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Why Did Spears Give Up the Good Fight?

Lawyer: Spears 'Snatched Defeat From the Jaws of Victory'

By SHEILA MARIKAR

It's all over. The parking lot paparazzi crushes, the pseudo-perp walks from car to court, the hearings missed in favor of fun at the mall.

After months of drama, Kevin Federline will get sole legal and physical custody of sons Sean Preston and Jayden James, according to Federline's attorney.

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Britney Spears is waving the white flag. She's given up the fight for her kids, putting an end to her months-long custody battle with ex-husband Kevin Federline.

According to Federline's lawyer, Mark Vincent Kaplan, Spears agreed today to give Federline sole legal and physical custody of sons Sean Preston, 2, and Jayden James, 1, a month before the case was due to go to trial. Friday morning, Spears' lawyer reached an agreement granting her more visitation time with the boys.

Spears pretty much accomplished the impossible. In 2006, when she filed for divorce, onlookers assumed the court would grant custody to the multimillionaire singer over the barely famous backup dancer. But as Spears' life spiraled out of control, K-Fed's stock rose.

"She snatched defeat from the jaws of victory," said Paul Talbert, family law attorney at Chemtob Moss Forman & Talbert, a Manhattan matrimonial law firm. "K-Fed was the punch line to every joke when this all started, and now he's basically the father of the year. It's quite an accomplishment and a credit to his attorneys."

The floundering pop star lost custody of her sons last year following a string of high-profile incidents of bizarre behavior, such as shaving her head bald, threatening paparazzi with an umbrella and checking into the hospital for a psychological evaluation. But lately, she's cleaned up her act. This summer, she has been off the streets and in the recording studio. So why give up the good fight now?

"I think she looked at the cards and saw she had a losing hand and decided this was the smartest thing she could do at this point," said Howard Bragman, chairman of Fifteen Minutes PR and author of the forthcoming "Where's My Fifteen Minutes?" "Otherwise it would be a lot of

money, a lot of heartache and a lot of labor for something her advisers said she probably wouldn't win."

Bragman added, "Her behavior since this all began has not been indicative of someone who thinks their most important priority is to keep their children. Nobody's going to look at the past couple months in isolation. They're going to look at the history since the separation began, and her history will bite her in the butt. You don't have to be F. Lee Bailey to see that her case wouldn't play well in court."

Flashing the paparazzi, skipping court dates to go on shopping sprees, running into cars and speeding away. Months of immature displays painted such a poor picture of Spears there was no way Federline would not have won custody, lawyers said.

"The worst possible position a litigant in a child custody case can be in is when they can't control their behavior during the case itself. It's one thing to walk into court with a messy history [and] quite another when you can't get yourself under control during the proceedings," said family law attorney Marc Rapaport. "And that's how she dug such a deep hole for herself in this custody dispute. At the end of the day, K-Fed, even though he wasn't perfect either, was destined to get custody."

And for Spears, that's not a bad thing. If she continues to keep herself together, she stands to win more visitation time with her sons.

"She showed herself for a while to be an unfit mother who had to scratch and crawl her way back to having any meaningful time with her children. The settlement will give her the opportunity, if she doesn't have any major setbacks, to have a meaningful role in her kids' life," Talbert said. "This is probably the best solution for the kids. For Britney, it allows her to shrink from the spotlight a little bit -- she doesn't have to go to court every month and endure that circus. That circus can't make it easier for her to stay on the straight and narrow."

So for Spears, the coming months, it's hoped, will mean less courthouse craziness and more quality time with her sons. She could take a cue from little sis Jamie Lynn Spears, who has largely shied away from the spotlight while adjusting to life as a new mom. Then again, she's 17 years old -- not exactly the paragon of parenting.

"I think both of these girls have a lot to learn," Bragman said, "and I don't think they should be using each other as role models."