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## The Divorce Lawyer's Guide to Staying Married

At the law firm of NOELKE ENGLISH MAPLES ST. LEGER BLAIR, LLP, our job is to counsel our clients on how best to end their marriages, not to save them. By the time we become acquainted with our clients' marital life, the dissolution of the marriage is a foregone conclusion. This year, however, in honor of Valentine's Day, we have decided to put the collective experience of the lawyers at NEMSB to different use. With more than 60 years of family law experience between them, the lawyers at NEMSB have learned a thing or two about why marriages fail. From the front lines of marital conflict and failure, here is our best advice for staying married.



### Compromise

*"I married Miss Right. I just didn't know her first name was Always."* - unknown

Albert Einstein is reputed to have made a pact with his wife early on in their marriage: she would make all the small decisions, and he would make all the big ones. He went on to jest, that, "fortunately, in all our years of marriage, we never had to make a single big decision – only small ones." This may have worked for the Einsteins, but it does not work for many.

Lea Noelke, senior partner and a family law attorney for over 25 years, reports that divorcing couples often contain at least one partner "who would rather be right than happy." Sadly, this particular trait can sour nearly every decision a couple has to make: how to spend money, where to live, where to send the kids to school, where to vacation, etc. The possibilities for strife are endless if one party always has to have the final say. Eventually, the resentment that can build over the years becomes too much, and the marriage is irretrievably broken.

Marriage will always be a two-way street, so expect to yield occasionally. You may find that being happy is actually better than being right.

### Have Sex

*"Husbands are like fires. They go out if unattended."* - Zsa Zsa Gabor

Lack of physical intimacy in a marriage may be the most obvious sign that a marriage is over. Partner Keith Maples, family law attorney for almost 20 years, says that "sex in a marriage is like a canary in a coal mine. If the canary doesn't come out alive, there are no survivors." In other words, if you and your spouse are not having sex, your marriage will not survive. Physical intimacy goes hand in hand with emotional intimacy, the lack of one almost always signifying the lack of the other. It is not surprising, therefore, that many clients who seek a divorce have not had sex in months or years,

sleep in separate bedrooms, or report that sex in their marriage is extremely rare. Unfortunately, the damage caused by the break in physical intimacy, and the resulting break in emotional intimacy, is often irrevocable.

Men and women usually have different views about why their sex life has fallen by the wayside. Women are likely to report that their sex life suffered because their husbands did not attend to their emotional needs. Men often report just the opposite – that if their wives would have shown any interest in sex, they would have been very attentive husbands. Sadly, while wives stew in silence, waiting in vain for their husbands to put romance before sex, men take sexual rejection from their wives very much to heart. According to Lea Noelke, a man's pride will cause him to "give up rather than continue to experience the humiliation of rejection." When that happens, a dangerous cycle begins. "There is a snowball effect," explains Keith Maples. "As physical intimacy becomes more and more infrequent, emotional intimacy suffers as well, which, in turn, makes physical intimacy even more unlikely. The impasse keeps growing until contempt sets in." Once that happens, Keith says, "The marriage is over."

If you want to stay married, be the one to stop the destructive cycle. Brides of the Victorian era were advised by their mothers on how to endure their wifely duties: "lie back and think of England." Victorian mothers knew even then that a successful marriage required a woman's willingness to meet her husband's physical needs. At the same time, a husband who wants to stay married should consider his wife's feelings. Helen Rowland, the early 20th century humorist, once noted that "before marriage, a man will lay down his life for you; after marriage he won't even lay down his newspaper." If you are a husband in need of your wife's affection, put down your newspaper and ask her about her day as if it mattered to you. A new cycle of physical and emotional intimacy may begin that could prevent your marriage from ending in divorce.

### **Be Faithful**

*"Divorce is the sacrament of adultery."* - French Proverb

If you want to stay married, do not have an affair. When one spouse is unfaithful, the marriage usually ends. In many cases, this is because the marriage was on its last leg before the affair started. Happily married people are very unlikely to find themselves pursuing relationships outside of their marriage. People whose relationships have gradually unraveled from a lack of physical and emotional intimacy, however, may find themselves attracted to a third party who shows an attraction to them, listens to them, or otherwise fills needs long ignored by their spouse. As Benjamin Franklin once said, "Where there's marriage without love, there will be love without marriage."

Partner Andi St. Leger reports a disturbing trend: that modern technology has made it surprisingly easy for affairs to develop. "There are so many ways for illicit communications to be sent and received now. Texts, emails and Facebook messages can be easily exchanged in secret. Years ago, a paramour would have to call on the house phone to make contact in the evening, and the risk of discovery was often too great. Now, a text can be sent in private, and arrangements for a tryst can be made in minutes." Friending old flames on Facebook? "Bad idea," says Andi. What may start innocently can, in time, rekindle an old flame. Emotional affairs often find a way to become physical affairs, so it is best not to start something that could endanger your marriage.

If you really want to stay married, understand that an affair is not an option. Friend your spouse on Facebook, send him or her romantic texts, and make it a practice never to let a third party enjoy that emotional or physical intimacy that rightly belongs to your spouse.

