

HOW TO CHOOSE A DIVORCE ATTORNEY

This decision is one of the most important decisions in your divorce. Here are some suggestions on how to proceed with this task.

Ask trusted advisors for suggestions. You may get attorney names from your mediator, therapist, clergy, good friends, colleagues. You are looking for a lawyer who meets your needs, so keep in mind that your friend's attorney may not necessarily be the best choice for you.

You may want to call several attorneys. You may find that in a short phone call you will get a "feel" for their style, and their approach, etc. Some of the questions on the next page are very appropriate to ask on these calls. After each call, ask yourself: *Was I comfortable with this attorney? Do I want to find out more about him or her?* **Listen to your inner voice.**

You may then want to narrow your list and meet with several attorneys for an in-depth interview. Many divorcing people are reluctant to take this next step, due to the cost of visiting with more than one attorney. **Remember, however, that choosing the right attorney for you is critically important.** While some attorneys provide a free short, initial consultation, do not use this free service as the primary rationale for your choice. **Evaluate the answers to the questions you ask, and beware of any attorney who promises that he or she can get you every result you want.** That rarely happens in the complex and gray (versus black and white) world of divorce. See p. 13–15.

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Questions to ask:

- Do you practice in my county? (If not, they may approach your case from the perspective of how the court system works in **their** county. This may not serve you well, in time, money and results.)
- Do you specialize in family law? How many cases do you handle per year? (Do you want a real estate attorney who handles just a few family cases per year?)
- Do you support mediation? Why or why not?
- Have you had mediation training? (It often helps to have an attorney who has been trained but is not necessary.)
- What is your approach to divorce and your philosophy on divorce?
- What kind of mediation do you regularly support in your practice? Facilitative? Evaluative? Late Stage? Explain why. (See p. 10.)
- What are your fees? How much do you charge for phone calls and emails? Do you send itemized bills? Do you require a retainer? Will I get any unused portion of the retainer if I terminate our relationship? (If the answer is no—find another attorney.)
- What is the actual process for hiring you? May I hire you on a limited basis, as my consultant?*
- What do I do if I have concerns about the case or about our relationship?

*Most attorneys request that clients sign an “engagement” or “retainer” agreement that specifies the kind of services the attorney will perform as well as the fee arrangement. The agreement can be comprehensive or limited. Limited engagements mean essentially limited services and clients who are interested in this option should raise this when interviewing attorneys.