

# 10 things divorce attorneys won't say

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**From how much it will cost to how long it will take, these are the facts of divorce that your lawyer won't ever come out and tell you.**

## **1. You'll pay more than the advertised rate -- way more.**

The U.S. divorce rate has nearly doubled since 1960, according to the **National Marriage Project** at the University of Virginia, and the number of divorce lawyers has grown apace. Though divorce rates leveled off during the recession, competition among divorce lawyers has increased -- and billboards flashing "Quick and Easy Divorce for \$299" reveal how desperate for business they've become.

Those teaser prices aren't a scam, says Randy Kessler, the chair of the American Bar Association's family law section, but they usually apply only to parties who have already agreed on the terms and just need the lawyer to fill in the forms. Clients who don't fall into that narrow category are likely to pay more.

Of course, such come-ons are partly "just to get you in the door," warns Sari Friedman, a New York City matrimonial lawyer. The fine print, she says, will often reveal extra costs -- from initial court fees to eventual asset-divvying lawyer fees. A more realistic final price tag? Anywhere from \$15,000 to \$30,000, with hourly rates typically running from \$150 to \$1,000.

## **2. I get sued -- a lot.**

San Diego resident Luwain Ng's 2008 divorce was tough, but it was nothing compared with the subsequent legal battle with her divorce lawyer, Patricia Gregory, who stole nearly \$80,000 from Ng's trust account. (Gregory pleaded guilty to embezzlement in January and was sentenced to a year in jail; Ng says she has since recovered most of her money.)

Ng isn't alone. Only personal injury and real estate lawyers get sued more often than family law attorneys, a category that includes those who handle divorce and child custody cases, according to the American Bar Association. Indeed, lawsuits against family law attorneys more than doubled from 1995 to 2007, the ABA reports. One reason: In the past 20 years, the number of lawyers specializing in family law has increased. Plus, Kessler says, divorce situations can get pretty heated -- it's "the nature

of their work." So while a lawyer who has been sued isn't necessarily bad, it's wise to check with your state's bar before you pick one.

### **3. My lack of fiscal know-how will cost you.**

Divorces often require complicated financial calculations, such as projecting the long-term value of a 401k. But finance isn't typically part of the law school curriculum. It's a huge problem, says Jeffrey Landers, a New York City financial adviser, "because outside of custody issues, divorce is mostly about financial matters." While many lawyers do tell clients to hire a financial professional, some don't -- and settlement mistakes can cost clients thousands of dollars. Still, the price of hiring a divorce-finance pro can range from \$4,000 to \$25,000. And a forensic accountant -- who can identify and value assets -- generally charges at least \$5,000, says Thomas Reck, an accountant and partner at WithumSmith & Brown in Paramus, N.J. That's why it's important for those going through divorce to do a cost-benefit analysis. According to Zachary Smith, the president of Vox Law in Minneapolis: "People with fewer assets and little debt may not need to spend the money."

### **4. I make promises I can't keep.**

Of course, it's unethical for lawyers to guarantee a certain settlement. Each state has its own rules of professional responsibility, and violating them can result in sanctions from the bar. But it still happens, because lawyers want to gain their clients' confidence, says Bari Weinberger, a matrimonial lawyer in Morris County, N.J. And by some estimates, up to 50% of all client complaints stem from a failure to meet their expectations.

Even if a lawyer doesn't outright promise a specific outcome, strong hints can be detrimental to the client's wallet. When Minneapolis small-business owner Christine Clifford was in the midst of her second divorce, she says, her lawyer said things like "you have a very compelling case" and "a very good chance of getting a financial settlement." In the end, she ponied up \$70,000 in attorney's fees and had nothing to show for it. (Her lawyer declined to comment.) It is appropriate for a lawyer to express the possibility of success, says Weinberger, but "if anyone guarantees you anything, run."

### **5. I've only handled a couple of divorce cases. Ever.**

A lot of lawyers are general practitioners, handling everything from personal injury to estates to divorce. But a general practitioner may handle only a few divorce cases in his or her entire career.

