

Seven Things You Must Know Before Hiring a Divorce Lawyer

Introduction

Divorce is a stressful time for everyone. Whether you've been together for 3 months or 30 years, it's important that you follow through with divorce the right way.

These days, that means getting a divorce lawyer. They're not only your biggest advocates in a time like this, but they will also make sure that everything is done legally and safely.

The thing is, since you're already so stressed about the divorce itself, you don't want to spend tons of time worrying about your lawyer, right? There are plenty of other things on your plate, so the last thing that most people want is a frustrating process to select the best lawyer for them.

Fortunately it doesn't have to be too difficult. This report will go over some of the most common questions asked about hiring a divorce lawyer. By the time you've reached the end, you'll know more than 90% of the population about what to do... and what *not* to do!

Let's start by taking about the most common question - whether or not you *need* a divorce lawyer.

Do I Need a Divorce Lawyer or is there an Alternative?

Currently there are four main options to conduct a divorce. Each has its advantages and disadvantages, so think about your specific situation and what your goals are before selecting one method.

Do-It-Yourself

We Americans love to do everything ourselves, don't we? If we didn't, the old saying "if you want something done right, you have to do it yourself" wouldn't be around.

The thing is, with something as legally and financially messy as divorce, doing everything yourself can be a *very* bad idea. Especially if your ex is hiring a lawyer! Chances are, you'd get taken to the cleaners as the professional walks all over you.

Generally the only time you should consider doing everything yourself is if you don't have any kids and your family doesn't own many assets (home, expensive jewelry, stocks, etc.) The less there is to split up and argue about, the easier it is to do everything on your own.

Mediation

This method involves having a neutral mediator help the couple come to terms on the divorce. This can be a very good way to go, as it's cost effective, leads to better relationships later on, and allows everything to be done silently. Mediation can also help the entire divorce process go a bit faster, as agreements are made face-to-face.

On the flip side, mediation can sometimes be a waste of time and money. If the couple's relationship is completely shattered, there's a chance that they won't agree on anything. Another thing is that if the mediator isn't neutral, the entire effort just isn't a fair situation. And if the mediator doesn't hear the full story or isn't a lawyer, chances are high that the agreement won't be legally enforceable.

Collaborative Divorce

This method is basically where the couple agrees to work out the divorce settlement without going to court. Even though they will have to go to court at one point, it's just to sign the legal paperwork.

In collaborative divorce, each spouse hires their own divorce attorney. These attorneys meet with their client, and then with the client's spouse and their attorney.

The idea is that the attorneys will help the spouses come to a settlement without the nasty, public method of litigation.

Even though this sounds like a very attractive option to many couples, it isn't as great as it may seem. The problem is that with collaborative divorce, all financial information is disclosed voluntarily. In other words it's very easy for a spouse to hide financial or tangible assets from the other. Plus, the idea of valuation of tangible assets such as the house can be very tricky.

Litigation

Even with the other options available, most divorces these days still use litigation. Note that litigation does *not* mean the case will go to court to be settled. Only about 5 percent of divorce cases go to court.

Keep in mind that the term "litigation" means "carrying out a lawsuit." The reason why this is a lawsuit, and not just two people ending their marriage, is pretty simple. Over 80% of divorces involve one party who wants the divorce, and the other spouse wanting to stay married. Obviously this causes issues right from the beginning, and it also eliminates methods such as mediation and collaborative divorce.

Litigation is also commonly used because of the most difficult part of divorce - child custody. Usually both parents want the children, and it can be extremely difficult for a settlement on this issue through collaborative or mediation methods.

Now, litigation is *not* typically how they make it out to be in TV shows or movies. If the lawyers are good, they will try their best to help the couple come to a reasonable settlement. But if no settlement is made, and the case goes to court, "the gloves come off." At that point, the attorney's job is to represent their client and get them the best deal possible period.

That is why having a divorce lawyer is so highly recommended. You can try to do everything yourself or with a mediator, but chances are... it won't work out well for you.

What Exactly Will a Divorce Lawyer Do for Me?

