the U.S*
- *57.9 percent of high school students and 28.4 percent of middle school students reported having sexual intercourse*
- *In 2009, Mississippi ranked highest in teen births with a rate of 64.2 births per 1000 females aged 15-19, compared to the national rate of 39.1 births per 1000 U.S. females aged 15-19*
- *Although 2010 data to compare states is not yet available, the provisional data from the MSDH show Mississippi's 2010 teen birth rate is 55.0 births per 1000 females aged 15-19*
- *23 percent of babies born to teens are repeat births*

Teen and unprepared parenting perpetuates poverty and is bankrupting our already financial burdened state.

According to the WJTV news report by Melanie Christopher linked above, “Holmes County has the highest number of teen pregnancies in the state. That figure means the county sits at the top of a disturbing list. And, in 2008, pregnant adolescents in the state cost taxpayers at least \$159 million. Eighty million of those dollars came out of Mississippi's pockets.”

I suggest mentoring and adoption are two ways to combat the negative impact of teen pregnancy.

Let's start with adoption. To be clear, adoption will not solve our teen pregnancy problem. The idea of adoption is sometimes a polarizing subject, because parenting one's own biological offspring is and should be a cherished right and responsibility protected by our constitution. However, developing a richer adoption culture could

help lessen the devastating, generational effect of unprepared parenting. Teen mothers could stay in school, the infant could be given better opportunity to thrive in a stable home environment and the cycle of poverty could be broken as it relates to one teenager and one infant. According to Tom Velie, the executive director of [New Beginnings](#), only 1% of pregnant teenagers choose to make an adoption plan –a number that is entirely too low. While Adoption is not the answer for every situation, it could be for more if we develop a paradigm shift in our culture.

Not every family is called to adopt, but everyone can do something. I propose that mentoring is another way to combat the negative impact of teen pregnancy. We live in a culture of absent fathers. They are absent because of divorce, work, choice or because they just don't get it. Little girls thirst to be loved. They are designed to learn about this love from their father. When the relationship is broken or absent, they seek it from other sources. They don't have to look very hard to find a hormone charged boy that will give her affection, and her Sunday school lessons about abstinence are a fading thought as she seeks the love she was created to long.

I worked in Christian sports camp called **Ignite** this past summer. I had six teenagers in my cabin, but none had a positive male role model in their life. These boys are growing up without knowing how to be a man. I suggested from time to time I need help doing different projects and they should text me if they were interested in working, and almost all of the boys texted me the next week wanting a job. The young men of our state want to work, they want to be fathered and they want to transcend the hand in life they were dealt.

When I first met my wife, one of the reasons I fell in love with her was for her passion for elderly. Rachel is a certified recreational therapist who has worked in nursing homes on and off her entire life. To say it takes a special person to do this type of work is an understatement.

While she still visits the nursing home weekly, she has channeled the same passion and poured her energy into a place for homeless teenagers, many who are in the position because the adults in their life and our system has failed them, some are pregnant or have given birth. She was recognized for her work by **Southern Christian Services for Children and Youth** and received their Hands of Providence Award. It's a big deal and I am proud of her. She is making a difference in the life of these kids by being present.

We need more people like Rachel to be mentors.

So whether you are called to adopt or not, I suggest everyone is called to do something. Without working to help others, there can be nothing transcendent to self, and we will remain in the ghetto of our own little world.

## Why?

So the other night I was sitting at a table for eight in Shapley's for the celebration of my friend's birthday. I had mentioned to him that Rachel and I were in the beginning stages of creating an adoption agency, and he had told the other guests about it before we met up with the group. Inevitably, one of the girls at the table asked me "Why?" Remember, we were not in church, people were having a few drinks and I was presented with this heartfelt, well-intentioned question out of sincere curiosity. While the table crew silent, all eyes were focused on me. I needed to have an answer. I don't know how well I responded to the question for my slightly intoxicated audience, but here is the answer after having a little time to reflect:

**There is a global orphan crisis.** According to the United Nations Children's Fund (UNICEF), there is estimated to be between 143 and 210 million orphans worldwide, defined as a child that has lost one or both parents due to death. The calculation does not include children that have been abandoned by their living parents. To give you some perspective about this overwhelming data, the population of the United States is approximately 300 million. There is a population of orphans in the world two-thirds the size of our country. "Religion that God our Father accepts as pure and faultless is this: to look after orphans and widows in their distress and to keep oneself from being polluted by the world." James 1:27 NIV As a follower of Christ who has been adopted by God into His eternal family, I have a duty to look after the staggering number of orphans in the world.

**Adoption costs too much money.** The average American makes \$41,000 per year according to the United States Social Security Administration. I have two sets of friends that are adopting from Ethiopia. They tell me they will each spend about \$35,000 to bring their children home. Statistics I have reviewed hold that adoption costs can range anywhere from \$15,000 - \$50,000, depending on the circumstances of the placement.

This is ridiculous.

**There must be a better, more efficient approach to facilitating adoptions.** I am committed to find a way to make it happen. At my law firm, I have been streamlining the internal costs of legal services for over a decade. While our law firm is driven to efficiency for profit, our new agency will be driven to efficiency for accessibility. I also believe that by partnering with the travel industry and using technology to create cloud-based systems, efficiency will improve and costs will decline. There is a huge movement in the American church to support adoption. The supply of orphans is obviously there; so basic economics requires the price to drop.

**An adoption allows a couple to redefine their family.** I have been in the business of reshaping families in Mississippi for over ten years. My sad cup is full of divorce, death, adultery, abuse, addiction and a whole bunch of bad stuff, and that is not even including my self-inflicted wounds. Adoption provides a child with a necessary home base- a foundation. Certainly no family is perfect, but I believe that having even the average dysfunctional family is better than none.

Finally, **I am ready to move from success to significance.** I have been very fortunate to cultivate a very successful law practice over my career at a relatively young age. As I am watching my father fight for his life at age 81, I am very aware that I am at halftime, at best. When I walk into heaven, I want to have more to say than I made a bunch of money and accumulated self-aggrandizing recognition using the world's measuring cups. Why can't a lawyer utilize the **Toms shoes** business model and give something back? Aligning my talent and energy with God's heart for the fatherless is a natural fit.

I guess in summary, the question is not "Why?" – it is "Why Not?"



## Olivia Y

There are many well-intentioned, talented people with hearts for children and Mississippians working at the Department of Human Services. However, I always advise people to work with a private attorney whenever possible. The DHS workers are underpaid and overworked. Obviously, while lawyers can help with child support collection and can bring certain private court actions related to children, attorneys are not able to provide certain social services. These are the responsibility of the state of Mississippi. One such service is our system of foster care.

Foster care is the temporary placement of a child that is in the custody of the state in a family setting. Relatives are the first choice, but the DHS is desperately in need of people willing to become foster parents. You can find out how [here](#). The goal of foster care is reunification with the biological parents, but sometimes this is impossible and adoption is the only alternative.

There are approximately 3700 children in foster care in Mississippi. Approximately 900 are waiting to be adopted. Find out more facts at the North American Counsel on Adoptable Children [website](#).

Due to our failing foster care system, an organization called [Children's Rights](#) from New York filed a class action lawsuit in federal court. These are some of the serious problems alleged by the plaintiff at the time of filing:

\*\*\*Children were routinely placed in emergency shelters and other temporary holding facilities for months at a time because the State had nowhere else to put them.

\*\*\*Caseworkers were overburdened and poorly trained, with high caseloads that prevented them from adequately supervising the children in their care or investigating reports of abuse and neglect.

\*\*\*After determining that children have been abused and neglect, DFCS often refused to open a case or provide services, and instead left the children in harmful environments, or diverted the children to relatives who may have been inappropriate or unable to provide care without support from DFCS.

\*\*\*Children experienced extended stays in state custody with little effort being made by DFCS to provide needed reunification services or to develop appropriate adoptive homes for them.

\*\*\*Instead of placing children in family-like settings, the state routinely placed children as young as toddlers in large group facilities, often more than 50 miles away from their homes. Some of these institutions were unlicensed and therefore did not have to comply with many state or federal requirements for staffing,

training, corporal punishment, or planning for children's futures. The class action litigation eventually resulted in a settlement and mandated sweeping reforms in our system. You can read about it [here](#). Unfortunately, it appears that the state of Mississippi is woefully behind in correcting the deficiencies.

What this mean to me is that we as private citizens are going to have to step up if we want to see change in our state. I am a proud Mississippian, but I am appalled that we cannot do better. We go to church on Sunday, we travel to third world countries to feed the hungry, but we are not taking care of our own children? Really?



## My Dog Wears a Sweater

We live in great abundance in the United States. It is hard to understand this until you visit a poor country like I had the opportunity to do earlier this year when I traveled to South Africa to work in orphan care at the epicenter of the world AIDS pandemic. Notwithstanding that amazing trip, which you can read about [here](#), it was easy to settle back into my routine of abundance. This is evidenced, in part, by the fact that my dog wears a sweater. I try to tell folks that he is my “man dog” or that he is my “hunting dog”, but the truth is –well, you know what the truth is. He is, to say the least, a luxury. For goodness sakes he is wearing a sweater!

A lot of people get depressed around Christmas time. Like Clark Griswold did in Christmas vacation –which I have now watched about four times this Christmas season, we set expectations upon ourselves and our families that nobody is able to meet. We are the anxious and self-loathing products of mass marketing. As my wife put it so well to me in the car the other day, “If people would turn their focus away from themselves at Christmas and serve others, they would not be bored and they would be much happier.”

On January 2, 2012, there will be a great opportunity to serve others by participating when [200 Million Flowers](#) partners with [Promise 139](#) to bring a group of Ukrainian orphans to Jackson, Mississippi. You can find out more information about how to get involved [here](#).

Here are some facts about orphan life as published by Promise 139 that you can think about this holiday season when you, like me, get to bathe in our abundance:

- \*\* Ukraine has over 100,000 orphans.
- \*\* Only 10% of these are orphaned due to death of a parent; the rest are social orphans due to alcoholism, abandonment, or imprisonment of parents.
- \*\* Every year, more than 2,000 mothers abandon their babies in maternity hospitals. Between 6 and 7 thousand more are abandoned at an older age or removed from home due to crime or neglect.
- \*\* Many social orphans have experienced abuse and violence from parents who were drug addicts or alcoholics.
- \*\* Orphans typically grow up in large state-run homes, which may house over 200 children. Many children run away from these homes, preferring to live on the street.
- \*\* Children usually graduate from these institutions between 15 and 16 years old and are turned out, unprepared for life outside the home.
- \*\* About 10% of them will commit suicide after leaving the orphanage before their 18th birthday.

\*\* 60% of the girls will end up in prostitution. Those who run prostitution rings target orphaned girls, who are especially vulnerable due to their lack of options and lack of people who care what happens to them. Though promised good jobs, they end up on the streets and brothels of cities across Europe.

\*\* 70% of the boys will enter a life of crime. Many of these will die young of violence or end up in prison. Most inmates contract TB in prison.

