

FOCUSING ON families

PRINCE LAW FIRM, P.C.

ARTICLE BY BECCA EDWARDS
PHOTOGRAPHY BY M.KAT

Since 2001, Beth Prince has been practicing law in South Carolina. Although Prince is a family law attorney, she considers herself primarily a trial attorney who practices family law. "In South Carolina, there are no juries in family court. However, my background with jury trials brings a breadth of experience," Prince said. "Jury trials require a different courtroom technique. If you cut your teeth on jury trials, as I have, it is a theatrical production. You have to decide what story you want the judge and jury to believe. You have to tell your version of this event and a set of facts and get them to see your perspective.

"I have learned from years of experience you do not win with argument, you win with how you present the facts," Prince added. "I spend a lot of time thinking about how to tell my clients' side of the story. Many times my clients come to me worried they are going to be painted as the villain, and we have to figure out how to turn that around."

In addition to her professional knowledge, Prince brings her personal insight into how life works and how we as human beings function. "We all have done things we wish we could take back, but these things should not define us," Prince said. "People going through a family law dispute such as child custody or divorce are worried about the most fundamental aspects of their lives—their family, their home. Some fear they are literally going to get the rug pulled out from under them. They are experiencing one of the worst events in their lives."

For this reason, Prince creates a personal connection with her clients and strives to be forthright and fully educate her clients about their situation, the law and the best possible plan of attack. "When I am working with a client I try to educate him or her and make sure we are always on the same page," Prince said. "Ultimately, my job

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BETH PRINCE PICTURED
WITH HER TWO ENGLISH
BULLDOGS DUKE (LEFT)
AND JAX (RIGHT).





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PICTURED
LEFT TO
RIGHT:
ELIZA, JAX,
BETH, OZZY,
CHRIS AND
DUKE

is risk management. In order for clients to make informed decisions, they need to understand what I believe a judge is likely to order if we go to court. That way, clients can decide if they should attempt to settle or continue toward a trial."

According to Prince, family law is one of the most misunderstood areas of law. "People see criminal law depicted on TV or in the movies. They know phrases like 'innocent until proven guilty' or understand the concept that everyone is entitled to a lawyer. People have a general working knowledge of criminal law. But not family law."

Prince would like for family law to be as well understood as other areas of law, and continued by debunking ten common family law myths:

MYTH 1: How money works in a divorce.

"You have heard people say, 'She took him to the cleaners,' but that does not really happen. More often these days, we are dividing debt, not assets. Also, people think in a fault-based divorce the 'innocent' party will get all the assets, but that is not true. There are no laws to support that."

MYTH 2: What is required to get a divorce.

"Many people think they cannot get a lawyer until they are separated for a year. In South Carolina, what many think of as a 'separation' is called separate maintenance and support, and you can get that before being separated for a year."

MYTH 3: What "marital property" means.

"We often hear, 'But this is in his or her name and this is in my name,' but that usually does not matter. Anything you accumulated during the course of your marriage, with a few technical exceptions, is marital property."

MYTH 4: Everyone is entitled to dog visitation.

"This one will bring the knives out, but pets are considered property like pots and pans. I don't agree with it, and it's not fair, but that is the law. I've had cases settled down to the last penny and damn near go to trial over pets."

MYTH 5: Abandonment.

"In order to file for divorce, you need to physically live apart. Oftentimes people worry about moving out because they do not want the other party to claim desertion or abandonment. 'Abandonment' is not the same thing as moving out of the house. Abandonment is when a person leaves and you do not know where they are because they do not want you to know where they are."

MYTH 6: Mothers always get custody.

"The law does not necessarily favor moms. Both parties come into court on equal footing under the law. This is a hot topic. Many times dads will say to me, 'I would love to try for custody, but everyone says I do not have a chance.' I respond to them, 'Do not be too quick to say that. Tell me more about your situation.'"

MYTH 7: How long it takes to get a divorce.

Unless you have one of the four grounds (see Myth #8) "I hear one of two things. Either someone has an unrealistic expectation and thinks their divorce will happen quickly and everything will be worked

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out in no time. Or, they think, 'This is going to drag on for years.' In South Carolina, you must request a final hearing within 365 days from filing. If a case goes on too long, it can be dismissed.

MYTH 8: Irreconcilable differences.

"'Irreconcilable differences' does not exist in South Carolina. There are four grounds for divorce: adultery, physical cruelty, habitual drunkenness, which also covers narcotics, or desertion (which means your spouse left over a year ago and you do not know where he or she is). Otherwise, you must wait the one-year continuous separation."

MYTH 9: How child support is determined.

Some people think if the husband or father quits his job he will not have to pay child support. However, if you are voluntarily unemployed or underemployed, the court will impute income to you. So, quitting a job in order to claim 'no income' will only backfire."

MYTH 10: "Bulldog" lawyers.

"This is a big one. We hear this all the time, that a client wants 'a bulldog,' or they will ask if I am 'a real bulldog.' What people often do not understand is that the idea of a 'bulldog' lawyer is actually counterproductive and ultimately very expensive. When looking for a lawyer, you want someone who knows how to pick battles, not fight everything just for the sake of fighting. The cost of refusing to be reasonable is both financial and emotional. Every case should not end up like War of the Roses. The reality is that the vast majority of cases are settled without having to go to trial. To increase your likelihood of reaching a good settlement without going broke is to choose someone who is never afraid to go to trial, but who is also going to be reasonable with the other side when and if it is appropriate."

Prince Law Firm is located 200 Central Avenue, Suite B. To learn more, visit www.bethprincelawfirm.com or call (843) 681-9000.



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