

# HOW TO PREPARE YOURSELF FOR DIVORCE AND FIND AND HIRE THE RIGHT LAWYER FOR YOUR CASE:

*An essential guide for anyone who is thinking about getting  
a divorce in Florida*

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This information packed guide includes the following:

- \*How to determine whether or not you even need a lawyer*
- \*A 12 Step System for preparing yourself for the divorce process*
- \*Tips and strategies to help keep your legal bill low*
- \*The different types of Divorce Lawyers, and why it is important to hire the right lawyer  
for your case*
- \*The things you need to know NOW, before you call your first attorney*
- \*Five important questions that you should ask every attorney you are considering hiring*

AND...

*\*\*Value-Based Billing and how it can help to keep your legal budget in check!\*\**

## ***Who Wrote this Guide and “Why Should I Listen to You?”***



I'd like to start by thanking you for requesting this guide. The information I've provided here is intended to help you to prepare for your divorce and to find the right lawyer to assist you during this difficult time in your life.

My name is Jim Hart. I am an attorney who is licensed to practice law in the state of Florida. I went to law school and started my own law firm because I wanted to change the way people are treated when they need legal help. I also am a firm believer in building solid relationships into my practice. That means relationships with other attorneys, my employees, other professionals, and especially, my clients.

I first started handling my own cases as a public defender, where I gained invaluable courtroom experience and tried numerous jury trials. When I started my own practice, I stopped taking criminal cases, and devoted my entire practice to family law and divorce work. Currently, approximately 95% of my practice is composed of family law cases (primarily divorces), with the remainder made up of several personal injury and accident cases. *My parents were divorced when I was very young, so I understand firsthand what it is like to grow up in a divorced family, and I bring that experience to my dealings with clients.*

I've developed networks and friendships with other lawyers who feel comfortable referring me cases. I have joined and become active in the Family Law Section of the Florida Bar, and was invited to join the Central Florida Family Law Chapter of the American Inns of Court.

*I have chosen to practice law in a way that is different than most attorneys you will find. I believe in providing excellent, quality information to consumers before they meet with or, ultimately, hire an attorney to handle their divorce. I also offer value-based billing to my clients, something that very few, if any, other divorce lawyers in Orlando can say. Additionally, as I will point out later in this guide, not every case requires an attorney! However, it is very important that you have this valuable information now, for free, before you feel pressured to hire the first attorney you meet with.*

I thank you for ordering this guide, and for considering my law firm to handle your family law or divorce case. If you have additional questions, please feel free to visit my website at [www.JamesHartLaw.com](http://www.JamesHartLaw.com), as well as my family law and divorce blog at [orlandfamilylawyer.typepad.com](http://orlandfamilylawyer.typepad.com).

## ***Letter to Prospects (Knowledge is Power!)***

You are probably reading this guide because you are either thinking about getting divorced (but your spouse doesn't know), have already talked to your spouse about getting divorced, or possibly have already been served with divorce papers. You are probably trying to figure out what your legal options are. Should you hire a lawyer, and if so, how do you go about deciding who to hire? Should you talk to your spouse or their attorney about your case? What are you legally entitled to? I have written this guide to answer these questions and more.

This guide will give you the information that you need to make informed decisions *before* you decide whether or not you need to hire a lawyer. It will show you what steps you need to take NOW to protect yourself in your divorce. If, after reading this guide, you decide that you need an attorney, this guide will provide you with a system for finding the best lawyer for you and your case.

*James W. Hart, Esq.*

## ***Why did I write this guide?***

Everyday, unfortunately, people decide to end their marriage. They do it for a number of reasons, including finding out that their spouse is involved in an adulterous relationship or being the victim of spousal abuse. Sometimes, after many years of marriage, people grow apart and decide to go their separate ways. I have seen all these scenarios and more. Whatever the case, this guide was written for you.

The process of divorce is a difficult and painful one. I often tell my clients that there are actually two types of divorces, the emotional one and the legal one. The majority of people must complete the emotional divorce before they can begin the legal divorce. I often encourage people to seek counseling to help them through their grieving, or possibly to attempt to save their marriage, before they decide to proceed with a legal divorce. Every person is different, and everyone handles their divorce in a slightly different way. Some couples part as friends, while others can barely speak to one another, let alone negotiate a divorce settlement with one another.

If you are reading this guide, you have started to think about hiring a lawyer. Perhaps you were blindsided with divorce paperwork from your spouse, and have nowhere else to turn. At this point, you are bombarded by lawyer ads – in the yellow pages, on the radio and television, even on the billboards while you are driving home from work. These advertisements don't assist you in making any informed choices about who to hire as your lawyer. I wrote this guide to give you the information you need now,

and so that you can feel confident that when you do decide to engage a lawyer, you will be able to take the steps necessary to find the right lawyer for you.

## ***Our Firm Philosophy***

My practice is different than other family law and divorce firms. Many firms will practice what is called “threshold” law. In other words, if you walked through the door, the firm is intent on signing you up as a client. They will begin working on your divorce, regardless of whether or not that is what you really want and currently need. For firms that rely on expensive advertising to drive clients to their office, this is necessary to continue feeding the advertising monster. Basically, the firm will settle as many divorces as it can, as quickly as possible. This is the only way they can guarantee a steady cash flow to continue to pay for more advertising.

At my law office, I have chosen a different approach. I do not spend a lot of money on advertising. You will not see an advertisement from my firm in the yellow pages. Therefore, I do not rely on a high volume of cases to generate fees that pay for that advertising. I accept a limited number of divorce cases every year out of the many people who ask me to represent them. As a result, I can spend more time on the few cases that I do accept and achieve better results for those clients.

In order to devote a significant amount of personal attention to the cases that I do accept, the following criteria is used to screen potential clients.

*The following are examples of cases that I will not accept:*

- Clients who are uncooperative and not credible. In order to achieve the best possible results for all my clients, I must have clients that are willing to cooperate with me and to provide me with the information I need to best represent them. Anyone who is unwilling to do this, or who I believe is lying to me about the facts of their case, I will not take on as a client.
- High Level of Spousal Animosity. Some people hate their spouse so much that they are unable or unwilling to negotiate in good faith towards resolving their divorce, or they really want to “stick it” to their spouse. These people are not good clients for my firm.
- Client’s who are abusive to their children or their spouse. I don’t represent anyone who doesn’t have the best needs of their children at heart. Also, I don’t represent anyone who is abusive to their spouse.
- Will avoid paying support if possible. In many cases, child support or spousal support (alimony) will be an issue. I will not accept clients who refuse to pay support that they are legally obligated to pay.
- Clients who have had more than two or three attorneys. I understand there are cases where an attorney doesn’t return phone calls, has taken no action on a case, or just really isn’t that good. If you have had another attorney, I will

review your case and let you know if your concerns are well founded. However, if you have already had two or three attorneys work on your case, I will not accept your case.

