

A Solid Relationship With Your Divorce Lawyer



How to work with your lawyer to achieve the best possible outcome.

BEFORE you hire a lawyer to represent you in your divorce, you need to learn this important truth: you and your lawyer will become partners, for better or for worse, during and perhaps for years after the divorce process. And how well your partnership works can have an enormous effect upon your divorce and how much you'll have to spend in legal fees along the way.

So you must make every effort to hire the right lawyer. Examine your goals before going to one. Do you want to be generous or nail your ex to the wall? Look to your future, and determine what you want for yourself, your kids, and your ex.

After your initial conversation with a lawyer, you should be able to answer these questions:

- **Does this lawyer listen to me when I talk?**
- **Is the lawyer interested in what my goals are, or only in his or her own goals?**

Your choice will be partially dictated by your spouse's: if the divorce is relatively friendly, you can probably agree on what kind of representation

you need. If the divorce is bitter, or if there are assets or children at stake, consider hiring a well-respected firm.

As in any profession, there are good and bad lawyers. It's up to you to determine which group your divorce lawyer falls into.

Your Lawyer Needs to Know

Once you've chosen a lawyer, you'll need to provide information and direction. When your lawyer requests information, respond as quickly, completely, and concisely as you can; don't waste time by writing a 24-page document when all that was required was a "yes" or "no".

Of course, every case is unique, but the following checklist will give you an idea of what information your lawyer will need. You'll need to disclose:

- **Why you are seeking a divorce?**
- **What caused your breakup?**
Are you sure you want to end the marriage? If you're secretly hoping for a reconciliation, then you and your lawyer are working towards different goals.
- **Personal data about you, your**

spouse, and your children (if any).

- Write down your names; your home and work addresses and telephone numbers; your ages and places of birth; your Social Security or Social Insurance Numbers; your states of health, both mental and physical; and your Green Card(s) and immigration papers (if applicable).

Facts About Your Marriage

When and where did you get married? Did you sign a prenuptial agreement or marriage contract? If so, bring a copy of the agreement with you. Have either of you been married before? Provide details of your previous divorce(s). Will there be issues involving your children, such as custody or access?

Financial Information

What assets and debts did each of you bring into the marriage? What are your incomes, and what are your expenses jointly and individually? What are the names and addresses of your employers? How much money do both of you have invested in the bank, the stock market, etc.? Has either of you

invested in insurance, a pension plan, a Pension and Profit Savings Plan? What property do you own? Was the property purchased before or after marriage? Do you have a mortgage, and if so, how much is owing? Prior to seeing your lawyer, create a budget detailing how much you spend every month on items such as housing, food, clothing, personal grooming, gifts, vacations, etc. If you have children and expect to be their primary caretaker, make sure you factor their expenses into your budget.

Legal Documents

Bring copies of prior or pending lawsuits, bankruptcy suits, judgments, and garnishments.

Your Divorce Goals

Be very specific about your goals in terms of realizing your future; make sure your short-term goals for property, other assets, custody, visitation, and support are consistent with that future.

spousal support, custody, control of assets, payment of your lawyer's fees, etc. Temporary orders are meant to ensure that certain things do or don't happen; if you suspect your divorce might get nasty, ask your lawyer about filing orders to protect you and/or your kids, financially and physically.

In order to get the best possible service from your family lawyer, it's essential to be a good client. Here are some important tips on how to gain and keep your counsel's respect:

- Don't call your lawyer outside of work hours unless you're absolutely sure it's an emergency. Most new developments or questions can wait.
- Be professional. Don't burden your lawyer with your emotional issues; hire a therapist for that.
- Always tell your lawyer the truth, even when it's unpleasant or unflattering to you.
- Be realistic. Don't expect your lawyer to behave like the heroic

written agreement that details the terms and length of your lawyer-client relationship. If he or she won't provide one, find another lawyer.

After learning about your case, your lawyer should create a strategy. Be aware that this plan may change along the way, depending on what your ex and his or her lawyer does.

Your lawyer should clearly explain all your options, and offer advice regarding the best paths to follow, but respect your wishes if you strongly disagree with a suggested course of action. If you find yourself in constant disagreement with your lawyer, either you've chosen the wrong person or you're being unreasonable. Take a look at your motivations and actions to see if you're refusing your lawyer's advice for purely emotional reasons. For instance, you might be very angry with your spouse, and your lawyer's suggestion may not satisfy your desire for vengeance.

Recognize that even a good lawyer will sometimes have bad news for you: that your spouse won't budge on an important issue; that you'll have to give him or her money or other assets; or simply that your expectations are unrealistic, illegal, or not financially feasible.

You should expect your lawyer to return phone calls reasonably promptly (24 hours is reasonable if he/she's not on vacation) and to consult you before taking any major actions concerning your divorce.

You should also expect to feel frustrated or disappointed from time to time as your divorce progresses. Don't take it out on your lawyer! He or she isn't a magician and can't always pull a great solution out of his/her metaphorical hat.

Finally, if you want to ensure that your divorce agreement reflects your goals and doesn't cost you an arm and a leg, then stay involved with the process, answering your lawyer's requests promptly, honestly, and completely. ■

Diana Shepherd is the former Editor of Divorce Magazine.

**Look to your future, and determine what you want
for yourself, your kids, and your ex
in six months, one year, and five years.**

What Your Lawyer Expects From You

Your lawyer is hoping you'll be the ideal client: calm, businesslike, competent, and well prepared. Ideal clients can control their emotions; are organized; are willing to work with their lawyers to attain their goals; and are willing to listen to their lawyer's advice even if they don't follow it all the time.

Your lawyer will expect to be paid on time and in full. If your financial situation is bad, talk to your lawyer immediately; he or she may be able to create some kind of payment plan. If you're broke because your ex cleaned out the bank account (or did something equally irresponsible), tell your lawyer about it right away. He or she can file motions asking the court to grant temporary orders for items such as child or

lawyers in TV shows or John Grisham novels.

- Don't blame your lawyer for the system or expect him or her to change it.

If you don't abide by these tips, your lawyer will probably want to quit your case. This may also happen if you don't communicate properly, if you continually don't follow the lawyer's advice, or if you don't pay legal bills. But if you're cooperative and reasonable, it's more likely that your lawyer will trust you and work hard on your behalf.

What You Should Expect From Your Lawyer

From the day you hire him or her, you and your lawyer should have a clear understanding of what you will need and expect from each other. Ask for a