

Dirty Tricks Employed by Lawyers and Disregarded by Judges

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By Bettina Hindin

People are getting smarter nowadays; they are letting lawyers, instead of their conscience, be their guide. (Will Rogers)

Divorce proceedings can often be emotionally charged and contentious, requiring individuals to seek legal representation to navigate through the complexities of the process. While most divorce lawyers uphold the highest standards of professionalism and ethics, there are, unfortunately, a few who resort to unscrupulous tactics to gain an advantage for their clients. This article aims to shed light on some commonly known trickery employed in divorce cases, i.e., bad behavior a litigant can expect to see coming from the other side, and with which they will need to cope, inasmuch as judges rarely punish any of this behavior. In other words, as one climbs onto the divorce carousel, make sure to fasten the belt around your waist because it is going to be a bumpy ride [1].

Concealing Assets

One of the most prevalent unethical practices involves lawyers helping their clients hide or undervalue assets during the discovery portion of the case, which will ultimately lead directly into the property division segment of the case. This may include transferring assets to third parties, creating fake debts, or underreporting income. Typically, this will involve a lawyer's failure to produce the financial documents sought by the other side in full or in part. Such actions hinder a fair distribution of marital property and can have severe consequences for the other party involved.

Stirring Up Conflict

Some lawyers intentionally fuel animosity between divorcing spouses instead of promoting amicable resolutions. By exacerbating conflicts or encouraging their clients to adopt hostile approaches, these lawyers create a more challenging environment for negotiation, causing emotional distress and escalating legal costs.

Misrepresentation and False Accusations

In pursuit of securing advantageous outcomes, some lawyers resort to presenting false information or distorting facts about the opposing party. This may involve fabricating evidence, making baseless accusations of wrongdoing, or tarnishing the reputation of the other spouse. Such behavior not only undermines the integrity of the legal process but also damages the overall trust between parties.

Exploiting Power Imbalances

Lawyers are expected to function as advocates for their clients, but when they exploit power imbalances between divorcing spouses, it can lead to unfair negotiations. Manipulating vulnerable clients or bullying the opposing party can distort the outcome and perpetuate injustices within the divorce process.

Unnecessary Delays and Legal Maneuvering

Some attorneys deliberately prolong divorce proceedings through excessive paperwork, unnecessary motions, or aggressive litigation strategies. This tactic aims to exhaust the opposing party's financial resources and stamina, forcing them into a disadvantageous settlement or conceding to unfavorable terms out of desperation. Some refer to this as adopting a "scorched earth" policy, i.e., victory or supremacy at all costs [2].

Conclusion

While the majority of divorce lawyers adhere to ethical standards, it is crucial to acknowledge the existence of unethical practices that can harm both parties involved in a divorce case. Recognizing these "dirty tricks" allows individuals to be vigilant and seek legal representation from reputable attorneys who prioritize fairness, transparency, and ethical conduct throughout the divorce process.

[1] Paraphrase from "All About Eve" (1950).

[2] <https://www.merriam-webster.com/dictionary/scorched-earth>