\*\* Ukraine is now encouraging long-term foster care in private homes as an alternative to large state-run orphanages, but it will likely take years for reforms to offer any meaningful change for many children.



## Young Lawyers

So when I was in high school, the guys grew out their sideburns- 90210 style. A few months ago, I thought I would revive the look. I didn't shave for a few days and when I did, I carved in some that would make Dillon proud. I let them grow for a week or so. As you may have suspected, they didn't look right. Not because they weren't cool- they were. It was mainly because one of them appeared to be gapped. It was weird. Upon close examination, my sideburns were not gapped at all- they had gray hair that made them appear that way. Just wrong!

Periodically, I get a call from a lawyer who wants to meet and talk about the practice of family law. It happens every few months. I had one of those meeting today. I have one tomorrow too. With litigation reform, dying mass tort litigation, medical malpractice limitations and other changes in the Mississippi legal climate, big firm's bottom lines are not as healthy as they used to be. Lawyers are losing jobs left and right and many super bright law students are finding that the legal job market is terrible when they get out. For some, upon losing their job, they have an epiphany that they want to practice family law. That's why they see me. They are either looking for a job or they are considering "hanging their shingle" and want some advice. Everyone thinks they can practice family law, because most lawyers know someone with a family legal issue.

I love these meetings. They are flattering and frankly I have a good deal of information to offer about this business. One of the only things I like about "getting gray hair" is that I am now a veteran family law attorney. I have tried cases in almost every jurisdiction in Mississippi and also in Tennessee. My firm only does family law- nothing else.

Many of these lawyers trying to find themselves are very bright. The one I met with today is exceptional. Her resume from an academic standpoint was as impressive as I have ever seen. People just like her are flooding the family law legal market. So should you, a potential family law client, hire these young guns? No. Listen, you cannot learn this stuff in a textbook. You cannot learn it doing research at the Supreme Court or in an internship in Washington D.C. The way you learn how to practice family law is to do it. In over ten years of doing nothing but family law, I am hard to surprise. When horrific things happen, I don't freak out. I focus. I can often predict the outcome of a case in the initial meeting. I did not learn this stuff in law school. I learned it by doing it.

I was a young gun once. Frankly, I had no business working on the cases I did. I was trying solo trials before many of my classmates had ever opened their mouth in

open court. I am not bragging- I'm just saying. If you find yourself sitting across the desk from a prospective family law attorney, ask her the **questions that I answered in this blog post from February**. Ask her how many divorces she has handled. Ask her how many cases she has tried. How many in front of the judge presiding over your case? How many against the opposing counsel? If you like what you hear, roll with it.

I love young lawyers. We have some great young legal talent at my firm, and many days I still consider myself to be one. Do your homework. That's all my sideburns and I are saying.



## Some Thoughts to the New Class of Attorneys

Hello new lawyers, and welcome to the practice of law. You worked hard to get here, so congratulations. I have seen lots of you throwing out interestingly crafted hash tags and such on various social media outlets, and you deserve to bask in the glory of your newly acquired status as esquire. When I became a lawyer 15 years ago, I didn't have Instagram or Twitter to share the news, just a crappy dial up modem at a friend's house to find out I made the cut. Actually, I was so stoked when I passed the Bar, I celebrated by buying a couch from a catalog to put in a house I couldn't afford. I loved that couch and that house, but I digress.

I know acquiring your law license means you now know everything about everything, but if you have a minute or two, I will share some lessons it took me a decade or so to learn:

**Specialize.** In today's market, it is easy to take on the mentality you will work on anything that comes through the door. For the first year or two of your career, while you are learning basic skills, this is a fine approach. If you are working for someone else, you do not have much choice in the matter anyway. However, I submit it is difficult to be a generalist. Generalists are forgettable. The lawyer who works in assisted reproductive technology or intellectual property disputes in mobile applications is much more memorable. It was explained to me like this early in my career. Let's say you are standing in the checkout line at the grocery store, and the person in front of you sees you are in a suit and asks what you do for a living. You respond proudly by saying, "I'm an attorney."

What is the next question they will ask? That's right smart lawyer, "What type of attorney are you?"

"I do family law, bankruptcy, personal injury and business law."

Do you know what they remembered? Nothing. A generalist is forgettable. Alternatively, if your response to the question is, "I'm an attorney helping high net worth individuals protect their assets." You are now memorable. If you cannot work in your chosen specialty because of your geographic limitations, you may need to expand the borders of your practice or move. Specializing is good. Generalizing is bad.

**Use Technology.** The use of technology is easier and cheaper today than ever

before. Embrace it. Lawyers get paid for exerting their mental energy on a given task. If one can use technology to do it better and faster, there is more mental energy in your tank for other tasks. Obviously, technology assists in marketing, but think document construction, time keeping, communications, accounting, file storage and calendaring. You do not have to be a tech geek to leverage technology in your practice. If you are in a firm with a bunch of blue hairs, they will lean on you, which is what you want. If your chosen path is to climb up the corporate ladder at some firm, your job is to make your boss's life easier. Do the job well and you will be loved. Do it crappy, you will be forgotten or fired.

**Learn to Delegate.** My dad was an electrician, but he was a master delegator. Even in his 70s, he would leverage the labor of those with him to get the job done. Unfortunately, if you are in a firm with a staff, the older legal assistants and paralegals know more than you, so it may be tricky to get them to help you. My first year of law practice, I was hated by the staff. I thought I knew more than I did, so my attempts to delegate were met with much resistance. You are going to find this pretty tricky, but it is essential. Remember, Frank Sinatra played the piano. He had others set up the stage. Look, you have got to learn to operate the office machines and do basic secretarial tasks. How can you teach someone to do something you cannot do yourself? There are only two ways to make money practicing law. The first way is to be able to generate more work than you can physically do yourself. The other is to get lucky and take big chances. Either way, working with a team and effectively delegating is a huge part of practicing law.

**Don't Buy So Much Stuff.** Want to put a noose around your own neck? Go buy lots of stuff. At my pre-midlife crisis age of 40, I find myself in a season of simplification. I have read lots and lots of books and articles about happiness, and one of the recurring themes is that of simplification. You can still drive a Ford and be a respected attorney. Operate with self-restraint when it comes to spending the money you are finally making. When I was in law school, I could easily live off \$1,000 per month. You are used to being poor, so even if you landed a job making \$80,000, don't go crazy and buy lots of stuff. Keep it simple and be happier.

**Lawyers are Your Friends.** I get referrals from satisfied clients, counselors, pastors, speaking engagements, writing, community involvement and my cumulative marketing efforts. However, the best work comes from lawyers –lawyers who don't do what I do and those who do but are conflicted. I will stipulate some lawyers are just jerks and you are going to hate them from a very deep place. These are not your future referral sources and you have my permission to be equally catty. For the most part, other lawyers are scratching around like you, trying to find fulfillment in work and get their car note and mortgage paid on time each month. Give your fellow attorneys respect, because while the client may or may not be around next time, the lawyer will be. You

can fight hard and compete and still be genuine to your colleagues. I have seen average lawyers who have great careers because they are well liked among the Bar.

**Find a Mentor.** The practice of law is one of the few professions where we are set free to wreak havoc on the world at large without a formal residency program. It takes about 10,000 hours to be good at anything. Some people take less time, but most take more. You are smart. You are successful. You are independent. You are a winner. But you don't know it all. Find a lawyer whose practice and personal life you respect, and ask them to mentor you. It is a high complement for folks like me. Follow them around. Ask them questions. Read the stuff they write. Cut their yard. And do it for free if you must (although getting paid is better). Want to be a great lawyer? Find a great teacher.

**Get Good.** If you are good, people will remember you. I know you just got finished studying for the bar exam, and reading and writing for free seems asinine. News flash, you have got to know the law to be a good lawyer. Read it every week. Read good blogs, read the hand down lists from the appellate courts. Read the work of other good lawyers in your field. Being a good lawyer goes beyond knowing the law. Be a person of your word. If you say you are going to call someone back, do it before you promised. Learn to communicate. That is a big part of your job. You have got to effectively communicate to your staff, clients, counsels opposite and judges. Skillful communication takes practice. Sit down right now and write out goals for your career. What do you want to have accomplished by the end of year one, three and five? Write it down, post it on your mirror and get to work. A little hustle goes a long way.

**Don't Define Yourself By Your Work.** The next thing I am going to tell you is going to hurt a little bit. You are not *just* a lawyer. If you only define yourself by what you do, you are going to have a very disappointing career and sadly, a disappointing life. The practice of law has afforded my family and me a very comfortable life. But if at your funeral all that can be said is he or she was a fine lawyer, I think the world will have missed out on something beautiful.

**If You Don't Like Practicing Law, Do Something Else.** I get lots of joy from the practice of law, but it is not all fun. A good friend of mine says if work was all fun, they would have called it something else. I do not spring forth from the bed every day and think about how many family problems in Mississippi I am going to solve, but some days I do. If you find yourself in a place where you are unhappy for extended periods of time and you absolutely abhor the work you are doing –do something else. I know you spent all this money on law school and your daddy is going to be upset if you do not become the next Johnny Cochran, but we only get one chance at this life, and if you are spending 40-60 hours each week doing something you hate, stop it and do something else.

**Give it Away.** Do some stuff for free. There are more legal problems in the world than there is money to pay lawyers to solve. You can't do everything for free, and it sucks to do work for which you are expecting to get paid and then you don't. But there comes a time and a place where you are going to have the expertise and resources to help someone. Do it and do it for free. Want to live a bigger life story, think about something other than your personal comfort and security and help someone else. Have a client that needs a break? How about a letter forgiving their debt to your firm? In summary, while I could have continued this monologue longer than you would care to read, you are entering into a profession which will have moments of beauty, poetry and dignity unseen by the rest of the world. While I wish you success in your career, more so I wish you fulfillment, peace, joy, happiness and a sense of purpose.

Now get out there and make the world a better place.



## Q&A About R+A

According to [www.divorcenet.com](http://www.divorcenet.com), there are ten questions that a client should ask their prospective divorce attorney. As the founder and managing partner of Robertson + Associates, I thought I would take a few minutes and answer them for you.

**1. Do you specialize in divorces, or are divorces just a part of your practice? Are you a certified family law specialist?** We do not close loans, we do not file bankruptcies, we do not chase ambulances, we do not bill insurance companies- all we do is family law all day every day. It is all we have ever done and all we will ever do. Although we would prefer it if you can avoid your divorce, marital dissolution is the biggest part of our family law only practice.

Although Mississippi does not have a system to recognize practice area specialists, I am Board Certified in Family Law by the National Board of Trial Advocacy, a national organization. You can read the requirements for this certification by clicking [here](#).

