

GET THE ANSWERS!

This is a list of questions you might consider asking when interviewing a lawyer or other related professional about a divorce. This is not intended to be a complete or comprehensive list. It is designed to help you get to know this lawyer and understand how she or he thinks. It also allows you to tap into this lawyer's experience and get a general overview of what divorce is like. It asks the lawyer to explain all of your options and processes provided by law in obtaining a divorce. It asks about his or her experience, how the lawyer might use other lawyers or staff on your case, details about fees and charges, and the like. You will notice I have not suggested a client ask a lawyer for particular advice about the client's specific case. The question on estimates or ranges should specifically reference the lawyer's general experience and knowledge, not anything particular to the case at hand. There is strong evidence to suggest you will get more accurate information by tapping into a lawyer's general experience than you will get if you ask him about your specific case. And, this is an initial interview. It is unlikely you would get much useful information before a lawyer has learned all the facts.

Feel free to add to this with anything specific or more detailed. Use follow up questions to get more details. *Also, be sure to ask about consultation charges BEFORE meeting with the lawyer or other professional.* That way you can narrow the focus of your questions and stay within time and budget.

Along those lines, I invite you to look at interviewing a lawyer - or any other professional involved in divorce - as an investment in you and your divorce. Getting accurate and important information on the front end will save you time, money and headache in the long run.

How long have you practiced family law?

How much of your practice is currently devoted to family law?

How many family law cases are you currently handling?

Are you board certified in family law? If so, how long have you been board-certified?

Will any other lawyers work on my case? What is their experience?

Will paralegals / legal assistants work on my case? What responsibilities will they have?

How much responsibility will the other lawyers and staff have on my case versus what you will have on my case - percentage estimate?

What percentage of the family law cases generally (not just yours) go to trial?

What percentage of the cases that you handle go to trial?

Why is your percentage higher or lower?(If applicable)

Will you be the lawyer who appears with me in all court appearances, including trial?

What is your hourly rate for handling a family law case?

Does that change depending on the task at hand?

If other lawyers are going to work on my case, what is their rate?

If you are going to use paralegals or legal assistants on my case, what is their hourly rate?

What other items might I find on my invoice from you? For example, charges for postage charges for copies and the like. What else might those be?

Do you invoice monthly?

What is your initial retainer? Whenever that is used up, but not be required to pay another retainer? If so, how much are the successive retainers?

Finish these sentences for me, based on your experience.

The total fees of 50% of all the family law cases I handle that do not go to trial fall in a range between \$_____ and \$_____

The total fees of 90% of all the family law cases I handle that do not go to trial fall in a range between \$_____ and \$_____

Half of my family law cases generally resolve themselves between _____ and _____ from the date of filing.

90% of my family law cases generally resolve themselves between _____ and _____ from the date of filing.

(This way you will have a best and worse case scenario to work from as to your case. Remember, try not to ask a lawyer during an initial interview or consult what he/she thinks of *your* chances in *your* case.)

What are all of my options to obtain a divorce?

Can I represent myself - pro se? What are the pros and cons of that? Cost?

Can you prepare a decree based on an agreement reached between me and my spouse, and represent me at the final hearing to prove up the decree? What are the pros and cons of that? Cost?

Is there a process by which my spouse and I can use the mediator prior to filing a case to resolve our differences? What are the pros and cons of that? Cost?

Is mediation available during the litigation process? Is this authorized by statute? Is it required by courts during the litigation process?

Walk me through the mediation process. How often does the mediation process lead to a resolution?

What is a cost range for mediation, including the time of both lawyers?

(Use your 50/90% questions as to expense, success, etc.)

Is there a collaborative law or Cooperative law process is available to get my divorce? what are the differences, if any?

Is it authorized by statute?

Do you have training in the collaborative or cooperative law process?

How many cases have you handled?

Do you handle any at this time?

Explain the collaborative/cooperative law process to me.

What are the pros and cons of that? Cost?

(Again, use the 50/90% questions to get a handle on success rates and cost, as well as length to resolution)

Please walk me through the litigation process generally.

What are the major issues that need to be resolved in divorce?

(You may have septic questions about the following issues.)

Possession and visitation of minor children.

Who determines the residence of children

Child support

Spousal support

Division of Property (homes, real estate, retirement plans, separate property, business interests, etc)

Division of Debt

Are these issues resolved differently any collaborative or cooperative law process? If so, please explain.

What commonalities do you see in divorces that resolve themselves with a minimum of disagreement, conflict, and cost?

What commonalities do you see in divorces that go the other way?

Where in the divorce process your experience do couples going through divorce spend most of the money? Why?

What seem to be the most common sticking points between couples in the divorce process generally?

If you were recommending lawyers to me, who would you recommend and why?

What should I be in action about today to prepare myself for divorce?

Ask the lawyer/professional:

5 things I should do during divorce (or 3 or whatever they are willing to share)

5 things I should avoid doing (or 3 or whatever they are willing to share)

Do you have a philosophy about divorce, how you handle it, how client's should see it?

How can I minimize the effect of divorce and my children?

Is one process better than the other for minimizing the impact of divorce on my children?

What is your experience of overall client satisfaction when comparing all processes of divorce? Does there seem to be one that provides more client satisfaction than others? Why or why not?

Remember, these questions can transfer to the interview process for financial professionals, mental health professionals, mediators, and parenting coordinators. You can get them to describe their role and tap into their general experience. I find this particularly helpful when interviewing family counselors and parenting coordinators. If protecting the interests of your children and minimizing the impact of divorce on your children is important, you might want interview a mental health professional and a parenting coordinator as well as a lawyer.

This is not intended to be a comprehensive list. On the other hand, some people might find this information overload. I urge you to use what you want or need or find useful, create your own list, and discard the rest. You are the only person that knows who is best for you and your family. These questions are designed to help you get the information you need to make informed choices.

As a divorce coach, i help people work through these issues as a thinking partner and resource. I'd be happy to provide a free discovery session to you. Email me at kurt@divorcedifferently.org to get started.

Your life and the lives of your children can be transformed by choosing to divorce differently!