



**How to Hire a Divorce Lawyer And  
Save Money: The Inside Scoop  
From Family Lawyers**

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## Introduction

Hello, my name is Marshall Waller. I'm a divorce attorney and the author of a textbook on California Family Law. I am a Board Certified Family Law Specialist, certified by the California State Bar Board of Legal Specialization. I've been practicing family law for over 25 years. My wife, Mary Ellen Waller and I have been practicing law together since 2001. Mary Ellen is admitted to practice law in both the state of New York and the state of California. She has extensive business management and litigation experience in both New York and California. We have extensive experience in nearly all areas of this complicated area of law and have gained insights over these years that will help you.

If you're reading this book you are probably going through a difficult time in your marriage, or you know someone who is. You may be experiencing feelings of fear, anger, betrayal, resentment, shame and embarrassment – the whole gamut of emotions. Don't worry – this is normal. Divorce is one of the most traumatic and stressful things anyone can go through. In fact, in order of stress ranking, getting a divorce is one of the top five stressful events, right up there with death of a loved one and moving out of your home.

You're reading this book because you have important questions you need to have answered about hiring a divorce attorney. This book will answer those questions. We'll look at the essential things you need to know when hiring a divorce lawyer, also known as a family law attorney. Family Law is one of the most all-encompassing and complex



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fields of law out there, involving many diverse areas, such as tax, business valuation, property division, custody, support, psychological issues, employment, criminal law, real estate, pensions, estate planning and more. We will guide you through this seemingly overwhelming and complex mine field and give you some very practical and straightforward tips. Keep in mind: a tragic situation does not have to become a tragedy!

And remember: This book is not an exhaustive presentation on Family Law nor can it be construed as legal advice. It's not intended to serve as a substitute for a consultation with a lawyer, and you should **always** consult an experienced family law attorney for specific legal advice because each situation is unique, including yours.

## **Question: I'm Thinking About a Divorce; What Do I Do Now?**

You're getting a divorce, or you are thinking about getting a divorce. Perhaps you were not thinking about getting a divorce until your spouse announced that they were thinking of getting a divorce, which of course means that you are now thinking about getting a divorce. This doesn't mean that you have to **want** the divorce. This doesn't mean that you think the divorce is a good idea. In some cases neither party to a divorce actually wants it, and neither think it is a good idea or that it will help them or the children. However, just as it was the first time someone said, "I think we should "just be friends," so it is when your spouse says, "I think we should get a divorce." The situation is going to move forward in one direction or the other, either with you or without you. This is the first reality that must be addressed: Things are now happening that are outside of your control. If that's the case, or even if you are the one who is moving the divorce forward, accepting this reality is the first step towards managing it. And, in the context of that management, you should sit down and assess your current situation and then develop a plan of action for going forward.

Developing a plan of action for handling your divorce is not all that hard to do. Sit down with a pad of paper and list the issues that you feel you will be dealing with during the divorce. The major issues are: child custody, child support, spousal support (alimony) and property division. Do you and your soon-to-be ex spouse agree on any of these issues? The more you agree upon the less there is to fight about, and the less there is to fight about, the less costly the process will be, both financially and emotionally. On

the issues where you have agreement, write down in simple and clear terms exactly what you and your spouse agree on. Don't leave anything out; if you wonder whether or not a detail is important, it is.

On the issues where you feel you and your spouse will disagree, identify those issues and list them as sub-categories to the major categories listed above; do this on a separate piece of paper as to each issue. Then, under each area of disagreement, list what the nature of the disagreement is: what do you want, what does your spouse want, and how can this problem be resolved? Then, list the reasons why you think you are correct in your position and then (equally important) list the reasons why your spouse thinks he or she is correct. If there are documents that will shed light on this dispute, identify them and attach copies to your plan of action. If there are people that you feel will be required to provide testimony on this subject, list them, with their contact information. Don't worry that you might not be correct in your identification of these issues. Don't be afraid that you don't know what is or isn't important. List it all and let the lawyer sort it out. Put all of these papers into a binder and take it with you when you are interviewing lawyers. It will help immensely in letting the lawyer identify the issues and estimate the costs associated with your case, and it will provide a nice roadmap for your interview questions.