- Not willing to follow legal advice. I went to law school, passed a bar exam, have been in front of the family law judges, and deal with divorce cases every day. I understand the rules regarding child support, alimony, prenuptial agreements, equitable distribution, etc. I fraternize with other family law attorneys and we discuss different cases. I have a reasonably good idea of what my client's can expect if they go to court. I cannot assist clients who are unwilling to follow my advice.
- Not open to settlement. Clients who want to try their case before even sitting down to attempt settlement negotiations are not a good fit for my firm. I require that all my clients are open to the possibility of settlement at mediation.

If you do not meet my criteria for new clients, I maintain relationships with many other attorneys who handle divorces, and will be happy to refer you to attorneys that do accept these types of cases.

### ***No legal advice here...***

We're extremely excited that you've decided to take the time to read our guide. However, you should note that simply ordering or reading this guide does not create an attorney-client relationship. You will find no legal advice within these pages, because every case is different, and every situation unique. If you do want our legal opinion, please contact us at (407) 839-4340 or visit our Web site at [www.jameshartlaw.com/contact.cfm](http://www.jameshartlaw.com/contact.cfm) to send us an email. We'd be happy to conduct a no-obligation Divorce Assessment to discuss the facts of your case and your legal options.

## **12 Steps to Prepare for a Divorce<sup>1</sup>**

Below you will find 12 steps that you should consider when preparing yourself to begin the divorce process. I have written these steps from the perspective that your spouse does not know that you are considering a divorce. It is entirely possible that some of these steps will not apply to you. However, it has been my experience that by following the recommendations below, you can best prepare yourself to manage the process of divorce in a systematic and methodical way. Not only that, but you will save yourself a lot of money in legal fees by taking these steps now, before you go to see a lawyer (except as indicated).

### **1. Find the right Lawyer**

I wrote this guide in large part to help you with this first step. I once read that “you don't need a lawyer to get a divorce, but you need them for the consequences of your divorce.” In the next section of this guide, entitled “Hiring a Divorce Lawyer”, I've addressed some simple, no nonsense ways that you can determine whether or not you need to hire a divorce lawyer to handle your case, and how to hire the right lawyer for your case.

Look for a lawyer that practices primarily divorce and family law. Determine the lawyer's philosophy regarding litigating cases versus settling them. You should look for a lawyer who makes it a priority to attempt to achieve a fair settlement for you, but who is capable and willing to litigate the case if it becomes necessary to do so.

### **2. Account for all of the Family Finances<sup>2</sup>**

Next, you will want to gather as much information as you can regarding your family's financial situation. If you take care of the finances in your household, you may already have a firm grasp on these numbers. On the other hand, you may have no idea what you and your spouse own or owe.

One of the primary functions of the divorce process is to make a division of the assets and debts of the marriage. In order to get a fair division, you must know what there is to divide. This is a three step process:

#### **A. Determine what you own.**

As mentioned above, if you have a good handle on the family finances, then you are a step ahead. If not, then it is time to do your homework. Many of the assets of the

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<sup>1</sup> A portion of the information in this section was prepared with the assistance of the Alabama Family Law Blog.

<sup>2</sup> A blank financial affidavit can be found in pdf format on my website at [www.JamesHartLaw.com](http://www.JamesHartLaw.com) or [orlandofamilylawyer.typepad.com](http://orlandofamilylawyer.typepad.com). This is helpful as you prepare this information. If you can't find it online, please call my office at (407) 839-4340 and my assistant would be happy to email you a copy.

marriage will be obvious - the home in which you reside, financial accounts, vehicles, recreational vehicles, etc. Others may not be so obvious - these include things like artwork, bearer bonds, deferred compensation, proceeds from a pending lawsuit, etc. There is also the possibility that your spouse is hiding assets (this is more likely if they are the ones initiating the divorce or if divorce has been discussed previously).

Review all possible assets. Where possible, attempt to gather documentation regarding each asset or account. Remember to look for or obtain recent appraisals of real estate that you or your spouse own.

If your lawyer charges you by the hour, (as I used to – later in this guide I discuss my new Value Billing option), then any information that you are able to gather will save you a lot of money. If there are documents you are not able to obtain, your lawyer may have to get them through the discovery process.

B. Determine what you owe.

Just as you need to determine what you own, you will also need to make a determination of all of the debts that you or your spouse have incurred during the marriage (without respect to the name in which it was incurred). The Final Judgment of Divorce will need to address who is responsible for this debt – whether it is in your name, your spouse's name, or joint names.

**I recommend that each of my clients obtain a copy of their credit report.** This allows you to make sure that you know of all of the debt that is in your name. It is not unusual for a spouse to have incurred debt in the other spouse's name without their knowledge. If that has happened, you need to know this as soon as possible, if possible before you go to mediation. There are many ways to obtain a copy of your credit report. You can request a free copy once per year at [www.annualcreditreport.com](http://www.annualcreditreport.com).

Once you see what debt exists, obtain copies of the statements on these accounts to determine the balances. You may also need the statements if your spouse has made large or inappropriate purchases on the cards.

If you cannot find credit card statements on each of the accounts, contact the credit card company directly and request they send them to you. You may want to check their websites as you might be able to make the request online. You will need to produce the last three months of credit card statements to your spouse, although I normally want my clients to get a minimum of 12 months of statements.

C. Determine income (both yours and your spouses).

You will need to provide documentation showing your income (if you work outside the home) and the income of your spouse. This is important for a number of reasons, but primarily for child and spousal support.

If your spouse is a salaried employee, then this will be relatively easy. Obtain a copy of their most recent pay stub and Income Tax Returns. If you do not have access to either of these, you can obtain a copy of your Income Tax Returns by requesting them from the IRS.<sup>3</sup> An attorney can help you obtain your spouse's paystubs through the discovery process.

If your spouse is self employed, then the job of determining their income becomes much more difficult. This is why discretion about your divorce plans is important. You may want to discreetly question your spouse (or if they have one, their business partner or spouse) about income. You can also attempt to get copies of bank account statements and financial statements of the business.

Another good way to prove income and assets of a self employed spouse is to obtain a copy of a loan application or net worth statement that they may have submitted to a bank or other lending institution for a loan.

Sometimes it is difficult to prove the actual income of a self employed spouse. At this point, gather whatever information you can. In the case of a self employed spouse, your lawyer will likely have to help you by using the discovery process to obtain and analyze additional information.

### **3. Photocopy all financial records**

As you gather all the important financial documents, you should make two copies of each of them. One is for you and one is for your lawyer. Keep your copy in a divorce notebook or file folder that cannot be found by your spouse. It is important to keep a list of what documents you have, what documents you still need, and which of them you have given to your lawyer.