### **Choose Wisely**

*"Don't marry the person you think you can live with; marry only the individual you think you can't live without."* - James C. Dobson

Audrey Blair, the newest partner at NEMSB, observes that most divorces occur under two scenarios: (1) when good people marry bad people; and (2) when two good people get married because they think it is time to get married, not because they have found the right person.

Before getting married, advises Audrey, people should seriously ask themselves, "Why am I marrying this person?" If you are marrying an abusive person or an addict of any kind, realize that the answer to that question is probably more complicated than you can handle without professional

help. For that reason, don't get married, get help. Marriage will not fix the addict or abuser, and neither can you. Without professional help for both you and your spouse, only a divorce will release you from your spouse's destructive tendencies.

Equally common, however, is the second category of marriages that end in divorce: two good people who marry because their friends are all getting married, they are not sure they will find someone better, and they conclude it must be time to get married. However well-intentioned they may have been, many of these marriages fail. Audrey recommends premarital counseling to avoid making this common mistake. "Rather than finding yourself in counseling to prevent a divorce a few years from now, go through serious analysis of your relationship before you ever get married," recommends Audrey. "If you come through that okay, you will probably be fine."

Although the decision to get married is the biggest decision most people make, more effort is often put into choosing a college than choosing a spouse. Sigmund Freud said that, "When making a decision of minor importance, I have always found it advantageous to consider all the pros and cons. In vital matters, however, such as the choice of a mate or a profession, the decision should come from the unconscious, from somewhere within ourselves . . . we should be governed, I think, by the deep inner needs of our nature." In other words, "looks good on paper" might be reason enough for a business decision, but not for choosing a spouse. Make sure you really know, love and respect your intended spouse, and then go to counseling anyway.

### **Communicate**

*"The conception of two people living together for twenty-five years without having a cross word suggests a lack of spirit only to be admired in sheep."* - Alan Patrick Herbert, English journalist, writer, and Member of Parliament

A surprising number of couples who divorce have rarely fought, says Andi St. Leger. Often, one of them has quietly seethed for years and years, until finally demanding a divorce from an unsuspecting spouse. "I have always been shocked at the number of people whose spouses had no idea they were unhappy. They never talked about their relationship or their feelings, but instead lived for years as two strangers sharing a house and kids." If there is a lesson to be learned from this, it is to communicate with your spouse about everything, the good and the bad.

Some people are afraid to argue with their spouse, worrying that a fight means that their relationship is over. Airing disagreements, however, is better than no communication at all. Arguing can be healthy, as long as you make up within a reasonable time. The alternative – holding in anger for years until someone finally explodes – is far more destructive.

A surprising number of people communicate more regularly and more meaningfully with people other than their spouse. While it is always good to have friends and family to talk to, communication with your spouse is essential. Emotional intimacy cannot exist without it.

### **Dance**

*"Dance with the one who brung you."* - Darrell Royal, University of Texas Longhorns Head Coach

Lea Noelke and his wife, Holly, have been happily married for 30 years. He attributes their successful marriage, in part, to the fact that they dance a lot – with each other. "We have so much fun dancing together," he says. "We make time to be together doing something we both enjoy." A big mistake couples make, according to Lea, is not taking the time to do fun things together. "We see a lot of divorcing couples who vacation separately, go to parties alone, and essentially lead separate lives. They've quit doing things together that they both enjoy, as they focus on things other than their relationship." Even putting too much focus on the children, rather than on each other, can be bad for the marriage. If you are not making your relationship a priority and planning ways to have fun with your spouse, your marriage may be in jeopardy. People who live separate lives usually end up separated.

Lea tested his theory once on his long-time law partner, the late Patricia English. He asked her if, in all her years of representing parties in divorces, she had ever divorced a couple who regularly danced together for fun. She thought carefully, and then shook her head. "No," she said, smiling, "I never have." And if Pat English never saw it happen, you can bet it never has.

So, this Valentine's Day, take our advice. Put down your newspaper, let your spouse choose the restaurant, talk to each other, and be sure to dance. Oh – and when you get home . . . have a Happy Valentine's Day.

Written By: Judith Bryant, Associate Attorney

## About Noelke English Maples St. Leger, L.L.P.

### Advocates for Civility in Divorce

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### Partners

Lea C. Noelke	<a href="mailto:lnoelke@nems-law.com">lnoelke@nems-law.com</a>	Keith D Maples	<a href="mailto:kmaples@nems-law.com">kmaples@nems-law.com</a>
Andi St. Leger	<a href="mailto:astleger@nems-law.com">astleger@nems-law.com</a>	Audrey Blair	<a href="mailto:ablair@nems-law.com">ablair@nems-law.com</a>

### Contact Us

(512) 480-9777      [www.nems-law.com](http://www.nems-law.com)

901 MoPac Expressway, Barton Oaks Plaza  
Building Two, Suite 200  
Austin, TX 78746

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Sender: Noelke English Maples St. Leger, L.L.P. 901 S. Mopac Expwy, Barton Oaks Plaza II, Suite 200, Austin, TX 78746