

DIRTY DIVORCE TRICKS



TEN DIRTY
TRICKS &
HOW YOU
CAN PROTECT
YOURSELF

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DISCLAIMER

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Although this publication contains information to give you a general understanding of the topic, it does not provide specific legal advice. By reading this report, you understand that there is no attorney- client relationship between you and the publisher. This report should not be used as a substitute for competent legal advice from a licensed professional attorney in your state.

INTRODUCTION

Allow me to introduce myself: My name is John A. Bledsoe. *I am a family law trial attorney with over 25 years experience and I have been designated by the California State Bar as Certified Family Law Specialist.* My firm serves professionals, executives, business owners, entrepreneurs and also middle-income earners. We tackle some of Orange County's toughest divorce and family law cases.

This eBook will have a look at ten dirty tricks that are commonly used by people attempting to get the upper hand in a divorce. We're going to have to wade into the muck to examine the unethical things people do when marriages fall apart and assets are at stake. It's unfortunate that these things happen, but without a doubt they do. Knowledge is power, and once you read this report you will be better equipped to keep yourself from becoming the victim of any of these tactics.

The best protection in any family law matter is expert counsel. **After you read this report and are ready to act, get in touch with my staff at (949) 363-5551. We'll set up a confidential case consultation and let you know what the next move is.**

CONFLICTING OUT ATTORNEYS

Choosing the right attorney is the most crucial step most people who are divorcing will take to ensure their best outcome. If one spouse can prevent the other from hiring a good attorney, they can irreparably handicap their spouse during litigation. Some have used a dirty trick known as "conflicting out" attorneys to attempt this.

There are ethical guidelines that govern who an attorney can represent. A broad rule is that an attorney cannot represent someone if there is a conflict of interest. For example, if an attorney has been privy to disclosures under attorney client privilege from one spouse, they can't represent the opposing spouse in a divorce since there would be the opportunity for them to use privileged information to put the other party at a disadvantage.

Some people use this mechanism, which is designed to make sure things are fair for everyone, to put their soon to be ex-spouse at a considerable disadvantage. Suppose there are only ten well-regarded and experienced divorce attorneys in a given area. A woman named Jane is planning to divorce her husband. Secretly, Jane sets up consultations and has a meeting with all ten attorneys in her area. She settles on the one she likes best and notifies her spouse that she intends to divorce him. Her soon to be ex-husband now has no options for experienced local counsel to represent him in the divorce!

To protect yourself, be sure to research and select your own counsel early in the process!

CLEANING OUT OR MAXING OUT CREDIT CARDS & BANK ACCOUNTS

In 2001, a song known as "Oops!" dominated the Billboard Hot 100 charts. Sung by R&B singer Blu Cantrell, the song told the tale of a woman who discovered that her male partner was being unfaithful. To get her revenge, she vows to "make him pay for it all." She proceeds to use up or destroy all of the couple's assets, paying the bills late so some assets are seized, maxing out credit cards, and even selling the man's clothing and personal possessions.

This song tells the story of a well known dirty divorce trick where one party decides to clean out, max out, or otherwise sabotage shared credit cards and bank accounts. This spouse may choose to go on a shopping spree, travel, or gamble away large sums of money.

Unfortunately, once the proverbial horse has left the barn, your options to recover what has been lost by your spouse overspending may be limited. In some cases, it may be possible to deduct this sort of amount from the other side in the eventual final settlement.

Monitor your accounts closely and make sure you have access to funds that are not held in joint accounts.

SNOOPING

It's true that once upon a time, a spouse who was having an extramarital affair could be punished for their behavior in divorce court. The laws that allowed for the courts to punish adultery and other marital offenses was known as fault divorce law, meaning that the courts had a role in deciding who was morally at fault for the dissolution of the marriage and could adjust the final order accordingly.

In the latter half of the twentieth century, the family court system in the United States saw a massive shift as no-fault divorce became the new norm. California was the first state to allow for no-fault divorce starting in 1969.

Despite this, the legacy of fault divorce remains in the persistent cultural misconception that a spouse who suspects infidelity should compile evidence of extramarital activities for use in court. **In today's world, the family courts in California do not punish one spouse for infidelity alone.**

Yet because the misconception persists, it is not uncommon for one spouse to hire a private investigator to tail a suspected cheater. They may steal passwords or use malware to spy on email or social media accounts, or record conversations.

A person who is snooping in this manner may be committing one or more serious crimes, including violations of laws that protect against wiretapping.

To protect yourself, make sure to change your passwords regularly. Keep your software updated, and run regular scans of your devices to screen for malware and viruses. If you are concerned you are being stalked, contact law enforcement.

HIDING ASSETS

Hiding assets is one of the oldest divorce "dirty tricks" in the book. Often, the process of hiding assets begins long before the actual divorce, as one spouse begins to hide things with the intention of starting the divorce process once they have finished concealing assets.