**2. What is your strategy for my case? How long will it take to resolve my case?** At R+A, we are goal centered. At the very first meeting, we put your goals and a plan of action in writing- every time. This is something many well-intentioned lawyers miss. If you can't yet articulate your goals, we explain your legal options and guide you through the process of identifying your destination- creating a roadmap to get there. Sometimes, based on circumstances that we cannot control, we have to refine our initial strategy, but that is part of the process. We do not take a rigid approach to helping people. We treat you like a person, not a file number. How long it will take to resolve your case is based on many variable factors, including the size of your estate, whether or not you have children, whether or not custody is a real issue, the judge to whom your case is assigned, the county in which you live, the attorney for your spouse, whether or not the divorce is contested and several other factors, most of which you have no control over. The shortest amount of time that a couple can get a divorce in Mississippi is sixty (60) days from the date that the Complaint for Divorce is filed. Realistically, irreconcilable differences cases take several months to complete, while a divorce on fault grounds can take up to and over a year.

**3. How long do you take to return phone calls? How do I get a hold of you if there is an emergency? What do you consider to be an emergency?** We return phone calls within twenty-four hours. If we cannot call you back personally, we have another team member familiar with your case get back in touch with you. If there is an emergency and my office cannot reach me, you may call me on my cell phone or at my home. If you do not have these numbers, ask me for them and I will give them to you. An

emergency exists when someone dies, gets seriously injured, or gets arrested. If the event that transpires is one of life-altering proportion, it is expected and appreciated when you call. I wrote a blog article about calling your divorce attorney after hours that you can read [here](#).

**4. Will anyone else in your office be working on my case? What experience do they have? Can I meet them?** At R+A, we take a team approach. Most of the time, your case will be assigned to two attorneys, but you will have one primary source of contact with our office. You will obviously meet the attorneys that are assigned to your case, usually at your initial consultation, but we are such a small group at R+A, you will have some level of contact with everyone. You can meet our team and find out about their experience [here](#).

**5. How will you charge me? What is your hourly rate? Do you charge for the time I spend with other lawyers, with paralegals, and/or with secretaries? If so, at what rate? What is your retainer up front?** We are essentially paid two ways. Our standard method is through the billable hour. Basically, the client is charged for the time expended on the case by all billing professionals at an hourly rate that will vary based upon experience and level of expertise. My hourly rate is \$300.00 per hour. All time is billed in 15 minute increments. We will require a retainer, which is a deposit into our trust account that will be used to pay for the time and expenses on your case. Think of it like a pre-paid calling card. You will set up an account with R+A and your bill will be paid from that account. When the retainer has a zero balance, you will be asked to pay the amount not covered by your deposit and replenish the retainer. It is common for a portion of the initial retainer to be non-refundable, because when we agree to work with you, we are also agreeing to forego representing your opponent and possibly other people. This is the most widely accepted billing method across the profession. Find a copy of our Standard Employment Contract [here](#). A newer, simpler way we charge is through a flat fee. Essentially, the client pays one fee for a defined amount of service for a defined amount of time. If circumstances arise that were not initially anticipated or they were anticipated but not included in the fee, new services are defined and additional payment is required. There are no retainers. You pay one fee for a service and that's it. Sometimes these can be paid in installments. Find a copy of our Fixed Fee Employment Contract [here](#).

**6. What costs other than your own do you expect will be involved (for example, for private investigators, forensic accountants, physicians, and/or psychologists), and how will you charge me for them?** On occasion, we have to employ other professionals to work on your case. Our employment contract explains that we do not do this without you being very actively involved in the process. We prefer that you work out your payment considerations with the third-party professional directly, but on occasion, if confidentiality is an issue, we can service the accounts through our office

and bill you for their service. If your case is being billed on our standard employment agreement, you will be billed for the time we spend interacting with the professional. If your case is being handled under a flat fee arrangement, the costs of interacting with the professional will probably be included, unless it was outside of the scope of our initial engagement.

**7. What's your estimate of the total cost to me of this divorce?** If you sign up on our flat fee arrangement, the price you are quoted is the total fee unless there is a change in circumstances requiring a "change order." If your case is being billed based upon our standard hourly rate contract, I will do the best I can to estimate expenses, but basically the more work we have to do to resolve your case, the more it will cost.

**8. Do you allow me to negotiate directly with my spouse? How can I keep the cost of my divorce down? Are there tasks that I can do myself to cut down on the amount you will charge me?** In most circumstances, we encourage you to negotiate with your spouse. Obviously, if you are a victim of abuse or are being threatened or intimidated by your spouse, it is not going to be in your best interest to negotiate except through counsel. There are several ways you can keep your divorce costs down. One way is to save your non-pressing questions and address them all at once. Another way to keep costs down is to remember the role of your attorney. Your attorney's job is to give you legal advice. When you are emotional, and you will be emotional, it is probably better to talk to a friend, family member, pastor or counselor. If you have routine questions or need to take care of ancillary issues, it is best to work with a staff member or the junior attorney on your legal team. The biggest key in keeping down costs is to understand how you are being charged. There are certainly some tasks that you can complete yourself that will save you money such as gathering documents, documenting your story, working with third-party professionals and other assignments that do not necessarily require any particular legal knowledge to complete. It is usually not best for you to attempt to draft legal documents yourself, even if you have legal experience.

**9. Based on what you know about my case, how would you predict a judge would rule on it?** This is a very fair question. I spend most of my day trying to predict how judges will rule. In Mississippi, Chancellors are given a wide range of judicial discretion. For so long as what they do is supported by substantial evidence, an appellate court will not disturb their findings. While I believe that most chancellors attempt to accomplish equity and decide cases as close to the middle as they can (making both parties equally unhappy), very often it appears that the husband or the wife was the "winner"- as if there is such a thing in divorce. But because of the way that our legislators have structured our divorce system, the person that holds the "divorce card" can bargain for a settlement that is well beyond what a judge would do properly following the law. This can be justice or injustice, depending on who you represent. You

can read more about the divorce card [here](#).

**10. What can you do to help me understand the tax effect of the decisions I will have to make?**

While we make suggestions concerning the tax consequences of divorce, and I have spoken at CLE seminars on the subject, we find it is best for you to receive outside help with the tax consequences of any proposed settlement, and we can recommend a Trusted Professional who specializing in taxation.



## Step by Step- The Initial Consultation

If you are facing chronic marital relationship problems in Mississippi, or some type of discovery blows the lid off the married life you were living, turn to us. Most people end up here by referral from a non-family law attorney, a counselor, pastor, the friend of a friend or a simple Google search.

Once you find us, the best thing we can do to help is by having a consultation in person or over the phone. To set up this meeting, a potential client calls our office or submits an **intake form online**. We have to get some basic information to run a conflict check. We need to know the “players” to make sure none of our existing clients' interests will intersect with the new potential client. If we do not have a conflict, our client services coordinator will forward a more detailed form. We charge \$300 - \$400 to review this information and spend 1 – 2 hours in communication about money, kids, life, dreams, goals and the development of a plan about all of the above. The submission of this form with the agreement to pay for our consultation begins our confidential relationship.

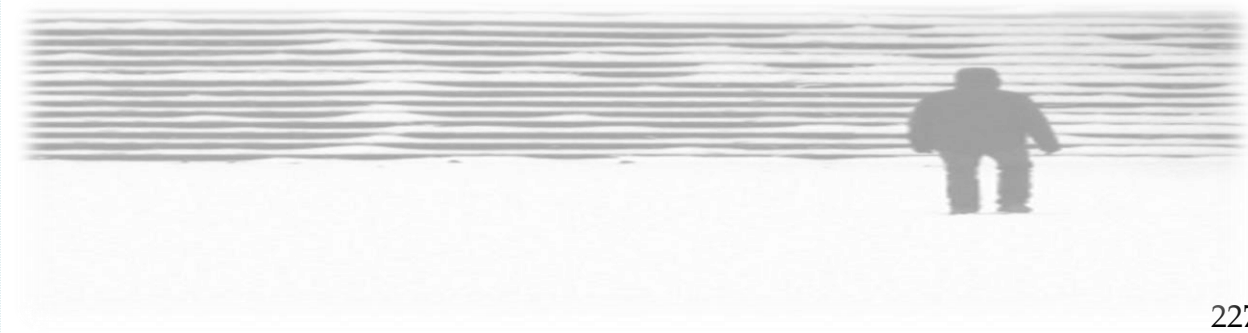
We try to get a new client on our schedule within 48 hours of submitting the pre-consultation intake information. We know the mixed emotions associated with the step to sit with a lawyer about your private life, so we try to make you as comfortable as possible. Our office is in a quiet, residential setting, and our service-oriented staff understands the importance of confidentiality. The furniture, wall colors, artwork and even the fragrances are designed to set our guests' minds at ease.

Once it is time for the meeting, a team member will escort you into one of our conference rooms. In our meeting, we will discuss the biographical information of the family, family income, vocational experience, business interests, assets, liabilities, daily life, health issues, educational concerns and insurance coverage. Once we have the basics, we ask a potential client to simply tell us their life story. How did you get from what you imagined your marriage to be to what it has become? What are your priorities? How would you articulate a positive outcome to a less than positive situation?

We love free dialogue and seek understanding.

Toward the end of our meeting, we will provide you with a folder containing more information. The folder usually has our standard **Employment Contract**, financial declaration forms with instructions, information on co-parenting and the Mississippi custody factors (if applicable), tools to help organize and evaluate your life story as it relates to divorce and your dreams post-divorce. We may make referrals or

recommendations at this point to a financial planner, private investigator or counselor. We may suggest you watch a certain movie or read a book or two. The goal of the first meeting is for us to have an overview of financial information and to begin understanding your life and marriage. Most of the time, we can help develop a plan for the accomplishment of a person's goals, even if they lack full clarity, and often even if they are totally undecided about whether or not to take legal action.



## Why My Firm is Going Green

Going green is pretty much a cliché these days- even in Mississippi where our embracing of forward thinking ideas is proudly often as slow as our speech. It feels more like a marketing pitch than it does a commitment to our planet. I would be lying to you if I said that I always make a conscious effort to reduce my carbon footprint. My wife drives an SUV, we take our recycling bin out about once a month because we are hit and miss with putting the right stuff in it and despite my best efforts, we still use a ton of paper in my office. So why would you, a potential divorce or family law client in Mississippi, care anything about a small law firm's ideas about going green? Well, let me tell you some of my thoughts and you can decide for yourself.

I would like my firm to be as paperless as possible and to operate "in the cloud." When operating "in the cloud", your attorney is not relegated to his office to have access to your file. We have implemented technology through **Dropbox** which allows us to access files from any computer with an Internet connection, from our phones, from our iPads- anywhere. The other morning for example, I had a breakfast meeting with a client about his **prenuptial agreement**. I was able to access his file from my iPhone, email him a draft copy of the document, and also provide him with another item that we had scanned for him to reference- all while sitting in a café. Not being chained to our desks creates an environment conducive to thought and creativity. You want your lawyer to have time to think and be creative.

We scan and digitally store our mail each day and when we do, we email our clients the information they need to know about their case. They have the data sometimes minutes after we have it and it saves our client's money because they are not paying for copies, postage, file folders, file tabs or other useless crap that some big firms use as a revenue source but put you no closer to your legal objective.

