

CHOOSING THE RIGHT DIVORCE LAWYER
It Makes ALL the Difference!
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Divorce is a life altering event for both spouses and their children. How the issues in a divorce are handled, and ultimately resolved, will have a significant impact on the entire family, sometimes including extended family members. It may also impact upon future spouses and children of the parties. The emotional and economic impact of divorce is far reaching and can be devastating. The parties' choice of divorce lawyers is a *critical* first step which may very well set the tone for the entire divorce litigation.

I not only suggest to that you shop around for a divorce attorney, I encourage it. Not every lawyer is right for every client. While you may have been recommended to a particular attorney by a friend, co-worker or relative who had success with that attorney in the past, that may not necessarily mean he/she is the right attorney for you. Sometimes I think people are more careful about choosing their auto mechanic or their hair stylist than hiring a divorce lawyer.

The following are some general guidelines I suggest when you consider hiring a lawyer to represent you in a divorce.

TRUST:

Above everything else, you should hire a divorce lawyer whom you *trust*. Remember that this person is going to help you make decisions that will affect your family for the rest of your lives. Trust is a key ingredient to a successful attorney-client relationship in divorce matters. However, do not trust blindly; be wary of lawyers who will tell you what to do. A lawyer should advise you of your options and what he/she perceives to be your best option, but should never tell you what to decide or decide something for you. I am often asked by clients "what would you do if you were in my position." That is an impossible question to answer and I simply decline to answer it. I advise my clients that the decisions they make in divorce litigation or settlement negotiations must be made on an informed, rational and intelligent basis, but by THEM, not me. It is their lives, not mine and, quite frankly, I am not in their position and can really never put myself in that position. Remember that after your divorce is settled, it is you who has to live your life. Your lawyer goes on to represent his/her other clients. Whatever settlement you agree to or any decision made by a Judge requires you have to live with it, possibly for the rest of your life.

RESEARCH, RESEARCH, RESEARCH

Just because a lawyer has been practicing law for 25 years does not necessarily mean that he/she is a good lawyer, and certainly does not mean he/she is the right lawyer for you. Get several references. Find out everything you can about the attorney. Google him/her; check him/her out online on Avvo, Linked In, Facebook and other business or social networking media outlets; do some research. Do not rely on just one referral and certainly don't rely on publications like "Super Lawyers" or "Best of..." magazines. Generally, those designations are not reliable and

not based on any objective criteria. Ask other lawyers. Ask around. Most good divorce attorneys are known in the community; don't be afraid to ask questions and get information. Remember, you are putting life altering issues in the hands of this person.

COMPETENCE:

A competent divorce lawyer should have a solid knowledge of family law and familiarity with the local rules in the county in which your divorce will be filed. He/she should have experience, be an effective negotiator, have good writing skills and have the ability to think "on his/her feet." People often do not check out a lawyer's ability to do these things and only listen to what the lawyer is telling them at the initial consultation. Many lawyers "dabble" in the area of divorce. Some are competent in family law, some are not. Some lawyers practice only in the area of family law.

HOW MANY CASES HAVE YOU WON?

It is important to understand that success in divorce litigation is not measured by winning or losing. When potential clients ask me how many cases I have won, my response is that I have settled divorces for most of my clients and consider every settlement a "win." It is rare that one party "wins" after a trial. Generally, each party wins on some issues and loses on other issues. However, it is generally accepted and understood by those who work in this field both for the court and the lawyers that BOTH parties lose on so many levels, not just financially, if the case has to be tried before a judge.

FEEL COMFORTABLE:

Choose a lawyer with whom you feel comfortable. You are going to spend an inordinate amount of time together with your lawyer in person and on the telephone while your divorce is pending. Make sure that the person you choose is someone with whom you will feel comfortable spending time. The divorce process is hard enough without having to feel uncomfortable about being around or with your attorney. Be sure that your personality and that of your attorney are compatible.

SHARK OR WARM AND FUZZY?

