

How to choose the best divorce attorney

By Trey Yates



If you are preparing to get a divorce, or just considering it, it is a good idea to begin by finding the right attorney for you. Divorce is a big step. It is an intense emotional and psychological experience, but it is also a legal process. In fact, divorce is a lawsuit. You need to arm yourself with knowledge in order to make the most informed decisions. Remember, the divorce settlement you secure is likely to impact your life for many years to come.

Plan to interview several attorneys before deciding on one.

Focus on carefully select one who has the right skills, knowledge, experience and personal qualities that fit your case and your philosophy. By carefully selecting someone you can trust and someone who will protect your legal interests, you will be better prepared to focus on yourself and your family during this difficult time.

Skills and knowledge

All attorneys are not equally knowledgeable and skilled in divorce law. The lawyer you hired to negotiate a real estate transaction or draft your will, is likely not the best choice for handling your divorce.

In the state of Texas, an excellent way to separate the “wheat from the chaff” when looking for a qualified divorce attorney, is to look for one who is certified by the [Texas Board of Legal Specialization](#) in family law and divorce. Of the more than 70,000 attorneys licensed to practice in Texas, only 7,000 have earned the right to be publicly recognized as board certified specialists in one of 21 select areas of law. Board certified attorneys must pass rigorous testing, have significant trial experience and take about twice as much continuing education as non-board certified family law attorneys. They have earned their advanced certification by knowing more about the divorce process.

Experience

Ideally, you want an attorney who is good in court and out. Do not assume yours has extensive courtroom experience. Ask. If you do need to go to court, it is very important

that your lawyer is familiar with the system and its complexities, as well as how specific judges like to work. It is also a good idea to explore whether an attorney is flexible in his or her approach to the divorce process. Your case may be best suited for mediation rather than the court room, so make sure he or she has experience and certification in mediation practices.

If children are involved, secure an attorney with specific experience in this area. A quality attorney will recommend that during your divorce you put the children's needs first. He or she will also not pursue unreasonable demands for child support or vindictive child custody and visitation arrangements. Texas law requires family law judges to consider the best interests of the child in determining custody and visitation. When it comes to child support, the court may use a complicated formula to determine what a parent pays. This includes such factors as the cost of providing healthcare coverage for a child and other factors.

Style, personality and philosophy

It is also important to find a divorce lawyer who is on the same page as you when it comes to how your divorce is managed. When interviewing attorneys, consider your case and the various aspects of your divorce. Ask her how she typically handles cases like yours. If it sounds as though she would approach your case differently than you would like, ask if she would be willing to consider a different approach. Her response should speak volumes. Also choose a lawyer you like, because personal qualities count as well. Consider how you communicate with each other during the interview.

Here are a number of ways to come up with a short list of good attorneys to interview.

- Ask family and friends but do not rely solely on their recommendations.
- If you know some attorneys, ask them who they would recommend and why.
- Ask your accountant or financial planner.
- Ask your therapist or contact members of divorce support groups.
- Check with family law mediators.
- Ask marriage counselors who advise divorcing couples.
- The personnel at local women's centers may have some tips.

- Check with the local or the state bar association for a list of family law attorneys who are board certified and experienced in divorce cases.
- If you know someone who has recently gone through a divorce, you may also want to contact them for a referral or just to gather advice and tips.

Once your list is drafted, contact 2-3 who best fit your needs and set up consultations. Some attorneys will charge for this meeting, others won't. Make sure you prepare a thorough list of questions for the consultation ahead of time, and try to limit your meeting to about an hour.

Should you buy a house before the divorce is final?

By Patricia Barrett, CFP, CDFA

We've all read the headlines. Houston's real estate market is hot. And this brings to mind a question I am getting from individuals and couples alike: "Should I buy a house before my divorce is final?" Let's take a closer look at this consideration.



Going through a divorce is highly stressful. Most couples experience a wide variety of emotions, including the fear that they won't have anywhere to live. However, many questions remain unanswered about the financial future of couples going through divorce.

Most legal, financial and psychological experts, including myself, advise divorcing couples not to make any major financial decisions at this time. It just doesn't make sense. And here's some reasons why.

All assets acquired during the marriage are “community owned,” half-owned by each spouse. That includes real estate or a house purchased during the divorce process, no matter whose name is on the title or account. The other spouse still has an interest in the asset. Buying a home now will be using funds to purchase a house that belong partially to your soon-to-be-ex-spouse.

You may not qualify for a mortgage anyway. With today's increased scrutiny of home buyers, it also may be difficult or impossible to find lenders who are willing to extend mortgages to couples going through divorce. Many mortgage companies have implemented new, stricter rules for all applicants trying to qualify for mortgages

During a divorce, “temporary orders” may prevent spouses from spending down assets or incurring new debt. Major purchases are generally forbidden without the involvement of attorneys and your spouse during a divorce. Both spouses are usually instructed to spend only what is absolutely necessary. Often, a limit of \$500 is placed on discretionary spending. Expenses above that amount may require the approval of the other spouse.

Purchasing a home during divorce may result in financial difficulties for one or both spouses. If one spouse is approved for a loan on a new home based on his or her current income and expenses, this doesn't take into account any settlement agreement obligations, such as future child support, alimony or a payout.

Perhaps it makes more sense now to rent temporarily. Once the divorce is final, couples will know more about their financial situations. I recommend consulting with a divorce financial analyst at this point who can crunch the numbers and help set up a realistic household budget based on the settlement agreement.

Acknowledging our pain *by Melissa Nickelson*

I was rushing around, trying to get as much done as possible. Sound familiar? I had appointments all afternoon, but had a little time to get a few things done. So, I decided to start putting things away after a remodeling project at the office. I was eager to get things back in order. I was in a hurry, climbing the step stool to reach the top shelf



(in high heels) and my right foot slipped. Being the graceful person I am, I quickly decided that I was not going to fall, so instead I caught myself and slammed that foot down hard. OUCH! It hurt. I figured it would hurt for a while and then go away.

I have things to do. I am busy. So I told myself to just keep moving, keep going. Well, the pain did not go away, and several days later, there was no doubt that I could no longer ignore it.

It turns out that I have a stress fracture. That means I also have new, *not-so-attractive* footwear. So long, high heels! At least for a while...

As I continue to heal, wearing my not-so-attractive footwear, I am reminded of how many times we keep going, moving on through the pain in our lives (emotional and/or physical) without really acknowledging it. How many times have you said, “I don’t have time for this?”

We are all busy, and we don’t like to be inconvenienced. Yet, how many times do we re-live an “ouch” moment? If someone says something hurtful to us, how many times do we just let it go and not say anything, because we don’t want to cause a scene or conflict? But later...we wish we had said something.

Sometimes, simply saying the word “ouch” may be enough to let others know they hurt your feelings. You do not have to be rude when you say it. People may not be aware they are hurting your feelings by what they say, so acknowledging it by simply saying “ouch” makes them aware that they did. If you just can’t say it to them, at least say it out loud to yourself.

It’s important to acknowledge your pain, whether it is physical or emotional. If you are hurting, and you ignore it, the pain will eventually catch up to you. Deal with it. It’s not going to go away if you don’t.

We are all responsible for taking care of ourselves. If we don’t, who will? So, take care of yourself. I know you’re busy, but do you really have time to re-live “ouch” moments later?

Oh, and just a reminder: step stools and high heels do NOT mix!

Choose happy! (and be safe)