

## **Before Hiring an Attorney for Your Family Law Case, Ask a Few Key Questions**

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<http://www.azdivorceattorneyblog.com/>

<http://www.sdsfamilylaw.com/>

Choosing an attorney to represent you may be one of the most important decisions you'll ever make. The more selective you are in choosing the best family law attorney for you, the more confidence you'll have -- in the representation and in the legal proceedings. Ultimately, you want favorable results for yourself and your children. Of course, you want to ask how much you'll be charged for lawyer services, how much for paralegal services, how and when you will be billed, and how much of a retainer fee is required. But don't make your decision based on fees alone. Here are a few questions you should also ask before you consider hiring a particular lawyer.

### ***Key Question #1: Has the lawyer been sanctioned for an ethics violation?***

Attorneys are held to high ethical standards regarding how they practice law and the customer service they provide to clients. Each state's bar association regulates its members and, when necessary, disciplines attorneys with sanctions to punish for acts of professional misconduct. Arizona's attorneys must be members in good standing with the State Bar of Arizona in order to practice law within the state.

A grievance filed against an attorney can lead to reprimand, probation, suspension, restitution, and revocation of the attorney's license to practice law within the state. A relatively minor infraction may be the attorney's failure to pay bar member dues timely, leading to an automatic suspension and an easy remedy. When an attorney's conduct is egregious, as with a felony conviction, then automatic interim suspension followed by sanctions like disbarment may result. You need assurance that the character and competency of your attorney justifies your decision to hire.

### ***Poor legal judgment causes problems for clients.***

When hiring an attorney for your divorce, child custody, or parenting time matter, determine whether the lawyer has been disciplined, so ask:

- Was the attorney disciplined for mishandling a legal matter because of inexperience in the law?
- Did the attorney fail to adequately prepare the case?
- Did the attorney fail to get assistance from a more experienced attorney when they should have?
- Did the attorney fail to take reasonable steps to protect a client's interests both during and after the representation?
- Did the attorney fail to put forth reasonable efforts to expedite the litigation, delaying a case unnecessarily?
- Did the attorney mishandle client funds?
- Did the attorney neglect an entrusted legal matter?
- Was the attorney advanced a legal fee, but failed to refund the unearned portion?

The exercise of poor legal judgment by an attorney can result in significant problems for a client.

**Key Question #2: Is the lawyer's practice focused on family law?**

The one constant in the law is change, sometimes in an obvious way and sometimes in a hundred subtle ways. The courts continue to interpret laws differently, and our legislatures continue to pass new laws and change existing ones. Rules of civil procedure, evidence, and local court rules vary from one judge to the next. When the attorney's legal practice is focused on family law, then that attorney is in sync with emerging trends in the field. Case management is very difficult to streamline when the attorney is not completely tuned in to the controlling laws. The experienced lawyer focused exclusively on family law, who has tried many divorce cases, has worked with complex asset divisions, has handled contested custody matters, and has been successful. That attorney will guide you through your case fluidly, efficiently, and knowledgeably. A focused practice is a focused lawyer.

**Choose a family law practitioner.**

You want to know whether the attorney you're looking to retain has a genuine focus on family law, and is not merely dabbling in divorces as circumstances allow. These are the types of questions you should ask before hiring:

- Do you practice family law exclusively?
- What percentage of your law practice is devoted to family law?
- What access do you have to specialists and experts within your firm and outside your firm?
- How many years have you been practicing family law?
- Have you been litigating divorce trials for five years or more?
- Have you handled complex asset and property divisions in divorce?
- Are you well-versed in child custody matters?
- Are you recognized by the public and by your peers for your abilities and experience as a practitioner of family law?

If after your questions are answered, it is apparent that the attorney is not sufficiently experienced in family law, or lacks a genuine focus in family law practice, then keep your options open and continue interviewing other potential attorneys.

**Key Question #3: Will this attorney be handling your case, beginning to end?**

At some law firms, the attorney you meet in your initial consultation is not the attorney who will be representing you. Allowing your case to be assigned to whoever has a light schedule at the firm this week is not being very selective. You are not a commodity and neither are attorneys. Make sure to ask if the attorney you're interviewing will actually be the attorney handling your case. Will some other lawyer at the firm be assigned to your case after you've paid your retainer fee?

The attorney you first meet may be the firm's presenter, skilled at promoting the law firm and bringing in new clients. But the firm's presenter may or may not be the lawyer who will be assigned to your case. If you're interviewing one attorney, but will be working with another, then the prudent course of action is to interview the family law attorney who will actually handle your case. At the interview, ask the question: "Will you be the attorney handling my case?" If that answer is a negative, then ask "Who will be?" and interview that lawyer before you make a hiring decision.

***Meet your new lawyer, in the middle of your case.***

When you work with your lawyer, you necessarily develop a rapport. You've talked about your case face-to-face. You've talked on the phone. You've received written correspondence. You've given detailed descriptions and provided supporting documents. You've emailed a hundred times. In all of those exchanges, your lawyer has watched your mannerisms, noted your frustrations, and observed subtleties in your gestures, voice, and tone. Your lawyer gets to know you, and understands the full context of your words.

There is probably nothing more frustrating than working with a family law attorney, developing a solid relationship of trust with good communication, and then have your case reassigned to a different attorney at the law firm. When reassigned to a junior lawyer, you may reasonably question the importance of your case to the law firm. You may feel that your divorce or child custody matter is not valuable enough to merit keeping a more experienced attorney on the case. Such concerns can only undermine your trust in the lawyer and the firm.

***Choose your attorney carefully and, before you hire, take a good look at the attorney's legal team.***

You've taken the time to interview the family law attorney in person. You think hiring that attorney is in your best interests and will carry you from the beginning of your case to a favorable resolution. One last thing, though. Before you decide to hire, take a look at the qualifications of the entire legal team at the law firm, from partners, to associates, to paralegals. A favorable outcome in your case may depend upon it.

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About the Law Offices Scott David Stewart, pllc

At the [Law Offices of Scott David Stewart](#) we understand the challenges our clients face today, but we always are looking out for your future best interests. As your divorce lawyers, we work to obtain the best possible results for you and your family. [Contact](#) our Phoenix, Arizona, law office to schedule a consultation.

**Comprehensive Family Law Services**

We represent clients throughout the greater Phoenix area, including Glendale, Scottsdale, Mesa, Sun City, and Paradise Valley. We can assist you with these and other family law matters:

- [Divorce](#) and the issues that accompany divorce, such as property division and alimony.
- [Domestic Violence](#) and restraining orders
- [Child Custody](#) and child support, including modification of orders, as well as enforcement of child support orders
- [Paternity / Establishment](#) and establishing parental rights
- [Prenuptial and Postnuptial Agreements](#)
- [Juvenile Rights](#) in juvenile court and health matters involving young people
- [Adoption](#), including step-parent adoption
- [Military Divorce](#) and how it differs from a non-military divorce.
- [Hidden Assets](#) and property division
- [Child relocation](#) and parental move-aways
- [Divorce, Foreclosure, and Real Estate Equity](#), and real estate equity

## **Helping You Move Forward with Confidence**

Envisioning what life will look like after your divorce can guide the process when securing a divorce and property settlement agreement. Our experienced [divorce attorneys](#) will help you understand the issues and potential challenges you face. We work with a variety of experts to ensure that our clients receive the best advice. We use that information to develop an effective strategy to protect your interests and achieve your goals.