Many people choose a lawyer because he/she has a reputation for being a "shark." **Be careful what you wish for.** Most divorces can and should be resolved between the parties or the attorneys without extensive and expensive litigation. Often when one party hires a "shark," both parties end up spending much more than they should in legal fees. Unless there is an extreme situation regarding legal or factual issues, or you have unlimited funds and are willing to use them to fight, there is no need to hire a "shark." Most cases have a range of settlement possibilities and will settle within that range. 98% of divorce cases in New Jersey settle before trial. Those that do not settle, often end up with results after trial which are still within that range of settlement possibilities. Some lawyers are "litigation" minded and will engage the parties in the "fight." Other lawyers, like me, believe in attempting amicable resolution, even in the most difficult of situations. It is important that you figure out what type of lawyer you want and what your ultimate goals are. I strongly believe that you will likely end up with a similar result

whether you fight, fight, fight with an aggressive attorney or you negotiate effectively with an attorney who is a skilled negotiator, but also has excellent writing and oral argument skills.

WHO'S YOUR LAWYER?

If you are choosing a lawyer who works in an office with other divorce attorneys, make sure you have an understanding up front as to who is going to be handling your file. Is the lawyer with whom you consulted going to handle your case, or an associate? Ask questions about how this works, and ask to meet the associate if that is the case. All too often, I hear complaints from a potential new client that he/she hired attorney X, a partner, but the case was pawned off onto a younger, less experienced associate. Younger, less experienced associates can often be excellent attorneys, but you have a right to decide who represents you. Exercise your right and find out at the initial consultation how cases are assigned within the firm.

WHAT IS YOUR ULTIMATE GOAL?

It is essential that you understand your options and that you make an informed and responsible decision in retaining a lawyer. Think about what type of lawyer you want to hire and what makes sense for you and your family. By nature we are all bargain hunters, shopping around for the lowest prices. We haggle for a better deal on our cars; we attend sales in droves; we wait for things to go on sale to purchase them. Let's face it, who doesn't love a bargain? Many have learned, unfortunately the hard way, that the old saying is true; sometimes you get what you pay for. The same is certainly true for lawyers. First, there are many lawyers who give "free consultations." Beware! A good, effective, appropriate divorce consultation should be at least two hours in length and you should pay for the lawyers time. Do you work for free? Often lawyers who provide free consultations are looking for clients. Beware! Also, there are many lawyers who will charge a smaller retainer and lower hourly rates in order to entice clients to retain them. Generally, a divorce has a basic range of fees and costs which is based upon many factors such as, the issues to be resolved, the complexity of the facts and legal issues involved, the other party's attorney, the judge assigned to the case, the willingness of the parties to be reasonable with each other, the emotions of the parties, as well as countless other intangible factors. That range will be the same whether the lawyer seeks a \$1,500.00 retainer or a \$25,000.00 retainer. Most often, it is a matter of paying up front or paying later. Don't be misled into thinking that your divorce will be a lot cheaper just because the lawyer only asks for a minimum amount of a retainer. Also, keep in mind the psychology of settlement; do you want to be in a position of feeling like you have to settle for something you don't think is fair because you owe your attorney a lot of money at the time the settlement is proposed and you are going to incur even more fees and costs if you don't settle? While the financial burden of a divorce is often a significant motivating factor in settlement, when you owe a lot at the time you are making these important decisions, that fact weighs heavily on you.

BUYER BEWARE!

Be wary of lawyers who:

Tell you they will take care of everything and not to worry.

Promise you ANYTHING.

Tell you what you will and will not get.

Tell you how much your divorce will cost you (unless charging you a flat fee)

Low-ball their fees and retainers.

Tell you what to do.

Tell you they know what is best.

Don't have you sign a written fee agreement

Try to sell you on them.

Choosing the right lawyer for you is essential to being successful in divorce. It is a choice you may live to regret, but may live to revere. Make the right choice from the outset and it will make all the difference.

For more information about Bruce Matez, Esquire go to www.njfamilylaw.net.