"Law is very vast with a lot of nuances," says Friedman, the New York lawyer. "You need a lawyer who knows the law and has seen a lot of these nuances."

One place to find them: the American Academy of Matrimonial Lawyers' **website**. Lawyers in the association are required to spend at least 75% of their time on matrimonial law issues and have at least 10 years' experience in the subject (or with five years' experience, to spend at least 90% of their time on such cases). Matrimonial lawyers say clients benefit from their expertise. "You go to a cardiologist for your heart problems," says Weinberger.

## **6. Prepare for plummeting income.**

During Amy Zellmer's marriage, her husband had the "big job" that paid for their household expenses, while she cultivated her Minneapolis photography business. When the couple divorced, Zellmer fell into dire financial straits. "I had to drain my IRA account just to stay afloat," she says.

And hers isn't an uncommon story: Households with children in which the parents divorced and remain divorced for at least six years face a 40% to 45% average drop in family income, according to the National Bureau of Economic Research. Divorcing or separating mothers are also nearly three times as likely as married mothers to end up in poverty, according to a 2011 study by the Family Research Council.

## **7. Go cry somewhere else.**

The financial strain of a divorce pales in comparison with the emotional toll. Among people age 40 and up, 28% experience depression following their divorce, while 63% of women and 44% of men have high levels of stress, according to an AARP study. Elizabeth Lombardo, a psychologist and the author of "**A Happy You: Your Ultimate Prescription for Happiness**," says it's an emotional roller coaster: "At first, you may be excited, but then there are a lot of negative emotions and consequences that can adversely affect all aspects of your life." But a lawyer's isn't the ideal shoulder to cry on. "They may let you vent," says therapist Sharon Gilchrest O'Neill, author of "**A Short Guide to a Happy Marriage**," but they aren't trained to offer support.

**8. You may not even need me.** Facing her third divorce, dating-site founder LaVonya Reeves decided to skip the lawyer. And she didn't regret it: "It saved me a ton of money," she says. Amicably divorcing duos like Reeves and her ex -- who have no children, shared assets or debts, and who are able to support themselves without each other's help -- can skip attorneys' fees and opt for mediation or self-representation, pros

say. The National Conflict Resolution Center estimates that divorce mediation costs \$2,000 to \$5,000 a couple, a fraction of the price of litigation.

But while lawyers are optional, using one is like having an insurance policy against mistakes, says the ABA's Kessler. Kathy Minella, a family law attorney in San Diego, says there's a middle road: Spouses can try settling as much as possible between themselves and through mediation before they begin paying their lawyers.

### **9. I don't have time for you.**

Many divorce attorneys have yet to recover their prerecession support staff, so they're handling many of the office duties themselves. "You can wait for days to get a call back," says Erica Manfred, author of **"He's History, You're Not."** Not only did the ranks of the legal profession diminish by 4% from 2007 to 2011, but hiring is still sluggish, according to the Bureau of Labor Statistics. And lawyers may soon have even less time for each client, because some experts expect the divorce rate to spike in the near future.

If the economy continues to rebound, those who put their divorces on hold during the recession -- an estimated 38% of currently married Americans -- may now go through with them, says W. Bradford Wilcox, the director of the National Marriage Project.

### **10. I'm dragging my feet.**

There's a correlation between having an attorney and having a long legal battle. Divorces in which both parties have a lawyer take nearly four months longer than when both don't have legal counsel, according to a 2010 study by Marquette University Law School. One possible reason: Those most likely to hire counsel have "complicating factors such as higher husband income, longer marriage and minor children," according to the study. But the researchers also concluded that "it is possible that lawyers deliberately extend the process so as to collect higher fees."

Ann Bradley, author of **"Divorce: The Real Truth and Hidden Dangers,"** goes a step further: "Some lawyers add fuel to the emotional drama to keep you fighting." Kessler disputes the idea that lawyers drag out divorces to extend fees. It's their job, he says, to be thorough -- to avoid mistakes. And that takes time.