

The "A" Team

An introduction to the divorce professionals who can help you achieve the ultimate goal: a balanced, fair, and civilized divorce.

By Diana Shepherd

Divorce is a complex process that affects just about every aspect of your life -- from financial to emotional, physical to legal. Unless you've been married for only a short time -- and have no property, assets, or children -- you'll probably need some professional help to get you on track to a healthy, happy post-divorce future.

The central figure in your divorce process -- aside from you and your spouse -- is your **lawyer**, but other professionals can help to smooth the road ahead of you. If you're still on speaking terms with your spouse, consider the services of a **mediator**, who will give you the opportunity to negotiate the terms of your divorce settlement outside of a courtroom setting. An **accountant** can handle the financial aspects of your case, and a **financial planner** can help you after your divorce is finalized. A **therapist** can see you through your "emotional divorce," enabling you to start creating a new life for yourself.

While each of these professionals can see you through a stressful transition period, finding the right person can create its own stress. Here's a guide to help you choose a good lawyer, a reliable accountant, a competent mediator, and the therapist who's right for you.

Choosing which lawyer will represent you may be the most important decision you'll make during your divorce proceedings. "Unfortunately, many people spend less time searching for a lawyer to handle their divorce than they do shopping for a new car, home, or apartment," says Lester Wallman, a partner in the New York firm Wallman, Greenberg, Gasman, & McKnight and the author of *Cupid, Couples and Contracts*. "It's shocking when you consider that their future, money, property, and the custody and support of their children may be forever affected by the quality of the lawyer they choose."

"The ideal lawyer lets you participate in a discussion about your situation and is not afraid to tell you at the outset things you may not want to hear," says lawyer and author Michael Cochrane. "After spending thirty minutes with this lawyer, you can answer three questions: Do I feel comfortable with this person? Do I respect his or her opinion? Does this person respect mine?"

Finding a lawyer

Look for someone who:

- **Practices family law.** A lawyer who specializes in taxation, even if he or she's a close friend, isn't going to be much help to you.
- **Has a lot of experience.** If your lawyer is fresh out of Law School, make sure he or she has an experienced mentor at the firm -- one with an excellent knowledge of relevant law -- to go over his/her cases.
- **Is a skilled negotiator.** If your case can be settled without a protracted court battle, you'll probably save a great deal of time, trouble, and money.
- **Is firm.** If you do end up going to court, you don't want your lawyer to crumble at the first obstacle.
- **Is reasonable.** You want someone who'll advise you to settle if the offer is fair, and not have the case drag on and on to satisfy your need for revenge -- or the lawyer's need to "win."
- **Is compatible with you.** You don't have to become best friends, but you must be comfortable enough with your attorney to be able to tell him or her some of your deepest, darkest secrets. If

you can't bring yourself to disclose information relevant to the case, you'll be putting your attorney at an extreme disadvantage. Your lawyer isn't your therapist or confessor, but he or she does need to be aware of all pertinent facts in order to do a good job for you.

- **Is totally candid.** Your lawyer should be up-front about what he or she thinks your divorce will cost, if there are holes or problems with your case, and whether or not you have any aces up your sleeve.
- **Is not in conflict with your best interests.** Don't share a lawyer with your spouse; don't hire your spouse's best friend (even if she's a friend of yours, too), business partner, or any member of your spouse's family to represent you -- even if you're on good terms with them. Aside from the obvious conflict of interest involved, you'll have created enemies -- and probably a whole new family feud -- before your divorce settles.
- **Is more than a pretty face.** This may seem painfully obvious, but given our frail human nature, it bears noting here: don't choose a lawyer based on physical attractiveness. You're looking for competence -- *not* for a date on Saturday night.

Questions to ask a prospective lawyer

The outcome of your divorce proceedings will change the course of your life forever, so invest the time and money to find the lawyer who will do the best job for you. Be willing to interview more than one candidate before making your final decision. Remember: it's your responsibility to retain a lawyer who's not only good at his or her job, but one whose personality and outlook are compatible with yours.

Here are the questions you should ask during your initial interview:

- **Do you practice family law exclusively?** If not, what percentage of your practice is family law?
- **How long have you been practicing?**
- **What is your retainer** (the initial fee paid -- or, sometimes, the actual contract you sign -- to officially hire a lawyer)? Is this fee refundable? What is your hourly fee?
- **What is your billing technique?** You should know what you're paying for, how often you will be billed, and at what rates.
- **Approximately how much will my divorce cost?** The lawyer will only be able to provide an estimate based on the information you provide -- and your realistic estimation of how amicable you and your spouse are. If you think your case is extremely simple, but your spouse's lawyer buries your attorney in paperwork, you can expect your costs to increase.
- **What do you think the outcome will be?** Remember, you're looking for truthfulness here -- not to be told a happy story. A lawyer who tells you things you don't really want to hear is more of an asset than a lawyer who guarantees you anything you want.
- **If your spouse has retained an attorney,** ask your prospective lawyer whether he or she knows this attorney. If so, ask: "Have you worked with him or her before? Do you think the attorney will work to settle the case? And is there anything that would prevent you from working against this attorney?"
- **What percentage of your cases go to trial?** You actually want to choose a lawyer with a low percentage here -- a good negotiator who can settle your case without a long, expensive court battle.
- **Are you willing and able to go to court if this case can't be settled any other way?**
- **How long will this process take?** Again, the answer will be an approximation.
- **What are my rights and obligations during this process?**
- **At a full-service firm, ask who will be handling the case:** the lawyer you're interviewing, an associate, or a combination of senior and junior lawyers and paralegals?
- **Should I consider mediation?** Ask whether your case -- at least in the initial stages -- might be a good one for mediation.
- **What happens now?** Do I need to do anything? And when will I hear from you?

Finally, if there's something you really need to know, or if you don't understand something the lawyer said, don't be afraid to ask for clarification. There's no such thing as a stupid question when it comes

to decisions that will affect the rest of your life. Bring this list of questions -- with additions, if necessary, to suit your individual circumstances -- with you to the initial interview; that way, you'll know if all of your concerns have been handled.

Sharyn Maggio, a CPA who specializes in litigation at the NJ firm Rosenfarb Winters & Co., offers the following advice when dealing with your lawyer: "Take charge: this is *your* divorce -- *not* your attorney's. While your attorney will be there to give you sound legal counsel and protect your legal interests, you must be in charge and be proactive. Don't wait for your attorney to make the moves: figure out what you want and work with your attorney to accomplish your goals."

Sometimes, despite their best efforts, people end up choosing the wrong lawyers. "Normally, a client will gravitate to the lawyer who will fulfill his or her needs -- whether that be for a tough litigator or low-key negotiator," observes David Wildstein, who heads the matrimonial practice at Wilentz, Goldman & Spitzer in NJ. If it's clear that you've chosen the wrong lawyer, he says, don't compound the problem by sticking with them to the bitter end. "You'll either prolong the process unnecessarily, or end up with an unacceptable settlement," says Wildstein.

Legal tips to help you through your divorce

"Get from the beginning to the end as quickly as possible. People often get caught up in fighting costly 'battles' that really can't be won, or won't affect the outcome of the case. Divorce is a legal and emotional process; the healthiest thing to do for all involved is to short-circuit that process as much as possible. Not only will you and your children benefit emotionally, but you'll save thousands of dollars in legal fees."

Philip Milone, lawyer

"Hire the best professionals you can afford. Keep busy and physically active. Talk and socialize with friends, get adequate rest, eat and drink wisely, spend quality time with your children, and commit to getting on with your life."

-- Larry Thoma, lawyer, CPA, CFE