

Frequency Asked Questions

Family Law Actions

How many times after this interview will I have to come to this office?

This varies from case to case, but you will have to come back at least twice. We will need to prepare for any mediation or evaluations that occur. Further there may be more work that is needed in fleshing out particular facts on particular issues. Lastly, if and when there is any settlement proposals we will need to meet to review the terms, provide legal counseling, and address your questions.

How much compromise is reasonable?

Judges, evaluators, and guardians will often pontificate about the virtue of compromise and settlement, as if this were the ultimate objective of any reasonable person, rather than as a means to an end. They speak as if both parties are equally to blame for a failure to settle, when in fact such failure is often the result of only one of the parties, who is being excessively greedy, obnoxious, stubborn, or selfish.

It is important to settle cases amicably and cooperatively whenever possible, but this should not have to be at the expense of fairness for you and your children. It does not make sense to agree to a proposal that is worse than the worst reasonably likely outcome that the Court would order.

With respect to financial issues, there is also the consideration of attorney's fees. For example, the court may be inclined to award you \$10,000 more in assets than your spouse is proposing, but if trial will cost you \$20,000 in attorney's fees, it does not make much sense from a purely practical standpoint to do so.

How should I look for court?

Dress well for court. Brush your hair and shave your beard. The nicer you look, the better odds that the case will resolve in your favor.

What time does court start and when should I be there?

You need to be at each hearing on time. The clerk will check in everyone there on time. Because weather, traffic, and other complications may jeopardize your ability to be there by the time the hearing is scheduled to begin, you should plan on being to the courthouse at least twenty minutes early; please plan accordingly. Further, if we have talked about meeting before the hearing you will need to get there even earlier.

Do not expect Court to begin at the time you are ordered to be there or for the case to be called at that time. In many Courts the Judge will not come onto the bench right away. Rather he or she will come out 45 minutes to 1½ hours after you were ordered to be there. This time allows the court clerks to have the cases organized and for attorneys to address cases. The judge will not often come out until there is an impasse, a resolution, or its time for the issues to be heard.

Should I expect that my case to be resolved at the first hearing?

Do not expect the case to be resolved at the first hearing. In addressing the facts of the case, the attorneys involved, and the Judge presiding over any particular hearing, I am going to exercise my discretion in pursuing the strategy and tactics necessary to seek a satisfactory resolution in the case. I will talk to you about the status of the case and why another hearing maybe needed. Though there are some circumstances where its been agreed upon in advance that the case will be resolved at that particular hearing, keep an open mind as to the prospect of another hearing and let me know how that prospect compares against your other obligations of family, work and time availability.

However you should not be surprised if we are capable of resolving the case at the first hearing we attend. As above, the same factors sometimes create the impetus to resolve the case promptly. After sufficient preparation with you, review of the facts and other evidence, and negotiation, I may recognize that resolving the case at that hearing does not prejudice your interests and achieves your key goals.

How long will the whole case take?

It depends on the type of case. Setting child support or changing a child's name requires about four weeks. Paternity and custody cases can take months. And it takes about four-eight months to get a divorce judgment. If your case becomes complicated, it will take longer.

What about attorney fees?

We enter into a written agreement with all clients in dissolution of marriage matters. Fees must be paid in full according to the agreement. The retainer deposits periodically must be paid when requested. While there are circumstances where your spouse will be required to pay your attorney fees, such is not guaranteed and thus you should plan on assuming the entire cost of your attorney fees of this legal action

What Can I Do to Keep Costs Down?

Do not make us justify every single decision, no matter how small. We are happy to do it, but it takes time, and time costs you money. The point is not for you to acquire a law school education. If you can not take our word for something, you should consider a different law firm to represent you. Otherwise, it is much cheaper to give us a certain amount of "command authority" on matters of procedure and tactics.

In divorces, there is inevitably a process of "discovery," where each party requests information and documents from the opposing party. Sometimes this is informal and limited. Other times it is formal, comprehensive, and terribly time-consuming for the clients themselves (to gather the information), and for us as their lawyer (who must review the responses and put them together in proper legal form). Because many attorneys are cavalier and inconsiderate with formal discovery, they request much more than is really necessary to settle a case, just to cover their butts and to avoid the work of tailoring the discovery demands to each particular case, or just to make the process more onerous for the other party.

When you have a choice, it is cheaper to cooperate with informal and limited discovery. In cases where the other party is not cooperative or not trustworthy, more formal discovery may be a necessity. Some of the formal discovery demands you receive will be objectionable. In most cases, however, it is much cheaper for you to just get the information and documents, than to pay us to argue with the other side about it. Also, do not trickle it in piecemeal to us if at all possible. By getting it all together into one package, as complete and as organized as possible, you will save us the time necessary to do the same.

Be prompt. Courts are slow. Many attorneys, sadly, are chronic procrastinators and deadline-driven. Custody evaluators and Guardian ad Litem are slow. If you are slow too, it compounds the problem. Furthermore, the quicker you can be in responding to whatever we ask of you, the more likely it is that you will be able to settle your case sooner and at less expense. By acting quickly, we are able to take charge of a divorce process, rather than being driven by court deadlines and various hearings and other requirements that might be avoided just by staying ahead of the game.

Use just one attorney. Many people hire big downtown law firms to represent them, and end up in situations where more than one attorney is working on their case. This is inefficient, because each attorney involved needs to be independently educated about the case, and no attorney is as well informed as he would be if he were the only attorney on the case. I have seen billing statements from other firms with numerous charges for a "strategy conference" between attorneys in the same firm. I have seen billings for two attorneys from the same firm attending the same deposition. Obviously these duplicative charges don not happen when you use a single attorney for your case.

Use an attorney who specializes exclusively in family law, so that you are not paying so much for the attorney to "learn". No lawyer has perfect and complete knowledge, but a specialist is not going to have to do nearly as much legal research as a more general practitioner. (Not to mention, a specialist will be more qualified to represent you in the best way possible, because of his experience).