

Top Ten Tips

Here's the inside scoop on how to save on legal fees in a divorce.

By Linda C. Senn

When it becomes clear that your marriage is over, and no amount of pretense or counseling can fix what is broken, you'll need to line up an attorney to represent you in the divorce process. At this extremely vulnerable time, you'll be placing your life and your future in your attorney's hands, and you'll add one more worry to your ample list of stresses -- the high cost of divorce!

Attorneys usually charge an hourly rate calculated in 15-minute increments -- even if the service takes only a minute or two of his time. That "quick little call" you make to your lawyer could cost you from \$50 up. If you succumb to the temptation to call every day, your monthly charge just for phone calls can run well over \$1,000. If the process drags on for a year, you'll pay \$12,000 and up just for those brief daily calls!

Here are ten simple steps for saving big bucks over the course of separation and divorce; some of the tips are general and can be applied to other legal situations as well.

1. Saving money on legal fees starts before you have your first attorney interview. Round up all the personal referrals you can from friends, family, colleagues, and neighbors who were happy with their own divorce lawyers. Ask if the client's calls were returned in a timely manner, or if sustained nagging was required to get a call-back. The bill should run far less for a focused, efficient attorney than it would for a disorganized one. Did that attorney stall or delay the process? Did she favor lengthy debates between opposing attorneys? Was her billing accurate, detailed, and free from "fluff?" These factors can have a major effect on the final cost.
2. During your initial telephone interview with the attorney, ask what he charges and how it's calculated. Is it a flat hourly fee charged in 15-minute increments, or is it figured by some other method? Ask if he requires an initial retainer, and if so, how much for your situation. Complex divorces often call for a more substantial amount. Tell him that you want to keep the costs to a reasonable minimum and ask if he'll help you to do so.
3. Don't discuss the weather, the baseball playoffs, or your mother's petunias: chit chat is expensive. Even though she's holding your future in her hands, and there's a natural inclination to talk to your attorney as a friend, socializing can become expensive. Allow a brief time to reconnect either in person or over the phone, then get on with business. By the same token, if you have a gabby attorney, learn how to gently but firmly bring her back to the business at hand.
4. Although you may find a genuinely sympathetic attorney, don't use him as a counselor. Go to a licensed therapist. An experienced mental health professional will be more effective, will cost less per hour, and will help you deal with the emotional peaks and pits that continually throw you off balance. In addition to that, you'll have developed a relationship with a therapist who can guide you through the rocky recovery period after the divorce is granted.
5. Don't ask for special paperwork. Whenever possible, run your own copies, take notes when you talk to your attorney on the phone (so you don't have to call him later to double-check on the conversation), and look up any phone numbers and addresses he may need in working up your case.
6. Don't complain about your soon-to-be-ex unless it directly applies to the current procedure. This is so very tempting during divorce (and subsequent custody and/or maintenance hearings)! You feel compelled to point out how moronic and venal your soon-to-be-ex is, and by implication, how much better a human being you are. Resist the urge. It's both pointless and expensive.
7. If you invite your attorney to lunch (or vice-versa), find out first if it will be "on the clock." There may be times when a luncheon meeting is most convenient for both of you -- just be sure you know the ground rules going in. If you'll be discussing business, have a pen and paper with you so the lunchtime information doesn't disappear with the last cup of coffee. Be especially vigilant about idle chatter if you're paying attorney's fees for the privilege.
8. Ask for specific ways you can save on lawyer hours, such as doing your own research, filling out forms, or mailing notices. You just might be able to shave a few hundred dollars off the final tab by doing some of the routine clerical work yourself. In a long, drawn-out divorce, ask the lawyer periodically if there are any other aspects you can take care of yourself to save money.
9. Consider hiring a skilled mediator to help you and your spouse arrive at mutually agreeable solutions to your financial and custody disagreements. Mediators are specifically trained to help

- you resolve your problems together, and the cost will probably be less that you'd pay for the opposing attorneys to argue with each other. (You'll still need to retain your own lawyer to check any agreement before you sign it, however.) Mediators also allow you to employ cooperation and compromise in arriving at a settlement agreement, which leaves far less emotional scarring than the adversarial attorney-to-attorney method.
10. Do your own Discovery. Discovery is basically pretrial disclosure of pertinent facts and documents, including financial figures, by one or both parties in a divorce or other legal process. It can involve a fair amount of sleuthing time, so you'll be money ahead if you ferret out the hard-to-find information (like hidden assets), rather than relying on your attorney to do it all.

One last word about maintaining control of your legal expenses: request itemized monthly bills from your attorney. Knowing just how your legal dollars are being spent can be the most effective aid in helping you keep them to a reasonable minimum!

Linda C. Senn is author of Your Pocket Divorce Guide and co-author with Mary Stuart, M.A. of The Divorce Recovery Journal.