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Divorce Lawyers: 5 Little Known Things You Need To Know

AUGUST 10, 2015 | BY [VICKI SHEMIN](#)



There is an inescapable fact: the relationship between a divorce attorney and a client is, at best, a business relationship. For too many in the legal profession, that is where it starts and ends. What does that mean for YOU as the client when you are going through one of the most difficult experiences you will ever have to face?



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It should invoke a *caveat emptor* warning because once you sign on; you could be making a deal with the devil (and I don't just mean your ex-spouse).

Below are 5 tips to help you deal with your divorce lawyer at this incredibly confusing time:

1. Interview, Interview, Interview! I recommend interviewing at least two to three [prospective divorce attorneys](#) (I know that it takes a lot of time and energy to do so!). As in any other relationship, chemistry is key. Trust your gut. Does this person seem as though s/he is going to serve your best interests, return your calls in a timely manner, aim to be cost-effective, and make all best efforts to fairly and equitably settle your case? Many lawyers will provide the courtesy of a complimentary half-hour as part of the interview process. It's free to ask!

2. Got Conflicts? Ask your attorney how well, s/he researches conflicts of interest. It would be terrible to delve deeply into your case only to have your lawyer tell you, s/he can't represent you after all because a conflict (not previously well-researched) exists. A conflict of interest arises when the attorney or the firm is involved in multiple interests (financial, personal, etc.), any one of which could possibly interfere with the professional's or organization's integrity, or even have the appearance of doing so. This may be the case if your spouse came for a brief consult before you did, or if a business with which you, your spouse, or even a member of your spouse's family may be involved are – or were – clients of the firm.

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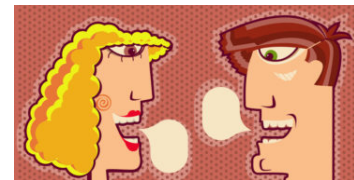
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3. Bait and Switch. When interviewing, ask the lawyer who will actually be the one managing your case on a day-to-day basis. If you sign on with the senior partner, will that lawyer be the one handling everything on your behalf? You may be surprised to learn that more junior staff will be just as knowledgeable, much more accessible, and definitely more affordable. That said, if you find that your case is going to court, you may want the senior partner to be the one going to the mat for you. Ask to meet with the entire potential team before you sign on the dotted line. By the way, also ask if there is “double-billing” if each, the senior lawyer and associate, happen to sit in on the same meeting.

4. Billing Tricks Of The Trade. [Ask your lawyer](#) if the firm charges by the ¼ hour or 1/10 of an hour; if driving time is billed; if a retainer is required; whether there are cancellation fees; and if they charge for faxing/photocopying and the like. This will be (or should be) spelled out in your client engagement letter. For example, you can imagine that a two minute call can be billed as either a tenth of an hour or, at a minimum, a quarter of an hour depending on the contract that you have signed. One-quarter of an hour minimum billing units can add up very quickly!

5. Playing Well Together In the Sandbox. Ask if the [attorney you are considering hiring](#) knows your spouse’s counsel. It is a well-known fact that attorneys who have a proven history of “playing well together in the sandbox” will likely have a better shot at reaching a mutual accord. For instance, attorneys who are like-minded collaborative attorneys (versus litigation attorneys) may be more likely to go to the same professional meetings, to have served

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on Boards together, to read each other's scholarly articles, and to have a proven track record of success in other cases. As we often say around my firm when we have an attorney who does not seem interested in advancing the client's best interests, quoting [Abraham Maslow](#), *"I suppose it is tempting, if the only tool you have is a hammer, to treat everything as if it were a nail."* Look for caring and skilled lawyers who have a specialized toolbox filled with everything they would need to build a protective haven to serve you well and to get you through this challenging time.

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