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What You Need to Know Before Your Deposition in a Divorce Case

If you and your spouse aren't able to resolve your issues on your own, your divorce lawyer will need to prepare you for what actually happens during divorce litigation. In a disputed divorce case, most of your lawyer's time will be spent conducting what's called "discovery." Discovery is the information gathering process both parties' lawyers engage in. Your lawyer may ask your spouse to formally respond to written questions, document requests and even schedule a deposition. Expect your spouse's lawyer to want to take your deposition too.



Depositions usually take place at one lawyer's office or the other. A stenographer will be there to "swear you in" and transcribe everything you say. Remember, you're under oath during your deposition so honesty is essential, even if you're asked about subjects you don't want to talk about. Expect to answer questions about your finances, lifestyle, background and your children.

Things to Know About Your Pension If You're Planning to Divorce

Dividing assets and debts will have to be done if you and your spouse are planning to divorce. Some of these debts and assets are easier to deal with than others. For example, splitting the value of a bank account or amount owed on a credit card bill are usually no more complex than dividing by two. Assets that have accrued in your pension or 401k plan aren't so straightforward.



Most of the time, you'll need the services of a pension valuation expert who will compile all kinds of data such as:

1. Expected Retirement Date
2. Life expectancy
3. Market Conditions
4. Age
5. Race
6. Sex
7. Date of Hire, etc.

Once an estimated value is placed on pension assets that accrued during your marriage, you'll have decisions to make about what constitutes a fair split. If you and your spouse can't agree, the court will decide how to split it for you.

Techniques Divorce Lawyers Use to Build Your Case

If you and your soon-to-be-ex spouse can't agree on issues in your divorce, a court may have to decide them for you. Major issues include:

1. Custody
2. Visitation
3. Support
4. Property Division



To effectively advocate for you in front of a judge, your divorce lawyer really acts as a salesman or storyteller. Your lawyer's job is to sell your story to the judge in the hopes of persuading him or her to rule in your favor. Your story is sometimes referred to as your case theme.

Developing a case theme will need to take into account the current law in your state as well as the facts of your situation. A common theme for a stay-at-home parent who wants alimony might be, "If my husband/wife hadn't cheated, we'd still be together. Therefore, fairness dictates he/she pay support until I get back on my feet."

Your case is important to us. If we can't help you, we'll do our best to refer you to someone who can.

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