## **Question: If I'm Thinking About A Divorce, Is It Inevitable?**

Obviously, not every marriage ends in divorce, although statistically roughly 50% of them do. Put a different way, however, 50% of the marriages remain intact and **do not** end in divorce. So, when you are faced with this situation, if you don't want to get a divorce, the first thing you should do is find out *why* divorce seems to be looming in your future. Sometimes when a person says "I want a divorce," they may in fact be saying ... "I can't live like this any more" ... "I hate who I have become" ... "We can't continue like this." In truth, many divorces trace their roots to a lack of communication between the spouses. This is not particularly surprising. These days' couples face numerous pressures, in the work place and in the home in childrearing and sometime looking after ageing parents. The reality couples face is that they have little time to devote to their *own* relationship. Often couples find themselves "reporting" to each other the daily list of things to be done, rather than "rapporting" with each other, spending quality time in each others company. However, in the context of relationship building (and similarly relationship-saving) clear, honest and meaningful conversation and communication is an absolute necessity.

Of course, you may be asking yourself "if communication is so vitally important, how come we don't do it anymore?" There are a variety of reasons for that which not only exceed the scope of this project, but also exceed the scope of our expertise. What is obvious, however, from more than 25 years of listening to divorcing spouses talk about their marital problems is this: until such time as **both** parties to a divorce have exhausted

attempts at marriage counseling and reconciliation before going down the road to divorce, neither party can be certain that they have done the right thing or taken the right turn in that regard. This is especially true in cases involving children. Certainly, if a divorcing couple has no children, then the only person they need answer to when all the dust settles at the conclusion of a divorce with regard to whether or not they made the right decision is their spouse. If there are children, however, now there are innocent players in this high stakes game, players who are going to feel the consequences of the decisions made by their parents not only during their own lives, but during the lives of their children, and their children's children as well.

## **Question: What Can I Do To Save My Marriage Before Saying It's Over?**

The essential ingredient in saving a marriage is the **desire** to save the marriage. Often our complex emotions concerning marriage can cloud some basic things that can be done, or steps that can be taken to save a marriage. When both spouses are willing to take these steps, there is a greater chance for success. Essentially, the best way to come out the winner in a divorce is to avoid it altogether. As you no doubt already know, there are no real “winners” in divorce, there are only “casualties.” At its most simplistic level, and looking at it from the aspect of the division of property only, for the most part, no matter what you had **during** the marriage, you are going to have **half** of it at the end of the marriage. That is a near absolute guarantee. As such, before you decide that you want a divorce, be prepared to accept both the financial and emotional consequences, and the impact these will have on your future and on the future of your children.

No one ever said that marriage was easy. Marriage, like any other dynamic relationship, can be quite difficult. At times, it can seem quite impossible. Sometimes people may get married for the wrong reasons and, similarly, some people will get divorced for the wrong reasons. Accepting that the only thing that is certain about marriage is that *it will change* over the years can be a great point of departure for a troubled marriage. Also, realizing that often the reasons people get married are not the reasons people *stay* in a marriage can help a person get an objective look at their own situations. That is why the ancient marriage vows .... “For richer or poorer, in sickness and in health, in good times and bad,” were written: both to give people an honest picture

of what could happen and then enough room to move about and get the necessary help to make the marriage work.

So, if you think your marriage is in trouble, it may well be. And if it is in trouble, perhaps it would be better to try to fix it rather than abandon it. If you cannot accomplish it on your own, go see a mental health professional or a marriage counselor who can assist you in working through the problem towards its resolution, whether that be by divorce, or by reconciliation. You have very little to lose, and very much to gain by this tactic.

## **Question: Do I Have To Get A Divorce?**

It never ceases to amaze us how many people find themselves embroiled in expensive divorce litigation, only to find out that their spouse really wasn't interested in going down that road. Sometimes it is simply a power play by the other spouse; sometimes a divorce can be an expression of frustration, confusion, or just plain lack of understanding and communication. Of course, even if you do not want to get a divorce, you may not have any ultimate say so in the matter. In many states, for example, if you don't want a divorce and your spouse does, there is literally nothing you can do about it. Many states are "no fault" states, and if one party to a marriage wants a divorce they get it, no questions asked.