Each case and each lawyer may require a unique set of documents. In Florida, some of the most common documents include the following:

- Income tax returns for at least 3 years;
- Last three months pay stubs that show year to date income;
- 12 months of statements on every financial account (including retirement accounts);
- 12 months of statements on every credit card or line of credit account; and
- Deeds for all real estate owned by either party individually or jointly (In Florida, you can obtain these records at your county property appraiser website).

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<sup>3</sup> Complete Form 4506, *Request for Copy of Tax Return* and mail it to the IRS at the address listed in the instructions, along with a \$39 fee for each tax year requested. Copies are generally available for returns filed in the current and past 6 years. You can download the form at [www.irs.gov](http://www.irs.gov).

#### 4. Prepare a budget

The next step in preparing for divorce is to prepare two budgets: one that shows the situation in the house before the divorce filing, and one that is your estimated budget for after the divorce.

Most people don't like to prepare one monthly budget, let alone two of them! However, it is important to know what it currently costs to run your household. This is helpful to show what your “marital standard of living” is. Additionally, you must know what your costs of living will be after the divorce. I'll go through each separately.

##### A. Know your current monthly budget

Knowing the monthly budget is important for the following reasons:

1. In an alimony case, it is critical to show the standard of living and the financial need.
2. It is helpful in assessing specific needs of the children that may not be covered in basic child support (e.g. particular medical needs or private school expenses).
3. It will help you in planning your post-divorce budget.
4. If your spouse is self employed and under reporting their income, it would be helpful to show that their monthly expenses exceed what they claim their income is. This can show that they are attempting to hide their true income.
5. A judge may utilize this information to determine temporary support while the case is pending.
6. You should know this information in order to properly manage your finances whether you are getting a divorce or not!

##### B. Make an estimated budget of post-divorce expenses.

This is important for your personal planning and will likely influence your objectives in the divorce negotiations. You need to know what you will need financially in order to evaluate your settlement options or what you will ask the judge for in a trial.

There is no doubt that this will take some estimating and guesswork on your part. That's why it is called an estimated budget. This is a work in progress. The point here is to give some forethought to what your living expenses will be as you start the next chapter of your life.

##### C. How to make your monthly budgets.

If you already maintain your checking account records on a software program like Quicken or Microsoft Money, then the process will be relatively easy. You can simply print out a monthly budget report. If not, then you will need to sit down and look through your check register and/or your spouse's check register for the past three months. This

will reveal the expenses you have both monthly and quarterly (divide the quarterly expenses by three and enter them in the budget as a monthly expense).

You will also want to think about any annual or semi-annual expenses you may have, such as life insurance, homeowner's insurance, etc. and convert those to a monthly figure and enter it on the budgets also.

In setting out your budget, try to be as realistic as possible. You should be conservative in your budget (meaning don't understate the expenses and end up stating a budget that doesn't realistically meet your needs) without grossly overstating the budget (which a judge would frown on should the case go to court). The best advice is to base your budget on the most accurate numbers possible. You may also want to photocopy your monthly bills and receipts to provide proof of your expenses, should they ever come into question.

## **5. Document and safeguard your personal property**

Inventory and photograph your household furniture, art, jewelry and other items of value. Inventory and photograph the contents of any safe deposit box or family safe your family may own. Also, photocopy any important documents in the safe or safe deposit box (if you did not already do so when collecting the financial records).

It is unfortunate, but often these documents and property will "disappear" once the divorce process starts so get your proof in place now. Additionally, you may want to consider safeguarding any items of particular value (either monetary or sentimental) which are small in size. I am referring primarily to things like the jewelry your mother passed down to you, your father's fountain pen, your high school yearbook, your childhood photo albums, etc. Your spouse may not share your desire to divorce with dignity. Better to safeguard those items that are particularly difficult to replace.

I am *NOT* suggesting that you empty your house of all its contents. That is a sure way to escalate the divorce and guarantee that you will not have a civilized divorce. Things like dvd players, camcorders and laptops can be replaced. Just document those on your inventory and photograph them for proof in the event it is ever needed.

## **6. Establish your own credit (if necessary)**

If you do not have your own credit history, you should begin the process of establishing it now. Obtain a gas card and a credit card. You will need to have your own credit established after the divorce. The sooner you begin this process the better. So, don't wait until after the divorce. You can start this process immediately.

Once you've obtained the accounts, you can improve your credit by using the cards and then paying them off each month. At this point, **it is important that you use these cards only to the degree that you can pay them off each month. Your goal is to**

## 7. Assess the financial accounts

If you've already completed the steps numbered 2 and 3, then you already know what accounts exist and what the balances are. You need to make a decision about what to do with them.

It is an unfortunate reality that one of the first things that some spouses do when they learn or decide that a divorce is imminent is to empty out or transfer the financial accounts. This is typically done after receiving particularly bad advice from an adversarial lawyer or a well meaning, but poorly informed friend.

In a perfect world, neither party would touch the financial accounts except to pay normal household bills until after the divorce is over. In fact, when a case is filed in most counties in Florida, an Administrative Order is automatically entered that prohibits the parties from taking money out of accounts except to pay ordinary household bills. However, if this were a perfect world, you would not be reading this guide, and I would be in another line of work because divorce lawyers would be unnecessary.

I do not recommend that you clean out the accounts. Doing so will immediately escalate the conflict and stress of divorce. It also will not be well received by the Court, and could subject you to sanctions, including contempt of court and possible incarceration.

However, you do want to be protected from your spouse cleaning out your accounts. If you have a reasonable fear that your spouse will raid the accounts, the only solution is to remove one half of the funds from the accounts and put them in a new account in your own name. Do not hide, dispose, or waste the money. Document carefully where every penny is spent because you will likely need to make an accounting of it later on. *Additionally, you should not do this for the regular checking account out of which the household expenses are paid unless there is a substantial balance in the account over and above the amount needed for paying the current month's bills.* You do not want to take action that would cause checks to bounce.

**I don't make this as a blanket suggestion.** If the money can be kept there and neither party will remove it, that is preferred. Another option for certain types of accounts is to put a freeze on the account. Obviously that is only practical for accounts that are not regularly needed to pay bills and regular expenses.

**Before you decide how to handle your financial accounts, consult with a lawyer.** If they suggest take all of the money out without a good reason, I would seriously consider whether that lawyer shares your desire for a civilized divorce.

## **8. Address the credit cards and other lines of credit**

If a divorce is imminent, you do not want to be liable on any accounts on which your spouse has charging privileges. It is not unheard of for an angry spouse, upon learning of a divorce, to run up charges on all the credit cards. Likewise, some lawyers may advise their clients to take out cash advances on joint cards to provide a cushion while the divorce is pending or to charge a large amount in lawyer's fees on to joint cards.

You will want to consider canceling such joint accounts or at least reducing the spending limits. Be aware that this may have an adverse effect on your credit score. However, this temporary inconvenience will be more than offset by the peace-of-mind you will have by knowing that your spouse cannot run up credit in your name. If your spouse is an authorized user on charge cards in your name, see what steps the credit card companies require to remove them as an authorized user, and do so as quickly as possible.

