

15 QUESTIONS TO CONSIDER BEFORE HIRING YOUR DIVORCE LAWYER

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For most people, choosing a divorce lawyer is a daunting task. You are about to embark on an unfamiliar and treacherous journey through the legal system. And, to make things worse, you have to do this while you are in the grip of extreme emotional turmoil.

Guiding you through this traumatic life experience should be a lawyer whom you can trust completely, and with whom you can establish a close working relationship that will continue for months and perhaps years.

Throughout the selection process, remind yourself that all lawyers are not created equal. Protect yourself by carefully considering the following fifteen questions before parting with that retainer check:

1. Is the lawyer's practice focused exclusively on family law?

Choose a lawyer who exclusively, or at least primarily, practices in the area of matrimonial and family law. This is a constantly evolving, highly complex area of practice. You need a knowledgeable and experienced lawyer in your corner who is intimately familiar with the intricacies of divorce law and related matters. You cannot leave the welfare of your children and your future financial security in the hands of a "Jack of All Trades, Master of None."

2. Is the lawyer attentive when you are talking?

It is crucial to have a face-to-face initial consultation with any potential lawyer before signing a retainer agreement. An initial consultation is a golden opportunity to assess whether the attorney will treat you with compassion and dedication, or whether you will be just another number in his book and a faceless file stacked in the corner of his cluttered office. If the lawyer is checking his e-mails, typing away on his blackberry, or taking other calls during your meeting, you should go elsewhere - double time!

3. Does the lawyer have an office policy ensuring the timely return of your phone calls?

Communication between attorney and client is key in any divorce action. A lawyer should be reachable by phone and e-mail. Unfortunately, clients' main complaint against their divorce lawyers is that the lawyers fail to respond in a timely manner to their calls, e-mails and other communications. Ask any lawyer you consider retaining

whether there is an office policy regarding the prompt return of phone calls and e-mails. If the lawyer hesitates, there most likely is no such policy, and you will be frustrated to no end in trying to get in touch with him or her.

4. Is the lawyer selective in accepting cases?

Does the lawyer you are considering accept every client that walks through the door, or does his or her practice consist of fewer, but select, clients? In order to provide dedicated and comprehensive service, and attorney owes it to existing clients to be highly selective in accepting new matters.

5. Is your personality compatible with the lawyer's personality?

In order to work effectively with your lawyer, you must be comfortable with him or her on a personal level. Make sure that the lawyer you retain is someone with whom you can talk, to whom you can listen, and with whom you will be able to share the most intimate details of your life and finances.

6. Does the lawyer treat you with compassion and empathy?

Make sure that the lawyer treats you as the unique individual that you are. A good lawyer will be eager to listen to your marital history, and will make sure to fully understand your priorities and objectives.

7. Is the lawyer proactive?

You should hire a divorce lawyer who is able to provide you with a plan of action. A good lawyer will walk you through all the options available to you in the resolution of your case. He or she will explain the consequences of each potential action to you clearly and effectively so that you are able to make informed decisions every step of the way.

8. Will the lawyer handle your case personally or will your matter be delegated to an associate or paralegal?

Find out who will handle your case. Will it be the attorney you are meeting with during the initial consultation? If any portion of your case is going to be delegated to an associate or paralegal, you should insist on meeting that lawyer or paralegal as well. You must be completely satisfied that any other staff member working on your case is competent and experienced.

9. Is the lawyer willing to attempt a negotiated settlement of your matter?

Only a very small percentage of divorce cases actually go to trial. The vast majority of cases are settled; some on the court house steps on the very day of trial. A good attorney knows that there is no “winner” in a divorce or custody trial. If it is left unchecked, the process can be emotionally and financially devastating to both parties.

Your attorney should therefore make every reasonable effort to negotiate a settlement on your behalf, while at the same time diligently preparing your case for the eventuality of a trial. Cases settle when the lawyers are prepared.

10. Is the lawyer willing to educate you and to answer your questions?

Your divorce lawyer must be a good communicator and be willing to answer all your questions. Any skilled divorce lawyer knows that educated clients are better equipped to make sound and informed decisions with regard to their and their family’s future.

11. Is the lawyer assertive without being arrogant?

Many people make the mistake of looking for a divorce lawyer that will be a “pit-bull”. In hiring a divorce lawyer, remember that louder does not necessarily mean better. A good attorney will not feel the need to compensate for a lack of skill by being obnoxious. A good attorney will aggressively and effectively advocate for you, but without an ego that squeezes the air out of any room. A good divorce lawyer should be your rock – someone who will be assertive and calm in the face of adversity, and who will remain ethical under all circumstances.

12. Is the lawyer being honest with you or are you being promised the sun, the moon and the stars?

Be very wary of any lawyer who guarantees a specific result in your divorce case. All litigation is inherently risky, and can be influenced by present circumstances, future developments, and the decisions and attitude of the judge. Every case has strengths and weaknesses, and your lawyer should point out both. You can trust an attorney who

tells it like it is - who is candid with you about your chances of obtaining a particular outcome. You cannot trust an attorney who simply tells you what you want to hear.

13. Does the lawyer underscore that your children's best interest is of paramount importance?

No parent should ever use children as pawns in a divorce action. Your children's welfare and best interest should be your paramount priority. Any good lawyer will understand and support this objective, and will caution you that manipulating your children will be devastating to them personally and to your chances of being awarded custody.

14. Does the lawyer present himself or herself well?

If you are put off by your lawyer's personal grooming, dress, behavior, or language, chances are that the judge and opposing counsel will be too. If a lawyer's office is a mess of paper, pizza boxes, and dirty clothes, the legal documents that he or she prepares on your behalf will most likely reflect that. The work product on your case will not be thoughtful, cogent and organized either. You want an attorney who cares enough to present himself or herself, the staff, and the office in a professional manner.

15. Is the lawyer able to utilize the latest technology?

In this day and age, your lawyer should, at a minimum, have the capability and ability to communicate with you by e-mail. E-mail is, for the largest part, the most time and cost effective way of communicating simple issues and questions to your lawyer. In addition, an attorney should have the capability and ability to do legal research on-line. If a lawyer is not up-to-date on the most basic technological developments, do you think he or she cares enough to stay up-to-date with the latest developments in the law?

If you need to hire a divorce lawyer, be sure to do your homework and to consider these questions before signing a retainer agreement. The last thing you need during your divorce case is to waste your precious energy on disagreements with your lawyer. So, be sure to hire the right lawyer right from the start, and save yourself the agony of lost time, big bills and endless frustration.

For personalized, comprehensive, and knowledgeable legal representation in the field of matrimonial and family law, including both mediation and collaborative law, and aggressive

advocacy at trial, contact **Gravett & Gravett (914-358-0036)** in Mount Kisco or White Plains, serving clients in Westchester and Putnam Counties.