

## **AN OVERVIEW OF DIVORCE IN CLARK COUNTY, NEVADA**

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### ***FOREWORD***

Divorce is the process by which you may legally change your status from married to single. While the divorce process can be quite emotional, time consuming and expensive, it does not have to be. This guide will walk you through the divorce process from start to finish in Clark County, Nevada. Knowing what to expect certainly reduces uncertainty, and can eliminate some of the stress associated with divorce. It has been said that a divorce is the second most devastating process, second only to the loss of a loved one. This guide seeks to walk the reader through the process so as to limit the distress associated with divorce.

### ***HOW IT STARTS***

Divorce begins with the filing of a Complaint for Divorce. This is a document filed with the Court which starts the divorce process. Nevada is a “notice” state, which only requires the person filing the Complaint to indicate residency and an intention to divorce.

Most Complaints provide specific requests - a proposed division of assets and debts, a proposed time share and child support if there are children. Depending on circumstances, the filing party may also seek alimony and/or spousal support, and may also seek attorney fees from the other party. Nevada does not require specificity in the Complaint, but it is useful to the Court to know what each side is seeking.

Along with a Complaint, the filing party will also file a Summons. This is a document which places the other party on notice that litigation has been commenced, and that they have twenty (20) days in which to respond to the Complaint, exclusive of the date of service.

Service is made by having a disinterested third party (usually a process server) personally provide the Complaint and Summons to the other party. Under Nevada law, the other party must be personally served with both the Complaint and Summons. When that happens, the other party then has twenty (20) days, exclusive of the date of service, to file an Answer.

In Clark County, Nevada, it is customary to also prepare and serve a Joint Preliminary Injunction (“JPI”) on the other party, along with the Complaint and Summons. The JPI places everyone on notice that, during the pendency of the case, neither party can hide assets, liquidate assets, or take the children outside Nevada (with the intention of relocating). The JPI also serves to place both parties on notice they are not allowed to harass the other party. Violations of the JPI can result in fines and jail time. However, since the JPI is issued by the Clerk, and is not signed by a Judge, some departments have concluded they do not have the power to enforce the JPI through its contempt powers (i.e., the power to fine and/or jail anyone who violates the JPI). Therefore, it is good practice to ask the Court to confirm the JPI as an Order of the Court as soon as you go in front of the Judge for the first time.

In response to the Complaint, the other party will file an Answer. The Answer is a line by line response to the allegations in the Complaint. Typically, the other party will admit those allegations which are true and therefore not in dispute. The other party will deny those allegations which are untrue or in dispute. If there is an allegation which the other party does not know is true or false, they will deny the allegation because they have insufficient information with which to render a fair response.

In addition to the Answer, the other party may file a Counterclaim. A Counterclaim is exactly the same as a Complaint, except it is filed by the other party. The Answer and Counterclaim are provided to the filing party by mail to the address listed at the top left hand corner of the Complaint. The other party has twenty (20) days to provide both the Answer and the Counterclaim to the filing party. The filing party then has twenty (20) days to provide an Answer (or Reply) to the Counterclaim, using the same process the other party used to respond to the Complaint. The Answer (or Reply) is submitted to the other party by mail to the address listed at the top left hand corner of the Answer (and Counterclaim, if applicable).

In practical terms, this concludes the “beginning” of the Divorce process.

## ***WHAT HAPPENS NEXT***

### ***MOTION FOR TEMPORARY ORDERS***

If the parties need the Court to define each party’s rights and responsibilities during the pendency of litigation, one party, the other, or both will file a Motion for Temporary Orders. In the Motion, either party may ask the Court to: Grant exclusive use and possession of the marital residence, set an interim custody arrangement, set an interim child support obligation, determine whether or not spousal support should be paid one party to the other, and determine whether or not a preliminary award of attorney fees is warranted. There are other determinations the Court can make as well (such as confirming the terms of the JPI as an Order of the Court), but these are the five (5) “big ticket” issues people usually want resolved by the Court during the pendency of the Divorce.

