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How to Select a Divorce Lawyer

By Scott Morgan

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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

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

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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

Hire Divorce Lawyer or Use Online Divorce Forms?

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When do you need to hire a family law attorney and when is it okay to just use an online divorce form website to save a little money? This article will provide a few pointers to help you decide whether to do it yourself or retain a divorce lawyer.

What Does it Mean to Use an Online Divorce Form Website?

Essentially, using an online form website in your divorce case means that you will represent yourself and act as your own lawyer. All of the online divorce form sites have disclaimers making it clear that they are not your lawyer and are just preparing documents on your behalf. While it is your constitutional right to act as your own lawyer, there are some significant risks involved that should be evaluated before you take the online route.

Additionally, you have to evaluate the particular website you are dealing with. Most are national sites that offer forms that they claim will work in any state. However, every state has different laws. In other words, a California Divorce Decree will not be identical to a Texas Divorce Decree because the laws of the two states are not identical. So with an online divorce you are basically getting a generic form that may or may not work in your jurisdiction.

What if You Have Children?

While many of the divorce form sites claim to offer forms that address the necessary provisions regarding children (conservatorship, support, visitation, etc.), it is very risky to use these generic forms when you have children. You must remember that your divorce forms are being prepared using online software that simply fills in the blanks with your answers to very simplistic yes/no or multiple choice questions. These answers may not necessarily fit your situation or you may not fully understand the question.

This is where a competent lawyer can make a big difference. A lawyer will learn more about your situation and find out exactly what your documents need to say, instead of just the boilerplate language that the divorce website's software spits out. If you have children, you should take the safe route and hire an experienced divorce lawyer.

What if You Own Property?

Many of the divorce form sites also claim to offer forms that will deal with the most complex of property

divisions. But when it comes to dividing any property beyond personal effects (clothes, furniture, etc.), it is risky to rely solely on generic divorce forms. If you or your spouse own real estate, vehicles, 401k accounts or other retirement accounts, or have any other financial assets or liabilities, an online divorce form will not necessarily protect your interests.

A competent divorce lawyer would be able to, first, analyze your situation and determine what property division is in your best interest, and second, ensure that all the assets awarded to you were properly transferred and the titles correctly recorded on your behalf.

Conclusion

Using an online divorce form always carries a certain amount of risk. If there are no children from the marriage and no property to divide, then saving a few hundred dollars may be worth the risk and the extra work you will have to do. But for most people, especially those with children or property, it is essential to hire an experienced divorce lawyer to handle their case.

About the Author

Scott Morgan has been a Houston divorce lawyer for over ten years. His practice focuses exclusively on divorce and family law cases. You can find out more about Mr. Morgan on his website,

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