



Hiring a Legal “Pit-Bull”.

Short term gain for long term pain?

by Courtney N. Wowryk

Going through a separation or divorce is a very difficult process. Often, all of the frustration and hurt feelings people held inside throughout the relationship suddenly bubble to the surface, and they're left feeling **very angry**. Because of this anger, some people decide they want to make their ex “suffer”, and that they want to take everything and leave them with nothing. To accomplish this, these people seek out a legal Pit-bull. Otherwise known as sharks or barracudas, these are the type of lawyers epitomized on television legal dramas and in the movies. They hire these legal mavericks (as they're often seen by those outside of the legal field) for their tough, go for the jugular attitude, with the expectation that they'll leave their Ex a crying, broken human being. And often, Pit-bulls try to do just that.

However, while hiring a lawyer who regularly yells at both your Ex and their Counsel until he or she is red in the face, and totally rejects even your Ex's smallest request, may bring you momentary joy, it can also leave you with long term pain

and a very large legal bill.

First, the law relating to family matters is largely dictated by Legislation, and allows for little wiggle room. For example, the Federal Government has created charts for determining how much child support a payor parent must pay each month. These payments correlate to the payor's annual income and are non-negotiable. The division of property is also relatively cut and dry, with fifty-percent of the money and goods accumulated during the relationship going to each spouse (unless there is a Pre or Post-Nuptial agreement in place). For those issues not specifically set out in legislation, we turn to past cases, or precedents, and apply the courts' rationale to the facts at hand. These cases allow us to make an educated guess as to how the court would decide if the matter was brought before it. Accordingly, you'll often achieve the same result through negotiation as you would by going to court, however in most cases negotiation takes less time and costs you far less money than litigation.

Second, Pit-bulls can develop a bad reputation over time. While a Pit-bull and their supporters may interpret other lawyers' tendencies to go the other way when the Pit-bull approaches, as fear of their superior legal skills, in reality the other lawyer is just trying to avoid getting into an unnecessary and unproductive argument. Most lawyers are reasonable individuals who would rather negotiate to reach a fair outcome, than to always fight it out. Also, like most people we don't enjoy being yelled at. Consequently, the non-Pit-bull may take longer to respond to the Pit-bull, or avoid them altogether, which will make it harder to finalize matters. And trust me, after getting bills from the Pit-bull month after month without making much progress, you will eventually want to reach a settlement.

Furthermore, just as Pit-bulls develop a reputation amongst their fellow lawyers, Judges also come to know their style. While television and movie characters may get away with, and are often rewarded for, berating opposing counsel and

making witnesses cry, this behaviour is frowned upon in real life. Consequently, if the Pit-bull uses these tactics in court he or she can actually hurt your case by displeasing the Judge.

Ultimately, you must hire a lawyer you are comfortable with and who takes your instructions (within reason). If you wish to hire a Pit-bull who will fight for you, these individuals exist. However, you must be aware that a Pit-bull may take longer and cost you more to finalize matters, than someone who is more inclined to negotiate. You should also keep in mind that the aggressive tactics employed by these lawyers may cause additional long-term harm to your family members, particularly to your children, when they are ultimately caught in the crossfire.

On the flipside, if you've accidentally hired a Pit-bull and are feeling frustrated, remember that your lawyer works for you. If you're open to negotiation make this clear to your lawyer, and if he or she doesn't implement your wishes you always have the right to hire