#### ***Exclusive use and possession of the marital residence.***

Because tensions tend to run high during a Divorce action, it is not unusual for one party to ask for exclusive use of the marital residence. Sometimes, this has been resolved in advance because one party has moved out. Technically, there is no reason why a person who has voluntarily left the marital residence cannot ask for exclusive possession of the marital residence. The Courts have historically been reluctant to allow both parties to reside together in one house during the pendency of the Divorce because it can lead to conflict, confrontation, and in rare instances, domestic violence. If the house is very large, it may be possible for the Court to divide up the house into two (2) areas, with each party being limited to one of those areas. However, since most houses do not have two (2) kitchens, there is still the possibility of coming into conflict in areas such as a kitchen. The Court may also consider whether or not the parties’ schedules permit them to live together while minimizing the amount of time each will come into contact with the other.

If the Court determines one party should have exclusive possession of the residence, the Court will consider the following factors: Which party currently resides in the residence; which party is more likely to maintain the residence post-divorce (i.e., which party can buy out the other parties' interest in the house); which party will have the children most of the time; which party is least disrupted by moving away from the residence; which party has family support locally; and which party has alternative housing available, among other factors.

The evaluation the Court will use is fairly clinical. The court will rarely make any judgments about one party or the other. At this point in the litigation, the Court has been asked to step in an essentially "stop the bleeding". The point of Temporary Orders is simply to define each party's rights and responsibilities during the pendency of the Divorce action. As such, although it may feel like you are being asked to do more than the other side (for instance, being asked to move out and set up a residence elsewhere), the Court is simply trying to keep the peace and looking at objective factors to make its decision *on a temporary basis*. Most of the Court's Temporary Orders are only used while the Divorce action is pending, and will not affect the ultimate outcome. Technically, all Temporary Orders do not affect the ultimate outcome, but some have a lasting effect on the Court's ultimate decisions in the case.

#### *Interim Custody Orders.*

Temporary Custody Orders are the principal interim Orders which may have a lasting effect on the Court's ultimate decision in a case. There is a presumption, under Nevada Law, that both parents should share custody equally if it is possible and there are no good reasons to deviate from such an arrangement.

Most every department will start with the presumption of joint custody of the child or children of the parties. Thereafter, the Court will look at various factors which limit the parties' ability to share custody equally. The factors to be considered are: the parties' respective work schedules; whether either party has been convicted of domestic violence against the other party; whether either party has been convicted of child abuse; and whether either party has a significant drug or alcohol problem. As with all Temporary Orders, these Orders are modifiable, and are not a final resolution of custody. However, the Courts also tend to follow a general principle of *status quo* (i.e., leaving things as they are), so a Temporary Custody Order may ultimately become a Final Custody Order. This could be good or bad, depending on where you stand on the issue of custody.

In the absence of a substantial factor to deviate from the presumption of joint custody, the parties should seriously consider agreeing to joint custody. The reason this is so is that a modification of a joint custody arrangement can be made on a simple "best interest of the child" analysis, whereas if one party is granted primary custody, the analysis to shift away from such a designation is *much* harder. However, if you agree to joint custody, then both parties must be on their best behavior as it relates to their respective parenting skills, or face the possibility the custodial arrangement could be changed because one party is not pulling their weight when it comes to parenting the child or children.

It is important to point out that the Courts have defined two (2) different types of custody: legal custody, and physical custody. These are very different notions. Legal custody deals with “big ticket” decisions parents have to make for their children - religious upbringing, orthodontia, schooling, and the like. Physical custody has to do with the parties’ timeshare with their child or children. Almost all parents share joint legal custody, and a large portion of the population shares joint physical custody (i.e., an equal or nearly equal timeshare).

The parties’ timeshare with their children will also impact child support.