As mentioned in the last section, divorce lawyers do a lot more than just argue for you in court. In fact, that's more of a "last resort" compared to some of the other, more peaceful methods that they can use.

Validation

Upon your first meeting with a divorce lawyer, they'll be able to look at your situation and let you know if your situation is valid grounds for a divorce. They will also help you identify whether or not divorce is actually the best route to take to achieve your goals.

Mediation

If you use the mediation route of divorce, hiring a divorce lawyer is your best option. They'll be neutral, knowledgeable of the current law, and help you settle everything quietly and quickly.

Collaboration

As an expert of divorce law, they'll help you prepare you for everything you'll need during the case. Whether you use collaborative divorce methods or litigation, a good lawyer will be able to give you great advice on what to expect, how to proceed, and your chances of getting financial assets and custody of the children.

Legal Documentation

As you might expect, there is a LOT of paperwork when it comes to divorces. Lawyers and their paralegals do this stuff every day, so they can help you fill out this paperwork much faster than you can alone. They can even do a lot of the paperwork for you if you provide the relevant information.

Research

In the case of litigation, a divorce lawyer will do a lot of research to make sure that they can make a strong case for their client. Employment history, financial assets, criminal behavior, and just about anything else you can think of will come into play here.

Settlement Agreement

Once the case has been settled, the divorce lawyer will draft the agreement for the couple to sign. This agreement should include everything covered in the divorce including child custody, financial asset distribution, child support and alimony.

To Sum it Up...

A divorce lawyer's job is to do everything they can to make their client happy. Sometimes that means fighting for financial assets or children's custody in court. Other times it's simply working with the spouse and their attorney to settle on something peacefully. And it almost *always* means helping with things like legal paperwork and documentation.

Is it Worth the Cost of Hiring a Divorce Lawyer?

To be honest, the answer for a question like this is...

It depends.

For example, what kind of financial assets are at stake? Does the husband run a multi-million dollar company, with a cushy income while the wife stays at home with the kids?

Does the family live in a tiny apartment that they rent because they don't have the means to buy something of their own?

Does the couple have any kids? If not, how about much-loved pets? After all, these days some pets are loved as much (if not more!) than kids are.

Every case is different, so let's take a look at a few different things to consider when comparing your costs and options.

Financial/Tangible Assets

In almost every family, one spouse makes more money than the other. In addition to this income difference, one spouse also tends to have more assets in their name than the other.

For example, in some families, the house and cars are all in the husband's name. Likewise, he may be the main breadwinner, bringing in as much as 100% of the household income.

In this example, it makes sense for both parties to hire a divorce lawyer. The stay-at-home mom needs a lawyer to get adequate child support and alimony. Likewise, the husband may get a lawyer to help protect him from paying outrageous amounts every single month.

So even though the divorce lawyer isn't cheap for the short-term, in the long term a good lawyer can pay for themselves 100 times over (or more).

Custody of Children

How much do your kids mean to you? Ten thousand dollars? Twenty thousand?

Obviously most people can't put a price on their children - being with them is priceless. This is important to think about, because a good divorce lawyer can help ensure that you'll get custody of your children.

For example, how do you think things would go if, for example, the husband hired a divorce lawyer to get custody of the kids and the wife didn't? Even though judges tend to lean towards giving custody to

the mother many times, it isn't a guarantee. And since there's no divorce lawyer to help her case, the mother might lose custody to the better-prepared husband and his lawyer.

Do You Value Your Time?

Remember that lawyers don't just help you out in court. They do a lot of research for you, fill out paperwork, and even make sure you don't go to jail from doing something illegal.

Sure, you can try to do everything yourself, but do you really have the time? Most people do not, and even if they do, working on divorce paperwork is probably not at the top of their list of favorite things.

Hiring a divorce lawyer is a financial investment, but you will save yourself a lot of time and frustration guaranteed.

Attorney Fees Matter

Finally, I want to acknowledge that good divorce attorneys are *not* cheap. Many people are surprised how much it can cost to file for something as "simple" as divorce.

Because attorney fees can vary widely, keep in mind that you may want to do a bit of shopping around before deciding on your lawyer. We'll talk more about this in the next section, but I still wanted to point it out here.