There are countless ways for one spouse to hide assets. They may conceal large amounts of cash within a safe deposit box. They may transfer assets or property to friends or family as a gift or selling them below market value, with the intention of the other party holding them until after the divorce is final. People have been known to use offshore bank accounts, shell corporations, and all manner of financial trickery to hide assets.

Another possible way assets may be hidden is in cryptocurrency such as BitCoin. Given that these currencies were developed with intention of preserving anonymity, they are a natural avenue for someone who is looking to maliciously conceal assets.

If one spouse has remained largely in the dark while the other spouse has handled the accounts and the budget during the marriage, they may have little or no idea what is owned jointly. This spouse is especially vulnerable to being deprived of an equitable distribution of property because of hidden assets.

You will need an attorney who is an experienced enough in litigation to help you use the process to help uncover any hidden assets.

SPOUSAL STARVING

In some cases, the spouse with more financial leverage tries to "starve out" the other spouse. If one side doesn't earn income, or earns much less in comparison, they are vulnerable to the spouse who has the cash available to fund litigation. The person who has to borrow money or find counsel to work on contingency is at an obvious disadvantage. An attorney can help you obtain a temporary support order if you are being starved out.

FALSIFYING ELECTRONIC EVIDENCE

In today's world, evidence of electronic communications is an important factor in many divorce and child custody cases. Screenshots of emails, text messages, social media profiles/postings, and other forms of electronic evidence have all been admitted as evidence in the family court cases.

At the same time, there is also a growing availability of programs, websites, and other ways for a dishonest but technologically savvy spouse to falsify electronic evidence. Using certain websites, it is very simple to create a screenshot that resembles an iphone or android text message exchange. Dummy emails can also be created, and it is not unknown for someone to create an entire fake Facebook profile to impersonate and cast a negative light on someone else.

There are some simple practices you can adopt to help protect yourself from this dirty trick. Make sure to keep original copies of all electronic communications between yourself and your ex-spouse. Use a backup service to guard against the possibility of hard drive failure or data loss. Review all of the pleadings and documents the opposing side presents, and alert your attorney immediately if you are concerned that any electronic evidence may have been falsified by the opposition.

REVENGE PORN

In this day and age, every person with a smartphone has an unprecedented ability to record pictures and videos of their life. It is not uncommon for couples to share nude photos with each other or even to make video recordings of their most intimate moments. Sometimes this is done with the consent of both parties. Unfortunately, with the technology that is available today it is not hard for one party to record an intimate encounter without the consent of the other.

It is understood by the vast majority of couples who choose to photograph or record such things that the photos are for the private or mutual enjoyment of the couple, and not for persons outside the relationship. But when a couple decides to separate and divorce, any photos or videos made while the parties were still romantically involved still exist on phones, hard drives, the cloud, or any other digital medium.

When a dishonorable person decides to harm someone else by sharing these materials, they have committed the criminal act of distributing revenge pornography. California law explicates this concept further:

"A person who intentionally distributes the image of the intimate body part or parts of another identifiable person, or an image of the person depicted engaged in an act of sexual intercourse, sodomy, oral copulation, sexual penetration, or an image of masturbation by the person depicted or in which the person depicted participates, under circumstances in which the persons agree or understand that the image shall remain private, the person distributing the image knows or should know that distribution of the image will cause serious emotional distress, and the person depicted suffers that distress."¹¹

If you have been the victim of revenge porn, it is important to document everything for the sake of evidence. Carefully preserving and documenting evidence will aid the authorities and your own counsel who will assist you with the criminal and civil prosecution of your case.

WILLFUL UNDER OR UNEMPLOYMENT

The biggest factor that determines the amount of money that is awarded as spousal or child is the amount of money earned by the party who is obligated to pay. One dirty trick some try to game the system with is willful under or unemployment. The logic is that since they won't be earning as much, their support order will be reduced.

Although the support order may be reduced, more often this scheme can backfire through a legal mechanism known as "imputed income." Consider the case of a man who has held a steady job with a steady annual income of 100k for the past years while he was married. In the midst of his divorce, he decides to quit his job and travel, and reports that he has no current income. The judge may look at this situation and decide since this man has the proven ability to earn 100k per year and decided to quit his job on his own volition, the support order will be calculated as if he was actually still earning 100k per year!

The main considerations that determine whether actual income will be disregarded in favor of imputed income are the ability and opportunity that the person has to earn income. A person who can prove that their job loss was an involuntary layoff (i.e. not fired due to misbehavior) and that they are conducting a substantial effort to secure another job can avoid being ordered to pay a support order based on imputed income.

Things get more complicated when the party is not an employee, but is self-employed. Consider what happens when a man who works as an independent contractor or runs a small business gets divorced. Since self-employed people typically set their own hours and have a higher degree of control over how much money they make, it is easy for someone in this position to intentionally (or perhaps subconsciously) make changes that reduce the amount of income that they are earning. It's also true that businesses fluctuate and markets change, and the self-employed spouse may experience a reduction in income despite their best efforts.