### Interim Child Support Orders.

Child support is usually calculated in one of two ways: If one party has primary custody, then child support is calculated using the other party’s gross monthly income. If the parties share joint physical custody, both of the parties’ incomes are used to calculate child support.

Primary custody - Child support for one child is set at 18% of the non-custodial parent’s gross monthly income. For two children, it is 25%. For three children, it is 29%. For four children, it is 33%. For each child over four, an additional 2% is added. However, Nevada has imposed a “graduated cap”, which presently sets the maximum child support obligation per child at between \$566.00 and \$930.00. By way of example, if the non-custodial parent earns \$4,200.00 per month in gross income, and the parties have two (2) children, child support would be \$1,050.00 per month. There are deviation factors available to either increase or decrease the child support amount, but this amount would presumptively meet the needs of the children.

Joint custody - Child support is calculated using a variable of the primary custody calculation, but compares both parent’s income. Using the foregoing example, but now considering the other party’s hypothetical income of \$3,000.00 per month, would result in a child support obligation from the higher income earner to the lower income earner of \$300.00 per month ( $\$1,050.00 - \$750.00 = \$300.00$ ). Deviation factors still may apply to increase or decrease the child support amount.

Deviation factors - Nevada law provides for various deviation factors which can increase or decrease child support from the presumptive amount. The most popular ones are: the cost of maintaining health insurance; the cost of daycare; the legal obligation for the support of other children; the cost of transportation if the custodial parent has relocated outside Nevada; and the special needs of the child or children. Other factors may be relevant to your case, and are contained in NRS 125B.080(9). There are about a dozen total deviation factors. The Nevada Supreme Court has concluded the deviation factors should be the exception, and not the rule, but almost always grant a deviation for the cost of maintaining insurance on children, which is usually half the cost for the child in particular, a modest deviation (\$50.00 to \$100.00 per additional child) for the legal support of other children, the cost of transportation (if applicable), which is usually half such costs, and daycare (if applicable) is usually split equally between the parties. Although it may seem to make sense that the extraordinary costs which comprise the deviation factors should be paid pro rata (i.e., in proportion to the parties’ incomes), it is usually assigned equally.

In certain unusual circumstances involving joint custody, one party's income may be so substantial that the party's child support obligation would be the same as if the other party had primary custody. The Nevada Supreme Court has concluded that when comparing incomes for joint custody child support awards, you subtract the lesser income earning party's income from the greater income earning party's income before imposing the aforementioned graduated cap. Furthermore, some departments will calculate deviation factors before imposing the graduated cap, while others will impose the graduated cap and then make accommodations for the deviation factors.

### Interim Spousal Support.

Spousal support is support provided by one party to the other during the Divorce process. This is different than alimony, which is post-divorce support from one party to the other. These two terms are often used interchangeably (albeit incorrectly).

Ultimately, spousal support is calculated by evaluating one party's need compared to the other party's ability to pay. It is possible to have need, but an inability to pay. It is possible to have an ability to pay, but no need. In these instances, an interim spousal support obligation might not be awarded. The Nevada Supreme Court has stated that spouses have a duty of support during the marriage. If there is a disparity in incomes - especially if the disparity is significant - then the Court will attempt to place the parties on as equal a footing as possible. Unlike alimony (which the Court will not usually consider unless the marriage is of some significant length - the magic number seems to be seven years), a spousal support obligation is based upon the contract of marriage, and the reciprocal duty of spouses to support one another *during the marriage*.

Factors which will effect spousal support awards are: the length of time separated (the longer the separation, the less likely spousal support will be awarded); the disparity in the parties' incomes; and who is responsible for the community debts. It is possible to live separately and still be entitled to spousal support. However, this would require an "agreement" where one party is financially assisting the other during their separation, and in this instance, it would result in an affirmation of the "agreement" as a Court Order. A separation of significant length without an agreement for support will lead the Court to conclude there is limited need (evidenced by the fact no support has been paid one party to the other for an extended period of time).