However, that doesn't mean that you can't go to your spouse and ask "are you sure you really want to get a divorce?" You may be surprised at the answer, especially if there are children involved. You may even find that a divorce proceeding is just the catalyst that is needed to get you and your spouse into counseling, and to try to save your marriage.

Don't be afraid to try to save your marriage if you think it is something worth saving. It is not at all unusual for parties to a divorce to become embroiled in the process, and then sit down and try to work out their differences between them, only to find that they are able to reconcile, and go on with their lives in a better, more enriched and more fulfilling way. Of course, we can't guarantee that you will be one of those statistics. However, it certainly can't hurt to try.

In that regard, there has been an interesting study on the effects of divorce on people's happiness, derived from an interview of literally thousands of married adults over a span of roughly five years. The mystery the authors were trying to solve is whether divorcing actually makes people happy, or whether people can "tough it out" in an unhappy marriage and avoid divorce altogether. Interestingly, these authors found that in the vast majority of cases, the couples that were able to "tough it out" through what they perceived to be an unhappy marriage were able to get past the unhappy time and continue with their marriage intact, some even finding themselves far happier than they originally were when they were first married.

A variety of reasons were put forth for this observation, and one of the more important factors observed was that of the **willingness** of spouses to remain committed to the marriage, even in the tough times. It may seem somewhat simplistic to the viewer / reader in the 21<sup>st</sup> Century, but there is certainly a credible argument to be made that the authors of the traditional marriage vows (which have been around for literally hundreds of years) may very well have been providing a roadmap to a successful marriage: "in sickness and in health, for richer or poorer, for better or worse and in good times and bad . . ."

## **Question: I'm Getting A Divorce – Now What?**

You have perceived the problems in your marriage, and you've done your best to try to correct them. Unfortunately, that has not worked, and you now find yourself faced with the looming prospect of divorce in your future. Maybe your spouse has filed for divorce already and you have been served with papers. Is there anything you can do now to protect your interests and to make this process the least painful it can be? Or, maybe you are considering filing for a divorce, and you are wondering when the time will be right to take that move. Do I want to use a lawyer? If I do use a lawyer, how do I go about finding one? What will this cost? Who is going to pay for it?

The first important thing to realize about getting a divorce in any state is that once the divorce process starts, you are now a player in the legal system and processes of your state. For most people, the primary decision to be made when confronted with a divorce is, "do I hire an attorney, or do I do this myself?" There is no right answer here, as this decision is best made only by the party affected by the divorce. The decision should not, however, be made in a vacuum. Unfortunately, very often this is exactly what happens.

Such a decision is sometimes made out of arrogance, fear, or a simple lack of understanding of the system. Indeed, if we don't know how to change the oil on our car, we are not simply going to wake up one day and decide that we are going to change the oil in the car. Similarly, if we don't know anything about the legal system in general or divorces in particular, you are simply not going to decide one day to do your own divorce. However, it may very well be that you can do your own divorce and, if so, it



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might be less expensive and less hostile to go down that road. But, an understanding of the system in which you find yourself is essential. If you choose to do your own divorce you may want to research the numerous self help books available on the internet and your local bookstore.

**Question: Should I Hire An Attorney  
Or Should I Go It Alone?**

Once you find yourself involved in a divorce, you will find that several decisions need to be addressed, not the least of which is whether you should hire an attorney or whether you should attempt to work through the process yourself. Some of you may feel that you have to hire an attorney if your spouse has hired one. This is not true. Some people feel that they must hire an attorney in order to achieve a fair result in the court system. This is also not true. Some people feel that if their spouse does not hire an attorney, then they cannot hire one. Again, not true. Let us state, however, that if you are financially able to afford an attorney, you will almost always be better served by hiring a professional to represent your interests than by trying to do it yourself. This has nothing to do with your ability to learn the information and procedures needed to present your case. Indeed, many attorneys who find they getting a divorce do not represent themselves, not even the divorce attorneys. Abraham Lincoln is quoted as saying “an attorney who represents himself has a fool for a client.” This may seem a bit harsh, but the point of it is this: when you are the party who is involved in the litigation, when you are the person who is emotionally at stake (and at risk), your decisions may be clouded and your ability to objectively approach a problem may be diminished.

