

Choosing the best divorce attorney

The Guide to
**GOOD
DIVORCE**SM



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 and in fact, it is a lawsuit. You need to arm yourself with knowledge in order to make the most informed decisions. The settlement you secure is likely to impact your life for many years to come.

Set out to carefully select an attorney 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

Over the years, I have found that people have many misconceptions about divorce and their legal rights with regard to divorce. In addition, everyone's situation is unique. All attorneys are not equally skilled. 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.

Each state is unique in its laws, so it is vital your attorney stays up-to-date on legislative changes that could affect your case. Plan to interview several attorneys before deciding on one.

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.