### Preliminary Attorney Fees.

The Nevada Supreme Court has concluded each party has the right, in a divorce action, to be on a "level playing field". Therefore, if there is a substantial disparity in the parties' respective incomes, the higher earning spouse can expect to pay some portion, or all, of the lesser earning spouse's attorney fees. In some departments, the disparity can be very nominal - as little as \$2,000.00 per year. Such awards nevertheless tend to be very nominal except in cases involving very high income earning parties or where the disparity in the parties' income is very large. The award is prospective (looking forward), and not intended to reimburse a party for the fees they have already expended.

At the conclusion of the Hearing on the Motion for Temporary Orders, one party will be designated as the individual responsible for preparing the Order which defines each party's rights and responsibilities during the pendency of the case. If only one attorney is involved, it is usually the attorney, and the other side would not be asked to review the Order. If there are two (2) attorneys, one will draft the Order, and the other will approve the Order. Generally, the Orders of the Court are effective immediately, but cannot be enforced until the Judge signs the Order.

### *EARLY CASE CONFERENCE*

Either ten (10) days after the Answer has been filed, or ten (10) days after the Motion for Temporary Orders is heard, the parties (or if represented, their attorneys) will schedule an Early Case Conference ("ECC"). The ECC must be held within thirty (30) days of scheduling. It is the responsibility of the party filing the Complaint for Divorce (the Plaintiff) to schedule the ECC.

The purpose of the ECC is to establish the rules of the discovery process. Discovery is the manner in which each side obtains information from the other side in order to prepare for Trial. With the Notice of Early Case Conference, the Plaintiff would also submit Early Case Conference Disclosures, which are: documents the Plaintiff intends to use as evidence at the time of Trial which the Plaintiff has at the time of the scheduling of the ECC; a list of witnesses the Plaintiff intends to call at Trial, as well as contact information and the anticipated testimony of such witnesses. In response, the person who files an Answer (the Defendant) is expected to reciprocate before or at the time of the ECC. The Notice of ECC will include a request for items the Defendant should produce at the ECC.

At this point, the process is fairly relaxed. If either party fails to provide the early disclosures, it is not usually considered a fatal error to the case. However, compliance bolsters a defense of full disclosure in any subsequent discovery hearing (more on that later).

At the time of the ECC, the parties meet, confer and agree on how discovery will proceed. If the parties do not agree, then a telephone call is placed to the Discovery Commissioner who resolves all discovery disputes.

### *DISCOVERY*

Discovery is broken down into four (4) phases: obtaining documents; obtaining yes or no responses to individual and specific questions, obtaining information in the form of specific questions, and depositions. The first three (3) phases are done in paper form, using (in order), Requests for Production of Documents, Requests for Admission, and Interrogatories. Depositions are a semi-formal process where questions are asked and answered under oath in front of a Court Reporter, who takes down everything said.

If a party fails to respond to discovery requests, there are two (2) things which may happen.

The first is a Motion to Compel. This is request to the Discovery Commissioner to compel the non-compliant party to respond to discovery requests which have not been timely responded to. The non-compliant party will be given a deadline to respond, and if that party fails to meet the Court Ordered

deadline, they may face the possibility of having their Complaint or Answer stricken (and therefore, they cannot defend the action) and/or monetary sanctions. If you prevail on a Motion to Compel, there is a high degree of probability your attorney fees incurred in pursuing the Motion will be granted.

The second is a Motion to Deem Admissions as Admitted. In such a case, you will ask the Discovery Commissioner to determine that, since the other party did not timely respond specifically to Requests for Admission, the failure constitutes an admission.

This is incredibly important because if the matters are deemed admitted, they are no longer in controversy, and even if the non-compliant person later provides evidence the admissions are incorrect, it will not be considered by the Court.