## **Question: I Don't Know Anything About Attorneys. What Kind Of Attorney Should I Hire?**

Most people spend more time buying a new car than they do picking out an attorney to represent them in one of the most emotionally trying and difficult times of their lives. If someone finds himself or herself in the middle of a divorce, they will simply ask whoever happens to be handy "do you know the name of a lawyer I can use?" They get a name, they go see the lawyer and (because lawyers are business people and are *selling* their services) the lawyer will "sell" the potential client on their ability to handle their case and will secure a retainer fee and sign them up.

This is a poor way to retain an attorney. You should first gather up all the information and personal referrals you can from friends, family, coworkers and other people who went through the same thing that you are about to go through and who were happy with their attorney. Next, research and review the qualifications of attorneys in your area on the Internet. Then, go out and interview lawyers. Make sure the attorney practices in the area of Family Law. Be aware that some lawyers these days advertise themselves as being the "best lawyer" or "super lawyers," but these self-aggrandizing titles have the potential of creating an unjustified expectation about results the lawyer can achieve.

We are always surprised at how many people will hire the first attorney they see. Have you ever bought a new car? Did you drive several kinds of cars before you decided on the one you wanted? Did you spend one, two, maybe even 4 or 5 hours negotiating with the salesperson over the purchase of that car? If you did, then you fall into the

category of an experienced car buyer. Have you ever hired an attorney? Did you interview several before hiring the attorney? Did you spend one hour, two hours or more interviewing and evaluating the attorney prior to turning over your financial and legal life to them? If you answer “no,” then you are also among the majority of the public.

On the subject of family law attorneys, we can tell you that there are *many* excellent, knowledgeable lawyers practicing in the field. But it does require a little effort and investment of time to find them. In fact, the true nature of family law is unique from other areas of the law; it really is about **fairness**. The norm in any divorce case should focus on this: cooperation in discovery with reciprocity; informality and de-escalation of contentious battles; meaningful and equitable attempts at settlement. Resolution should be the true goal. If an attorney is telling you otherwise they are wrong, and you should think twice about hiring that attorney as you may be spending your money fighting battles that you needn't be fighting, which can even lead to court ordered sanctions against you personally. This is not to say that formal, more aggressive discovery in more complex asset division cases is not necessary, but again, it is knowledge, experience and skill that usually prevail over aggression and hostility.

Of course, some people simply want to crush the other spouse, inflict pain and “win at all costs,” and they want an attorney who can and will do that for them. These attorneys do exist, but be aware that a “scorched earth” policy of litigation is unbelievably expensive and not for the faint of heart. If this is what you want, spend a lot of time having a frank discussion of these goals with several lawyers before choosing one.



**Question: I'm Really Angry With My Spouse;  
Should I Go To War With My Spouse  
And Can I Win That War?**

A divorce should not be a war. The quickest way to burn through your savings, your children's college funds, all of your assets, and everything that you have worked so hard for throughout your life, is to go to war with your spouse. It is such an easy thing to do; many good and decent people are drawn into that without even realizing what is happening. It is said that criminal lawyers see bad people at their best and family lawyers see good people at their worst. Don't be one of the good people who end up behaving "at your worst." Nobody will win, except the attorneys.

The legal system is not designed to allow people to play out their own personal vendettas or to seek revenge or some form of retribution against their spouse in the context of a divorce. This is not to say that you might not understandably want those things. It is likely that you have been wronged, and wronged seriously by the person that you trusted the most. Unfortunately, there is very little that can be done to extract any kind of revenge. There is an old Chinese proverb that says, "He who goes in search of revenge should dig two graves." Nowhere is that statement truer than in the context of divorce, especially if there are children involved. In that case, "he who goes in search of revenge should dig more than two graves," since the children, too, will become casualties of this war.

Divorce is a difficult and trying process and isn't fun for anybody, even for the person who has left you for a new person and who seems to be having the time of their lives. It is still emotionally draining and is as stressful as dealing with the death of a spouse. Why in the world would anyone want to add to that stress and strain by drawing lines in the sand and gearing up for a war? A war with your ex-spouse in the context of a litigated divorce is a war that cannot be won.

