



**Q&A By John T. Syrtash, Associate, Garfin Zeidenberg LLP
Answers to pressing questions on Family Law.**

Stop worrying and call her bluff

Question: My wife keeps threatening to sue me. Two family law mediators have told us I'm right and she's wrong about the law. Bust the court costs and testifying at a trial scares me. Help.

Answer: Stop worrying about a "trial" and call her bluff. Your fears are unfounded. That knot in your stomach will unravel if you place your trust in a knowledgeable family law lawyer. Your lawyer should write a letter demanding a fair settlement with a time limit for a response, failing which you should ideally take her to court first. There are certain tactical advantages in being the first to sue. In Ontario, the first court appearance called a Case Conference does not permit either spouse to obtain any relief from the judge, except for procedural court orders, like obtaining orders for information about spousal finances. It also provides an opportunity to present a written "Offer to Settle" in your terms. If your wife does not accept your offer after a successful trial then the trial judge will likely compel her to pay most of your legal bills. If thoughtfully prepared these offers often lead to settlement with the assistance of an experienced caring judge.

John T. Syrtash, Associate
GARFIN ZEIDENBERG LLP
Yonge-Norton Centre
5255 Yonge Street, Suite 800
Toronto, Ontario, Canada M2N 6P4
Phone: (416) 512-8000 ext 410; Direct (416) 642-5410
Fax: (416) 512-9992
email: jsyrtash@gzlegal.com

John Syrtash is an associate and family law lawyer with the Toronto firm of *GARFIN ZEIDENBERG LLP*. Neither GARFIN ZEIDENBERG LLP nor John Syrtash is liable for any consequences arising from anyone's reliance on this material, which is presented as general information and not as a legal opinion