Also consider home equity lines of credit. You may need to consider whether you should close it or restrict access pending the resolution of the divorce. Whatever you do, do not neglect thinking seriously about how to handle this issue, and discuss it with your lawyer before making a final decision.

## **9. Avoid taking on additional debt or making any major purchases**

This divorce preparation step goes hand in hand with assessing how to handle the credit accounts, but deserves to be mentioned separately. While you are in the middle of a divorce, or even if you are just thinking about it, you want to be conservative with your your finances. Now is not the time to be putting in a pool, buying a new car, or buying new furniture on credit. You want to simplify your financial situation, not make it more complex.

Before your divorce can be fully resolved, you and your spouse (or the court if you have a trial) will need to allocate who will be responsible for which debts. Generally speaking, the less complex your debt situation is, the easier this task will be.

Please remember that this is only general information. Your own specific situation may require you to vary from this advice. For example, there are times when you may have to get an automobile and it would be better for you to make this purchase before the divorce is final because on your own, you will not have sufficient credit to obtain a loan after the divorce. Once again, this is another reason why you will need the advice of a good attorney, which is why I wrote this guide in the first place!

## 10. Stay put... maybe

One of the most common questions I am asked by my clients is whether they can move out of the house (also referred to as the marital residence). In most cases my answer to them is to stay put. It is not the answer most of my clients want.

Things are stressful. They will likely get worse before they get better. Unfortunately, there are several reasons to avoid leaving. The most important ones are the following:

1. It could jeopardize your custody claim. If you end up in a custody dispute, and you leave the house while the children remain with your spouse, then you will almost guarantee that you will not receive primary custody. If the case becomes contested, it could drag out for many months (even several years). If your spouse has had primary physical custody that entire time and you've had alternate weekend visitation, then unless your spouse has made major mistakes in the interim, they will likely maintain primary custody.
2. It could affect your property interests. You've moved out. Your spouse pays the mortgage the entire time the case is pending. Some judges may factor that in when making the property division.
3. You will lose leverage in the negotiations. This is big. You want the divorce. Your spouse doesn't. You decide that you have to get out of the house. You move to an apartment and are paying your rent as well as the home mortgage. Now, you may be required to keep paying the mortgage as long as the case is pending. You have just given your spouse a major incentive to drag out the litigation. This happens all the time. Eventually you decide to settle for less because you can't keep paying for two households. Do not make this mistake.

*Moving out of the house can have dramatic effects on the case. Do not do it without discussing it with your lawyer and giving it a great deal of thought.*

One caveat here - If domestic violence is an issue, then all of this is moot. You will need to take whatever steps are necessary to protect yourself. Remember to keep your lawyer informed about what is happening in your situation. If the Court finds that there are grounds to issue a permanent injunction against domestic violence, your spouse may be removed from the marital home.

## 11. Keep a diary of events

It is important to document all of the major events that occur during the course of your divorce. Your lawyer may want your help in reconstructing a chronology (a list in order by date) of the major events that led to the filing of the divorce. Additionally, you should begin keeping careful records of new events and incidents as they occur. Simply note the date, what happened and any witnesses that may have observed it. In the

unfortunate event that your case drags on, events will begin running together and your memory may fail you.

So, my recommendation here is to keep an ongoing diary. Periodically provide a copy to your lawyer so that they are aware of any significant facts in your case.

Another caveat. *You should discuss this recommendation with your lawyer before implementing it.* Some lawyers may not want you to have an ongoing record like this because it could be obtained by the other lawyer during the discovery phase of your case. Or, they may want you to take certain steps to attempt to protect it from being discoverable by the opposing lawyer. These are technical legal issues beyond the scope of this guide. Just make a note to talk over this recommendation with your lawyer first.

## **12. Be good!**

Here is the principle: you are about to be put under a microscope. You have ordered and are now reading this guide, so I assume that you may be facing a divorce and you want this unpleasant process to be as amicable as possible. Unfortunately, that is not always possible. For whatever reason, your spouse may not share that objective. They may be influenced by others (lawyers, friends, etc.) who will convince them that what you are offering is not fair.

Although over 95% of divorce cases settle outside of Court, there is always a chance that your case will end up going to trial regardless of how diligent you and your lawyer are about attempting to resolve the case fairly and quickly. That being said, you should not put ammunition in the gun for your spouse to use against you.

That means no dating, no carousing, and no partying. If custody may be an issue, it means making the children your number one priority (they should be that anyway, right?) Even things that are perfectly legal and harmless any other time can be twisted to look suspicious or worse in the hands of your spouse's lawyer.

Suppose, for example, that you go out for dinner and drinks with members of the office to celebrate a fellow employee's birthday. Harmless enough, right? In a custody case, these questions may be asked: While you chose to go out drinking with your friends, your spouse was at home taking care of the children, correct? Are you having a romantic relationship with Joe/Jane who was also at the party? How many drinks did you have that night? This is something you routinely did during the marriage, isn't it (i.e. choosing social events over your family)? You drove home that night under the influence of alcohol didn't you? You get the idea.

One other example. I once went to a mediation where I expected the mediator to ratify an offer that had been presented by the opposing counsel to my client. My client had hemmed and hawed over whether he should take it. His wife was being more than fair, as she was offering one-half of the equity in a non-marital property that she alone owned. When we arrived at the mediation, this offer was no longer on the table. My

client was upset, and I didn't understand what had changed about the case. I later learned that unbeknownst to my client, his wife had seen him holding hands in public with another woman, causing her to take back her offer. This one moment of indiscretion cost my client almost \$75,000.

During your divorce you will want to spend quality time with your kids, work, stay around the house, exercise, and attend to your spiritual life. *Be above reproach. Be Good.*

## ***Hiring a Divorce Lawyer***

Before running out and hiring the first divorce lawyer you see online, in the yellow pages, on tv, or even that a friend referred you to, it is important to understand what hiring a lawyer means, and how lawyers work.

Divorce law is a highly specialized area of law. There are many very specific rules and deadlines that must be followed. Furthermore, there is a great deal of paperwork involved in a divorce case. Hiring the wrong lawyer can prove to be a costly decision, not only in terms of lawyer fees, but in terms of the ultimate settlement that you can expect to receive at the conclusion of your case.

In this free online guide, I've included some useful information for anyone that is considering getting divorced, or who has already made that decision, but has not yet decided on which, if any, lawyer they want to hire.

## ***Do I need a lawyer?***

You've made the decision to get a divorce. You may or may not have discussed this decision with your spouse. Either way, you don't know what to do next. How do you decide? Well, you need to look at a variety of factors.