Don't go with the bottom-of-the-barrel lawyer. There's a reason why they're giving you such a low price! But likewise, you don't need to go with the most expensive lawyer you can find. Unless there are very significant financial assets at stake, we recommend sticking with a lawyer that you can actually afford!

How Should I Go About Finding a Divorce Lawyer?

Thanks to the internet, it's extremely easy to find local divorce lawyers who can help you out.

The problem is... it's extremely easy to find divorce lawyers.

This means people can feel overwhelmed if they simply type "divorce lawyer" into Google and see what comes up. Not only will there be a lot of organic search results on the front page, but there will also be tons of ads promoting different lawyers.

The good news is that there are a few ways to narrow your options way, way down.

Method #1: Ask for References

Considering that almost 50 percent of marriages end in divorce these days, you can probably find some friends, family members or coworkers who are divorced.

Even though it may not be comfortable, ask them if they can recommend a good divorce lawyer. Maybe they really liked the lawyer that helped them. Or it could be that they *didn't* like their lawyer, so they could warn you to stay away!

Even today, with all of the great and amazing technology available, word-of-mouth references are the best way to go. Unless the person has a bias towards helping a certain divorce lawyer succeed, simply getting ideas from loved ones will help a lot.

Method #2: Review Sites such as Angie's List

These types of websites don't just throw up random companies who have paid a small advertising fee. Instead, they're basically run by average people like yourself who want genuine, honest reviews of different companies such as dentists, lawyers and contractors.

The only downside to these types of websites is that you generally have to pay some kind of membership fee. But isn't a \$100 fee worth it if you can save thousands of dollars and a ton of headaches?

Method #3: Good Old' Google

Even though you can't see what previous customers think about the divorce lawyers, simply using a tool such as Google or Bing is still a very viable option.

For one thing, it shows you exactly where their office is located. If you have a divorce lawyer just a few minutes away, it'd be no problem to pay them a visit and get a short consultation.

Meanwhile, if you see that they're on the other side of town, it may be worth moving on in case you can find one a bit closer.

Plus the good thing about Google is that it will almost always direct you towards their website. Meanwhile if you simply use a phonebook, you have to go through a few more steps to get to their website, if they have one at all.

How Do I Choose the Right Divorce Lawyer for My Situation?

Finding a few divorce lawyers is the easy part. Selecting the right one for your situation, *that's* the tough part!

Here are a few things you can do to help you identify the right person for the job. There are certainly more things to consider, but this will help get you started.

Family Law Certification

Many states have board certifications in family law. If you want to make sure that you're getting a good lawyer, you want to look for a lawyer with experience and certifications in family law.

This isn't to say that *all* good divorce lawyers will have this certification. However, it does show that they are dedicated to practicing family law and have a lot of experience. That's because a certification is only given to experienced lawyers who have passed a rigorous exam. They must also receive regular education regarding family law and practice.

Skills, Experience and Personality

This is HUGE.

A major part of your attorney selection should be based on what your goals are. Is your goal to quickly come to a peaceful settlement? If so, you'll want an attorney who has great people skills and is a natural problem solver. They'll be able to mediate between you and your spouse to figure out the best solution.

However, if your goal is to basically extract as much as you can from your spouse, you'll want an attorney who is a formidable opponent in the courtroom. Experience will play a very large role here.

Finally, what kind of personality do you have? If you're fairly shy or timid, you may not want an attorney who is very aggressive and pushy.

Meanwhile, if you are more outgoing and have thick skin, you may want that more aggressive attorney to represent you and your case.

Cost

Even though we recommend hiring an experienced divorce attorney, not everyone has the budget for it. If that's the case, you may need to work with a less experienced, more affordable attorney.

Just keep in mind that *any* divorce attorney will cost at least \$100 an hour, in addition to expensive incurred. Obviously this can add up extremely fast, especially if your case is drawn out for a long time.

That's largely why we recommend going with a somewhat experienced lawyer if your budget allows. Even though the upfront cost may be greater, it could be much less expensive in the long run! A more experienced attorney will be more thorough and faster than an inexperienced one, plus they are less likely to make mistakes.