Going paperless means that we do not need as much storage space, so our offices are smaller and less cluttered and our overhead is lower because we are not housing boxes and boxes of old paper. After a divorce case is final, a great deal of the old information is no longer useful due to the concept of *res judicata*- that's a Latin phrase used in legal terminology which means "what's done is done." Now it certainly is important to keep hard copies of certain things, but for the most part you are trying to start a new life and all of that old stuff is like an ancient, heavy rock you and I are being forced to continue to hold. Having the stuff tucked away on a server in the Rocky Mountains is so much better.

We are a small firm and our new office has energy efficient lighting, the best insulation available and soundproof weather stripping on all office and conference

room doors. This will help lower our energy consumption and maintain your confidentiality because although we are pretty loud, animated people, what we say to you and what you say to us behind closed doors will stay behind closed doors. I also installed a dishwasher in the new office so that we can use real glass products as opposed to filing landfills with our numerous coffee cups. I confess that I am a caffeine junky. Admitting the problem is the first step in recovery, right?

I think most importantly, going green creates an efficiency mindset. In the grand scheme of things, usually the best resolution to your legal problem is going to be the fastest resolution to your legal problem. Sometimes we have no control over how long a case can drag on, especially if there are complicated issues of equitable distribution, child custody or alimony, but when your counsel is wired to think about efficiency, you are better off.

So, what do you think? Do you want your attorneys to be green?



## Tim Tebow versus Joel Osteen

I have a friend who is an addict. It breaks my heart how he continually makes bad choices. I have not supported his bad choices and he has said many things calculated to hurt me –mostly via text message. Even if untrue or with only shades of truth, words from those you love hurt the most. That is one of the many things that make divorce in the Bible belt of Mississippi (or anywhere for that matter) so freaking hard.

One of my counselor friends Phil Hardin said to a group I was attending the other day that the opposite of love is not hate. Love and hate are like the heads and the tails of a quarter. You cannot walk into a store and spend a “tails” or a “heads.” You have to spend the whole thing. Love and hate come from the same place. The opposite of love is actually fear. More on this some other day.

One of the things my friend said was that I am the Joel Osteen of divorce in Mississippi. He says I am a big fraud that uses my church and my faith to get business. While I don't really know much about Joel Osteen, I have seen him on TV, so I guess he is a modern day televangelist. I know he is the pastor of a mega church in Houston and he smiles all the time. I have been called many things in my life, but a televangelist is a new one for me. I have been pretty bothered by this coupled with some of the other things that he said. I really wanted to help him, but it got so bad that I had to ask him to stop texting me. I am very sad about it. I am grieving the lost relationship that was such a source of joy for me for a long time. It feels a little like a divorce.

While I am talking about this, I want to set something straight. While I am a Christian, I know God hates divorce. I wrestle with this fact every day. The way I see it, I am on the front lines of the emotional and spiritual battles that my clients live out when they walk through a separation or a divorce. It sounds crazy or hypocritical or whatever, but I love what I do. Some people have asked me if I am going to quit practicing divorce and focus all of my energy on our new adoption agency, 200 Million Flowers. The answer to that is “No.” Frankly, the divorces are funding the adoptions. Maybe this makes me a big fraud or selfish or whatever, but it is what it is. Take Tim Tebow. He is a somewhat polarizing figure in sports, especially after being routed by the Patriots in the playoffs, but few people can argue with his heart, both on and off the field. One of the biggest reasons he is able to be a philanthropist is football. Trust me, while Jesus is in his heart, if you meet Tim Tebow on the football field, he is going to try to tear your head off. He is going to play by the rules. He will help you up after he knocks you down. He will pray for you after the game. But while the clock is ticking and he is leading his team down the field, it is you against him.

My attitude about the practice of divorce in Mississippi is sort of like Tim Tebow's approach to football. I do not want to see people hurt. I am not going to play dirty. I am genuinely touched by my client's real life struggles. But if I meet you in a courtroom and I am representing my client against you, I am going to try to knock your socks off. That's all there is too it. Ask someone who has been cross-examined by me over the last ten years and see if they think I am like Joel Osteen.

Anyway, this entire situation has given me some real ideas about how to deal with harassing phone calls from people you once cared about, and that unfortunately, criminal charges for telephone harassment or cyberstalking may be the only recourse when a person on the tails side of love will not stop. This is especially complicated when you and the person have legitimate reasons to talk, like coordinating visitation with kids.

And to my friend, if he is reading this I want him to know that my heart breaks for him. I only want success, happiness and health for him and I hope someday he finds it. No, I am not the same person I was when I was 25. Thank God. As far as I can tell, if you are not growing, you are dying –and I want to LIVE.



## The South Africa Essay: Part 1

Is it a mission trip or a missions trip? Regardless, it was a long day of travel. The plane from Atlanta to Johannesburg was crammed packed. All types of people going everywhere. I had these big ideas that I would read and write, but I may have written a paragraph and I read a page or two. I watched half of two movies and all of one, which was about a guy who got trapped while rock climbing and literally had to cut off his own arm to survive. It was amazing, but gruesome. The entire group is tired, but we are glad to be in Africa. From the plane, Africa looks brown. I slept a little, but not much. The Delta flight attendants said that the fifteen hours we were in the air is the longest direct Delta flight in the world. I feel like we are about the start a great adventure. I pray for a paradigm shift- like I am moving out of the desert and into the second half. It feels good. This is probably the biggest adventure I have been on since I traveled Europe in law school.

The South African airplane is new. We are seated across the aisle from two nuns, which is always good. They almost look like twins. The African women on the plane are very pretty; they are thin and have great skin and symmetrical features. The coffee I had at the airport was incredible –double cappuccino with a sugar that was rough cut, but white. As a group we are still trying to feel each other out. I don't know everyone's name yet. My friend Don is leading the trip. He and I talked about having everyone share their story the first night. I will look forward to hearing why everyone decided to come on this particular mission trip –or is it missions?

I sat next to Angie on the short ride from Johannesburg to Durbin. She is one of our team members and lost her husband to a brain aneurism six years ago. Psalms 146 was laid on her heart then and in response she came to Africa. It reads like this:

Hallelujah! O my soul, praise God! All my life long I'll praise God, singing songs to my God as long as I live. Don't put your life in the hands of experts who know nothing of life, of salvation life. Mere humans don't have what it takes; when they die, their projects die with them.

Instead, get help from the God of Jacob, put your hope in God and know real blessing! God made sky and soil, sea and all the fish in it.

He always does what he says— he defends the wronged, he feeds the hungry.

God frees prisoners— he gives sight to the blind, he lifts up the fallen.

God loves good people, protects strangers, takes the side of orphans and widows, but makes short work of the wicked. God's in charge—*always*.

Zion's God is God for good!

Hallelujah!

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I felt great when we woke up this morning. While everything was really quiet, it sounded like Africa. Not safari Africa but more like jungle Africa. This part of the city is very lush. We are in a compound of sorts that is about three or four acres I would guess. The bread and breakfast is on a hillside outside of town. A place called Hilton. When I saw that word in the address when I was completing my immigration card, I left it out because I thought we were just staying at the American hotel chain. It is not. It has a little bit of an English cottage feeling. There is no air conditioning, but today there is a breeze. It is cool in the shade. This morning we made instant coffee-actually used some Starbucks stuff my wife bought. It was not bad. Everything is subtly different, but not so much so that the adjustment is difficult.

I am sitting under a Coca-Cola umbrella on a tile deck off the main house where we had breakfast. I can see the white buildings with green metal roofs in which we are staying. The rooms are small, but functional. They have two double beds and a smallish kitchen. The bathroom feels like it is more of a closet. The girls have nicer places.

The main house is white and has darkly stained windows and trim work with a red Spanish style roof. There is a small pool down a set of steps on the same level as the little cottages shared by the guys. The girls place is on the next lower terrace. There was a little white girl swimming naked. She may have been a little younger than my daughter, Emma, who just turned six. The other guests of the hotel were playing with a Rugby ball. Right now, cricket is on the TV behind me. I think I would be good at cricket. The grounds are well kept. There is an avocado tree –or avo as they call it here, behind the main house. Supposedly there are monkeys on the grounds, but I have not seen one, but I will be looking.

Our breakfast was cereal and breads with guava juice and some type of orange drink. There was also some deli meat. The juice was a little watered down and had an aspirin flavor to it. It was not good. In the city, everything is in bloom. There are a bunch of trees that look like live oaks that are dressed in purple. They are called a Jackaranda tree.

We are going around town in a small Mercedes. Apparently we got a free upgrade because the rental company was out of economy cars. They drive on the left side of the road in South Africa, just like in the United Kingdom. The city is very modern, but there are many people walking, and you go through pockets that look more like what you would expect Africa to be. You can tell this morning as we drove to

church that many people were traveling on foot dressed in their Sunday best. Some were in high heels. Some of the African women were holding brightly colored umbrellas.

This morning we went to the NFC church- which is a multi-site church a bit on the charismatic side. The fellowship spilled out into a courtyard. People were drinking coffee and juice and eating cake. When you walked into the modernish building that looks like it used to be something else, there was a wall of mirrors and an array of hanging lights in various groupings. Everyone meandered in and out – a very festive, community atmosphere. A girl immediately noticed that I was new and struck up a conversation. She was very welcoming and called me out as an American straight away. It's funny how people immediately notice that we are from somewhere else.

I knew every song that the worship team played. It could have been a service back home. There was a time when everyone prayed out loud for whatever it is that was on their heart. It created a buzz in the room that was not even slightly uncomfortable. I just listened. Our team had begun to drag a little due to the long travel before this point, but now there was a new found energy. The congregation was about half black and half white. There was an older lady that was twirling down front to the music with lyrics that talk about dancing before God.

The message was about our Creator wanting us to have a great name but being humble in our effort to achieve it. The pastor was a gifted teacher who poked fun at America more than once. They started the service with a conversation from a boy who was orphaned who walked to church three hours round trip. The boy, named Touch, talked about God striking down those who come against orphans. The pastor also mentioned Mother Teresa and how she achieved greatness by humbling herself. Jesus turned the path to greatness upside down.

The way up is down.

To receive is to give.

To live is to die.

To be righteous and Holy is to admit that you can't be.

After church, we went to the mall to eat. It was like any other mall, except there was a real international flare to the patrons and there was added security in the parking lot. Every time we get in the car I feel like I am on a roller coaster- not because Pyron, our driver and my roommate, is necessarily a bad driver, but because I am in what we think of as the driver's seat without a steering wheel. The roads are narrow and windy. Flowers are blooming on the hillsides. It honestly does not feel like Africa – maybe more like what you would expect of a large city in the islands or something. Maybe I just don't know what Africa is –or maybe it's just South Africa.

