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**Divorce: Coping With The Family Law Process**

**By Charles M. Goldstein**

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The Emotions

Divorce is a scary, lonely and misunderstood process for most people, particularly when there are children involved. The mutual friends enjoyed during the marriage may not be of help because those individuals may not want to "pick a side." A divorce will introduce you to an entirely new balancing act.

The Effect on Productivity at Work

You must be conscious of how the divorce process affects your ability to function on your job. There may be occasions when you will feel overwhelmed by a typical day's workload. On such occasions, you may wish to apportion work in terms of what you can handle.

You may at times find yourself uncharacteristically testy and acerbic to friends and colleagues, uncommunicative, depressed, and distracted. You should try to be alert to these personality and mood changes and work with a counselor to solve them. At times this may involve temporarily modifying project responsibilities or adjusting assignments until you achieve a level of equanimity. On still other days, you may not be able to cope with the workplace or home environment at all, no matter how light the workload. When this happens, it may be prudent to request a brief personal leave. If your behavior and interaction cannot be altered through temporary changes, you may need to seek professional counseling during this stressful period.

Keep in mind that while going through a divorce you will face numerous demands on your time: meetings with an attorney, accountant and counselor, possibly locating a new residence (and furnishing it) and establishing new lines of credit. Plan ahead where possible for these contingencies by asking your employer for projects that do not have a tight deadline. Flexible working arrangements, such as job-sharing, or the opportunity to compensate for lost time by working in the evening or on weekends, are other possibilities.

## Divorce: Coping With The Family Law Process

You should not let others treat you as an emotional cripple. You are probably already experiencing feelings of helplessness and an inability to control your life. By being overprotective and shielding you from the daily realities of the workplace or running interference with fellow employees or clients, the employer may only exacerbate those feelings. Work may be the only place you can achieve a sense of self-worth and personal strength during this difficult period.

### The Process

Some people winding their way through the divorce process may experience fatalistic or, conversely, unreasonably hopeful feelings, and may rely on divorce process myths that further complicate the situation (for example, a belief that the system is entirely gender biased). Unfortunately, the legal process is not designed to address emotional issues for the participants. Although there are milestones, such as filing the initial documents, there are no true emotional releases. Even the

finalizing of a divorce is a bittersweet experience and is likely to feel like a letdown. No one truly wins in a divorce because the estate is always divided and both individuals have fewer assets than prior to the divorce. Unfortunately, the legal process is often one of attrition. The time and expense of the legal process often dictates the results as one of the parties can no longer afford the resources or the time to continue to dispute issues.

The many difficult aspects of the legal process often cause frustration and result in increased anger and hurt. In combination with the plethora of negative emotions which led to the divorce in the first place, one facing a divorce may turn to revenge as a primary motivation and extend the divorce proceeding to hurt the other spouse. On the other hand, a spouse may prolong the divorce process in the hope that reconciliation might occur.

### The Solutions

Mediation may be the best answer. If you and your spouse can still communicate and have some common ground, mediation may be the most economical, efficient, and effective way to resolve the issues in the divorce. The mediator must be well trained and be competent in the area of family law. You should consult with an attorney before and after the mediation to be properly advised on negotiation of the issues and on whether the final result is a comprehensive solution.

You may need guidance in selecting an attorney. Your union, company corporate attorney or human resource department may be a source of names. The attorney should be practicing primarily, if not exclusively, in the area of family law (the area has become too complicated to be effectively handled by the generalist). The attorney should have the most current research software and resources available within the office (Lexis and FinPlan Divorce Planner are good examples). Competence, comfort and convenience are three primary considerations in selecting the attorney. Evaluate whether the attorney has a plan which will properly allocate resources to achieve realistic and wise goals.

You should be cognizant of the importance of limiting conversation with the attorney to the nuts and bolts and not try to convince the lawyer that the soon to be ex-spouse is a less than admirable human being; that's for a counselor. It will also save time and resources for an already stretched budget. Also,

one should not fear asking another attorney for a second opinion at any point in the process. It is no more improper than having a doctor provide a second opinion on a serious medical condition.

The divorce process is time consuming in even the simplest cases and will make demands upon your schedule. Because the courts and your attorney are probably working the same schedule as you are, it is probable that some absences and interruptions of work will be unavoidable. Court dates, especially, are not optional. Advise your employer immediately of any court dates, as those occasions may require an absence from work for at least one half day. When you provide documentation regarding income or other employment information, keep in mind that the courts have strict guidelines and time limits. Promptly providing the necessary information is essential.

