

CHAIM STEINBERGER, P.C.

ATTORNEYS AT LAW

150 EAST 58TH STREET, SUITE 2701

NEW YORK, NEW YORK 10155

(212) 964-6100

FAX (212) 500-7559

www.theNewYorkDivorceLawyers.com

admin@tnydl.com

Shepherding you safely through difficult family transitions!

DIVORCE IN NEW YORK – COMMON MISCONCEPTIONS

(c) 2019 Chaim Steinberger, P.C.

TABLE OF CONTENTS

COMMON MISCONCEPTIONS ABOUT THE LEGAL PROCESS.....	1
“I can tell ‘em anything, and I’ll get away with it”	1
“All lawyers are the same”	1
“Large firms are better than small firms”	2

COMMON MISCONCEPTIONS ABOUT THE LEGAL PROCESS

Some people have misconceptions about the legal system that can prove harmful if they proceed along that basis.

“I can tell ‘em anything, and I’ll get away with it” – Lying is a terrible litigation strategy. While some people can sometimes get away with a lie, if there is a skilled adversary on the other side of the case, the lie will be revealed. The liar’s credibility will be destroyed, and they will get hurt as a result. Generally speaking, our legal system works well. Judges, like all people, however, are not sympathetic to people who try to take advantage of, or deceive, them. That’s when the system can go “off the rails” and the person suffers a devastating result. (We have gone up against adversaries who tried to lie numerous times and in just about each, we were able to show them up to their great detriment.) A corollary to this rule is that a litigant can’t even “seem to be” deceptive. While some people seem truthful even as they lie, others look shifty and deceptive even when they tell the truth. As the sales-saying goes, “Perception is reality.” We therefore coach our witnesses on how to best present so that their testimony seems as credible as it is truthful.

“All lawyers are the same” and “Any lawyer is as good as any other lawyer” – As

NOTE: *This monograph is intended as an educational guide and not as legal advice. Legal advice should only be obtained from a qualified lawyer who is familiar with all of the facts and circumstances of your matter.*

with any profession there is wide divergence in the amount of diligence and skill among the members of the profession. Lawyers have different levels of knowledge of the law and of human behavior. They have different levels of performance skills, and are willing to devote different levels of commitment to the clients' cases. Moreover, a lawyer's chances of successfully representing the client can depend on the ability of the lawyer to deeply understand the justice of the client's case. If a client and lawyer have different values and personality types, that might hinder successful representation. It is therefore important to get the measure and flavor of the lawyer and to ensure that the lawyer and client are sympatico. (In one case, we were the fourth lawyers to represent our new client. When we walked into the courtroom seeking an adjournment the presiding justice warned us that, "Counselor, you know your client's got one foot in Rikers?" Four weeks later we returned to argue our client's case. The oral argument lasted two hours, and we turned the judge's head around, to the extent that her view of the case shifted 180 degrees. And we made the same argument each of the four prior attorneys made . . . but we made it differently!)

"Large firms are better than small firms" – As with so many things, in itself this is not necessarily true. Rather "it depends." Some small firms are better than many large firms. Many large firms are better than the average small firms. So it really depends on which small firm and which large firm.

Litigation is never static. The sands of litigation are constantly shifting as the case moves forward, additional information is uncovered, the sides learn more about the controlling law, the judge makes rulings, and the parties adapt to them. As a result, something that was irrelevant yesterday may become crucial today; something crucial yesterday becomes irrelevant today. The skilled advocate must be able to "turn on a dime" and adapt to the shifting shape of the case, adapt the theory of the case and adapt the litigation strategy as needed. A big, bloated law firm, may have too many layers and too many people involved to make the necessary changes. A skilled firm must be flexible and nimble, able to adapt quickly and efficiently to the changes of the case. As Helmuth von Moltke the Elder, Chief of Staff of the Prussian army before World War I famously noted even the best laid battle plans never survive the first encounter with the enemy.

Because Chaim did his apprenticeship at some of New York City's finest law firms, he brings large-firm professionalism to the practice of family law, an area that sorely needs it. However, because of the small size of his firm, he can assure you individualized service. Moreover, you won't be paying for legions of people coming up to speed on your case. The person working on your matter will know everything about your matter. And, because it's a small firm, it's more nimble, ready to adapt as the litigation postures change. So you get a more responsive firm that's more knowledgeable about your case and gives you more individualized attention.

NOTE: *This monograph is intended as an educational guide and not as legal advice. Legal advice should only be obtained from a qualified lawyer who is familiar with all of the facts and circumstances of your matter.*