

'Must Ask' Questions for Choosing Your Divorce Attorney

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A financial planning expert's guide to help you choose a divorce professional who will work within your budget.

Introduction

This guide is meant to serve as a checklist to help choose your attorney or mediator, should you ever find yourself navigating a divorce. Divorce represents an extremely stressful period of life, for the people navigating it. Money worries can vastly add to your stress levels.

If you are feeling anger, be sure to manage these feelings - perhaps by seeking the help of a mental health professional. You wouldn't make an investment decision in the heat of anger. So why would you make decisions about assets, while angry?

Think instead about establishing a specification for what you are looking for in a divorce process. What type of process do you want, or can you afford? How much money may be at stake in the separation of assets? Are there children to plan for?

You and your spouse should probably aim to protect as *much* of your assets *as you can* for your mutual long term enjoyment, rather than for payment of professionals. Granted, people are more emotional about divorce than about a major family purchase, like a car. That said, you and your spouse would probably prefer that more of your assets be available for children's education and or your own retirement savings. So, to attain this goal, try to avoid a protracted, expensive legal battle for divorce.

If you agree on this direction, then here is a roadmap. I have separately prepared a timeline and project planning template, to accompany this guide. Feel free to modify it for your own needs. You can use it to start filling in the numbers for your divorce budget, as you gather information. It is always helpful to consider interviewing several professionals and pay them for a one-time consultation as necessary, before you settle upon a process. You can educate yourself by attending low-cost workshops offered by community groups such as local lawyers associations, or by reading as much as you can about divorce.

Once you know what issues you may need help in resolving, you can choose the appropriate criteria for your choice of attorney. You can narrow your range to attorneys who may be more likely to find a compromise rather than litigate. Within the range of compromise styles there

are many approaches, including mediation and integrated mediation, collaborative law, and traditional adversarial law.

My role in a divorce process can be as a financial planning neutral, advising both a husband and wife on the value of their assets. I am also sometimes retained as a consulting professional to one of the divorcing parties. Often the person retaining me wants to get a better handle on his or her understanding of the financial assets to be divided and the implications for life post-divorce. Depending on my role, I may be working closely with attorneys and or mental health therapists also engaged by my clients.

Questions by topic, for your attorney

Qualifications

- 1) Is family law your specialty?
- 2) Do you also practice other types of law?
- 3) What is your education? professional groups are you active in?
- 4) Do you have a conflict handling my case? That is, have you or anyone in your firm ever worked with my spouse?

Style

- 1) Do you feel more comfortable handling contentious divorce cases, or those in which you seek cooperation or compromise with the parties involved?
- 2) Do you practice mediation? Do you work with other mediation professionals?
- 3) How might these various approaches be useful depending on the circumstances?

Professional community

- 1) What other professionals do you typically work with in finding resolution to a divorce case?

Budgeting for divorce

- 1) Are you able to provide me estimates of the hours necessary or cost involved once we define the issues to resolve, in my case?
- 2) If additional work becomes necessary beyond the scope originally agreed *upon*, how would we handle this?
- 3) What is your hourly rate?
- 4) What is the hourly rate of other professionals who may be able to handle parts of my case?
- 5) Am I charged the same rate for contact with other professionals in your office? For phone calls and emails?
- 6) Will I be charged for copies, filing fees and process server fees? If so, how much will these run?

Case management

- 1) Who would be my point of contact for matters pertaining to my case?
- 2) How would we be sure to stay on plan? That is, stay on schedule within the hours agreed?

Defining issues for resolution

- 1) Would spousal support likely be an issue in my case? If so, what are the advantages/disadvantages?
- 2) Would child support be required? If so, what might this run in my state?
- 3) Would most of our assets be considered to be community property? Are there any separate property issues to be negotiated?
- 4) Can my spouse be made to pay a part or all of legal fees?
- 5) Is a temporary support order warranted? If so, how would you help me with this?

Records

- 1) Will I be given a copy of my file?
- 2) Will the unused portion of my retainer be returned?
- 3) Will you send me monthly billing updates and itemized invoices?
- 4) What happens if I terminate our relationship for any reason?

Communications

- 1) I *prefer to be contacted by* (specify, email, voicemail, phone calls, meetings). How will I be informed of my case progress?
- 2) If you are busy, when I call how soon can I usually expect a return call to be made to me?

Summary

This is not an exhaustive list of qualifying questions, but you get the idea of what types of questions to ask. Add to the list as needed. Also, explore the financial issues you face, both now and later, when life normalizes after the divorce. Consider requesting an introductory conversation with a qualified divorce financial analyst. Think about how important deeper financial knowledge would be to you in planning more confidently for your security, and that of your family, after divorce.

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Disclosures:

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