Lastly, as an attorney, I remind my clients that the legal process of divorce is basically to divide assets, arrange custody, establish support, and address insurance and debts among other issues. It is not the last argument or the final revenge. While the attorney can assist a person going through the divorce process on the legal matters, emotional help is more appropriately available from close friends or professional counselors.

Please contact me if I can ever be of assistance in answering a question about legal representation in the divorce process.

Charles Goldstein practices family law in Minneapolis, Minnesota. He is committed to providing accessible, effective and reasonably priced family law litigation and mediation services. For a free telephone consultation, call 952.449.5299.

### **How to Select a Divorce Lawyer**

#### **By Scott Morgan**

Selecting a divorce lawyer to handle your family law case is a very important decision. The following are a few important criteria to help in finding the right divorce lawyer.

#### Experience and Focus

Any divorce lawyer you consider should have substantial experience in handling divorce cases in your location. An experienced divorce lawyer will know the tendencies of the various judges in your jurisdiction and should be able to use this knowledge to your advantage. Additionally, that lawyer should practice primarily in the field of divorce law. Often people will hire a lawyer who practices primarily in some other area, thinking that any lawyer will do. However, divorce law is a very specialized field that requires particular skills and experience in order to have a likelihood of reaching a successful conclusion.

#### Past Client Testimonials

## Divorce: Coping With The Family Law Process

Perhaps the best way to decide which divorce lawyer to use for your divorce case is to find out what former clients have to say about that lawyer. While divorce is never an enjoyable process, some divorce lawyers have more success at satisfying their clients than others. If you do not know someone who has been a client of that particular divorce lawyer, you should consider asking the lawyer for a list of clients that you can contact who can describe their experience with the lawyer. While client confidentiality is important, any good experienced divorce lawyer should have at least a few former clients who are willing to vouch for him or her.

### Accessible

When a client becomes dissatisfied with a divorce lawyer, one of the most common complaints is that they were unable to communicate with the lawyer. It is very important that your divorce lawyer be accessible and prompt in responding to your phone calls, emails, and requests for meetings. While you can ask the divorce lawyer about their office policy, this is another area where you can best evaluate the divorce lawyer by hearing what former clients have to say.

If a former client of the lawyer tells you that they found it very difficult to contact the attorney, or that the lawyer either did not return calls or respond to emails or would take several days to do so, you should definitely avoid that lawyer. Divorce is an unpleasant and frustrating process under the best of circumstances. If you are unable to reach your divorce attorney, or at least someone on his or her staff, the frustration level can increase exponentially.

### Fees

When you make your initial appointment with the divorce attorney, you should inquire about a consultation fee. Some lawyers do brief initial consultations for free, although most experienced

divorce lawyers will charge between \$100.00 and \$200.00 as a consultation fee, or will charge their normal hourly rate.

For example, I charge a flat \$100.00 consultation fee with no additional hourly charges, regardless of the length of the meeting. Essentially, the consultation fee is to "weed out" those people who are not serious about the possibility of hiring me. Given that my normal hourly rate is \$200.00/hour and the usual typical consultation takes about 90 minutes, the charge for my consultation is significantly discounted. Therefore, you shouldn't let a consultation fee scare you away from interviewing a particular lawyer.

During the consultation it is vitally important that you have a candid discussion with the prospective divorce lawyer about fees and what you can expect. Typically, an experienced divorce lawyer will require the payment of a substantial retainer up front, against which that lawyer's hourly rate and expenses will be charged. You should find out what that lawyer's hourly rate is, what the up front retainer will be, whether any portion of the retainer is refundable if it is not exhausted, and how often you can expect to receive invoices that detail their hourly charges and expenses. You also will want to know how detailed the invoices are. Once again, this is another area where you can get excellent information from those people who have been clients of that divorce lawyer.

## Comfortable

While all the above issues are important, there is one final question you should ask yourself before hiring a divorce lawyer. Are you comfortable with that lawyer and are you confident in his or her abilities? If the answer is anything other than a resounding "yes," you should keep looking. Your case is too important to entrust to someone who does not inspire your confidence.

For more information go to

Scott Morgan is a Houston attorney who practices exclusively in the field of divorce and family law. For more information go to

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