- Assets/Liabilities – Do you and/or your spouse have a lot of assets (i.e. stocks, bonds, investment properties, 401(k), etc.) to split up? Conversely, do you have debts that you need to divide?
- Children – Is custody going to be an issue? Do you need to calculate child support?
- Home – Do you own your home or rent your home? Did one of you own the house before you were married or did you buy it jointly?
- Length of Marriage – How long have you been married? Will you be seeking alimony, or will your spouse? Do you know if you are entitled to alimony?

- Communication with Spouse – Have you talked to your spouse about divorce? Are you in agreement that a divorce is imminent?
- Financials – Can you afford to hire a divorce lawyer?

These are just a few of the things that you should consider before deciding to hire a divorce lawyer. Generally, the decision regarding whether or not to hire a lawyer should be fairly easy.

*You probably don't need a lawyer if all of the following apply...*

- You have talked to your spouse and you both have decided to seek a divorce
- You do not have any children
- You do not have any real property (i.e. you rent your home/apartment)
- You can divide up any assets you have without the assistance of a lawyer
- You cannot afford a lawyer, or would rather not spend your money hiring a lawyer
- Neither you or your spouse require payment of alimony

The above criteria most frequently describe a couple who decided to get married after a short courtship. Both husband and wife recognize that they made a bad decision, and have mutually decided to go their separate ways. This divorce is usually amicable, and the parties may stay friends afterwards.

If this situation describes you, then you probably don't need a divorce lawyer. Depending on the state you live in, you may be able to file for what is called a "simplified dissolution of marriage." In Florida, this is a procedure in which both parties who are seeking a divorce can go to the courthouse together and file a joint petition for divorce. There are several requirements that the couple must meet before filing:

1. They both agree to use the joint form provided by the clerk to file their dissolution proceeding;
2. They have no minor (under 18) or dependent children;
3. They have no adopted children under the age of 18;
4. The wife is not pregnant;
5. At least one of the parties has lived in Florida for the past six months;
6. The parties have agreed on the division of all of their property (assets) and obligations (debts); and,
7. Both parties agree that the marriage is irretrievably broken and want to end their marriage because of serious permanent differences.

If this situation applies, then the parties will have to *both* appear in front of a Judge, tell the judge why their marriage is destined for failure, and the judge will grant their divorce.

*You may need a lawyer if:*

- You have talked to your spouse and both of you have agreed to a divorce
- You have minor children, and although you agree on the custody and visitation, you still need to calculate child support
- You are intimidated by the courthouse and/or the thought of going in front of a judge by yourself
- You are overwhelmed by the amount of paperwork that you must fill out to get a divorce
- You are unsure of your legal rights and are afraid to proceed without consulting a lawyer
- You are able to divide up all of your assets with your spouse, but you don't feel comfortable drafting a legal settlement agreement
- You are willing to pay for a lawyer in return for the peace of mind that comes with not having to handle your divorce on your own
- Your spouse hired a lawyer who has drawn up all the paperwork and you want someone to make sure it is legally correct

If the above characteristics describe you, then you may want to consider hiring a lawyer. In all likelihood, if you have already divided up your assets and liabilities, and you are in agreement about who will be taking the kids, then you could probably can proceed to handle the divorce on your own. However, if you are the type of person who feels overwhelmed by the legal system, or will forever be second-guessing yourself for signing the documents that your spouse's attorney prepared, then hiring a lawyer may not be such a bad idea.

In this situation, you could probably hire a lawyer to handle what is called an "uncontested dissolution of marriage". If your divorce is truly "uncontested", than most lawyers (myself included), will agree to draft all the paperwork necessary to complete your divorce, will give you legal advice regarding the settlement you have reached, and will even go to court with you to finalize your divorce. The best part? Most lawyers will do all this for a reduced fee, or possibly a flat-fee. That means that you will pay one retainer, plus the costs for filing the case, and you do not need to worry about a lawyer billing your file on an hourly basis.

*You should be prepared to hire an attorney if...*

- You have not talked to your spouse, or you have and they do not agree to a divorce
- Your spouse left without so much as a good-bye (unfortunate, but it does happen)
- You have minor children, and you and your spouse have not agreed to custody or visitation, let alone child support
- Your spouse is unwilling to pay child support
- You are unable to divide up all of your assets and debts with your spouse
- Either you or your spouse have committed adultery

- You own a business, or have a large amount of assets (some of which may be nonmarital) that you want to protect
- You are afraid that you might have to pay alimony
- You feel that you are entitled to receive alimony
- You are intimidated by the courthouse and/or the thought of going in front of a judge by yourself
- You are overwhelmed by the amount of paperwork that you must fill out to get a divorce
- You are unsure of your legal rights and are afraid to proceed without consulting a lawyer
- Your spouse hired the most well known and highly respected divorce lawyer in your area

If the above characteristics describe your situation, you probably will want to hire a divorce lawyer to protect your rights. Even individuals with small salaries and very little assets will be impacted for years to come by the payment of child support or alimony. Furthermore, you might be in a situation where there are a large amount of assets or debts that must be divided. There may be tax implications involved when selling such assets. You will want to make sure that you are no longer on the hook for debts that your spouse has incurred. For any of these reasons, it is a good idea to consult with a competent divorce lawyer.

In this situation, you will need to hire a lawyer. You will need to retain an attorney to handle what is called a “contested dissolution of marriage”. When you hire an attorney to handle this type of case, they will handle all aspects of your dissolution. They will negotiate with your spouse’s attorney in an attempt to settle the case. They will schedule all court appearances and mediations. They will assist you in the preparation of your “discovery” materials. All in all, they will counsel you every step of the way to help you understand the legal process, and make informed legal decisions.

### ***What are the different kinds of Divorce Lawyers?***

As you can probably imagine, there are many different kinds of divorce lawyers. Because of this, you need to decide what kind of divorce lawyer you want *before* you pick up the phone to schedule a consultation. Two separate attorneys will handle the same case in two separate ways. One attorney may take a retainer, begin working on the case, file motion after motion for temporary relief, delay going to mediation until every single piece of discovery is complete, and then fight tooth and nail for every last asset at mediation. After reaching an impasse at mediation, and then preparing your case for trial, your attorney will have fought for your rights, but at what cost? By the time your case is resolved, a judge makes a decision that is contrary to what you wanted, you paid your attorney tens of thousands of dollars, and your relationship with your spouse and children is on thin ice, if not completely shredded.

On the other hand, you could retain a different attorney who makes a couple of phone calls to your spouse's attorney, and realizes very quickly that the difference between what you want from the case, and what you could get at trial is not that different. They explain to you what your worst and best day would be at trial, and then schedule the case for mediation a month or two later. You go to mediation with the best intentions of resolving your case. If you are able to reach a resolution, you win because you reached a settlement quickly, with relatively little expense. Your family wins because everyone can now move on with their lives. Your attorney wins because they did a good job for you, for a reasonable and fair fee, and you are happy to refer additional cases to them.

