

## **11 Things to know or find out at Your Initial Interview**

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Having over 15 years experience as a family law attorney, I find that the answers to these 11 questions most help my prospective client's assess their case.

- 1) Discuss the attorneys experience in family law.

How many years have they practiced family law?

Are they familiar with the judges in the City or County in which your case is pending?

If your case is particularly complex (business ownership, contested custody based on accusations of abuse or neglect), does the attorney have a list of experts they would recommend?

Does the attorney have experience with the administrative side of abuse cases, i.e., Child Protective Services?

- 2) Win/Loss.

Nobody but prosecutors keeps a win/loss record as most civil cases settle; therefore, requesting a win/loss record from a family law attorney will not provide you any particular insight.

- 3) Inquire as to the attorney's philosophy regarding how they try a case.

Does the attorney believe in mediation? Is the attorney trained in mediation? Over 90% of civil cases settle. An attorney who is trained in or believes in the value of alternative dispute resolution will generally be able to handle your case overall at a lower cost; however, mediation requires two reasonable parties to agree. This does not mean that the Parties will not end up in court or that court intervention will not be necessary.

- 4) Ask what type of communication you are entitled to expect.

In my office I attempt to return all client calls within 24 hours of them being made; however, depending on my court schedule, I sometimes cannot achieve that goal. If I am not able to return a call I will try to have someone from my office return the call and provide the client with my schedule. Some attorneys do not like texts and emails; however, others find them to be the most efficient way to proceed. Some attorneys require disclosures and disclaimers before allowing email communication. Whatever is agreed upon by the parties needs to be clear before the attorney client relationship is formed.

- 5) Discuss the attorney's workload.

After you have described your particular matter, discuss how much time the attorney expects your matter to take and does the attorney have the time to devote to it.

6) Attorney fees and expenses.

Be sure to understand that most attorneys request a retainer and bill from same on an hourly basis, unless otherwise specified. You may also pay a lower retainer and continue to pay your bill within a certain period of time. Be sure to discuss whether an attorney bills differently for court time, depositions or office time. In addition, most if not all attorneys charge separately for costs such as copies, long distant calls, postage and filing fees.

7) Additional staff and their role in your matter.

Most attorneys have staff that they will use to assist them in preparing your case. If possible, ask to meet the staff. The use of paralegals and staff are a time and money saving mechanism for the client in the paralegal is billing at a fraction of the attorney's rate and are usually more accessible. That is not to say that your attorney should not be available for consultations when needed but merely the conveyance of simple factual information to the paralegal is much more cost effective.

8) Before you hire a divorce attorney, be certain that you are comfortable with that person.

Unfortunately, you will be divulging more of your private life with your spouse to this stranger than you could have ever imagined. Most attorneys can work with any facts that you give them but cannot work with surprise; therefore, if you are not comfortable speaking to your attorney, that attorney is not the right attorney for you.

9) Come prepared for the meeting.

Most initial consultations last between 30 minutes to two hours and cover a wide range of topics. Do not leave after the initial consultation having several of your questions unanswered or unresolved. Write them down prior to meeting with the attorney and categorize them by relevant topic such as:

Retirement. List all questions you have about any retirement accounts.

Debt. Please come prepared to not only understand what marital debt you have but how the debt is comprised, i.e., credit cards, mortgages, personal loans, etc.

House. If you own a house, please bring a recent valuation and mortgage documents showing the amount owed and/or equity in the property.

Children. If the children have any special needs or unique circumstances, please make sure that is noted and the attorney is aware of same, so when you are asking for a cost estimate all of the relevant facts may be considered.

10) Cost.

I am always asked by clients to give them an idea of how much their case will cost. I find this impossible to do in that the client is basically asking me to predict the future. On contested custody and divorce cases the costs can be largely driven by opposing counsel and what issues need to be fought. Not to mention, if either party violates any existing court orders, that conduct cannot be anticipated and will add to the cost of litigation.

11) Ask the attorney to explain the divorce process.

Each lawsuit has typical peaks and valleys and a process it will follow. Please make sure you are clear on the process from start to finish and it has been explained to your satisfaction.

12) If your spouse has already hired counsel, please ask the attorney to describe opposing counsel.

Opposing counsel and the relationship they have with your attorney will drive, more so than most other factors, the costs and duration of your litigation.