In most states, if one party wants a divorce, the outcome is inevitable: they will get it. In the context of that divorce, where the children live and with whom will be decided, how much support and who will pay it will be decided. Who gets what property and who takes what debts, will be decided. Neither the lawyers nor the parties, nor even the judges, have any real control over these things. It can either be handled in a civil manner, or it can be handled in an outright and "uncivil" war. Again, who is going to win in that situation? Nobody.

As lawyers we can't force people to think the way we do, and we can't force people to do things that we think they should do. We can, however, strongly urge them and advise them to rethink whatever position they are taking that we think is unreasonable. Believe us when we say this, going to war with your ex-spouse is unreasonable, especially if you have children. If you have children, you are in essence joined at the hip with that spouse until the day you die, because you share children in common. You owe it to yourself, and more importantly to your children, to at least maintain the ability to interact with the ex-spouse and the other parent, if for no other reason but for the sake of the children.

The point of all of this is relatively simple and straightforward: if you chose to go to war with your ex-spouse, don't be surprised if you get killed, emotionally and financially. Believe us; the end result will be very similar, if not the same, if you handle it in a civil, adult and responsible manner or in irresponsible, immature and "revengeful" manner. Chose the former path, and you will find it much more rewarding.

The truth is, a knowledgeable experienced lawyer can advocate for a client without engaging in a war that can be costly and devastating for the family. You want an experienced advocate, not just a street fighter. Watch out for lawyers who sell themselves as "street fighters." They are preying on your emotions and your anger and resentment that you may be feeling at this difficult time. You are wounded and raw and may want revenge. These lawyers know this, and they may entice you into a war that you shouldn't be in, that you can likely ill afford and that will leave you bloodied and battered at its conclusion. Remember, when the dust settles and the case is over, your lawyer will move on to the next client; only you (and those around you) will have to live with the consequences.

## **Question: What Is A California Certified Family Law Specialist, And Should I Hire A Specialist Or Not?**

Not every family law attorney is a Certified Family Law Specialist, and depending on the complexity of your case, you may not always need a specialist. Certification requires extensive education and experience in the field of family law. In California, to become certified as a Family Law Specialist by the Board of Certification of the state Bar of California, a lawyer must pass a second specialized bar examination in the subject area. They must demonstrate that they have a certain level of experience handling a sufficient number of family law cases with varying degrees of complexity. It normally takes years of family law practice for an attorney to acquire the experience of the various types of family law cases required by the Board of legal specialization. To become a Certified Specialist, the attorney, even after passing the extensive written examination and submitting proof of their experience, must still undergo a positive peer review process and maintain a minimum number of hours of continuing education in the family law field.

If your case is complex you also want an attorney who has been practicing long enough to have built up a reliable network of experts, sub specialists and consultants to whom they can refer you. In family law it is often necessary to use outside experts in certain areas such as custody and vocational evaluations, realtors, CPA's, forensic accountants and business valuation experts. Your case may call for additional lawyers to consult on your case in the areas of tax, bankruptcy, pension or business laws.

In the more complex cases, don't be surprised to find that your spouse has shopped around and interviewed some of the top family law attorneys in the area. Sometimes this has been done to preclude a spouse from using one of the top lawyers in the field. The attorney who has been previously consulted is precluded from representing the opposing spouse because to do so would be breaching State Bar attorney/client confidentiality rules. So, don't sit around waiting for this problem to resolve itself. If you think you need a lawyer, you do. Start interviewing as soon as possible so the selection will be easier when the time comes.

## **Question: What's Going To Happen At The First Attorney Meeting?**

This initial consultation gives both you and the attorney the opportunity to screen and evaluate one another. Yes, the attorney is screening you too. Attorney's are aware of and are looking to avoid certain types of clients, such as deadbeats who won't pay, people who flatter too much or want the lawyer to be their buddy, clients who are always looking for a discount, and clients who are blamers or dictators. Attorneys also generally want to avoid people who have jumped around from lawyer to lawyer or those who are litigious and have been personally involved in a number of lawsuits.