What most people fail to understand is that how your divorce resolves will depend in large part on the type of attorney you hire. If you want a litigious attorney, your divorce will be difficult, drawn out, and emotionally (not to mention financially) draining. However, if you decide to hire a lawyer who is focused on providing the best possible outcome for you in the shortest possible time, you are likely to have a short divorce that ends with a positive outcome for you and your family.

Along the continuum from overly litigious attorneys to settlement attorneys are many different kinds of attorneys. I have broken these attorneys into several broad categories, including: High profile lawyers, board certified lawyers, competent and affordable divorce lawyers, general practitioners, and family or family friends.

High profile lawyers – These lawyers are easy to recognize because you will not get in to see one without paying a hefty (usually \$500 to \$750 or more) consultation fee. Their retainers are steep, (\$25,000 to \$50,000 *non-refundable* engagement fees are not unheard of), and they normally handle extremely high profile clients, such as professional athletes, politicians or other public figures. Their clients are normally individuals with millions of dollars who want their attorney to be discreet about their finances, and may request to have the court file sealed. Sometimes these attorneys will even use private judges.

Board Certified Lawyers – In Florida, it is possible to become “board certified” in marital and family law. To be board certified, an attorney must have a minimum number of trials, they must have been practicing in that area of law for a certain minimum number of years (usually five), and they must pass a written examination. After all that, they have the privilege of saying that they are board certified in marital and family law.

In the Orlando area, where I practice, there are currently 19 attorneys that are board certified in marital and family law. These are wonderful attorneys, but I believe that any potential client would be making a big mistake by limiting their search for an attorney to only those that are board certified. This is because there are many other highly qualified attorneys who are completely competent to practice marital and family law who are NOT board certified. As well, most of the board certified attorneys will charge a great deal more for their services than an equally capable attorney who is not board certified.

Competent and Affordable Divorce Lawyers – This is the (hopefully) largest segment of the lawyer population. These are attorneys that practice family law on a daily basis and who charge reasonable fees (usually \$3,000 to \$5,000 for an initial retainer), and who are competent to handle the average family law case. They are knowledgeable about the laws concerning alimony, equitable distribution, child custody/support, and mandatory disclosure, and are familiar with the pleadings required to file a contested divorce. In addition, they are aware of the tax laws that surround alimony and child support, and can navigate a financial affidavit without much difficulty.

These attorneys handle the bulk of the family law cases and are in front of the judges most frequently. Ordinarily, they are solo practitioners or in a small partnership of attorneys. They can be young attorneys that are several years out of law school, or older attorneys with many years of experience. These attorneys are most likely to be the attorneys working on the case, although some will depend on a paralegal to assist them with the voluminous financial records that must be organized and copied.

The competent and affordable divorce lawyer is a real find. These attorneys present themselves well, come to court prepared, and have a working knowledge of your case when they go to mediation. If you can find one to handle your case, your money will be well spent.

General Practitioners – Be careful. These attorneys may, at first glance, appear to be competent and affordable divorce lawyers. However, they are not the same. These attorneys will usually charge less than a competent and affordable divorce lawyer (usually \$1,000 to \$2,000 or less for an engagement fee for a contested divorce). To the unsuspecting client with little funds available, this may seem like a great bargain.

However, there is a reason they charge less. They are not the same as the competent and affordable divorce lawyer. These attorneys do handle *some* divorces, but they also handle *some* criminal cases, *some* real estate transactions, *some* bankruptcies, *some* personal injury cases, and, well, you get the idea.

I recently had a gentleman come in to see me who had retained an attorney like this for \$1,000. The attorney told them they would take care of their whole case with a couple of phone calls. The client's ex-spouse was trying to collect child support for a child that had turned nineteen, but was still in high school. The back child support was less than the retainer that this gentleman had paid to get out of paying the child support. By the time the client realized this, a case had been filed, the attorney failed to respond to discovery requests, and the client received a bill from the attorney for more money, and then the attorney dropped him as a client!! My advice to the client was to pay the child support and be done with the case. It took me 15 minutes to figure out that this shouldn't have been handled in court, and hopefully created some good will between me and the client.

Somebody once told me a story that further illustrates my point. A man walked down the street looking for a barber. On the corner he found a barber shop that

advertised fifty cent haircuts. There were ten barbers inside, and they were all working as fast as could be to take care of the line of clients outside. Next door, there was another barber shop with one barber. He was equally busy. The sign outside his door read – “We fix 50 cent haircuts for 75 cents”.

Now, I don't want to completely pick on general practitioners. In small towns throughout the country, there are general practitioners who operate out of necessity because there simply aren't enough people to justify a whole practice devoted solely to one area of law. However, in larger markets, such as Orlando, this is not the case. If you are confronted with the choice between an attorney who holds themselves out to practice many legal areas, and another attorney who practices primarily marital and family law, I recommend the latter.

Family or Family Friends – You know this lawyer. It's your uncle who you have known since you were a kid who is an esteemed corporate lawyer in your community. Not only is he a great lawyer, but he will handle your case for free!! What a great deal... *For obvious reasons, this is not the lawyer that you want handling your divorce.*

First, this lawyer probably already knows quite a bit about your family, and your spouse in particular. There is a good possibility that they would be conflicted out of representing you. Second, if they did take your case, they don't know a thing about family law, and you certainly do not want them learning on you. Third, because you are not a paying client, you will not get the attention and competent advice that you require and deserve during your divorce. Finally, after the case is resolved, and you are paying 50% of your gross salary to your three year old ex-wife for the rest of your life, how are you going to feel towards your favorite Uncle? Probably not so good.

For all of those reasons, I highly recommend staying away from the family members or close family friends as attorneys to handle your divorce. I would also be wary of referrals they give you to other attorneys. Unless they can vouch for that attorney personally, or have used them for their own matter, I would try to find an attorney elsewhere.

### ***Before you call to schedule a consultation***

You should be aware of several things before you call to schedule an initial consultation with a divorce lawyer. First, you will want to ask whomever you talk to about a consultation fee, second be prepared to not talk to an attorney, and third, remember that the good lawyers are busy!

#### *Consultation Fees*

Many attorneys will charge consultation fees for the time they spend with you. This is especially true for divorce lawyers. The reason is that some spouses in especially contentious divorces will go from lawyer to lawyer all around town in an effort to

“conflict” the lawyers out of the case. This means that if you believe that several lawyers are the best to handle your divorce, and you have a consultation with each of them, then that lawyer will be unable to *even talk to* your spouse, let alone be retained as their lawyer.

Another reason that lawyers charge a consultation fee is that their time is valuable. Many have very busy practices and must find a way to eliminate those potential clients who only want to take an hour of their time to get free legal advice. They do this by charging a consultation fee.

Consultation fees vary from attorney to attorney. Some charge a two-hour minimum at their hourly rate, while other only charge for an hour of time. Some attorneys do not charge consultation fees at all, or allow for a free ½ hour consultation and then charge for their time after that. It all depends. You will want to pay what you feel comfortable paying.