We went my Tabitha after lunch. This is one of the non-government organizations we will be working with this week. Tabitha does relief work and takes care of children in crisis. The kids and workers were napping. Tabitha is in a more industrial part of town that is run down compared to the rest. There is barbed wire lining the top of the fences. A green gate guards the entrance. There are greenhouses made of plastic in the parking lot and they are growing long leaf spinach in lots of pots. There were about five or six total. They are also growing various vegetables in a small patch of ground between the parking lot and the wall to the complex such as tomatoes, cabbages, potatoes, peppers and others that I could not readily identify. The plants looked healthy and the tilled earth was rich. A big roosters behind a fence guarded free range chickens. They were not exactly guarding the door, but they were definitely near it.

We did not stay long at Tabitha and headed back to our B&B. I am dragging some again, but the weather is so nice and the atmosphere is so festive that it is picking me up. Jet lag is a bitch. People are drinking beer and cokes in bottles. They are also taking shots. It's only about 3:30 in the afternoon as I type. Everyone is super friendly. I would love a glass of African red wine. They have a huge collection. I decide it is a bad idea, even though South Africans do not consider having wine drinking.

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After being tested by the devil in the dessert, Luke 4 describes Jesus' first public act of ministry:

Jesus returned to Galilee powerful in the Spirit. News that he was back spread through the countryside. He taught in their meeting places to everyone's acclaim and pleasure.

He came to Nazareth where he had been reared. As he always did on the Sabbath, he went to the meeting place. When he stood up to read, he was handed the scroll of the prophet Isaiah. Unrolling the scroll, he found the place where it was written...

The full passage from the Message of what Jesus read in Isaiah 61 is as follows:

The Spirit of God, the Master, is on me because God anointed me. He sent me to preach good news to the poor, heal the heartbroken, Announce freedom to all captives, pardon all prisoners.

God sent me to announce the year of his grace — a celebration of God's destruction of our enemies — and to comfort all who mourn, To care for the needs of all who mourn in Zion, give them bouquets of roses instead of ashes, Messages of joy instead of news of doom, a praising heart instead of a

languid spirit.

Rename them "Oaks of Righteousness" planted by God to display his glory. They'll rebuild the old ruins, raise a new city out of the wreckage. They'll start over on the ruined cities, take the rubble left behind and make it new. You'll hire outsiders to herd your flocks and foreigners to work your fields, But you'll have the title "Priests of God," honored as ministers of our God.

You'll feast on the bounty of nations, you'll bask in their glory. Because you got a double dose of trouble and more than your share of contempt, Your inheritance in the land will be doubled and your joy go on forever.

Because I, God, love fair dealing and hate thievery and crime, I'll pay your wages on time and in full, and establish my eternal covenant with you. Your descendants will become well-known all over. Your children in foreign countries Will be recognized at once as the people I have blessed."

I will sing for joy in God, explode in praise from deep in my soul! He dressed me up in a suit of salvation, he outfitted me in a robe of righteousness, As a bridegroom who puts on a tuxedo and a bride a jeweled tiara.

For as the earth bursts with spring wildflowers, and as a garden cascades with blossoms, So the Master, God, brings righteousness into full bloom and puts praise on display before the nations.

We are to preach the good news to the poor –he set the captives free, announcing the year of his grace. We are to celebrate God's destruction of our enemies –comfort those who mourn and give them a bouquet of roses.



## The South Africa Essay: Part 2

Story telling around the fire was incredible. We shared for hours. It was like a condensed version of the men's retreat about getting in touch with your life story that my counselor friend hosts in Holmes County he calls Deer Camp. I had never sat in a circle with men and women in that open of an environment. God created holy ground around in that place. The firewood burned about as fast as we could put it in the rock lined pit. It was very smoky. Shameful historical details of lives lived were shared and chains fell off. At the end when we prayed, I had my eyes open. As the missionary we are supporting named Jason was closing, a shooting star streaked across the sky. I realized after hearing story after story of seemingly blessed Americans on a foreign continent that even under the most ideal circumstances, we all have our own brand of fatherlessness. Thank God there is hope and restoration. In Revelation 9, John talks about the battle for our souls being won:

And I heard a loud voice saying in Heaven, "Now have come salvation and strength, and the Kingdom of our God, and the power of His Christ; for the accuser of our brethren is cast down, who accused them before our God day and night.

And they overcame him by the blood of the Lamb and by the word of their testimony.

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First morning at Tabitha. A little girl was watching me write in my journal. She was chubby and wore pink slippers with plastic flowers. They don't fit her little brown feet. Her toes hang over the end. The workers have a devotional with singing each morning. They sing in Zulu to gather everyone. Seemingly by chance, one will break into song and the others will join. One of the workers called Pretty beams like a brown faced angel when she sings. All I could understand was "I need your touch." The furniture is covered by blankets. It looks old and dusty. We can hear buses out of the open window and men are yelling. A lady in a bright pink shirt holding a sleeping child prays in Zulu. Her words are rhythmic and she makes different popping sounds as part of her language. A little girl plays with fellow team member Lindsey's baby blue plastic watch. Our choir's hands go low and then they raise them high. The room smelled like urine, but it didn't matter. Jan, pronounced Yan, addresses the group. He works with his wife who runs the orphanage's school. He talks about removing doubt so that miracles can happen. He said they see miracles happen at Tabitha every day.

We were briefed by Issy, the assistant director of Tabitha. The director is out with back problems. "The kids want to love, but lack basic boundaries on occasions",

she said. I experienced it firsthand. All of them want to touch- they want to hold hands- they want to be held. It makes you ache on the inside. They have a problem with some of them overeating. Children who have suffered starvation don't understand that there will be a next meal- you have to remind them. The recently lost a child who was HIV positive to chronic ear infections. The shock of the loss is painted on everyone's heart. She was the very first baby at the clinic and now she is gone. The doctors only gave her three months to live, but God gave the world eight years. She will be a princess in heaven for sure. "I keep dishing out food for her", Issy says.

All of Africa has been ravaged by HIV. We will be visiting the epicenter of the world crisis. We learn that an especially difficult problem for children is the gap in ARV medication between the young and teenagers. There is no gradual increase in the dosage, it simply doubles. The drug is very taxing on their little bodies. It is worse than chemotherapy or radiation.

The school downstairs has three classes and twenty-four students. The oldest are in about our equivalent to third grade. The school looks like any other, yet poorly equipped. The kids loved playing cricket. They use an old tennis ball instead of the harder cricket balls so they do not break out windows on the building, which is not very far from where they play. They loved teaching me how to play –especially when they learned I could easily pound the tennis ball over the cyclone fence topped with barbed wire that surrounded their parking lot of a playground. It would have resembled a prison yard, except that the children had the run of the place. When my "six" went flying over the fence to their applause, a host of little orphans went under the fence to locate it in the bushes on the other side. These kids, HIV and poverty and all, were as happy as any at home. They beamed with pride to show me their puzzles and games that would cost almost nothing in the United States. I felt ashamed of my gluttony. Their sports equipment was terrible. I will fix that before I leave. I showed them North America on their laminated world map. I placed a blue star as close to Mississippi as I could get it. It really covered up a good bit of Alabama and Louisiana as well. At that moment I realized just how far I had traveled.

The kids on the playground were mostly boys with the exception of one colored girl. That's how they refer to people of mixed black and white raise. Her name is Robin. She is magazine pretty and not an orphan. She is among the eight other kids that are dropped off in the morning by a caregiver. Because of the poverty and lack of quality schooling in the area, the orphanage school is considered desirable.

The boys were starved for touch. They rubbed the hair on my arm as if they had never seen a man before. Even more curious was the hair that peeked out above my v-neck color. My bracelet made by Mollie Ann says "Dad" out of wooden letters. Questioned by the group I was asked, "What does that mean?"

"I am a father", I replied speaking to about three boys.

"Ah, and you have a wife?" One of the taller boys said in a tone looking for affirmation as he discovered I was wearing a ring.

"Yes, yes I do."

"Where is she? Is this your wife?"

They pointed to Angie, also married and with a ring, but obviously to someone else. At this moment I realized that these young boys had no concept of family or family structure. No idea the role of a man or a woman in society. Many of the workers do not have husbands or they have been widowed by AIDS. It was a sobering exchange that made me swallow hard. A sense of burden swelled inside my body, starting at my wedding ring as the little brown hands, older appearing than they are due to the medicine, examined the jewelry that I almost never take off.

As we continued, the boys beamed as they showed me their books from Australia and their playhouse that resembled a makeshift homeless structure that you may think of seeing in a New York City alley or in the movie *Slum Dog Millionaire*. This playhouse was a micro example of what the rest of the week has in store for us. I left the boys to their study and joined some of the other team members that were playing with the younger kids on what looked more like a playground you would see at home, except that there were close lines and a barbed wire fence. The caregivers, who mostly only speak Zulu, several whom are HIV positive, were sitting under a tree on a plastic bench and singing. They would break into dance for no apparent reason. One woman with boyish hair wearing a blue apron with a red undershirt was especially fun. She was high on life. I later found out that her husband was dead from AIDS and she was having trouble with her meds. In the community in which we are serving, they burry between 150 and 300 people each week. The population is dying.

After a lunch provided to us by the saints that make up some of the Tabitha team, we packed food parcels for a distribution on Friday in Sweetwaters. Our lunch included various rolls and packaged cheese with a few varieties of strange looking deli meats. We also had iceberg lettuce and sliced tomatoes with an array of chips that had flavors like beef and spare rib. Tea is also served. I prefer the one they call Rooibos, which supposedly is used for a substitution for breast milk in the poorer areas. Tabitha estimates about 4,000 children are living without parents in child headed households. They do not have the life skills needed to survive on their own. The supplies were neatly packed into boxes that were easy to transport, but our job was to remove them from the expensive cardboard and place them into cheap plastic bags. The contents from which a family of up to six was to survive for a month

included the following:

- 3 chicken bullion cubes
- 1 bag corn meal
- 2 packages of sugar
- 1 medium bag of brown rice
- 1 box of salt
- 1 bag of oxtail soup
- 1 box of tea bags
- 3 white candles about 18 inches long
- 1 bar of green soap used to wash clothes
- 1 bag of spices
- 1 can of pinto beans
- 1 can of tomatoes
- 3 cans of sardines

Sometimes they supplement the parcels with the greenhouse grown spinach. I packed the boxes slowly and deliberately. The others worked more quickly. We created a makeshift assembly line where we had five people removing the contents from the boxes and placing them in the bags with the others acting in supporting roles. My body moved in slow motion as I realized the magnitude of the hunger problem in an area within minutes of homes and restaurants as fine as you would see anywhere in the world. I took time to smell the spices and the soap. I wondered whether if one of our families had to live on the contents of this small package for a month if the way we think would change? I wondered if I would remember this sobering process within a week of stepping foot on the ground back home.