If the personalities don't mesh and you come away from that first meeting without feeling confident in the attorney's legal ability it is probably **not** a good match. You need to have a sense of trust and confidence in the attorney. When you have your initial consultation with the potential attorney, don't be afraid to ask questions: Where did you go to school? How long have you been practicing this kind of law? Do you know my spouse? Do you know my spouse's attorney? How many of these cases (like yours) have you handled? Do you have any specialties or specializations? What percentage of your practice is devoted to family law? How many family law cases have you taken to trial? How many have you won? (As a point of personal observation, be wary of the attorney who says he or she has never lost a case. That usually means they are not taking very many of them to trial). Have you ever been sued for malpractice and, if so, why? Has anyone ever filed a complaint against you with the state bar?

Ask **exactly** what the fees charged will be, and **exactly** what will be charged and what will not. If the fee is an hourly fee (as it virtually always is in divorce cases), find out if the attorney bills in increments of minutes, hours, or quarters of hours. For example, you may call your attorney on the telephone and spend four minutes getting a simple answer to a simple question, and then find out that you have been charged for a fifteen-minute telephone call. Some attorneys charge in increments of quarter hours, which then become their minimum billable unit. Find that out *before* you hire the attorney, not after. As a practical matter you will find that most attorneys' minimum billable unit is 1/10<sup>th</sup> of an hour or, 6 minutes. When you discuss fees with an attorney find out what those fees include. Attorney rates vary greatly in most jurisdictions; in California they can vary between \$200 and \$750 per hour for an attorney.

Find out if there are additional costs involved. Are you being charged for paralegal time or the receptionist time? Is there a separate charge for photocopies and mailings? Find out how much the initial retainer will be. A retainer is a lump sum deposit against fees to be charged in the future, and typically ranges from \$1,500.00 to \$15,000.00, depending upon the complexity of your case, and the prices charged by your attorney. If the initial retainer appears unusually high to you, ask the attorney why it needs to be that high. For example, if the attorney bills \$200.00 per hour, and they ask you for a \$20,000.00 retainer, don't be shy to ask them what about your case this attorney thinks is so complex that it is going to end up requiring at least 100 hours of his/her time. You'll be surprised what you find out, and you may see that the attorney is willing to negotiate on the amount of the retainer that you put down. Most attorneys, while they will

generally be non-negotiable on the hourly rate that they charge, are nevertheless willing to negotiate on the amount of the retainer that they charge. Don't be afraid to inquire about both aspects. Remember, it is your money, and you need to know exactly where it is going.

Are the fees hourly, or is there a package fee for a particular service? Will the attorney wait until an asset, such as real estate is sold to get their fees? Does the attorney have the ability to increase their fees during the time the case is pending? Is there a finance charge involved for a late payment? How much is the retainer and is there a provision in the retainer agreement that requires you to replenish that retainer when it reaches a certain level? These costs and details should be spelled out in the attorney's retainer agreement.

Make sure that you get a copy of the written retainer agreement from the attorney. This is a written contract (usually in the form of a letter) that describes every detail about the relationship between the attorney and you. That way, if problems arise in the future with this relationship, you have this contract to point to, to say "see, this is what you said you would do, and you have not done that" and things of that nature. Remember, you are spending a lot of money during a period of time when you are not at your emotional best. Don't rely upon the "kindness of strangers" in the form of the attorney. Get it in writing.

Ask your attorney if he/she accepts credit cards. You will find that most do. If so, you may be able to pay for your attorneys' fee and earn frequent flyer miles at the same time. Some attorneys, in fact, may offer a discount if you pay your bills with credit cards.

Your issues and expectations of the case should be discussed. Any special issues such as violence, literacy, mental health, language and things of this nature should also be discussed. Be wary of an attorney who might foster unusually high expectations for your case, but also be leery of an attorney who sets the bar too low. Every case is different, and there are no guarantees in this life. You may indeed have the greatest lawyer in town, but she cannot guarantee any particular result in a divorce case. In litigation it is said, the parties give hostage to fate. Remember that.

This aspect of the law involves virtually every aspect of the human condition. After more than twenty-five years of practice there is little that anyone could confide in us that we haven't already heard in some variation. Sometimes people are embarrassed to be talking to a stranger about drug and alcohol dependencies, domestic violence, sexual deviance or anger management issues. Your confidences should be just that, confidential. They are between you and the lawyer and they are privileged. Make sure you find an attorney who understands and respects these confidences, and has experience in dealing with them. You should also be careful when bringing "support people" or new partners into any attorney client meeting - you could be waving this privilege.