#### *Who you will talk to*

When you first call a law office to schedule a consultation, 99% of the time you will not speak with an attorney. The reason you will not talk to an attorney coincides with the reason that attorneys will charge consultation fees. The paralegal or secretary you talk to will ask you questions about your case to get a sense of whether or not the attorney will accept your case.

Be prepared to answer questions about your spouse, your employer, how much money you make, what assets are at issue, do you own or rent, whether you have children, is custody an issue, are you separated, and the list goes on and on. One big question they will ask is the name of your spouse. If the attorney has already had a consultation with your spouse, then they will not meet with you because they have been “conflicted out” of the case, and can’t represent you anyway.

I once had a situation where my secretary had taken calls from both spouses in a divorce. The first one that got in to see me ended up being my client and I was unable to meet with the other one. A lot of my referrals come to me from attorneys who are conflicted out of a case, so they have to pass the client on.

#### *Lawyers are busy!!!*

Remember this – lawyers are very busy and their work comes in cycles. You may call one firm and are unable to meet with a lawyer for two weeks, whereas if you call another lawyer they are available the next day. This doesn’t mean that one lawyer is any better than the other. If you called in two weeks, the situation could be flipped. Perhaps the one attorney was in trial all week, therefore they had to postpone all appointments. As soon as their case settled, they have all the time in the world.

Be patient when looking to hire a lawyer. Don't make a split second decision unless you really like the attorney you meet with. This is a decision that is likely to remain with you the rest of your life. You should also beware of any attorney that tries to "pressure" you into retaining them. I always tell clients to take as much time as they need when deciding to hire me. Sometimes I meet with clients more than once before they make a decision. I want them to be happy with me as their lawyer, and confident that they have made the right choice. That's another reason I provide the information in this guide – so that you can be an informed consumer *before* you go to meet with an attorney.

## ***5 Questions you should ask the lawyer at the initial consultation***

So you've finally scheduled a consultation with a lawyer. In all likelihood you have never met with an attorney before, and you have no idea what to expect. Pay close attention early on in the interview, because how you are treated initially will be indicative of how you are treated as a client if you retain this lawyer.

Start by observing the office. Is the reception area clean and tidy? Are you greeted by a smile when you walk in? Do you have to wait a long time to meet with the attorney? Are you offered something to drink? All of these things are indicative of how you will be treated as a client.

Finally, the attorney comes in to meet with you. After going through some initial paperwork and the specifics of your case, they ask you if you have any questions for them. So here are five general questions that you should ask a divorce lawyer before you decide to retain them...

### **1. How much of your practice is devoted to domestic relations?**

This is one sure way to separate the competent and affordable divorce lawyers from the general practitioners. The competent and affordable divorce lawyer will devote nearly all, if not all, of their practice to handling marital and family law cases. Although the competent and affordable divorce lawyer may charge more than the general practitioner, they will generally be more efficient and knowledgeable in handling your case, which is likely to save you money in the long run.

### **2. Who else, other than you, would be working on my case and why?**

This is an important question to ask, especially if dealing with larger firms and "high profile" attorneys. In most larger firms, the Senior Partner you meet with will not be the person who ultimately handles your file on a day to day basis. That task will be delegated to a junior level associate or paralegal. However, at smaller firms, or with solo practitioners, the attorney you speak may very well be the person who is also taking care of your file. But be wary – even with some solo practitioners, there may be a paralegal behind the scenes that will do all the work on your file.

This is not always a bad thing. There are many very “menial” tasks that are just not worth the attorney’s time to do. For example, organizing financial documents or drafting form motions do not always require the skills of a lawyer. And you certainly don’t want that lawyer billing you \$250 an hour or more to draft a form pleading. Better to save the attorney hours for the large amount of billable time spent preparing for and attending to hearings, mediation, and possibly trial.

### **3. How will you keep me informed about my case? What is your policy on phone calls?**

This is an extremely important question, and you should be wary of the response you receive. The best way an attorney will keep their client informed about the progress of their case is to, first, send them a copy of every piece of paper that comes in to the law firm or leaves the law firm for your case. The second way to keep clients informed is to pick up the phone.

The number one complaint of attorneys is that they don’t return phone calls. Attorneys that don’t return phone calls will have an equally difficult time keeping clients abreast of the activity in their case.

My office policy is to return each and every phone call the same business day. I will often stay at the office until seven or eight at night, just to return phone calls. Clients pay me a lot of money to handle very emotional and sensitive cases – the least I can do is talk to them about their cases when they call. If I know that I will be out of the office and unavailable to take a call, my assistant is instructed to either let the client know when I will be back, or schedule the client for a phone conference when she knows that I will be available.

However, I also caution my clients that I am often not available to talk at the exact time they call. My reason for this? So that I do not waste the time and money of the client’s file I am working on. Studies have shown that an interruption will waste, on average, seven minutes of time. This is because you waste a lot of energy and brain power by moving from one task to another. Seven minutes of time equals \$50 wasted to the client whose case I was working on. *Therefore, I promise all my clients that I will not waste their time and money by taking a phone call from someone else while working on their file. Similarly, I will not take their phone call while working on someone else’s file.*

### **4. How long will my divorce take?**

This is another extremely important question. A lawyer that can’t answer this question, or that hems and haws at the answer, is avoiding the question. Obviously, nobody knows exactly how long a case will take to conclude. There are just too many unknowns during an initial consultation, not the least of which are: who is the opposing counsel, how will your spouse act, how crowded is the court docket, which mediator do you use, etc.

Working with a difficult attorney will prolong a case. Being a difficult client will prolong a case. Choosing the wrong mediator will prolong a case. You just can't say, at the very beginning, how long a case will take. HOWEVER...

You can tell the client what your goals are regarding how long it will take to handle a case. For example, I tell potential clients that I try to file the case as quickly as possible. Once the case is filed, and the other side has an attorney, I will immediately contact opposing counsel in an effort to resolve the case. My goal is to get the case into mediation within 3-4 months after the client hires me. If all goes well at mediation, the case can be resolved and finished shortly thereafter. That wasn't so difficult, was it?

#### **5. Why do you handle divorce cases? Aren't they difficult because of the emotions involved?**

Legally speaking, this isn't such an important question, but it will give you a great deal of insight into the type of attorney you are talking to and what their philosophies are about handling divorce cases.

I handle divorce cases because it gives me an opportunity to help someone who is going through one of the most difficult times of their life. The divorce lawyer is different than all other types of lawyers. We don't just review contracts, or represent faceless corporations. We represent real people with real problems. The agreements that we help our clients reach will have an impact on them for the rest of their lives. We have a very real ability to help entire families cope with difficult problems, and build relationships between parents and children.

