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# You and Your Lawyer - Getting to Know the Firm

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## GENERAL INFORMATION

1. **Office Hours.** The Firm's business hours are 8:30 a.m. to 5:00 p.m. After-hours or Saturday appointments can occasionally be arranged.

2. **Staff Names.** These people are on your "team" and can help you:

Mathew J. Roth - Lead counsel

Lisa M. Garrott - Back-up counsel

Patti Chambers - Family Law Legal Assistant

3. **Children.** Please do not bring your children to meetings with your lawyer. It is best not to involve children in any divorce-related discussions or in the case.

4. **The Fee Agreement.** Most law firms will not begin work until you sign a fee agreement and pay your initial deposit or retainer. Read the fee agreement carefully. Fees will be explained during the initial interview. At that time, ask questions about any aspect of the fee agreement that you do not understand.

5. **Monthly Statements.** You will receive monthly statements detailing legal services, the charges for them, and the amount drawn from your initial trust deposit. If you have questions about your statement, please call your lawyer's bookkeeper within ten (10) days of receiving your bill.

Even though you may be seeking reimbursement of legal fees from your spouse, you are responsible for paying the fee. Any court order requiring your spouse to reimburse you is incidental to your primary responsibility to your lawyer.

6. **Telephone Conferences.** Your lawyer will take your telephone calls during business hours. If he/she is in a conference or in court, a staff member will try to help or relay a message. But remember - only a lawyer can give legal advice.

## HOW TO STAY IN TOUCH

1. **Get Organized.** Read all correspondence and keep it in a folder for future use and reference. To keep you informed of your case's progress, your lawyer will provide you with copies of all pleadings and correspondence throughout the case.
2. **What Your Lawyer Needs to Know.** Your lawyer needs all the facts to do the best possible job. If you are nervous or afraid to tell your lawyer something, it may be easier to put it in writing. Don't keep secrets. Most secrets will come out sooner or later. The sooner your lawyer knows the secret, the better he/she can help you deal with it.
3. **Call the Law Office When any Questions or Problems Arise.** Explain the matter to a staff member who should have an immediate solution or arrange to get back to you. Do not leave a message such as "urgent" or "very important," or "I must talk to you." This is futile and time consuming for you and your lawyer. If you call frequently, make a list of questions and save them for one call. This will help prioritize and focus your concerns and allow your lawyer to proceed with your case in an organized and coherent manner.
4. **Consider Keeping a Daily Diary.** This will provide a record of events and documents when questions arise. Ask your lawyer whether this will be needed in your case.
5. **Write Down in Detail Any Problem or Questions That Worry You and Forward Them to Your Lawyer.** This helps provide direct information and enables your lawyer to pinpoint and perhaps head-off future problems. This record becomes part of your file for future use and review.
6. **Keep Your Diary and Notes in a Secure Place.** Do not share them with your spouse or children. The goal is to help your lawyer prepare your case, not to share information with the opposition.

## COMMON QUESTIONS

1. *What does it mean to "win"?*

Your lawyer will do everything possible to structure your case so that you "lose" as little as possible. Punishing your spouse or winning an all-out, no-holds-barred victory, however, is not healthy or constructive.

2. *How long will the divorce take?*

At the beginning of a lawsuit, it is difficult to predict how long the case will take, but after it is under way, your lawyer will understand the issues and be better able to gauge the duration. How long it will take depends on:

- § The number and complexity of contested issues;
- § The vehemence of the parties' feelings and their inclination to settle;
- § The court's calendar (although shorter hearings can generally be scheduled more quickly, in some areas of the country the next available date for a full trial will be many months away);
- § The other lawyer (Your lawyer has not control over the lawyer's schedule and personality. An extremely busy or uncompromising opposing counsel can prolong your divorce).

By far, the most common factors that prolong lawsuits are the intensity of the parties' feelings and the degree to which the parties want to fight.

3. *How much will my divorce cost?*

It is difficult to estimate the total cost of your divorce, even when your lawyer knows the contested issues and the strength of the parties' feelings. If you and your spouse do not trust each other, want complete discovery of all assets and liabilities, and argue many issues to the bitter end, the process will be long, drawn out, and expensive.

Going to trial is almost always more expensive than settling a lawsuit. If you have a question about a bill, ask your lawyer immediately.

Be aware that you will pay for your divorce in three ways - with your time, emotions, and money.

4. *How much of my time will be required?*

You must spend time preparing your lawsuit. Your lawyer will prepare your case, but only with your help. Lawyers sell their time, so if you can do some of the groundwork, your money can be used more efficiently. If you are not prepared to spend time on your case, the outcome may not be as satisfactory as it might have been.

