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# **FAMILY LAW RIPPLES**

*"A pebble drops, transforming the lake"*

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## **About Family Law Ripples**

"Ripples" is a bi-monthly publication focused on legal matters affecting families. It promotes responding to family change with an eye to cooperation, connection and positive values.

## **Big v. Little Issues**

**Don't sweat the small stuff**

**First things first**

**Pick your battles**

**Put the big rock in the jar first**

**Is it a mountain or a mole hill**

Eventually in almost every family law case, the parties realize that not all of the issues will be resolved their preferred way. As a result, they have to decide which issue or issues are the ones they want to put the most time, money and effort into in order to obtain a particular result. Parties should consider the desirability of prioritizing the use of their "divorce" resources according to the importance of the issues. But how should importance be determined?

There are no black and white rules which will identify an issue as critically important (big) or not very important (little) in all cases or even a case. Importance varies with the perspective of each party. Each party may come up with his/her own unique set of priorities among the issues and additional prioritizations within sub-issues.

The factors that may lead to one prioritization over another include the following:

- the amount of money at stake (example: small savings account v. sizable pension)
- the frequency of impact (example: daily v. rare)
- the ability to obtain the same thing after the divorce (example: red couch v. grandma's mirror)
- personal meaning attributed to the issue (example: time with kids for annual reunion v. 4<sup>th</sup> of July)
- urgency (example: short term needs v. long-term needs)

- likely duration of the importance of the issue (example: will it still be important to the party 5 or 10 years from now?)
- litigation considerations (example: attorney fees, expert fees, delays, emotionality, diverted focus, range of reasonably likely results)
- willingness to bear the risk of not getting the result balanced against the benefit of getting the result
- availability of compromise positions or trade-offs

Occasionally parties give importance to issues so that they can have the last word or for the principle of thing or for other similar reasons. These factors tend not to define the everyday life of a party after the divorce. They are more frequently tied into the emotional processing of the divorce and should be critically evaluated with assistance from a more objective third party such as an attorney or perhaps a counselor or expert consultant.

Being clear about priorities among divorce issues will allow a party to allocate resources according to the importance of the issues so that the big rock is in the jar first.

## In the Media

Type in an **internet search for "big rock in the jar first"** and you will find a surprisingly large number of responses, including references in speeches and sermons, blogs about home life, phrases from management seminars and books. One sample of a book using the image is Stephen R. Covey's ***The 7 Habits of Effective Families***, making the point that if family is the big rock – then it goes into the time jar, the money jar and any other household jars first to make sure that it fits in.

## QUOTES OF THE MONTH

Not everything that can be counted counts and not everything that counts can be counted. *Albert Einstein*

**++ = ###**

The reason most major goals are not achieved is that we spend our time doing second things first. *Robert J. McKain*

The weird thing about telling someone they're dying is it tends to focus their priorities. You find out what matters to them. *David Shore as House, M.D.*

Slow down and enjoy life. It's not only the scenery you miss by going too fast – you also miss the sense of where you are going and why. *Eddie Cantor*

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