Whether you are due to receive or pay a support order, it's very important to be represented by excellent legal counsel who can help ensure a fair outcome that does not place undue burden on you.

FALSE ABUSE ALLEGATIONS

There is no excuse for domestic violence or any other instances of physical, emotional, or sexual abuse. When these abuses have occurred, it is appropriate for the abuser to suffer consequences and for family law cases to be impacted accordingly.

It is also a regrettable but true fact that in some cases, people make false abuse allegations. This is done to harm the other party by proxy using the criminal justice system, and it is done in

many cases with the idea that it will sway the outcome in a divorce. Most awfully, some parents have even made false allegations of child abuse to influence a custody matter.

If you have been the victim of false allegations, you absolutely need experienced counsel! Your attorney can speak with you about the best defensive strategies for your case.

PARENTAL ALIENATION

Picture this scene: A mother or father tucks their child into bed for the night, and informs them that they will not be visiting their other parent this weekend. “Why?” the child wonders aloud; the disappointment evident in their voice. “They are too busy to see you,” is the response. But this isn’t true; in fact, the other parent has had to reschedule their visitation due to a serious illness.

This scene is an example of parental alienation. Parental alienation is when one parent attempts to sabotage or undermine their child’s relationship with the child’s other parent. This can happen through a variety of tactics, including psychological manipulation and gaslighting.

It’s normal for divorce to cause feelings of anger, strife, and grief. However, in their bitterness towards each other, some parents choose to purposely undermine the relationship of their child with their former spouse. Parental alienation is a form of child abuse, and may harm the child for life.

What are some signs that a child has been alienated from one parent?

According to psychologist and parental alienation expert Dr. Warshak, signs a child may be moderately alienated include a child who “reject(s) one parent, resist(s) contact, or show(s) extreme reluctance to be with the parent.”

Children may also become severely alienated from one parent. According to Dr. Warshak:

Severe cases of a child’s irrational alienation from a parent differ from mild and moderate cases by the extent of the child’s rejection of a parent and the degree of negativity in the attitudes and behavior toward the rejected parent. Severely alienated children express extremely polarized views of their parents; they have little if anything positive to say about the rejected parent and often rewrite the history of their relationship to obscure positive elements. They seem content to avoid all contact with the parent, may reject an entire branch of their extended family, and often threaten to defy court orders for contacts with the rejected parent. Severe alienation includes behavioral, emotional, and cognitive dimensions.ⁱⁱ

Malicious and intentional parental alienation is not always to blame when a child shows these signs. A child may decide without undue influence or parental alienation that they esteem one parent less for a variety of reasons, including actual neglect. It can be tougher in some cases to determine if alienation has actually occurred. In some cases, the court may decide that an independent psychologist may need to evaluate the child as well as both parents to determine the

source of the alienation. Your counsel can speak with you about your options if you are concerned parental alienation may be occurring.

CONCLUSION

It's unfortunate that we live in a world where a report like this is necessary. Perhaps you know that your ex-spouse wouldn't hesitate to try one or more the maneuvers listed here. Or perhaps you have good reason to think they would be above trying any dirty tricks. Either way, it's best to be informed. Especially since divorces have been known to make good people do bad things.

Ready to protect yourself? Get in touch with my firm today by calling (949) 363-5551 to request a PRIORITY Telephone Confidential Case Evaluation.

ABOUT THE AUTHOR

John A. Bledsoe began practicing family law in 1991. Since then, he has practiced throughout the state of California, been sworn in before the Supreme Court of the United States of America, and become an expert in divorce and family law matters. His expertise has been recognized formally by the State Bar of California, who named him as a certified family law specialist (an elite sector of family law attorneys designated by the State Bar). He has earned the prestigious Client Champion (Gold) Award by Martindale-Hubbell, the most trusted name in legal ratings. Mr. Bledsoe has also received the prestigious AV Preeminent Rating by Martindale-Hubbell, recognition of professional excellence given to less than ten-percent of attorneys. He has also been rated 10.0 Superb on Avvo.

In addition to his law degree (juris doctorate) Mr. Bledsoe also has a Master's of Business Administration degree in finance. He has years of previous experience of financial auditing and has completed the coursework for the Certified Financial Planner Designation. He brings a special expertise to the complex financial matters found in many family law cases. He has tried several hundred family law matters and settled over a thousand more. Mr. Bledsoe is the father of five daughters and a son. He has been married to his wife, Debra, for over thirty-five years.

Our firm offers a confidential initial case evaluation. Call (949) 363-5551 or go to www.justfamilylaw.com to learn more.

¹ https://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?sectionNum=647.&lawCode=PEN

ⁱⁱ <http://www.warshak.com/publications/what-is-parental-alienation.html>