

The timing of Jennifer Lopez's divorce filing? 'Brilliant' and 'strategic,' say divorce attorneys.

By Suzy Byrne

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Did Jennifer Lopez and Ben Affleck have a prenup? Why did she file for divorce without a lawyer? Attorneys answer our burning Jennifer breakup questions. (John Salangsang/Variety via Getty Images)

While Jennifer Lopez's filing for divorce from Ben Affleck in California on Aug. 20 didn't come as a huge shock, since the couple has been living separate lives for months, what was surprising is that it was reported that they don't have a prenuptial agreement.

That's what a source close to Lopez told multiple media outlets, including NBC News, about the pair who eloped to Las Vegas in July 2022 before their formal wedding in Georgia the following month. However, that doesn't mean there isn't an agreement in place.

"I can't imagine that these two very smart, successful, beautiful people don't have this buttoned up and they just don't want to have everybody else know what's going on in their life," divorce attorney Nancy Chemtob from Chemtob Moss Forman & Beyda told Yahoo Entertainment.

After all, "they both have a substantial amount of wealth," including income from two successful careers and a \$68 million home in Beverly Hills that they've been trying to offload since their April separation, said Chemtob, who is not involved in the case. "They must have an air-tight agreement."

Celebrity divorce lawyer Christopher Melcher of top family law firm [Walzer Melcher & Yoda](#) in Los Angeles also finds it "highly improbable that this couple married without a premarital agreement," he told Yahoo.

"Jennifer was not required to say whether there is a premarital agreement when she filed for divorce," said Melcher, who for a time represented Kanye West in his divorce from Kim Kardashian. "So I caution anyone from jumping to conclusions about whether a prenup exists from Jennifer's decision not to mention it in her divorce filing."

There's also the matter of Lopez filing for divorce "pro per," according to TMZ. It comes from the Latin phrase "in propria persona," meaning "in their own person," or by herself and without an attorney. Why would someone with a team of lawyers like Lopez do that?

"There is no way she is doing any of this without an attorney, so listing herself as being self-represented would be for show only," said Melcher, who is also not involved in this case. "It could be a signal that Jennifer and Ben have settled, and their next step will be to present an agreed-upon judgment of divorce."

When Affleck ended his marriage to first wife Jennifer Garner, the divorce took years to complete. As parents of three, they did it out of court, using mediation and a private judge to achieve a settlement. His split with Lopez, who has previously been married three other times (she shares two children with ex-Marc Anthony), doesn't involve shared children, so there are no custody issues or child support at issue.

"It sounds like they don't want to air their dirty laundry," said Chemtob, who has helped Mary-Kate Olsen, chef Bobby Flay and other celebrities get divorced. "I wouldn't be surprised if there was a mediator and they figured everything out."

Without a prenup, a couple would have to divide their community property, but in this case it seems like that's already ironed out.

"They must have an airtight agreement saying what happens with the houses, their intellectual property, her music, his movies," said Chemtob. "These two people are not leaving this without, I would say, a big bow on it," especially because they've had four months from the separation date Lopez listed, April 26, to work it out.

As far as the timing of the filing, that is the biggest indicator that the couple, who were first together 20 years ago before reuniting in 2021, may not be on the same page.

Lopez picked a significant day for them as a couple — the second anniversary of their Georgia wedding — to file. Earlier in the day, Affleck returned to L.A. via private plane with his ex-wife Garner and their middle child after they dropped off their oldest daughter at college.

“It seems that, yes, it was strategic that she filed two years to the day,” Chemtob said, “but that's also just conjecture” since neither has publicly revealed why they split.

Melcher says “the timing is brilliant” because the filing news came “with former President Obama scheduled to speak at the Democratic National Convention.”

With Affleck and Lopez’s on-and-off history, after first being engaged 20 years ago and then calling off that wedding, it’s possible this isn’t the end of Jennifer.

“They've been in and out of love for so long, they just don't seem to be able to get it together,” said Chemtob, who has had clients who remarried ex-spouses. “It's like they want to be married, but they don't. They try; it fails.”

She continued, “I do believe in my heart of hearts — because I am a romantic, even though I'm a divorced divorce attorney — that this isn't the end of them. I have a feeling that they'll do this again — and maybe it will stick.”

Perhaps in another 20 years? “Or five years from now,” she said with a laugh.