

Life

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JOB LOSSES AND DECLINING HOME EQUITY ARE KEEPING SOME UNHAPPY COUPLES TOGETHER.



One effect of the faltering economy is that more people are putting off getting divorced. DeeDee, with her son, is one of them.

MINDY SCHAUER, THE ORANGE COUNTY REGISTER

DELAYING DIVORCE

By GREG HARDESTY
THE ORANGE COUNTY REGISTER

Lisa Hughes, one of Orange County's most prominent divorce attorneys, has seen her fair share of dramatics over the three-plus decades she's been practicing.

Six of her clients and a divorce attorney at another firm have been murdered - victims of the often combustible nature of family-law litigation.

Beyond these tragic blowups, Hughes has seen and heard it all.

Until recently.

"I know two lawyers with 20-plus years of experience who've called me recently asking for work," says Hughes,

founder of Hughes & Sullivan in Tustin. "That's never happened before."

In a sign of the dismal economic times, more middle-class to upper-earning couples are delaying filing for dissolution of their marriages, choosing instead to simmer under the same roof as they ride out the recession.

"The buzz on the street is that divorce filings are off as much as 30 percent at some law firms," Hughes says.

David Wald has been practicing family law in Irvine for 35 years.

"I've seen a steady number of initial consultations ... but typically the individual ends up saying, 'I think I'll stick it

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DIVORCE: An economic cost

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out; there's not enough money to go through with it," he says.

After all, divorces aren't cheap.

Retainers for attorneys cost \$5,000 to \$10,000 and beyond. Throw in moving and other expenses, and it's enough to make unhappy couples think twice about calling it quits — no matter how bad their marriage.

Take, for example, DeeDee, a Mission Viejo woman who did not want her full name used, to protect her privacy.

Perhaps it was an omen, she says, when her husband lost his wedding band on their honeymoon in Kauai.

Now, nine years later, she says their marriage is not working out.

DeeDee wants a divorce. Problem is, she can't afford one.

"I don't want to ruin ourselves financially," she says.

She says she and her husband are being forced to hold off on filing as they share a home that has lost most of its equity — either that, or risk losing a lifestyle to which they have become accustomed.

"I have spoken with specialists and attorneys but always stop in my tracks because of the financial hit I will take," DeeDee says. "I'm not only thinking of how I am going to support myself, but my 8-year-old son."

So DeeDee, 43, is settling in for a long stretch on her living-room couch.

THE NUMBERS

The wealthy tend to file for divorce regardless of the state of the economy, as do folks who can't afford legal representation, Hughes and other family law attorneys say.

The falloff in divorce filings, they say, is happening in the middle, to folks like DeeDee and her husband.

Orange County Superior Court statistics show a recent downturn in divorce filings, but nothing dramatic.

In the fiscal year ended June 30, Orange County had 11,338 filings for dissolution of marriage, said



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Lisa Hughes is an Orange County attorney who sees a downturn in the number of middle-class couples getting a divorce because they can't afford the legal fees and economic fallout.

Francisco Firmat, supervising judge of the family law panel at the Lamoreaux Justice Center in Orange.

That number is down 100 filings from the year before, and down about 450 from fiscal year 2004-05.

This year, based on filings to date, the number of divorce filings is projected to total 11,431, which would be an increase of 93 filings.

The numbers don't tell the whole story, Hughes says.

The projected slight increase is being driven, to a large degree, by the number of "pro per" filings, she says — people who represent themselves in court. And the rich continue to call it quits in the usual numbers, keeping the filings flowing, she says.

The county doesn't break down divorce filings by category, but some numbers have remained consistent: The divorce rate is 51 percent; the average length of a marriage is seven years; and the state considers 10 years to be a "long-term" marriage.

Golden anniversary? Most folks don't make it past copper.

Despite what the official numbers say, Hughes has no doubt that there are far fewer middle-class folks filing for divorce in the poor economy.

Sitting in her plush but honey office, which has a sophisticated surveillance system, the veteran of Orange County divorce wars laid out the landscape: "Intuitively, and as previous recessions have shown, when the economy goes down, divorces go up," Hughes says.

"With a big Mercedes, flashy clothes and a membership to a country club, a person can overlook a lot. When things go bad financially, now you have to decide if you like each other. And that's why, typically, divorce filings go up when the economy goes down.

"But what's happening now is different."

That difference, Hughes says, boils down to the collapse of the housing market.

"Most couples are without equity (in their homes)," says Hughes, who will celebrate 30 years of marriage on Christmas Eve with husband Bruce, a partner in her law firm. "And if one of them has lost a job, there's not enough cash to support a family.

"It's creating a difficult set of dynamics. And the dynamics are, 'I can't afford to get a divorce.'"

LOOKING AHEAD

DeeDee tries to have a sense of humor about her situation.

She knows things could be a lot worse, and is grateful that she and her husband are working together in their son's best interest.

She's concerned about her son's future — not whether she can splurge on a new pair of pumps. For example, she would love to keep her son in private school.

She says she would rather not come home to her husband in their 2,000-square-foot, four-bedroom home.

She wonders: Is this any way to live?

For now, at least, it appears DeeDee has no choice.

Still running, with her husband, an estate and financial planning business, DeeDee has looked around for possible new jobs.

The college graduate and seasoned entrepreneur and business owner has been able to find an opening only as an administrative assistant, for \$45,000 a year.

And that, she says, is depressing.

"I don't like the word 'caught' in this situation, because I take accountability for this," DeeDee says.

"I take full responsibility for where I am. No one can do anything to you that you don't allow them to.

"But, in the same breath, I have to take responsibility for changing things, too — for making things better."

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