

THE TOP 10 QUESTIONS YOU SHOULD ASK A DIVORCE LAWYER

If you are going through a divorce or thinking about getting one, you should consult with an experienced family law attorney. Once you set up a consultation, you'll want to be prepared for the first meeting. Here are some questions you will want to ask the lawyer, to ensure that they are a good fit for your needs. The following questions should help you understand the divorce process, how your lawyer will help you through the process, and if the lawyer will be the best for you and your case.

- 1** What is your experience with family law? All practicing lawyers have a law degree, but many lawyers practice in several fields other than family law. You don't want a generalist. Family law is a specialized field, and you are more likely to be successful if you hire someone who has more experience in family law cases like yours. Ask the lawyer if they have handled cases like yours before, and how they were able to help.
- 2** How will you communicate with me? Ask your lawyer if they prefer phone contact or email, and how long you should expect to wait for a return call. Is your lawyer tech savvy enough to email you draft documents as PDF files? (Do they use "snail mail"?) Can your lawyer scan and email incoming and outgoing correspondence? Will you get a copy of all the documents relevant to your case? Make sure you tell your lawyer how you would prefer to communicate.
- 3** How will the entire divorce process go? Your lawyer is there to help you, educate you, and guide you through the process step by step. Make sure the lawyer clearly explains the entire process to you, from filing the paperwork, negotiating temporary court orders, and the details of the trial process (if a trial is necessary).
- 4** How long will the process take? Ask your lawyer their estimate for how long the case will take depending on if you settle immediately, settle after negotiations, or have a trial. Ask how long these processes normally take for them and about how long they estimate it to take in the worst-case scenario.
- 5** How will you charge? If you hire the lawyer, you should expect to sign a "retainer agreement" that covers how much you will be charged, and how it will be charged to you. Ask about their hourly rate, and how often you will be billed. Also ask what they consider to be "billable hours". For instance, ask if you will be charged for time spent with paralegals and other staff in the office, and at what rate. Ask if you are charged for email exchanges, court related delays, etc. Ask what will happen if you cannot pay your bill in full every month. Ask if you can pay by credit card, and if any other payment plans are available.
- 6** Can you estimate the cost of my divorce? This is an important question, but a very difficult one to answer. Don't worry if your lawyer is hesitant to answer. The cost of a divorce depends on what you ask the lawyer to do, the level of conflict between you and your spouse, and the reasonableness of your spouse and their lawyer. Many of the cost factors are outside your control, however, a very rough estimate should be possible.

- 7 What fees and costs can I expect other than charges for your time? Some government districts will charge a filing fee or other fees to process a case. You will likely have to pay a process server to serve your spouse with divorce papers. Your case may sometimes require experts, such as appraisers, actuaries, accountants, social workers, or psychologists. Ask your lawyer what costs to expect, what experts might be needed, and how you will be charged for these additional services.
- 8 Do you recommend mediation? In some cases, mediation is a good alternative to court. Ask your lawyer if it may be appropriate in your case. Ask about how often the lawyer uses private mediation with clients. Many good lawyers try to settle their cases once they have analyzed the case, to minimize your costs and maximize your outcome. A lawyer that does not ever use private mediation or other alternative dispute resolution tools may be doing you a disservice.
- 9 How would you predict a judge would rule on the issues in my case? While no decent lawyer would dare to guarantee specific results, listen to the lawyer's analysis of the case. Understanding the factors that make a favourable ruling more likely should help with the strategy during the case.
- 10 What kind of resources can you offer me to make the divorce process less confusing and painful? Divorce is a difficult time, and good lawyers provide information and resources to help deal with the more human side of the process. Does your lawyer provide information about the process for self-education? Do you feel like they are being transparent, honest, open, and patient with you? Do they offer referrals to other professional services if you request them? Talk to our firm about the resources we provide, both online and privately.

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