Our advice is mostly legal, but we can also counsel our clients on practical and everyday matters. Although I am a lawyer by trade, that means that I am also every bit as much a counselor to my clients as the psychologist that they would ordinarily go to see about their problems.

So although it won't directly impact your "legal" case, in a lot of ways the way the lawyer you interview answers that question will say a lot about the way they will help you to resolve your case.

### ***How we will handle your Divorce Case***

I do not conduct an "initial consultation" like many other attorneys. Instead, I conduct what I call a "Divorce Assessment". **I consider your first meeting with your divorce lawyer to be one of the most important and valuable meetings that you will ever have with an attorney.** During the Divorce Assessment, I will obtain additional, historical information about you, your spouse, the marriage, and your family in general. I will talk to you about the law in Florida, and go over some tips and strategies that you may be able to use immediately. I will discuss the various options you have to settle your case, from the most cost effective methods to the most expensive methods. I will answer

any and all questions you may have about your case. At the end of the Assessment, I will talk to you about whether you need an attorney to handle your case, whether I will agree to handle your case, and what the cost may be. *I will also talk to you about my value-based approach to billing and how this approach is a huge benefit to you.*

Assuming that I do decide to represent you as a client, I will provide you with a financial affidavit and a list of documents that you will need to disclose under Florida's Mandatory Disclosure law. Our firm practice is to not file any pleadings until all financial disclosures have been made to my office.

Once the initial financial disclosures have been made, we will prepare all the pleadings necessary to file your divorce case. We expect that your spouse will answer our pleadings and perhaps file a counter-petition. We will respond to these documents and place calls to your spouse's attorney to get a sense of whether or not an early resolution will be possible. If not, then we will proceed to schedule your case for mediation.

It may also become necessary to conduct additional "discovery" to find additional financial information which you did not originally have. Depending on whether or not you will need temporary support from your spouse, we will make a decision on when the best time to attend mediation is. This could be before or after we conclude "discovery" in your case.

If we are unable to resolve your case at mediation, we will begin to prepare your case for trial. This may involve hiring expert witnesses or a Guardian ad Litem, (if there are children involved), taking depositions of key witnesses or your spouse, conducting additional discovery, and requesting and conducting pre-trial hearings. At some point, we will send the Court a notice that your case is ready for trial. At this point, an additional "trial retainer" may need to be provided.

Soon after mediation, the Court will conduct a "Pre-Trial or Scheduling Conference". At that time, the trial will be scheduled. Depending on the status of discovery, we may or may not ask the Court for a continuance. In the weeks that follow, we will (if we haven't already) gather additional evidence, meet with key witnesses, and prepare the case for and conduct a family law trial.

Throughout the entire process, *we pride ourselves on keeping our clients up to date and informed about what is going on in their case.* Our clients will receive every piece of correspondence that comes in or leaves our office for their case. We submit monthly bills to our clients so that they know what work has been done and how much money is left on their engagement fees. Finally, we will return all phone calls promptly, and answer whatever questions our clients have about the process and what they can expect going forward.

## ***Our Value-Based Billing Policy***

At my law firm, I have chosen to embrace an alternative, value-based billing policy for all of my clients. I believe that this policy will support the principle of “*paying value for value provided.*”

All of my clients have the option to choose between a traditional “value-based” billing policy and a slightly modified, “value-based” hourly billing policy. I feel that this shift in billing practices will help to further our long term goals to build lasting relationships with all of our clients – and will set us apart from our competition in the Orlando legal market.

Fundamental to this approach is the ideal that: “*if our activities are not providing real value to solving your legal problem, we won’t bill for it.*”

### ***Traditional “Value-based” Billing***

This is an innovative billing practice that is entirely new to the Orlando legal market. There may be other attorneys that offer this type of billing option in Orlando, but we haven’t heard of any. Under this system, we will meet with the client during a no-obligation initial assessment to discuss the background of the case, all the legal issues that may arise, legal strategy, the client’s goals, and answer any questions that the client may have.

If, after conducting the initial assessment, we decide that the client is a good fit for our law firm, and depending on the complexity of the legal matter, we will let the client know what the initial engagement fee will be. Once the engagement fee is paid, the Firm will work with the client to develop a legal plan that will govern the scope of the legal services to be performed. In this plan, we will attempt to accurately:

- Assess the nature of the legal problem;
- Predict the nature and scope of the legal representation;
- Create a timeline and plan for performing the legal services;
- Evaluate the client’s perception of value in accordance with their legal goals; and,
- Provide a budget for additional legal services to be performed.

This billing option provides a number of benefits to the new client, including:

- Provides *affordable legal services* to all potential clients
- Allows the client to *accurately budget for their legal bills*
- Gives the client *realistic expectations* of the outcome of their legal matter
- Fosters *close personal relationships* between the lawyer and the client
- *Unlimited phone calls and emails* for no additional charge

### ***“Value-based” Modified Hourly Billing***

There are still a few clients that will wish to be billed on an hourly basis. For those clients, we have adopted a modified hourly billing system. Under this system, we will never bill for phone calls that are under 10 minutes (we love to speak with our clients without having to worry about the billing clock). Basic transactional and administrative activities (like transmittal letters, filing and other paper moving tasks) can add up to 15% or more to your monthly legal bill under a traditional hourly billing model. We treat these activities as the cost of doing business. *You only pay for activities which solve legal problems or are directed at accomplishing your legal goals.*

The following is a list of items that we will no longer charge to clients:

- Transmittal letters which do not contain significant legal analysis or recommendations.
- Short phone calls (under 10 minutes) that do not lead to immediate legal work.
- Update or general information calls to or from a client.
- Any activity that does not add value to a client’s immediate matter.
- Any activity which deals with general information about the client.
- Any activity which does not work towards resolution of the client’s problem.

Things that we do bill for:

- Any activity which provides specific value to a specific client problem.

## ***Our Services***

At The Law Office of James W. Hart, P.A., we pride ourselves in providing personal service and individual attention to all of our clients.

If your case meets our criteria for acceptance, you can be assured that you will receive close, personal attention from our lawyers and staff. We will keep you advised as to all aspects and stages of your case and keep you fully informed of all developments. You can call on us at any time should you have any questions about your case or if we can help in any other way.

I hope that this free guide serves as a helpful reference tool for understanding how to prepare for your divorce and hire a divorce lawyer. If you have additional questions or think that we might be able to help you with your case, please feel free to call our office at (407) 839-4340. You may also contact us at [www.jameshartlaw.com/contact.cfm](http://www.jameshartlaw.com/contact.cfm). My assistant will be happy to gather some additional information from you and schedule your Matrimonial Assessment. In addition, my website ([www.JamesHartLaw.com](http://www.JamesHartLaw.com)) and blog ([orlandofamilylawyer.typepad.com](http://orlandofamilylawyer.typepad.com)) are both packed with a tremendous amount of information and free resources for people who are thinking about getting divorced.

Sincerely yours,

*James W. Hart, Esq.*