

SIX TIPS FOR WORKING EFFECTIVELY WITH YOUR DIVORCE ATTORNEY

Law Offices of Matthew Z. Martell, P.A.

1990 Main St., Ste. # 750
Sarasota, FL 34236
(941) 556-7020

Lakewood Ranch Office

9040 Town Center Parkway,
Suites 111 - B & C
Lakewood Ranch, FL 34202

One of the more important relationships during your divorce is the relationship between you and your divorce attorney. During your divorce, it is important for you to feel supported, that you have someone on your side, and confident that your attorney will help you achieve the best outcome. On the other side, it is important that your attorney knows you are being open and are informed about your case. The core of this relationship is trust, which is built on a foundation of communication and information.

You can foster open exchange with your attorney and help him or her deliver the best outcome for your case by doing the following:

1. BE CANDID.

Do not ever hesitate to tell your attorney the truth; in the same fashion you would tell your doctor what aches and pains you are experiencing in order to help him or her make a diagnosis, you need to be frank with your attorney so he or she can help you achieve the best outcome for your case.

This is a very difficult time for you, and your attorneys realize that at times they must delve into some very personal information and areas, things that you might feel reluctant or reticent to discuss with them, because they are intensely personal or embarrassing. Do not be afraid or embarrassed to be truthful and candid about what has gone on in your life. Many times, things that you might feel are extremely important have no legal significance whatsoever. On the other hand, things that you may feel are trivial could be very important to your case. Telling your divorce attorney the whole truth enables him or her to represent you with all the powers at his or her disposal, and often will help alleviate concerns you might have, and comfort you in this most difficult time. It also eliminates the possibility of your spouse's attorney "surprising" your attorney and gaining an unwarranted tactical advantage.

2. ASK QUESTIONS.

This is your divorce, and very likely, unknown territory for you on a variety of different levels. You will no doubt receive all kinds of advice, solicited and unsolicited from friends, neighbors, family, co-workers, and others who either have been through a divorce or know someone who has. While these people mean well, they are often misinformed about what the law provides. There are many common myths about divorce, and, like most myths, they have no bearing in law or in fact. Ask questions; tell your attorneys what you have been told and what you are concerned about. Family law encompasses a variety of legal disciplines, complexities, and nuances. You can't be expected to know or appreciate all of them. It is your attorney's job to know, and they will give you direct, understandable answers to your questions, even if the information might be different than you expected.

3. GET ORGANIZED.

During the divorce, your attorneys will ask you to provide certain information and documents as part of the process known as “discovery.” Get a head start on this obligation by gathering and organizing your important documents, such as tax returns, bank statements, retirement account records, life insurance policies, and the like. This can often seem like a waste of your time, particularly when your spouse “already has all that information.” Whether he or she does or does not is beside the point; the object of the exercise is to disclose what you know and what you have. Also, remember that if your attorneys have information or documents that are requested and do not disclose them, they might be barred from using them for your benefit. Discovery is often a time-consuming process, but an important one. The more thorough and organized you are, the less time your attorneys will need to spend on discovery, and which can ultimately save you money.

4. REFRAME YOUR DYNAMIC WITH YOUR SOON-TO-BE FORMER SPOUSE: IT’S NOT PERSONAL, IT’S BUSINESS.

Divorce is obviously an emotionally charged form of litigation, more so than any other because of the long personal history you have with your soon-to-be former spouse. Also, when children are involved, an already emotionally charged atmosphere becomes even more volatile. As a result, even the most innocuous or insignificant of circumstances can spiral out of control at a moment’s notice. Remember at all times that what you say, what you do, and how you react to your spouse, if seen or heard by your children, will have a life-long impact on them and on their future relationships—with you, your spouse, and others. While it can be satisfying to make divorce battles “personal”, it is often more productive and beneficial in the long run to focus on the “business” of your divorce. The “business” is, if you have children, the successful rearing of your children, and the successful negotiation of a satisfactory arrangement to end your relationship as spouses. Treat your spouse as you would a business associate or co-worker whom you might not like, but with whom you must work. When emotions flare, back off, walk away, and allow time for things to settle down. Maintain as your mantra: this is just business now. You will be happier both in the short and long run, and your children will remember you for it later in their lives as well.

5. USE YOUR ATTORNEY'S SERVICES WISELY.

You can also save money, and control the costs of your divorce, by utilizing your attorney's services wisely. Organize your thoughts and write down your questions before you call, so your attorneys can be sure to discuss all your questions in one phone call. Use your attorney's office staff and paralegals to make appointments and answer routine questions, such as when your next court date might be, to confirm receipt of a document or other information, and for assistance with discovery. Use email to communicate with your attorneys, as it enables them to get an answer to your inquiry quicker and more efficiently, and avoids the delays experienced by "phone tag."

6. RELY ON YOUR FRIENDS AND FAMILY.

While your attorneys are accustomed to and accomplished at dealing with people in distress, they are not therapists. They can, and likely will, assist you in dealing with some of the normal emotional distress and personal difficulties you will experience going through this process. For more complicated issues, they can make referrals to other professionals trained to deal with people in emotional distress. However, while your attorneys do encourage the open sharing of thoughts and feelings with them, it is wise to also remember your extended circle of friends and your family. For some people, it may make sense for them to withdraw from social interaction from the fear or embarrassment of having to discuss their situation or being judged. This can be a mistake, as friends and family understand your history and can provide the extended emotional and logistical support to get you through your divorce, whether it's lending an ear for long talks on the phone, or babysitting your children so you can go to an appointment with your attorney.