Preparing for the Divorce Process: How to Save Money and Time While Protecting Your Interests

Do I stay or do I go? This is not an easy question to answer. However, if you are even contemplating a divorce, divorce planning is essential, especially in difficult economic times. Divorce can be a long, highly charged, expensive process - emotionally and economically. Being prepared and keeping perspective, at least as much as humanly possible, can help you save time and legal fees while protecting your and your children's interests.

Speak to an Attorney Now — Not Later

Even if you are undecided as to whether or not you wish to pursue a divorce, it is important to meet with a lawyer. This will help you understand the law and how it applies in your jurisdiction, consistent with the facts of your case. There may be other issues or questions that need to be addressed by your lawyer before you decide to divorce.

Do not sign or agree to anything without first speaking with your attorney. Attorneys are usually in favor of parties working together to reach an amicable resolution. An attorney, however, can and will help you determine if the terms discussed are in your best interest. There is nothing wrong with telling the opposing party that you need some time to think about it and will get back to him or her after speaking with your attorney. If the opposing party is pushing you to sign something on the spot, be suspicious.

Select the Right Attorney

Picking the right lawyer is key to navigating the divorce process. Lawyers have an important say in what happens and what does not happen in divorce matters. Referrals and recommendations from trusted advisors can be a great help in finding the right attorney for your needs.

Professional and Social Referrals

Talk to family members, friends or colleagues who have gone through the process, as well as professionals who know your situation. Your financial planner, accountant, marriage counselor or psychologist can recommend attorneys they know and respect.

Recommended Attorneys Practicing in Your Area

Selecting an experienced lawyer who knows the "legal terrain" of the court system of the county where the divorce will take place is important.

A great place to start, if you do not have the advantage of referrals, would be to contact your county bar association for a list of recommended attorneys practicing in your area. You can narrow down the list by finding out more about each attorney's credentials through his or her website bio or blog, involvement in county and state bar associations or recognition in the field. This will help you make an educated decision regarding the attorney or firm that is best suited to meet your needs.

Gather Documentation

In advance of the first meeting with your attorney, assemble as much relevant documentation as possible. For instance, in a typical divorce case, you will need to provide your attorney with complete copies of recent tax returns, pay stubs for both you and your spouse, banking information, copies of stock and brokerage account statements, a detailed list of all assets and liabilities and any legal paperwork already filed and/or served upon you. This information is essential to developing your case.

It is most important to understand your monthly costs as well as annual costs and your individual needs. Ask yourself: What does it cost to maintain the house? Pay tuition bills for the children? Medical expenses? Summer camp costs? Tutoring and other special needs? What does it cost to live?

It is essential that your lawyer also understands how much you and your spouse expect to earn between now and retirement, how much there is to divide now, and what both of you contributed to the marital pot. Parties obviously love to fight over the subject with the higher earning spouse pointing out that he or she made most of the money. But, if the other spouse stepped off the employment escalator to raise children, most courts will view that as a major contribution on par with 10 hour work days and constant business travel. At the end of the day, your lawyer needs to be armed with all the information necessary to build your case.

Prepare for the Initial Meeting

First, prepare a list of questions to be addressed when you meet with your lawyer. Most initial interviews take approximately 60 to 90 minutes. Be sure to have a list of questions prepared ahead of time so that you don't get distracted during the course of the conversation and go beyond the time allotted for the interview. And remember, there is no such thing as a stupid

question. Questions from clients are often highly relevant and serve as a basis to help frame the issues and develop strategies.

Second, list your priorities! Your goals need to be shared and shaped with counsel consistent with the facts and the economic realities of the case. It is up to your lawyer to guide you and explain whether or not your goals and objectives are realistic.

Third, come alone to your initial meeting and future meetings with your attorney. While you may want to bring a parent, sibling, friend or new significant other with you, it is not advised. By bringing a third party into the meeting, there is a potential compromise of the attorney-client privilege. This is a risk that you do not want to take.

Tell the Truth

The plain truth is that divorce is a soft center of doing business wrapped in a hard coating of pure emotion. In spite of this, you need to be candid and truthful with your attorney. Attorneys do not like surprises. If your attorney is well-informed, he or she can be fully prepared to deal with potentially damaging information if and when it is raised by the other side.

Keep a Diary

Record all significant events pertaining to your case and make sure to share copies with your attorney. A "Week-at-a-Glance" calendar often can serve this purpose well. This may be especially important in a custody case. Your memory may fade with time, but a well-kept diary can be used to refresh your recollection prior to or during a hearing. Additionally, your attorney can use your diary to assist in preparing your testimony in advance of a hearing.

In addition to recording important events in your diary, document what you can with photographs or video. For instance, if you decide to move out of the marital residence, take photographs of the condition of the residence and all property that you leave behind.

Trust Your Attorney for Legal Advice

Friends, family members, colleagues and the Internet provide more free advice than you may ever need or want, and while there is a ton of advice out there, it is not necessarily the **right** advice. You can have lunch with your neighbor, the patent lawyer who took Family Law 101 15 years ago when he was in law school, or you can check in with your dry cleaner who got divorced three years ago. You can look up the law or you can log on and chat with 500 other people who all think their ex-spouses are taking advantage of them.

While they may mean well, what do they really know about your family, your ex, your kids and the current state of the judicial system that will decide your case if you can't settle? Even people in positions of some expertise often make mistakes. Free advice does come without a price, but as the old adage says, "You get what you pay for." Family law matters involve your children and your money, two things that people like to keep close and that merit getting experienced help. When you think you know more about the law than your lawyer, you are either poorly represented or deluded by misinformation. If it is the former, get another lawyer. If it is the latter, realize that a family law attorney is the one with the necessary experience to walk you through the jungle called divorce.

About Fox Rothschild's Family Law Practice

Fox Rothschild's Family Law Practice is one of the largest in the region. Our attorneys have experience with virtually every issue that may arise in a family law case. We understand that family law matters are personal, and that clients must live with the consequences of their decisions. We offer the advice and counsel of experienced attorneys who not only support clients through a difficult time, but also guide them to ensure sound thinking about their plans for the future.

Visit us on the web at **www.foxrothschild.com**.

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- Alimony
- Child Custody
- Support
- Prenuptial Agreements
- Equitable Distribution
- Grandparents' Visitation

Fox's Family Law Blogs are an excellent resource for individuals with family law questions and advisers whose clients may encounter family law issues.

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