Usually, the Court will not deem matters admitted if they go to the issue of custody because the Court always considers the best interests of the child or children, and sometimes the admissions against a party may not serve the best interests of the child or children.

On Motions to Deem Admissions as being admitted, an award of attorney fees is rare, since it actually streamlines the litigation and benefits you, if granted.

As you might well imagine, you would not want admissions to be admitted against you. Furthermore, you would not want to lose a Motion to Compel, since this would result in sanctions such as having to pay the other side their attorney fees and worse. The bottom line is that each party should do everything possible to be in full compliance with discovery.

If a document or information is requested which is not available to you, you need not go out of your way to obtain such documents or information for the other side. If it is easier for you to get than them, you may consider obtaining the information for them, but if it is prohibitively expensive or burdensome, you can either indicate they are not available (but you will sign a release for the other side to get what they are looking for) or you can file a Motion for a Protective Order. A Protective Order protects you against having to provide documents and information which is irrelevant, prohibitively expensive to obtain, or sought strictly to harass you.

In all discovery matters (except for issues related to untimely responses to Requests for Admissions), you must make a thoughtful effort to resolve the matter without the need of filing a Motion. The Discovery Commissioner will ask what efforts you have made, and if they are not satisfactory, the Commissioner may deny any request for fees.

Usually, the “paper” discovery is completed before depositions are taken. It is very useful to have certain documents and responses in writing from the other side before swearing them in and asking them questions. It will permit you an opportunity to review the other side’s responses and craft questions to ask them under oath. It also affords you the opportunity to come up with documents and other evidence which refutes their statements in discovery. The Court is often swayed by the fact that one party has made certain statements in their discovery responses which turn out later to be untrue. Knowing which questions to ask a party under oath help you make the case the other side is not credible.

Not every case is subject to refuting the party under oath. However, depositions also provide you with the additional benefit of locking in the other side's testimony so you know what they will testify to at the time of Trial (or change their testimony, in which case you can use their deposition testimony to challenge their credibility at Trial).

The most important rules in the discovery process are to be honest and timely in your responses. Because of the amount of discretion afforded the Court in making its determinations, the Court will usually gravitate toward ruling in favor of the individual who is honest and likeable. Therefore, honesty and being pleasant are critical to obtaining the best possible result in your case. Furthermore, if you are delinquent in the timing of your responses - and especially your responses to Requests for Admission - you may effectively preclude any possibility of disputing substantial issues of your case.

### ***MEDIATION***

In cases involving disputes relative to custody, the parties are typically referred to Mediation to see if they can resolve their dispute with the assistance of a neutral mediator. The average success rate for mediation is around 85%, so the possibility your custody issues will be resolved is quite high.

There are certain things you should be aware of as you enter the mediation process. First, the mediator is going to be looking for common ground, and then will push from both sides to get to that common ground. Most often, in the absence of some serious issues related to an individual's abilities to parent, the mediator will try to maneuver the parties to joint physical custody. If this is not to your liking, be prepared to express seven to ten (7-10) reasons why the mediator should be looking at your proposed custodial arrangement. Five to seven (5-7) of these should be positive about you (but which would be viewed as negative to the other side), and two to five (2-5) which are constructive criticisms of the other side. The constructive criticisms should not be negative, exactly, but stuff the other side needs substantial improvement on.

The mediator will be looking for solutions from the two parties, so be prepared to offer suggestions on how and why to implement your proposal.

Be forewarned that although the mediation process is confidential, the Court will be notified if one party, the other, or both declare an impasse (i.e., mediation is no longer useful and the Court should resolve the custody issues). This is important because the mediators do not like to snitch out anyone declaring an impasse, and will make every effort, if pressed to do so, to state that *both* parties declared the impasse. They can be very sneaky in how they do this. For example, if one party says "This is a waste of time. Let's let the Judge decide." The mediator will then ask the other party "Do you agree?" If the other side says "Well, if he doesn't think it can be mediated, then maybe the Judge should decide." The mediator will say both parties declared an impasse.