The Power of Three

It might be very tempting to go with the first or second attorney that seems like a good fit. After all, you're trying to do everything as quickly as possible, right?

The thing is it's recommended that you talk to at least 3 different attorneys before making your decision. This allows you to compare the costs, experience, personality, and skills to determine which one is best for you.

You could always consider talking to more than three, but don't spread yourself out too much. The last thing you need right now is the stress of deciding between the 2 dozen attorneys you've talked to!

Other Important Questions to Ask a Potential Lawyer

This is by no means a complete list of questions to ask a potential divorce lawyer. Instead, it's just here to help you get an idea of what to look for and ask about.

“How Long Have You Been Practicing Family Law?”

You want to be specific here, because some lawyers may have years of experience as an attorney but very little experience with family law.

“How Long Have You Practiced in this County?”

Each state and county is different, so an attorney who has been there for decades will know more judges, information on previous cases, and local laws than someone who is relatively new.

“Have You Worked with Cases Similar to Mine?”

Even within family law, attorneys tend to specialize or lean towards certain cases. For example, some attorneys may work primarily with wealthy families with no kids. Others may be more used to middle-class families with two working spouses and multiple kids.

“Do You have any References I can Contact?”

Good lawyers will have a list of previous customers who are willing to talk to you about their experience. Customer testimonials and satisfaction are everything, so a lawyer without these references should be a warning signal.

“How Many Divorces Does Your Firm Process Each Year?”

Some firms are what you call “divorce mills.” They process tons and tons of divorces each year, meaning their goal is to simply finish your case and move on.

Even though this can seem attractive, realizing that it means your case will probably get less individual attention and care.

“Am I Charged for Secretarial Time?”

Some clients are billed for time that the paralegal spends working on the case. This just isn't fair to the client, because a paralegal is a paralegal - *not* a lawyer.

Again, that's just to start. Here are a few more to help you out:

“What Would be Your Strategy for My Case?”

“How Long Would my Case Take?”

“How Long Do You Take to Return Phone Calls or Emails?”

“How Will You Charge Me?”

“What Costs Besides Labor Do You Expect to Be Involved?”

“What Do You Think the Judge's Decision will be in This Case?”

“What's the Total Cost You Anticipate for this Divorce?”

“Can You Help Me Understand How This Will Affect My Taxes?”

“Can I Negotiate Directly With My Spouse?”

“Can I Pay with Credit Cards?”

“How Much of an Up-front Payment is Required?”

Before you start interviewing, see if you can come up with a few more questions. Try to be specific to help you better understand what you'd be getting into.

Checklist for Hiring Your Divorce Lawyer

We've gone over a lot already, so let's start wrapping this up.

The best way to do that is to give you a short checklist. This will help you identify what you want, what you need, and how to make sure you ultimately achieve your goals with this divorce.

1. ___ Identify Your Goals (Do you want as much money as possible, custody of the children, a good relationship with your ex, etc.)
2. ___ Consider Your Divorce Options (DIY, Mediation, Collaborative or Litigation)
3. ___ Decide on the Best Option for You
4. ___ Identify a Maximum Timeline and Budget Available for a Divorce Lawyer
5. ___ Get Recommendations from Loved Ones for a Good Divorce Lawyer
6. ___ Join a Review Website Such as Angie's List to Identify Good Lawyers
7. ___ Write Down a List of Questions to Ask During Your First Interview
8. ___ Interview at Least 3 Divorce Lawyers
9. ___ Select the Best Divorce Lawyer Based on Experience, Personality, Skills and Costs

When it comes down to it, that's all you need to do. This is a simple process, although it's not exactly easy!

Conclusion

We know that divorce is tough. It's tough for the couple, friends, family, children, everybody.

Instead of trying to deal with everything on your own, hiring a good, experienced divorce lawyer is one of the best things you can do for yourself. You'll save yourself a lot of headache and frustration, plus you're more likely to win the settlement, whether that's custody of the kids, financial assets or both.

If you have any questions or concerns, please contact us and let us know how we can help you through this difficult time.