

How to Select a Divorce Attorney

Selecting an attorney to represent you in your divorce or family court matter must be based on a deliberate choice – not simply selecting the first name you come across. You will likely be dealing with the attorney for months or years. Your lawyer must be someone you are comfortable with and trust.

Finding Potential Lawyers

The first step in the process is gathering information on potential lawyers. You can solicit names from friends, family members and colleagues who can make a personal recommendation. If you aren't satisfied with who you've found through your personal network, you can find someone by searching on the internet. There are numerous websites that identify divorce and family lawyers. It is important to remember, however, that nearly every lawyer has some sort of internet presence regardless of their level of skill.

Contacting Potential Lawyers

Once you've identified one or more potential lawyers, the next step is to contact the lawyer. When you call, you'll likely talk with the lawyer's assistant who will gather basic information from you. The lawyer's assistant will initially determine whether the lawyer previously met with your (ex)spouse or your child's other parent. The lawyer should not have a meeting with you if they previously met with the other side. Once it is determined that there isn't a conflict of interest, the lawyer's assistant will gather some basic information from you to advise the lawyer what type of matter it is (e.g. divorce, custody), the appropriate county for the matter, and other relevant information. The lawyer's assistant will identify the lawyer's rate and whether there is a consultation fee. A consultation fee should not be the basis to meet, or decline to meet, with a prospective lawyer. A consultation fee is frequently used as a weeding out device – if you can't afford one hour, you likely can't afford to retain the lawyer.

Meeting with A Lawyer

It is important that you meet with the lawyer in person so that you can really get to know the lawyer and get a feeling as to whether you are comfortable with his or her style. You should plan on spending about one hour with the lawyer. You should expect to leave the lawyer's office with a substantial amount of information. Come into the meeting with specific questions you want answered. You want to know how your assets will be divided, the relevant considerations for a custody and access determination and whether you should expect to receive, or pay, support. A good attorney can give you a lot of information so you know what to expect. You should remember, however, that the information provided at that early stage should only be used as a guide and is subject to change as additional facts are revealed.

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While you shouldn't judge the lawyer based on physical characteristics, you do want to determine if you are comfortable with the lawyer's style and approach to handling the matter. Remember, this is a person you are going to be dealing with regularly for a long period of time.

Once you've determined your comfort level with the lawyer, you next want to determine whether they appear credible. Does it sound like the lawyer is intelligent and knows what he or she is talking about? A lawyer's job is to represent you with written and oral advocacy, if you don't believe them, neither will a judge. Try to evaluate whether a lawyer has experience in the field. Are you meeting with someone who takes every case that comes through the door or someone who is focused on family and matrimonial law? You want a lawyer who devotes a substantial amount of his or her time to family and matrimonial law.

Cost

The cost of an attorney is important, but so is the outcome. While it is important to select an attorney that you can afford, the decision to select an attorney based solely on an hourly rate is misguided. The cost of a bad lawyer may actually be higher than a good lawyer if you get a bad outcome. But the true cost might be hidden in a settlement. Your lawyer may have failed to negotiate for an item or certain language which, at the time, might seem meaningless but in the future becomes important. You don't know the cost of a bad lawyer until something goes wrong.

Be Wary of a Lawyer Telling You Everything You Want to Hear

A lawyer can't guarantee the outcome of a litigation. If the lawyer tells you that you will win everything, that lawyer is likely selling you a bill of goods. You want a lawyer who is honest and up front with you. You want the lawyer to explain potential pitfalls and that you might not get everything you are asking for.

Develop a Plan

When meeting with the lawyer, you should develop a plan. Do you want the attorney to take a settlement posture right away or to act as aggressively as possible. A good lawyer will tailor the approach to the one you want. You want a lawyer that will follow your general approach. If the lawyer pushes back and doesn't want to follow the approach you are comfortable with that lawyer may not be the right one for you.

Go With Your Gut

In the end, you should select a lawyer who you feel comfortable with. You need to trust your attorney and be on the same page as him or her. You are the best person to select an attorney.

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