

8

Things Your
Divorce Attorney
Should Tell You



THE LAW OFFICE OF
DUSTIN S. MCCRARY PLLC
Divorce & Family Law

When you're considering divorce, it's a trying time for everyone involved. So when you're ready to find the right attorney to represent you, of course you will look for someone who is knowledgeable, compassionate and, above all, honest. We believe in providing each and every one of our clients five-star quality service, all of the time. To us, that means providing not only excellent representation while aggressively pursuing justice on your behalf, but also being honest and transparent about the realities of your case, and the realities of the divorce process.

You always deserve the truth from your attorney. Keep in mind the following points that they should be upfront about.

1. *Based on your case, you might not achieve the outcome you desire*

No matter how talented or experienced your attorney may be, they can't change the law. A talented attorney will make the best arguments on your behalf, but if the law simply doesn't allow for the outcome you seek, your attorney must be honest about that reality. Billing you for hours spent seeking an outcome that is impossible is unfair to you, and a waste of your valuable time and money.

2. *Divorce isn't always fair*

Most of us want to view the law as being impartial, blind, and a perfect balancing scale of justice. Unfortunately, this isn't always reality. While judges, attorneys, and the parties involved may seek a result that seems fair, the truth of the matter is that you may end up disappointed with some aspect of the final outcome of your settlement. There is often a disparity between what feels fair based on your own personal knowledge of the relationship, and your personal history, and what the law determines is fair.



3. *We don't really have much experience in this area of the law*

The truth of the matter is that not every attorney who agrees to take on a family law case necessarily has much experience in the actual practice of divorce and family law. While it is unfortunate, there are some attorneys who will take a case simply for the financial benefit of it – whether or not they truly have a thorough understanding of family law, or the experience necessary to achieve positive results on your behalf. That's why it is critical to make sure you choose an attorney with favorable references and a proven track records of success.

4. *We accomplish more through cooperation than aggression*

Many attorneys will try to portray themselves as very aggressive, cutthroat litigators who will stop at nothing in winning for their clients at all costs, and who will not shy away from a fight. Many of these attorneys portray themselves that way because they feel that this sort of representation is what clients expect. The reality of divorce litigation, however, is that methods of alternative dispute resolution like mediation, attorney-led settlement negotiations, and collaborative law, where the attorneys treat one another respectfully and work amicably toward solutions that fit the needs of both spouses, accomplishes much more and is more effective in the long run.

5. *Adults should act their age*

Any attorney who regularly practices family law understands that divorce is a very emotional experience. It can cause people to act out of character, and unfortunately, can often bring out the worst in our behavior. An attorney who truly wants their clients to move through the divorce process as smoothly as possible will advise those clients that as difficult as it might be, controlling your emotions and attempting to be as civil and respectful as you can be is important. When both parties are able to act reasonably and rationally, the entire process is easier for everyone involved.



6. *Divorce isn't cheap*

Even when you rely on an attorney with reasonable rates who doesn't charge an outrageous number of billable hours, divorce is expensive. That's just a reality, though many attorneys will try to cover that up at the outset. Some will make it seem that paying your initial retainer will cover all of the costs of your case, simply in order to obtain your business. This is rarely actually the case. We charge reasonable fees, and are honest with you about anticipated costs from the very beginning, so that you can make an informed decision about the best path forward for your personal needs and goals.

7. *Some issues aren't worth a battle*

In the midst of a divorce, it is only expected that emotions are running high, and that things may be contentious. It's understandable that you may feel strongly about winning on certain issues that are important to you. While some issues, like ensuring that you arrange a suitable custody agreement when it comes to your children are worth fighting for, other issues, when it comes down to it, simply aren't. You may want to receive a certain share of an account, or a certain family heirloom in the property division. But is it really worth a prolonged fight that will cost you valuable time and money? Some attorneys might not make this clear to you because they would rather collect the money for charging the billable hours.

8. *Divorce won't improve your financial position*

This may seem obvious, but surprisingly, some people seem to expect that divorce will improve their financial position. Especially if your spouse has caused you great pain, you may feel like hitting them in the pocketbook. While these feelings are understandable, an attorney who is being honest with you will tell you that this is almost never going to be the case in a divorce. Both parties will likely suffer financial losses – the divorce process is expensive in and of itself, and in a divorce, the parties are moving from managing the expenses of one household to two. It goes without saying that doing so incurs extra expense. Any attorney you choose should be honest with you about that reality.

NEXT STEPS

We are here to walk you through all of these issues and more — with honesty, transparency, and the blend of aggressive and compassionate representation that you need. Divorce can be manageable and we would be honored to have the opportunity to help you through this journey. Call us today.

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