5. *How can I ease the emotional pain?*

Divorce is one of life's most painful experiences. Your emotions will likely be on a roller coaster. In most cases, both parties do not want to end the relationship to the

same degree, and one person has been more emotionally hurt than the other. That is one reason to consider counseling.

The more issues to be resolved the more painful the divorce. Sometimes one party raises issues simply as a way of prolonging the matter or punishing a spouse. Be aware of this. If it seems to be happening, your lawyer will call it to your attention.

6. *How can I keep the cost down?*

Preparing and trying a lawsuit is very expensive. Scrutinize the issues at an early stage and determine which ones can be settled. Do not make unreasonable or unnecessary concessions, but look carefully at the issues that separate you and your spouse. You have some control and you can make concessions that will resolve your case more quickly and thus reduce your costs.

7. *Is it worth the fight?*

Litigation often spawns more litigation. To determine whether certain issues are worth litigating, weigh the price you will pay with your time, emotional pain, and money.

8. *How will I know if my lawyer is "tough enough"?*

Some people think that lawyers who are "fighters" must refuse to cooperate with opposing counsel - for example, not consenting to mutually convenient dates for meeting, depositions, etc., and negotiating without compromise on contested issues. This notion is sadly misguided. The time to fight may be during tough negotiations or in court. Non-cooperation accomplishes only greatly increased attorney's fees, because all the legal steps must be done the hard way - by preparing special documents, appearing in court, etc.

9. *Should my lawyer's "friendliness" with the other side make me uncomfortable?*

Lawyers who specialize in a particular area will probably try cases against each other over the years. They will attend the same professional events and may even work on committees together. Camaraderie develops naturally over the years. Just because your lawyer and your spouse's lawyer exchange pleasantries, share a joke, or have lunch together, does not mean that they are being disloyal to their clients. Your lawyer is professionally committed to obtaining the best result for you given the facts of your case and the law. This does not mean that your lawyer must be hostile, rude, or mean to opposing counsel. Such behavior often harms rather than helps your case.

10. *Why should I listen to my spouse's suggestions?*

Unfortunately, clients commonly believe that an opponent's suggestions should be routinely rejected because they are bad ideas or they reflect an ulterior motive. Some clients automatically want to do the opposite of whatever is requested.

Let your lawyer guide your response to the other side's requests. A request, suggestion, or offer from the other side is not bad per se. Even if it is not entirely acceptable, it may provide valuable information as to the opponent's priorities or outlook.

11. *Do I need counseling?*

Divorce cases are emotionally charged, so clients are encouraged to seek counseling before or during the process. Counseling can help clients ameliorate the pain, accept the end of a marriage, learn coping skills, and pick up the pieces of their lives and move on.

Don't wait for your spouse to agree to participate. Individual counseling can help. Often parents and children attend sessions together to alleviate the effects of a divorce or custody dispute on the children, and to help the family heal emotionally.

12. *How do I find the right therapist?*

If you don't know where to begin, your lawyer will recommend qualified counselors. Your employer or social or religious contacts also might provide leads.

When choosing a counselor, be selective. Counselors have different styles and approaches. Search until you find someone with whom you are comfortable. At the first meeting, ask about the cost. Find out if your health insurance will cover counseling.

Reassurance from friends and family members or legal advice from your lawyer may help. But a counselor is trained to address your emotional ups and downs.

13. *How do my emotions affect the outcome?*

In a divorce proceeding, negative emotions such as hostility, anger, and revenge can needlessly delay a resolution and increase the cost. Perspective and objectivity, on the other hand, can promote a conclusion and reduce the cost.

Many factors may be involved in a marital breakup, and you may feel indignation, anger, and resentment towards your spouse. You may want to punish your spouse

by making the process difficult and time-consuming. This usually turns into a no-win situation. If both spouses maintain perspective and a realistic idea of a reasonable and equitable division of their marital estate, less money will be spent on legal fees, leaving more money for the divorcing couple.

One of the key factors in settling a divorce is both parties' desire to set aside differences and past hurts. Lawyers often hear "it's a matter of principle. I won't compromise on this." There have been cases in which a fair and equitable resolution was reached, but both spouses were at an impasse regarding one inexpensive item. As a result, they spent thousands of additional dollars in legal fees on who would get the lava lamp. Only the lawyers are rewarded in a lengthy and bitter divorce.

14. *Why would my lawyer even suggest reconciliation?*

Some people go to a lawyer's office to discuss divorce, but they have not actually decided to take the final step. They want to know their options. Lawyers typically encourage them to explore alternatives and make suggestions about protecting themselves and meeting their needs, short of divorce.

If your lawyer raises the issues of reconciliation, he/she is not questioning or judging your decision, but is clarifying and confirming that you know your options and that you want a divorce.