Ask the attorney if they have any ground rules about client contact such as, is the attorney available on the weekends? In domestic disputes, weekends tend to be volatile times because of weekend visitation schedules. What is their policy on returning client phone calls? Do they set certain times for client phone calls and appointments? Tell the attorney how you wish to be contacted; can they call you at home? Can they leave a message on your answering machine? Can the Attorney send you mail showing letterhead



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or send you faxes? You may wish to give the attorney special instructions as to how you wish them to communicate with you. You should also set up a new, secure e-mail address, one that your spouse is unaware of and cannot break into. We suggest Gmail or Yahoo. Both services provide free e-mail, are easy to set up and typically work on mobile devices as well.

## **Question: What Can I Do To Save Money After I Hire A Lawyer?**

There are things that you can do to help you save money in the family law area. If your case is a simple case you may not need a Certified Family Law Specialist whose rates are generally higher than other family law attorneys. You may want to consider using a family law attorney who works with a Certified Family Law Specialist as an Associate attorney as that attorney's rates will usually be less than a specialist. There is also a trend in the family law field towards "unbundled services." Unbundled service means that an attorney is hired to for the limited purpose of handling and dealing with particular issues as they arise, rather than working and resolving the entire case from beginning to end. Usually, an unbundled lawyer does not even show as the attorney of record on the court papers. In some instances of unbundled services the attorney will draft the papers regarding a particular issue and the client then handles the matter "In Pro Per," which means that the client handles the matter on their own acting as their own attorney. Not every law firm provides this service but many do and it might be something for you to consider if you are financially unable to afford a lawyer to handle your matter completely.

You can also save money by assisting your lawyer with various tasks. Is there a big copying job that needs to be done? Why not get your direction from your attorney and go to Kinko's or some similar photocopy center and do the grunt work yourself? You will save a fortune, especially if the lawyer charges a premium rate for photocopies (which many do). Is an analysis of your spending habits necessary? Is there a need to

analyze bank records for calculating income and expenses? Is it necessary to prepare inventories and obtain valuations as part of the process of the identification of assets? These are all things that the client can help out with. Are you going in to court asking for some temporary orders? Why not you, the client, prepare a detailed statement of all the reasons why you should get what it is you are asking for, and then email that document in Microsoft Word or Word Perfect format to the lawyer? You will find it is much cheaper for the lawyer to revise and “massage” your statement instead of creating one from scratch.

Divorce is about splitting the pot. In a divorce, the lawyer has four tasks in dividing the assets or the so called splitting of the pot. The lawyer must **identify** the assets and debts, and then the lawyer must **characterize** those assets and debts, meaning they must determine if they are the separate property of the individual spouses or if they are community property of the marriage, the lawyer must determine a **valuation** of the community property and finally a **distribution** of the assets must occur. You can save time and money by helping with all of these different stages.

Many lawyers will request that you fill out an information sheet. If you help gather pertinent information and put it in a concise form it will save you money in the long run. There are several categories of pertinent information that you can gather; the first is personal facts such as names, social security and driver’s license numbers, date of births, prior names, mother’s maiden name, length of residency in California and date and place of marriage. Other identifications are also helpful such as ATM codes, account numbers, Passport numbers, PIN’s, Computer hard drives and Password or user names.

Make a complete list of all the property owned and supply the information as to how title is held, the date of purchase, and the purchase price, how much was borrowed at the time of purchase, the current loan balance and the current approximate fair market value. List other assets such as cars, boats, stocks and bonds, pension plans and any other assets. Make a list of the separate property of the individual parties, include a list of all the debt obligations that you and your spouse have. Provide information on your occupation and gross monthly income as well as your spouse. Gather tax returns, credit reports and any other public records such as liens on property. Additional information to collect would be pay stubs, 401k and IRA statements, Quicken records, bank statements and cancelled checks.

Next, sit down and make a list of the family's monthly expenses; include your mortgage or rent, maintenance, dining out, utilities, clothing, medical, insurance, child care, education, entertainment, vacations, transportation and auto expense, incidentals, credit cards, food and household supplies. It will be more cost effective for you if you gather and supply complete succinct information and give it to the lawyer rather than having him start from scratch.