My suggestion, if the other side declares an impasse, is to use the following phrase when asked if you agree mediation is a waste of time and the Judge should decide: "I think two mature individuals who are looking out for the best interests of their child(ren) can mediate a resolution." As long as you don't agree to the impasse, the mediation will continue *or* the mediator will be obliged to inform the Court the other side declared the impasse. This is a win-win situation.



Mediation through FMC (custody issues) will not involve financial issues, and if efforts are made to involve financial issues they should be thwarted. The cost of mediation through FMC is on a sliding scale, and is between \$0 and \$200 per individual. On a theoretical basis, this cost should be incurred once for the entire minority of the child or children, though reports are that FMC is charging people again when they reopen mediation.

You should note that the Court is bound by Nevada law to resolve custody before resolving the remaining issues two people might have in their divorce. This could mean you will have two (2) trials - one for custody, and one for property. The Court will occasionally join the two trials, but you cannot count on it.

Mediation (private) is also available to resolve any issues at all. The costs are usually split equally between the parties, and run anywhere from \$300.00 to \$400.00 per hour. Even if only certain issues are resolved, it will narrow the issues the Court will need to resolve. Mediation is a compelling alternative to paying attorneys thousands of dollars to fight.

### ***AFTER MEDIATION/DISCOVERY AND BEFORE TRIAL***

Often, after mediation and discovery have been concluded, the parties and/or their attorneys will discuss settlement options in advance of trial preparation. This is a good time to try to negotiate a settlement because a decent amount of time has gone by since the filing of the Complaint (i.e., the shock has usually worn off, and now people are ready to talk resolution), and the parties have already figured out just how expensive it has been to get to this point.

Trial preparation and Trial itself will be about 10-15 hours of attorney time (for a half day trial - more like 15-20 for an all day trial). Given this information, people are more receptive to resolution at this point than at any other point in the litigation. Similarly, at the time of trial, people will be inclined to resolve their differences, but by then, all of the trial preparation and time to go to Court for trial have been expended, and the value of settlement is somewhat diminished. In the absence of a settlement, the Court will conduct a Trial.

### ***TRIAL***

If resolution cannot be had between the parties, then the Court will be obliged to decide how to resolve the issues in dispute. The process is fairly laborious - there are lots of questions asked of both sides and their respective witnesses, documents are introduced into evidence, objections as to testimony and documents are raised and ruled upon by the Court. Ultimately, the Court will render its decision. This is often at the end of the hearing, but a decision can be issued from chambers (sometimes weeks later). The result you receive is often the product of how prepared you (and your counsel, if applicable) are for Trial.

As with an Order from any prior hearing, the Court will direct one of the parties or their attorney to prepare an Order. When the Order is signed by the Judge and filed with the Clerk, it is a final Order. The person who prepared the Order will then send a copy, along with a Notice of Entry of Order to the other side. Either side then has thirty (30) days in which to file a Notice of Appeal. In Nevada, an

Appeal goes to the Nevada Supreme Court. The standard of review for the Nevada Supreme Court is usually “abuse of discretion” which is very hard to meet. As such, most Decrees of Divorce are not Appealed because there is usually a very low chance of getting the Judge’s decision overturned.

Most Decrees are fully final (and not modifiable by the Court) after thirty (30) days, but some aspects are always modifiable on changed circumstances (child support, custody and alimony, for instance). Property issues are usually not modifiable in the absence of fraud unless appealed within thirty (30) days, or either party seeks a Motion for New Trial (within ten days of the Notice of Entry of Decree). Under no circumstances should you remarry unless and until you receive a file stamped copy of the Decree, signed by the Judge.

### ***BEHAVE DURING YOUR DIVORCE***

There are certain things you must not do during the pendency of litigation in your Divorce. There are other things you must do during your Divorce.

