

**Jessica Woodruff**

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**From:** O'Neil Attorneys [jessica@oneilattorneys.com]  
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## Firm News...

April 14, 2011

Visit our website at [www.themayfirm.com](http://www.themayfirm.com) or check out our blog at [www.dallastxdivorce.com](http://www.dallastxdivorce.com).



### **Excerpt from our book, Basics of Texas Divorce Law:**

#### **What You Need to Know About Alimony/Maintenance in Texas**

Until recent years, Texas did not allow for the payment of alimony and, even now, it is available in extremely limited circumstances and limited duration.

A spouse can be awarded alimony/maintenance under the Texas Family Code only if one of two specific conditions exists.

The first is if the other spouse was convicted of a crime involving family violence within the two years prior to the filing of the divorce suit. This includes class C misdemeanor convictions if the allegation involved family violence. It also includes occasions where the defendant received deferred adjudication in exchange for a plea of guilty.

The other starts with a 10-year marriage, where the spouse seeking maintenance lacks sufficient property (including property awarded in the divorce) to provide for his or her minimum reasonable needs. If that factor exists, then, the inquiry turns to whether the spouse can or cannot work outside the home because he/she has an incapacitating personal physical or mental disability; or, he/she is the primary caregiver of a child requiring substantial care due to a physical or mental disability; or the spouse clearly lacks adequate skills to find a job to support minimum reasonable needs.

Most alimony claims rely on the second of the conditions. But for the request to be

successful, the spouse must be able to show a reasonable attempt to find an appropriate job or get job training.

Judges are further limited in the right to award maintenance by state law that says support can continue for no longer than necessary to provide for the spouse's needs, but no more than three years after the divorce is finalized. The exception to this rule is when the maintenance is awarded based on a disability of either the spouse receiving maintenance or caring for a disabled child, in which case the award may be indefinite in duration. Also, monthly payment amount is limited to either \$2,500 or 20 percent of the paying spouse's average gross income - whichever amount is lower.

## From our Blog...

### Divorce Attorney Expectations

Posted on March 14, 2011 by [Michelle O'Neil](#)

You are going through divorce -- you retain an attorney and at the end of the day you have a visceral reaction -- you either love or hate your divorce attorney. While a good attorney could use his legal knowledge and skills to get you a better settlement, the facts of your case largely determine the outcome of your case. So why then, do clients have such extreme reactions to their lawyers?

In large measure, the client's satisfaction with his legal representation is directly related to his expectations from the attorney-client relationship. So what can the client expect of his attorney?

[Cathy Meyer](#) in her article [Are You Expecting Too Much From Your Divorce Attorney?](#) identifies five things clients should minimally expect from their attorneys:

#### **1. Regular Communication.**

Responsiveness is crucial. More complaints are lodged against attorneys with disciplinary boards for not returning phone calls than any other reason.

In my office, it is the practice to attempt to return calls and answer client emails the day they are received. Divorce is emotionally charged. It can be nerve wracking and gut wrenching. Your attorney should expeditiously answer your questions and address your concerns in a timely manner.

#### **2. Full Disclosure.**

Your attorney should be willing to discuss in full with you what is happening in your case and what they expect to happen in the future. A good divorce attorney will suggest strategies for your case; explain the discovery process, negotiate on your behalf, and have your back should you go to divorce court.

Client's should receive copies of all letters, emails and legal documents. When the communication involves a client's substantive rights, the client should have an opportunity to review the final product before it goes out.

#### **3. Due Process.**

It is your divorce attorney's responsibility to make sure you are treated fairly by the court during your divorce.

#### 4. Availability.

Appointments with your divorce attorney are an opportunity for you to gauge where you are in the divorce process and the direction your case is heading. If you have a divorce attorney who cancels or rushes you through appointments, you have a bad divorce attorney.

#### 5. Basic Courtesy and Civility.

Little things matter. It costs nothing to be courteous and polite. While the adage "the customer is always right" be not be 100% accurate in a divorce case, the client is always entitled to respect and common courtesy. When differences of opinion arise on how an issue should be handled, the client is entitled to a reasoned, but polite explanation. It is seldom productive to be rude, derisive or hostile.

In the end, the client should expect the attorney to counsel and to communicate a strategy and an analysis of the relevant facts and law to enable the client to make informed decisions about their case.

Hat tip to Daniel Clement of the most excellent [New York Divorce Report](#).

## About Our Law Firm

[Michelle May O'Neil](#) founded the firm based on her desire to provide clients with high-quality representation in a personalized atmosphere. She has over 18 years of experience representing men, women, and children related to family law matters such as divorce, child custody, and complex property division. Described by one lawyer as "a lethal combination of sweet-and-salty", Ms. O'Neil exudes genuine compassion for her client's difficulties, yet she can be relentless when in pursuit of a client's goals.



#### Michelle May O'Neil on Child Support Issues



Michelle May O'Neil discusses child support issues on Joy In Our Town

### Testimonials

"I hired [Michelle May O'Neil](#) to represent our daughter in a [custody/divorce suit in Dallas Texas](#). We had our choice of [Dallas family law attorneys](#). Michelle's "leave no stone unturned" approach was all we needed. We won full custody and we are grateful for a job that was done as it should have been done. INCREDIBLE results."

Tom Ermish

"I would like to take this moment to let you and your team know how great you were to me. This was the biggest and scariest thing I have ever done, and you helped me get through it. You did a tremendous job keeping my wishes first and your team communicated with me so well that I felt that you were more than just my attorney... you were my friend. Thanks so much for everything you did!"

Z.M.

**O'Neil Attorneys**  
5420 LBJ Freeway, Suite 500  
Dallas, Texas 75240  
**972.852.8000**

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O'Neil Attorneys | 5420 LBJ Freeway, Suite 500 | Dallas | TX | 75240