Another cost saving tip to bear in mind is that your attorney is there to help you; the attorney should be empathetic to your situation not sympathetic. The attorney is there to be a problem solver and help you in a trying time. They are there however, to deal with the **facts**, not your **feelings**. They are usually not therapists. As much as you may want to vent about your spouse, those conversations are usually less costly if they are held with your therapist rather than your attorney. The truth is that in many states (such

as California) divorce is a “no-fault” process; fault and blame are typically not considered in a divorce, so it’s really not worth spending your money rehashing your spouse’s failings with your attorney. Usually, the only time that this is pertinent is in the case of a custody dispute then fault and blame does come into play.

When you are talking with your attorney, whether it be on the telephone or in a meeting, don’t talk about sports, the latest television program, movies, the weather or things of that nature. Just be aware that the **minute** you walk in and sit down to talk to a lawyer in his office, or the minute the lawyer picks up the telephone and says hello to you, it is exactly the same as stepping into a taxi cab and having the meter turned on. Of course, it is natural to want to have a personal and close relationship with your attorney. After all, many people find that they are in an extremely fragile period of their lives, both emotionally and financially, and they naturally turn to the attorney, the person that they trust, to hold their hand and give them guidance. This is perfectly natural and normal. Just be aware, though, it is also extremely expensive. Don’t be afraid to get on with the business at hand after a few general pleasantries or exchanges at the beginning of the meeting. Similarly, if you find that your attorney is the one who keeps steering into irrelevant areas, be prepared to firmly (albeit tactfully) bring the attorney back to the question at hand. If that doesn’t work, it’s time to get a new attorney, or come to a new understanding about the fees.

Remember that your attorney is your hired advocate. The attorney is not your mental health professional, your counselor, or your clergyman. If you feel that you are emotionally distraught, stressed out or otherwise in the position that you feel you could

benefit from psychological counseling, ask your attorney for a referral to a psychotherapist; don't use your attorney to fill that role. You will find that the cost will be less and the skill and the expertise of a counselor will be infinitely greater if you go to a professional who specializes in that area. Your attorney will respect your request that you receive a referral to a mental health professional; they are professionals and if they are offended by such a request, it is time to get a new attorney. Additionally, you will find that the relationship you develop with the therapist will help you deal with the periods of time following the divorce, when the attorney is no longer in the picture, but when certain problems still remain.

Once you hire the attorney, make sure the attorney is someone who you can work with. Remember, the attorney works for **you**; it is not the other way around. Do as much as you can for the attorney that will save you money. If something needs to be messengered around, and you have the time, you take it around yourself, rather than having your attorney incur the expense of a messenger (for which *you* will be billed). If photocopies need to be made, *you* make the photocopies for the attorney and bring them back. You can probably get a much better price at a photocopy shop in town than you will get from your attorney (many of who charge upward of \$.50 to \$1.00 per page for photocopying, to say nothing of the staff time associated with that as well).

Use your common sense. Don't bring in ten years of credit card statements and financial records in a box and ask your attorney to sort it all out for you for presentation to the other side. You are going to be paying hundreds of dollars per hour to have your attorney do what you could easily do in your own dining room. If you can, do the labor-



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intensive work for your attorney, and bring your materials into your attorney organized, categorized, set up in files and ready to be used by the attorney. Remember, you are paying for **every minute** your attorney spends on your case. The more you can do for your attorney to organize the papers and streamline the process, the better off you will be. Also, it makes sense to use an attorney who is technologically savvy. This knowledge can be used to make much of the legal process more efficient, which saves you money.

## Conclusion

We hope this presentation has assisted you in managing and solving the problems you might have in addressing your divorce. Don't let complex feelings cloud simple facts. You have the ability to take control of your situation by making smart, educated choices as to who you choose to hire as an attorney and how you are going to relate to that attorney. You've started down the right path by obtaining the information provided in this video. This information will give you power over your situation and will allow you to help yourself. Use the knowledge you have gained to help solve your problems and advance your cause, and good luck with this process. Remember, life is a journey and this is but one part of it. Use your common sense and don't let this one part be your downfall. Thank you.

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