

## Day #14: The Eleven Step Divorce Litigation Process, #6: Divorce Discovery

Hi,

Thanks again for Subscribing. Today we continue through the “eleven steps” for a contested New Jersey Divorce. Today we review New Jersey divorce discovery.

Discovery is the process of seeking and providing information. It may require providing years of bank statements, income tax returns, credit card statements, retirement account information, relevant health information, the signing of releases and much more.

Discovery can be time-consuming and expensive, and it sometimes can be limited. It's also a subject that is so involved that it is largely beyond the scope of these emails. That said, discovery is quite important—particularly if you suspect the other party is hiding assets or engaging in other suspicious behavior.

In some cases discovery may be minimal and in others it may require retaining expensive experts such as business evaluators, forensic accountants, and employability or custody experts.

Some of the basic discovery methods include interrogatories, requests for admissions, requests for the production of documents, authorizations, subpoenas, and in some instances, the taking of depositions, which can be a very effective process for gaining leverage and eliciting admissions from the opposing party.

If you are both “W-2” employees then the financial discovery regarding income should be simple. Conversely, if one or both of you own one or more businesses, then income imputation can be quite complex. You should also determine prior to the divorce where all of the assets and liabilities lie so that you are not taken by surprise should your spouse attempt to hide assets.

A New Jersey Divorce attorney can assist you in knowing where to look, reviewing the materials provided, objecting to overly broad requests for your discovery, and eliciting admissions through

depositions. Effective discovery is where cases are often won or lost.

As a former civil litigator, I know that discovery is just as important (if not more so) in family law cases as it is in complex civil litigation.

Let's now move on to step seven: continuing negotiations and the drafting of a Marital Settlement Proposal.

All the best,

Carl

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