By the time we finished packing the boxes, the kids were out of school and again ravenous for our attention. I could not walk past a child who did not reach out for a hug or want to grab my hand and take me somewhere. The color of my skin, whether my face was shaven, what I wore or anything else about me did not matter. I was an adult human being and that was enough for another life to yearn for my love and approval. The afternoon tour was of the chickens and roosters and the box in which eggs were laid. I was again impressed with the little gardens that were located around the facility. They had a large mulberry tree and the chickens periodically laid eggs, of course. Their spinach is highly nutritious and easy to grow. Titus 3:14 provides a challenge. "Our people have to learn to be diligent in their work so that all necessities are met, especially among the needy, and they don't end up with nothing to show for their lives."

Issy invited us to gym with some of the kids who piled into the back of Tabitha's only vehicle, which is a small Ford truck with a double cab and a camper shell over the

bed. We loaded about 6 kids and one of our team members into the back. They hung out the windows and made faces at me as I took pictures. The little girls are stunningly beautiful. Their smiles are exponentially more infectious than HIV. The road to the gym was very African –people walking with umbrellas and ladies carrying multi-colored bags on their heads without effort. While seemingly in some back alley where you could be gunned down by guerilla fighters, the gym was huge and as nice on the inside as any in the states. A towering rock wall guarded the north side of the building. Athletic instructors lined up the multi-racial participants. One little Hindu boy had a bright orange spot on his forehead. The kids from Tabitha stood out a little. They were all wearing rubber crocks, which they piled up next to their juice before bouncing onto the mat. Issy explained to us that she would love to take more of the girls to gym, but the owner had been nice enough to provide five scholarships and there was no money for the rest. The cost is \$100 per child per year. While their classmates had proper tumble outfits, most of the orphans wore shorts and t-shirts. It did not hamper their enthusiasm. As I took pictures of one of the girls stretching with a white girl with long blond hair dressed in red, she looked at her and questioned in her adorable South African tempo, “Is that your dad?”

My new little friend just smiled.

The business-man-I-can-fix-it side of me decided that I could easily raise \$1,000 so that all of the orphans that wanted to go to gym could go, dressed in new clothes. I surmised that a short video on one of my websites could raise the funds in a matter of hours. I was later reminded by Jason that we must consider transportation, lack of workers, the cost of petro and a host of other issues. My enthusiasm was slightly deflated, but I quickly understood.

Issy, who is single, adopted a little black angel named Esther. She was the class pet of the instructor. She would be anyone’s. She had on a proper blue outfit and knotted hair. Issy beamed as spoke about Esther. She paid for Issy’s way so as not to take a scholarship away from one of the other children. She explained that Esther’s mother was 14 at the time of her birth. She suffered from mental difficulties and had three children in three years, but one was aborted when the young mother was six months pregnant through a drug that almost cost her own life.

I asked Issy about what it would take for the children to be legally free for adoption. She explained that many are without proper documents and that while there are social workers, there is limited transportation for the amount of work required for just one child. It takes many hours of investigation to create documents for children who have dead parents or parents that are mentally incapable due to the effects of the powerful ARV medications. The government dynamic and eleven national languages make foster care and adoption almost impossible. The government also wants Zulu

children to be with Zulu families, but there are few Zulu families willing to take on another mouth to feed. I paused to reflect on the miracle it took for my friends the Kinsleys to bring home their son Alphie from the mission field. Don looked at me and reflected that “Africa is a 150 piece puzzle.”

“Make that a 1000 piece puzzle with a few pieces missing and without the box,” I added.



## The South Africa Essay: Part 3

Today I woke up about 3:30 to the sound of rain on the metal roof of our guest cottage at the Old Berkshire. I could not go back to sleep although it was the perfect slumber weather with rain and the hint of jungle. The temperature has cooled considerably. I got up and went looking for monkeys at daylight, but even they were smart enough to be elsewhere.

Today we are to be with iThemba, which means “Hope” in Zulu. iThemba was started in conjunction with the Baptist church in Hilton. They work out of a small portable building on the church’s gated grounds. Hilton is the Beverly Hills of this area. Our guide for the day was a girl with dual citizenship in South Africa and the United Kingdom. Her name is Debs. She told us her story and I liked it so much I asked her to tell it again. She was working in the UK in the pharmaceutical industry analyzing computer data. She hated it. As we snaked up and down the hillsides dodging cows that roam freely on the roads she explained that she was tired of making the rich richer. After a two week mission trip to an orphanage in Brazil, her distaste culminated for her vocation and she decided to complete a six month internship at the orphanage and see what happened. Due to circumstances caused by internal changes in the Brazilian mission, the door was closed. She had gone to college with Stu, the founder of iThemba, and after reading an article in a British newspaper about a grant that his organization received, she reached out to him via email. He just so happened to be traveling to the UK for a fundraiser that very day. While far from a trained teacher, she lights up when she talks about her work. During a pause in the conversation in route to Sweetwaters, she popped a Zulu disk into the radio of her very modest vehicle. She reflected, “I wanted my life to count for something, you know?”

My words cannot give justice to the amazing work and organization of iThemba. Our focus today was on the Asidlale or “Let’s Play” component of their ministry, which is an educational support program for early childhood development centers and preschools in the Sweetwaters community. Sweetwaters is the carnage created by apartheid, poverty and HIV. South Africa has many similarities to Mississippi, but we called ours segregation and it ended thirty years sooner. The crèche had probably 35 kids aged two to five. Handwritten signs near the door were written in English and spoke about one’s right to privacy and the inability of the school to deny children from coming to the center that were HIV positive. I don’t know if the signs were posted for us or the mostly illiterate young Zulu women who drop their children off every day. The place is called Nkululeko or “Freedom” and is on the side of a hill. It looks like something you may see riding through the Mississippi Delta, only worse. There is no heating or cooling. The building is more like a barn than a preschool. The children are bundled in jackets and wearing hats, but their shoes are in

a line by the front door. When we arrived, the children were quietly listening to the teacher, named Nombuso, who was instructing the class in their native tongue. My southern mouth cannot make the pops and ticks mixed with letters, so I cannot correctly call many of the children by name.

The children were engaging. Their clothes appeared to not have been washed in months. They were not as clingy as the orphans at Tabitha. Several disgusting outhouses line the edge of the property. Because it was raining, when I would see a little one slip out the back door, their little brown feet were covered with shoes again.

The crèche is the best in the community, but would have been long sense shut down in America. Debs beamed when she talked about the progress the school has made, but iThemba only works with eight of the approximately two hundred schools.

At snack time, the teacher arranged several blankets on the cold concrete floor. Brightly colored packages of chips, pretzels and corn puffs appeared from their school bags. The children would gather into groups of five or six and they dumped all of their snacks into one pile. They do this because all of the children do not have food. It was an incredible display of community. They literally shared everything they had. They beamed with life as the munched and smacked.

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One of Jason's favorite things during his extended stay in South Africa over the summer was Life Group where he connected with other believers from church. Everyone wanted to go. The meeting was held in the home of a man name Andrew, who is probably in his late sixties. He was the most inviting and welcoming man I have ever met. Jason said that at church one day he was approached by Andrew and asked if he would like to join his Life Group. "Thanks Andrew, tell me some of the details."

"Well, I'll get back to you with those because I am only conceiving of it now."

The meeting had about twenty-five people. We had picked up some quiches and pies that we brought. They served sweets and tea. There was a twisty donut thing that had been dipped back in sugar, a powdered sugar covered dumpling sized pastry with a cream center, candied pineapple and a cake that tasted like a Twinkie. Some of the characters in attendance could have been the subject of an indie film. There was a lady who worked in an auto shop who came to group with oily hands and a shirt with her name on it, an impish little bearded man that called himself Stitch, and a couple with their two daughters among several others. Two men had prepared to share. They were eager to hear from us about who we are, what we do and why we were in Africa. I told the group about 200 Million Flowers, my new non-profit adoption ministry. Although we had just met, they asked if they could pray for the organization at the end of the night. I eagerly agreed.

The first man who shared talked about the power of authenticity in our lives, where the inside self and the outside self meet each other. He intertwined biblical references with his own story of sexual abuse, bullying and immorality using the context of spiritual warfare and the character of Satan as the accuser, prince of darkness and father of lies. Christ is the opposite. The answer for him has been to turn on the light by being authentic. Secrets and darkness give Satan a foothold. As a “Christ killer”, one already knows the worst thing there is to know about me, so what do I have to hide now?

The second man who shared was a lawyer and a non-salaried staff member of NFC. He talked about Erastas, a little known figure in the Bible that is mentioned three times in Paul’s letters. Erastas was the city treasurer –a regular bloke that God thought enough of to name him in the Bible three times.

Prayer time was the highlight. Everyone prayed at the same time. I thought it was so cool, just like I did when it happened at church. At least two men began to whisper in another language. I thought it was Africans. Jason later told me they were speaking in tongues. If three years ago you had told me I would be on a mission trip to an African orphanage 9,000 miles from home and I would be praying with a bunch of people speaking in tongues, I would have called you crazy. Another interesting part of the time was the component of prophecy. If moved, a person would speak to another about what they believe the Spirit was saying. It was experienced by two of our team members. When there was a pause in the praying, the leader asked for everyone to continue and they did. When they prayed for 200 Million Flowers, all I could do was turn my palms to the ceiling. I felt the power of the Holy Spirit. The plight of the orphan was intensely lifted to God, and I will always remember it.



## The South Africa Essay: Part 4

Nothing has gone exactly as we planned. Sleep is a necessary but sometimes limited commodity. My body has not adjusted. The mind swimming with images of despair coupled with hope are dizzying. David, my roommate, has been my comic relief. In his deep southern drawl that reminds me of home, commentary about his socks and the day's events are sometimes surprisingly astute and reflective. Looking around our room, we are reminded that we are in Africa. The electrical system is primitive and the appliances are a little different –not other planet different, but certainly other cotenant different. For no apparent reason, sometimes the power will just go out, even if the weather is perfectly clear. The system will just overload. Locals say it will be out for days, but we have only experienced a few hours.

Our mission this morning is colored blue. Breakfasts are beginning to run together. Most days it is cereal, breads, fruit, yogurt and deli meats, but one morning, I cannot remember which, it was English-style with eggs, mushrooms, sautéed tomatoes and sausage. It was really good. We pile up into the cars and head to Tabitha in our usual caravan. We take multiple small cars so we do not draw attention. Crime is terrible in Africa. Everyone with money lives behind gates and walls and there are car guards at the malls and restaurants. When we arrive back at Tabitha, the kids are dressed in their best. They are hyped but orderly. Each child was being placed in groups by the color of a star marking their foreheads. The teacher explained this was so they could look out for each other. It was another several picture of community. Reflecting on the contrast between the children at Tabitha and in the crèches, I have settled on the reality that the children at Tabitha, while certainly in the same stratosphere of being underprivileged, have tasted love like candy. They crave it. While there is a deep sadness in their little brown eyes, there is a glistening of childlike hope that seems to grow. Twenty-Three souls piled into two compact cars and a small truck with a covered bed. The vehicle looked like it had never been cleaned, but there are much bigger concerns than clean cars. I was driving for my first time in Africa. I'm not a good driver in America. We tried to make our multiple near head on collisions fun. The kids in the back had smiles that were larger than their faces. None of the children had ever been to a movie. Never. The girls said the kids piled into the back of Tabitha's covered Ford Ranger sang the entire way. "Down by the river, where nobody goes, there's a big fat mamma, washing the clothes."

