

A simple guide to hiring the right divorce attorney.

Finding the right attorney to handle your divorce can make a huge difference in the outcome of your case. Many people who rely only on advertisements or word of mouth have discovered this fact too late and suffer the consequences. Every prospective client should take it unto herself or himself to make their own inquiry **before** hiring their divorce attorney.

I've broken the process of selecting the right divorce attorney into five easy steps with some related questions you may want to ask prospective counsel. I hope this guide helps you find the right divorce attorney for your case!

Part One: Hire a personable attorney specializing in divorce.

Hire a divorce attorney with whom you can get along. Don't overlook personality. Try to hire a divorce attorney with whom you can communicate easily. Think of you and your divorce attorney as a team. You will probably spend a lot of time together, so if you don't get along, the divorce process will only become more difficult, more time consuming and more expensive. Your attorney's good interpersonal skills will also help him or her with the other people involved in your case: attorneys, expert witnesses, fact witnesses, law clerks, mediators and last but not certainly not least JUDGES!

Hire an experienced divorce attorney who specializes in divorce. This may seem obvious, but avoid hiring a "jack of all trades" by selecting a divorce attorney who can substantiate their expertise in this area of the law. An attorney, who specializes in divorce, and related issues, will have a greater depth of relevant experience than a lawyer who does not. An attorney who specializes in divorce related issues should understand your concerns and be willing to substantiate their experience. Consider the old adage, "hope for the best, prepare for the worst", If you must go to court, your experienced attorney's courtroom experience, courthouse knowledge, the understanding of complexities of the process and what works best with particular judges should pay big dividends.

- How many years have you been handling divorces in *this* jurisdiction?
- Do you have any special training in this area of the law?
- What is the courthouse procedure for resolving divorce cases in this jurisdiction?
- What are the specific issues that you see in my case?

Part Two: Hire an affordable and responsive divorce attorney.

Hire an affordable divorce attorney who is responsive to your needs. The best divorce attorney in the world isn't right for you if you can't afford their fees. Similarly, your attorney is no help to you if you can't contact them when you need them; or if they don't return your calls. So *before* you hire a divorce attorney, learn as much as you can about how he or she maintains contact with clients and charges for his professional services. You should also learn how the firm handles billing and collection of attorney fees and case related expenses.

- Will you be the contact person for my case?
- How should I contact you to discuss the case: email/phone/fax?
- Do you have a policy for returning client calls?
- What is your hourly rate?
- Do you require a retainer? If so, what are the terms?
- What is the hourly rate for associates and paralegals?
- Who pays for expenses such as: experts, filing fees, court reporters, etc?
- How are your hourly fees charged? (e.g. by the exact number of minutes or in blocks of 5, 10 or 15 minutes, etc.)
- Are there any other fees/expenses that I need to know about?
- In total, how much do you estimate my divorce will cost? (e.g. a best case scenario/minimum cost, or likely range.)

Part Three Hire a divorce attorney who understands the issues and your view of the case.

Hire a divorce attorney who understands the issues in your case. Think about the potential issues in your case before meeting with an attorney. If you have children, your attorney should be experienced with child-related issues such as custody, visitation, and child support. If either you or your spouse will require financial support, you'll need an attorney experienced handling alimony issues. If you own complicated or sizeable real estate investments, financial investments, retirement assets and/or other valuable assets, look for a divorce lawyer with experience handling more complex financial issues. If you own a business, your divorce attorney should be accustomed to handling cases involving valuation of a business. The list goes on and on. The important thing to remember is to make sure your divorce attorney is experienced with the issues in your case.

- How frequently do you handle cases involving: alimony, custody, etc.?
- What other professionals may be needed to pay to present my case? (e.g. accountants, property appraisers, child psychologists, private investigators.)
- How frequently do you utilize expert witnesses in your divorce cases?
- Do you have any experts outside of your firm that you regularly work with? (e.g. accountants, psychologists, counselors.)

Hire a divorce attorney whose approach to the case matches your own. To be a successful team, you and your divorce attorney must be on the same page. Too many people switch attorneys mid-divorce—and rarely with good results. So review your goals with your prospective divorce attorney to assess whether they are attainable. Discuss your expectations for the case with your prospective divorce attorney?

Is your case destined for trial? What does your attorney think? Is litigation inevitable? If so, make sure he or she advises you regarding prospective outcomes of the case, what to expect during the divorce related litigation and how much it could cost.

Is your case destined to settle? What does your attorney think? Do you anticipate an amicable settlement? Is a collaborative approach appropriate?

A good divorce attorney can succeed through litigation or negotiation. Even the most aggressive divorce attorney should be prepared to suggest an alternative to litigation when a different path is more likely to succeed. Similarly, a divorce lawyer with a reputation for success through mediation should be prepared to litigate issues, if needed. A good divorce lawyer is a flexible lawyer with the skills to succeed either through litigation or negotiation. Therefore, you should look for a divorce lawyer with a track record of success both in and out of court.

- Do you have a standard protocol or strategy for handling a divorce case?
- How would you propose to handle my case?
- Do you resolve your cases through negotiation or litigation?
- Are you trained in collaborative law?
- Would a collaborative approach work for my case?
- What percentage of your divorce cases go to trial?

Part Four: Conclude the Meeting.

You are the boss! You may conclude the meeting by thanking the attorney, requesting a copy of any proposed Engagement or Retainer Agreement and making payment if any is required. Explain to your prospective counsel your timeframe for hiring an attorney and what, if any, next steps you will take. Ask the divorce attorney if there is any more information they need from you. Ask if you can follow up with any additional questions. Thank the attorney for meeting with you. You should definitely leave without having retained the attorney. This gives you additional time to mull it over. This is an important decision and not one that you should rush to finalize.