*Do not involve the children in your dispute with your spouse.* This is not their fight, and involving the children in your case will come back to haunt you. Even if the Court concludes the children should be interviewed, the interviewer will look for coaching and report it to the Court.

*Do not lie to your attorney.* This will also come back to haunt you. By way of example, if you tell your attorney you do not use methamphetamines, he or she may agree to permit drug testing. If your test comes back positive for any illegal drugs (meth or otherwise), it will have an amazingly terrible result on your custody action. What you tell your attorney is confidential, and if you can’t trust your attorney, you should not have an attorney. In the previous example, if you inform your attorney you have used drugs, and when the last time was you used drugs, then he or she may be able to provide you with an opportunity to “clean up” before the Court would Order drug testing.

*Do not hide assets.* The Court continues to have jurisdiction over omitted assets anyhow, so even if you are successful in hiding an asset through the issuance of a Decree of Divorce, if the other side subsequently finds out about the asset, they can ask the Court to award the whole asset to them (if the Court concludes you did not intend to hide it, and it was simply omitted, the Court would probably split the asset between you and the other party).

*Do not perpetrate any fraud on your attorney, the other side, or the Court.* The repercussions for any fraud are severe and unpleasant, and could even include jail time for contempt. Although communications with your attorney are confidential, if you perpetrate a fraud and your attorney knows as much, the attorney is obliged to rehabilitate your testimony, and if unsuccessful in rehabilitating your testimony, must immediately withdraw from your case. Because this is the only instance where an attorney is permitted to withdraw in the middle of proceedings, it will be blatantly obvious to everyone that you have just perpetrated a fraud.

By way of example, if your attorney knows you have 8 ounces of gold in a safe at your house, and you swear, under oath, that you do not have 8 ounces of gold in a safe at your house, your attorney would then have to ask you “Are you sure you don’t have 8 ounces of gold in a safe at your house?” and

if your answer is “I am sure.”, the next thing that would happen is your attorney would ask to withdraw, and the Court would grant it. As soon as that happened, the Court and the other side would know you had lied under oath. The repercussions are too severe when compared to the potential upside of lying to the Court to gain an advantage.

The foregoing two (2) paragraphs beg the question: “Do people lie in Court?” The answer is an unequivocal yes. With proper preparation, anyone who lies under oath can be caught in their lie, and then the Court will tend to favor the other (honest) side. While it is true that some lies cannot be proven, there is no sure way to know with absolute certainty whether or not the other side can prove you are lying. The risk when compared to reward simply isn’t there.

*In any decision you make, ask yourself how the Court will view your decision.* Remember that while your Divorce is pending, the Court will be reviewing your actions, and those of the other side. You are under a microscope during your Divorce, and so, when you make decisions during the Divorce, you must ask yourself how the Court will view your actions and decisions.

*If you are paying for the advice of an attorney, follow it.* Divorce attorneys in particular are especially good at posturing for settlement and litigation. To that end, Divorce attorneys provide their clients with advice. Whatever your attorney advises you to do, do it. They are in the business of knowing how Judges will react to almost any situation, so listen to what they have to say. The actual litigation of your case is only a modest portion of your whole case. Following your attorney’s advice will improve the possibility of a good resolution to your case.

*Don’t panic.* This is not the end of the world. You will get through this. Your worst case scenario is not as bad as you think it is. And, if you follow your attorney’s advice, the likelihood of a “worst case scenario” result is significantly reduced.

## ***CONCLUSION***

This guide is provided as an overview, and is not all inclusive. Since you are now better informed than 90% of litigants in Clark County, Nevada divorces, your concerns about how the process works should now be much lower. However, there are numerous aspects of litigation which are not discussed comprehensively herein. There are also a number of documents you *must* file with the Court in most, if not all, Divorce actions in Clark County, Nevada. Consult an attorney for specifics on what to expect at any point in your Divorce process.