If they saw a police car they would say "Police, Ah Ah Ah."

If they saw a motorcycle, "Mo-to-cycle, Ah Ah Ah."

If they saw an ambulance, "Am-bu-lance, Ah Ah Ah."

Eric, the teacher who lives at Tabitha who works with the older kids, turned

away from the screen and joked that the movie would be played on the back wall of the theater. They knew better. When the movie started, their eyes were glued. It was like the pearly gates were opened and they had seen heaven. What will it be like when these orphans really see heaven and they take their crown from God? The only brief interruption was the popcorn, candy and orange Fanta. The Fanta created the need for the toilet, but they were hurrying. I grew up watching the Smurfs, but watching these kids watch the Smurfs was better. On the way back, the tune of their song changed to the annoying Smurf song, made more tolerable by their excitement and accent. I took pictures of the Tabitha truck in front of us while I was driving by sticking my arm out of the sunroof with Angie's camera. My favorite image is of the truck driving through a row of the purple painted Jackaranda trees that are now beginning to shed their blooms. When Pyron got his group out of the car, he turned up the radio and the kids from his car joined with the others and were dancing to the techno thump of Party Rock Anthem. The beat and the kids were jumping.

The afternoon plan was to be back with iThemba and see the mentoring projects in the community. We heard from field workers Mlo, Sizwe, Bex, Lindelani and Syv on this foggy afternoon. I have never been to Seattle, but I would imagine the weather we have experienced is comparable. The workers are on the frontline in Sweetwaters. It sits in a beautiful valley as multi-colored houses zig zag along the hillside. Animals roam freely and clothes are dried outside on sunny days. The field workers share Christ and serve as healthy role models for the kids in the community. The children they help are often unfairly burdened as the leader of their homes. Most have little or no food, and the food they do have is typically sugar and starch with a few vegetables they grow. No meat. Many are being raised by their Grannies because their parents are dead. Burials take place outside the homes. These brick marked piles of earth are constant reminders of the fatality they soak in daily. Voodoo-style ancestry worship is tangled with Biblical principles, and turning to Christianity will mean being ostracized by family. In the Zulu culture, if one breaks the ancestral chain, they are told their siblings will be lost. Ancestors, not Christ, are perceived to be the bridge to God and animal sacrifice is widespread. Many of the homes have the horns of goats butchered in the name of religion over the doorway. One can feel the evil that radiates from the valley. Animal skins made into bracelets presented by Zulu witch doctors snake around the wrists of the elders. The young iThemba workers, mostly in their twenties, lead small groups and have activities with the children and youth. They are Christian soldiers no different than those we sent to Korea, Vietnam, Iraq or Afghanistan, but theirs is a spiritual battle and their mission has eternal significance.

After they shared in a group setting, I had one on one time with Syv, which is short for Syvion. Syv is a senior field worker originally from Swaziland, an easy car ride to the north. He speaks Zulu and English fluently. He is dark skinned and wears a Pain Stewart style hat. The children benefiting from his ministry come from extreme

poverty where crime, teenage pregnancy, illiteracy, AIDS, drugs, alcohol abuse, and death are an everyday struggle. The burden is heavy in his eyes. As it does periodically, the attorney surfaced and I questioned him about his family and his background. He is engaged again to a girl from the community. Syv is handsome and carries himself with dignity. The biggest issue in Sweetwaters, according to him, is the lack of role models in the lives of the children, who are seeking acceptance through immoral behavior. It sounds familiar. I was curious how people afford drugs in this impoverished community, and he explained that they grew their own marijuana plants and created a potent drug by combining it with crushed ARVs and rat poison –a Zulu crystal meth. I prayed for Syv. I prayed for his marriage, for the youth of Sweetwaters and for his perseverance. He smiled big.

After leaving the church grounds, we piled back into cars and headed to Sweetwaters to see the ecofriendly community center IThemba is raising money to construct. They need \$450,000. I was in the car with Debs again. She loves her work and interacts socially with coworkers on occasion, but her family is in the UK and the type of work she does can be isolating.

When we arrived at the site of the new community center in Debs tiny Jazz, it was raining and our view of the valley was obscured by the fog. I have never been in so much fog. The ground is compacted red clay that sticks to my shoes. In this type of weather at home, we may have gotten stuck in Pyron's truck, but Debs little compact car somehow got us where we were going. The chief of the Sweetwaters tribe donated the land to iThemba, which would be like if the Choctaws gave land to First Baptist Jackson- basically unprecedented. We were told God stories all week, and this was one of them. Someone had put a metal structure on the property that looked like a huge cargo shipping vessel with a window that could be raised like a concession stand's back home. It was painted with happy, colorful pictures that were faded from the weather. We were invited in by the staff of iThemba into the box and joined hands in a circle and prayed for the community center.

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The little kids at Tabitha are called Gummies. While most were believed to be HIV positive, in reality, there are only a few. All have incredible stories. Each is as different as the children themselves. Tabitha kids are typically found by "mobile moms" that care for the child headed households in Sweetwaters or by the ladies that are providing much needed medical care to the sick. Siblings buried alive by their mentally ill mother have been rescued. A child left at the foot of her dying Grannies bed is now thriving. Sammy, a fat, happy little girl is a walking miracle. She is running and playing. Brandy Hester tells her story on the website of Restoration Hope:

Sammy was left orphaned when her mother died from AIDS. Sammy's only

remaining relatives took her in and she was added to the already overwhelming number of children in their care. When their resources were exhausted, Sammy's providers had to do the unthinkable. She was placed in a corner and left to die a slow death of starvation. A little life ebbing away in a corner of a dark mud hut.

John 1:5 says, "The light shines in the darkness, and the darkness has not overcome it." That beautifully describes the turn in Sammy's story. God's light came to Sammy in the form of a woman bent on saving lives. As she peered into the darkness she saw a one-year-old child literally weighing only pounds and breaths from death. Her medical training told her this child was too far-gone, but the Light inside of her refused to believe that. Sammy was brought out of that darkness and slowly nursed back to health.

On the surface, taking a group of preschoolers to McDonalds would seem like a minor deal. You may think traveling over 9,000 miles for such a thing is absurd. I would have totally agreed before our time in South Africa. A big part of our mission is to build relationships. You cannot build relationships over the phone or by sending a check. It takes physical presence. While stories of poverty and the complicated dynamics of the global orphan crisis have great value, until you have wiped its nose, it is only words on a page or images on a screen. The workers need to know their vocation has value. The children need to know there are Christians who would leave their families and their world to go on a long journey just for them.

The kids savor their food. They lick the ketchup from its little white container. On other days, the caregivers must be very careful that certain children do not overeat because of the psychological trauma caused by starvation. Today is not one of those days.

While the kids are eating, a couple of the guys and I take Tabitha's truck to fill it up with gas. It takes over \$100. Gas stations in South Africa are all full service. While we are there, we have it detailed. The truck has never been washed. Stains from years of service remain, although a team of six men hand washed the vehicle. We are proud to have served them in this small way.

After we returned the children to Tabitha, we drive outside of the city to spend the afternoon shopping for souvenirs. Weather permitting we will spend Friday in Sweetwaters, which I am told will be emotionally taxing. As usual, Jason chooses an incredible location to eat. I feel guilty, although the food is cheap by American standards. The setting is beautiful. Eating out in Africa is an event. You are never rushed. No one is trying to turn a table. Our setting is picturesque. The sun has come out and there is a slight breeze. A waterfall can be seen in the distance. Zebras graze through the meadow. Strange flowers decorate the exterior of the cottage converted to

a restaurant. There is a lemon tree behind the building. Like the people, the wild African lemons have a thicker skin than we are accustomed due to their harsh climate.



## The South Africa Essay: Conclusion

Today will be our heaviest day. We are going to the heart of Sweetwaters to visit the Hope Center where kids from the community live that cannot go home. They also distribute food on Fridays. We have a window in the otherwise terrible weather to get in. Narrow dirt roads and the hilly terrain make travel difficult. Before we go, we head to Tabitha to participate in the daily worship. Everyone attends. The children carry plastic chairs on their heads and line them out for us. The singing is transcendent. Hands are raised in the air and the smiles are big. The workers are angelic. Their worn shoes hardly touch the ground as they clap and sway. The children join the celebration.

My new friend George has expressed interest to Jason in making an extended visit, but he is not sure what he could do to help. George is twice divorced and lives alone. During a break in the singing, George is encouraged by Jan that the children have cherished his fatherly influence. Jan does not know that George wants to come back, and this was not a part of the scheduled program. It was prophetic and Spirit inspired. An elder man investing in the lives of kids in the African culture is rare. God is stirring something. I would not be surprised if George ends up living in South Africa to be a father figure for these fatherless children. What a great story.

All nine of us pile into Tabitha's newly cleaned truck and head for the community. We dodge cows and people as we make our way to the center. The valley smells wet, like red earth mixed with death. We pass women carrying children tied to their backs with blankets. Makeshift convenience stores look more like childhood lemonade stands, only less colorful and more serious.

When we arrive, we are introduced to Zanele. She lives at the Hope Center and runs the operation. Her spirit is infectious. She acts bullet proof. We are given a tour of the center. There is a window that is accessible to the community where women who cannot care for their children can leave them. The child is rested on a pink Care Bears blanket and a bell rings. It is called a Moses drop. I have conflicted feelings when I looked at it. I imagine what is going through the minds of the mothers who place their children through that window? What a selfless act. The children live across the compound in what looks like a shack. Mud from the rain has splashed against the aqua blue exterior walls. The building is connected to a partially completed room made of mud. Laundry is drying on a small tree outside. Other clothes are being washed in an old bathtub filled with rainwater. Water is collected from the roofs of the building in large green drums. There are true, free range chickens running everywhere. Free range means that the chickens eat what they find, not corn. I always thought it meant that they were not in cages. The roosters are skinny and scary, like they could kick

some serious ass in a cock fight. Trash is scattered about the grounds. There is a skinny dog tied to his house which is made of mud bricks and a stick framed metal roof. He looks hungry. I am not going to get within ten feet of that animal. I look down and realize that I have been walking over two graves in the middle of the compound. I feel sick inside, like the feeling you get when you have too much caffeine. I have to duck my head to get through the front door where the children sleep. A woman is sweeping, so we take off our shoes. The interior is clean and there are bunk beds with a stuffed animal on each pillow. A partially burned candle sits next to a Bible written in Zulu and a broken mirror. There is electricity, but it is primitive. Clothes are piled in the corner of the room and the halls are narrow and dark.

