

Section 1: Analysis & Insights

Executive Summary

Thesis: Separation is a legal and emotional reorganization, not a war. The “default” path of litigation destroys wealth and relationships. Schwartz argues for **Process Selection:** consciously choosing Negotiation, Mediation, or Collaborative Law over Court. She provides a lawyer’s “inside view” on how to use the law (formulas) to reach a settlement that protects the children and the bank account.

Unique Contribution: Written by a Canadian family lawyer, it demystifies the legal system (“Here is how we actually calculate support”) and offers the **Process Selection Hierarchy**. It uniquely asks clients to face their own “Worst Narratives” (what the ex would say) to reality-test their litigation goals.

Target Outcome: An “Uncontested Divorce” where assets are preserved, children are shielded, and the couple transitions to a functional co-parenting business relationship.

Chapter Breakdown

- **The Legal Landscape:** Understanding the 4 processes (Kitchen Table, Mediation, Collaborative, Court).
- **The Math:** Demystifying Child Support, Spousal Support, and Asset Division.
- **The Emotions:** Managing the “Reptile Brain” during negotiations.
- **The Co-Parenting:** Creating a parenting plan that works in reality, not just on paper.

Nuanced Main Topics

Process Selection Hierarchy

Most people just “hire a lawyer” and end up in a process they didn’t choose. Schwartz ranks them: 1. **Kitchen Table:** You agree on everything yourselves (Best for simple cases). 2. **Mediation:** A neutral third party helps you agree (Best for most parents). 3. **Collaborative Law:** Lawyers sign a contract *not* to go to court; focus is 100% on settlement. 4. **Court/Litigation:** The Nuclear Option. Expensive, slow, public destruction of control. Use only as last resort.

The “Wish List” vs. The Law

Clients often want “Justice” (Validation). The Law only offers “Resolution” (Money/Time). Schwartz advises creating a “Wish List” of priorities (e.g., “Keep the house,” “50% custody,” “Apology”). Then, cross out the ones the law cannot give (Apology/Validation). Negotiate hard for the ones the law *can* give.

The “Worst Thing Your Ex Would Say” Test

Before fighting for custody, ask: “What is the worst thing my ex would say about me in an affidavit?” (e.g., “He drinks too much,” “She is disorganized”). If there is *any* truth to it, do you want that public record? This reality check often motivates settlement over litigation.

Section 2: Actionable Framework

The Checklist

- ☐ **Process Choice:** Have we explicitly chosen Mediation/Collaborative?
- ☐ **Financial Disclosure:** Have I gathered *all* 3 years of tax returns and bank statements? (Hiding creates war).
- ☐ **Wish List:** Ranked list of 3 “Must Haves” vs. “Nice to Haves.”
- ☐ **Support Network:** Do I have a therapist (for emotions) so my lawyer can be for law?

Implementation Steps (Process)

Process 1: The Negotiation Prep

Purpose: Enter negotiation with strategy, not emotion.

Steps: 1. **The Wish List:** List all goals. Rank Top 3. 2. **The “BATNA”:** Best Alternative To a Negotiated Agreement. What happens if we go to court? (Cost/Risk). 3. **The Formulas:** Run the child support/spousal support numbers using the legal guidelines *before* making an offer. know the “Zone of Possible Agreement.”

Process 2: The Parenting Plan Design

Purpose: Create a robust roadmap.

Steps: 1. **The Schedule:** Define the rotation (2-2-3, Week-on/off). 2. **The Holidays:** Alternate major holidays. (Write it down). 3. **Decision Making:** Who decides medical/school? (Sole, Joint, or Consultative). 4. **Communication:** “We use [App Name] for all logistics.”

Process 3: The “Reptile Brain” Management

Purpose: Stop emotional hijacking during talks.

Steps: 1. **The Pause:** If you feel the “fight/flight” heat, call a timeout. “I need 20 minutes.” 2. **The Filter:** Write the angry email. Delete it. Write the “Business” email. 3. **The Mantra:** “Do I want to be right, or do I want to be done?”

Common Pitfalls

- **Hiding Assets:** It destroys trust and usually gets found. (The cover-up is worse than the crime).
- **Using Kids as Leverage:** “I’ll give you more custody if you take less money.” (Judges hate this).
- **Listening to the “Greek Chorus”:** Friends/Family saying “Take him for everything!” (Ignore them. They don’t pay your legal bills).