We pile back into Tabitha's truck and Zanele joins us. There goes the car wash. Zanele leads a team of women who care for the sick and the child headed households. She is going to take us to some of the homes under her care. Zanele has a cell phone that constantly rings. Many in the community saw the Tabitha truck this morning and are calling her Blackberry to express their needs. She speaks in Zulu, of course. We wind up and down the narrow roads of Sweetwaters. When we stop at the first home, I notice a barefooted little boy wearing blue jeans and a red and gray striped shirt. He looks at us with curiosity. The rain water at this home is collected in a barrel with no top. The home is constructed of red brick made of mud. Clothes are being dried on the fence. We pray for the young woman inside who is under several heavy blankets, although it is hot. She is in her twenties and dying of AIDS. Her lips are dry and her hair is tangled. Her eyes are yellow. I swallow hard and am glad when we say our goodbye.

The next home is worse and harder to access. We travel over a stream where you can see human waste. This home is composed of several buildings. There are caged puppies outside, but no garden like we have seen along the way. Another young girl is dying inside. I wonder about the moment she was infected. She has a jug of dirty water, pain killers, suppositories and cheap liquor next to her bed. Her caregiver is also HIV positive, but the ARVs are working and she can walk. They are glad we have come. The sadness is thick, but bright pink African flowers with narrow petals grow wildly and decorate patches of this dreadful place. Zanele engages in a serious conversation and we are led out of the home after Don prays for her comfort.

We are turned away at the third home. The patient is dead. The body is inside. A woman holds a toddler and her voice is melodic as she speaks with Zanele. The relief is palpable. They laugh with each other. The young woman, also called Zanele, died at 5:00 a.m. Her mother, who is left to care for the little boy dressed in all blue, yells for her neighbor in a happy tone as we leave the property. There is laughter after death.

The doorway to the last home is decorated by five sets of goat horns nailed to the white walls made of a stucco-like material. An evil oozes from the door that would be yellow if it had a color. The patient inside, age sixty-seven, sat in a wheelchair and wore a red sweater and a black hat. She spoke slowly as she fought the pain of the HIV and cancer killing her. The walls in her home do not go all the way to the ceiling. There is a bush hanging upside down from a string in the corner. She has dried skins tied around her wrist forming a bracelet, another sign of ancestral worship which is as much of a pandemic as the HIV in this place. Zanele exercises her skinny legs before praying for her in Zulu. The woman cries out during the prayer and I put my hand on her shoulder, which feels like I am touching bone draped in cheap fabric. A rush of adrenaline washes over me. I feel like a soldier.

By the time we make it back to the Hope Center, people are already lined up at the gate. We have a room full of boxes to pack. The work feels more urgent than it did earlier in the week. The ladies who work with Zanele were glad to have our help. It seems so inefficient to move the parcels from the boxes to the bags, but I did not question, I just put my head down to accomplish the task at hand. By the time we finished, there is a room full of bags. The distribution starts immediately. People are coming from everywhere. Each person is asked to sign a sheet of paper before they receive their parcel. Many cannot write their name and sign with an "x." There is an inordinate amount of left handed people, I notice. There are many overweight women, not from overeating, but because of their diet of carbohydrates and sugar. Somehow they were able to balance these heavy bags on their heads with little effort. It was impressive. While most of the parcels were given to women, there were some men. Many of the girls were young. Some were pregnant. I catch the eye of a girl who couldn't have been more than fourteen who held the baby growing inside of her tummy. She turned her eyes down when she realized I was looking at her. About this time the children who live at the Hope Center came home. They were a welcome distraction from the droves of people lined up to receive the food. Apparently someone at school had a tube of lip gloss, because many of the girls had shinny red lips. They smiled and blushed when we talked to them. One little girl had an eye that looked dead. I am told birth defects are common in Sweetwaters. When we finished distributing the food, the line was as long as when we had started. A man in a yellow sweater with a black hat looked at me as the line was finally breaking up at the news we were out of food and said in perfect English, "I'm hungry."

I put my head down.

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We ate breakfast, loaded our suitcases and headed to Tabitha to say goodbye. When we arrived, Issy was busy getting the participants ready for a rare Saturday gymnastics performance. Life was moving forward without us. I presented

the boys with the cricket equipment, which made me feel warm inside, and they divided the two sets between the older and younger kids as I had hoped. The children wanted to be held and tickled and loved, as usual. One boy who road in the car with me to the movie demanded that I stay, but seemed to expect I would leave and he would never see me again. This particular child is HIV positive, but he is taking his ARVs. Even if I make it back to Tabitha one day, he may or may not be there. Living in an orphanage and taking ARVs is taxing on the mind and body.

Leaving Tabitha, we drove toward the Durbin airport with the intention of stopping off to see the Indian Ocean. From the road in the hills at the first glance of the sea, you notice large ships floating off the coast. It has an ancient feeling. The ocean is pale blue with hints of green. The waves violently crash against the shore line made up of rocky boulders that are covered in patches of slippery green algae and exotic barnacles. A black man is posing for pictures in his red, jockey underwear. The sand feels like it is made up of tiny gravel, not nearly as fine as the white beaches of home. I roll up the pants legs of my jeans and take off my shoes to walk through the sand. I put them on again as I start my decent to a high rock. Crabs scatter. When I reached my destination, a slight sense of fear mixed with awe and peace wash over me. Waives threaten to knock me off my perch. I sat and thought about my wife and daughters and how much I wish we could share the moment. I thought about the stars on the foreheads of the orphans, the children of the crèche mixing piles of snacks to share and the beautiful young girl in red at the distribution center in Sweetwaters holding the baby growing in her tummy as she shamefully turned her eyes down. I thought about the amazing sacrifice of the workers from Tabitha and iThemba. I looked at the bracelet made by Mollie Ann on my left wrist. The wooden letters that spell “dad” are beginning to fade. I breathed deeply and thanked God for my life and whatever is next.



## Skip Scary Close: A Book Review

I have historically been a pretty big Donald Miller fan. He is the somewhat edgy Christian author best known for *Blue Like Jazz*, a NY Times bestseller. I have read several of his other works, and check out his [blog](#) from time to time. I read *A Million Miles in a Thousand Years* on a trip to Yellowstone, and its theme of living a better story is one of the reasons Rachel and I started [200 Million Flowers](#). I later got to spend time with Bob Goff, the whacky lawyer Miller writes about in the book and who wrote his own bestseller, *Love Does*. We even went to one of his conferences in Nashville. I must say, however, I was a little disappointed by Miller's latest work, *Scary Close*. *Scary Close* is a memoir concerning Miller's education about intimacy while he participated in counseling and courted his now wife. I thought the work as a whole was forced, naïve, redundant and somewhat arrogant, especially for someone who had not been married for a minute at the time he wrote it. While the book had some redeeming qualities and it is a super fast read, I would wait for this one to come out on paperback, or skip it altogether.

One concept Miller discusses, which I have heard expressed before by my counselor friends, is the concept of the false self. The idea is basically that God designed us a certain way. Everyone is uniquely gifted, uniquely fulfilled and uniquely inspired. This is our true self. However, at some point in our life traversing the fallen world, emotional trauma happens. We get hurt. We also hurt other people. This hurt causes us to feel shame and fear. To cover the shame and fear, we develop the personality traits we show the world. This character is the false self. Sometimes the world views our coping mechanism as somewhat healthy –hard worker, funny, sexy, athletic, smart. However, it is also the breeding ground for maladaptive self-soothing such as alcohol abuse, drug addiction, sexual dysfunction and eating disorders. We wear masks when our outward persona is not true to who we are. Understanding this dynamic can begin to make the fragmented person start to feel whole and open to true intimacy – to know and to be known, which is predominantly how people find fulfillment in their marriages.

Another interesting aspect of the book is the description of a two-person exercise to explain codependency. I have written about [codependency before](#). The leader of the exercise places three pillows on the ground. One person steps on the pillow to the far right and the other on the one to the far left. The pillow in between is the relationship pillow upon which both participants can step as they please. Codependency happens when the parties to a relationship are *all up on* each other's pillow (forgive the overly technical language). Healthy boundaries occur when each party respects that the personal pillow is, well, personal.

Pretty simple.

Regardless of the watered down pop culture psychology of Miller in *Scary Close*, marriage is enormously difficult and cannot be explained with some formula. But if you are married or divorced, this is something you already know.



## Same Kind of Different As Me: A Book Review

Rachel and I are art collectors. We don't have anything very expensive or by any extremely well known artists, but our little collection is something we have enjoyed together through the years. I bought our first piece before I left Oxford after finishing law school. It is by a Cuban artist named Exposita and depicts a sad man with a paper hat shaped like a boat on his head. In the gallery, it was hung next to a similar painting, but instead of a boat, the sad figure had what looked like a cooked chicken on his head. The gallery curator explained how Cubans are hungry and looking to escape the oppression of the post communist regime. It was a great story for an average painting. It hangs in the hall of my office today.

Last night I finished *Same Kind of Different As Me* by Ron Hall and Denver Moore with Lynn Vincent. I read the work about nine years after it was originally published, but wanted to get through it before the movie comes out, which was partly shot in Mississippi. Rachel knows one of the local producers, and we were actually invited to be extras in a gallery opening scene, but had to decline because of the girls' activities. We are pretty sure Renee Zellweger, Djimon Hounsou, Jon Voight and Greg Kinnear will be able to carry the picture without the Robertsons.

The book is simply fabulous.

It tells the redemptive story of art broker Ron Hall, who is caught in the web of wealth and possessions and is eventually unfaithful to his wife, Debbie. Their marriage is all but dead. As part of their efforts to live a different way, they began volunteering at a Fort Worth area homeless shelter, serving meals to the downtrodden each Tuesday. Debbie encourages Ron to befriend Denver, who is a hardened ex-convict and veteran of the streets. The story is told in both authors' voices and is ultimately about their unlikely friendship. The book is very spiritual, and touches on themes of racism, poverty, friendship, marriage, family, faith and service.

If you haven't read it, I highly encourage you to pick it up or at least be on the lookout for the movie.

As a divorce lawyer, one of the parts resonating with me was how the couple overcame Ron's adulterous relationship. Debbie telephones Ron's mistress and says, "I want you to know that I don't blame you for the affair with my husband...I know that I've not been the kind of wife Ron needed, and I take responsibility for that."

She went on to forgive Ron's mistress and tell her, "I intend to work on being the best wife Ron could ever want, and if I do my job right, you will not be hearing from my husband again." She then vowed to "rewrite the future history" of their marriage, which is exactly what they did.

Since the book is pretty old, I don't mind telling you Debbie lost a hard fought battle to cancer. At the end of her life, she whispered about the affair resolutely. "It was a good thing, a thing that turned out good for us. Look at the last eleven years...if she hadn't happened, our life together would never have been as wonderful as it has been."

I have written a good bit about **adultery**. As Debbie Hall acknowledged, it is usually a symptom of something that is already sick, not necessarily the disease itself. Plenty of people actually move on to live exceptional lives with their spouse after an affair, but it is always most healthy if both parties deal with their part in the breakdown of the relationship.

