

A FINAL WORD OF ADVICE

You are the person hiring the attorney. Under the law, you can always fire your attorney for any reason or no reason. (The only exception is if the judge thinks you are doing so to delay a trial.)

You are entitled to obtain a second opinion if you are concerned by the way your case is being handled. Don't hesitate to pay another attorney to look at the situation and give you another opinion. Remember, of course, that it is unlikely that two attorneys would handle the same case in exactly the same way. However, gaining perspective on how your case has been handled never hurts.

If you have any questions about this subject, or any other question in the area of family law, please don't hesitate to call us at:

Chicago: 312-263-4730

Oak Brook: 630-954-1480



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Principal Attorney



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Marilyn Longwell & Associates, P.C. concentrates in divorce, custody, support, parentage, and other areas of family law.

Marilyn F. Longwell has practiced family law independently for over 30 years. She was specifically appointed to the Illinois Bar Association Family Law Section Council a decade ago. She speaks and writes about various family law issues. Ms. Longwell practices across Cook, DuPage, Lake, and Will counties.

Dissolution | Custody | Support | Paternity

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Choosing a Family Law Attorney

You may have been blind-sided:

He walked out and took the kids...

or She decided she wanted to be free after 20 years of marriage...

or Your Son is unexpectedly going to be a father...

So, You need a lawyer. Now.

But how do you look?

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CHOOSING A LAWYER

You may have been blind-sided: He walked out and took the kids.; or She decided she wanted to be free after 20 years of marriage; or Your son is unexpectedly going to be a father. So you need a lawyer, now. But how can you judge who would be a good attorney for your case? You can if you attend to these factors:

- **Your comfort level.** Will you be able to tell this person about the worst parts of your marriage? If not, keep shopping.
- **Style.** No, not Armani! How does this person's manner fit with yours? Does he/she seem confident, knowledgeable, professional and supportive? Are they in control of their law practice or overwhelmed by it? ►

Some lawyers take on too much and cannot keep up. If you hire a harried lawyer, you may wait days or weeks for a return phone call and you may get less effective representation.

- **Information.** Does the lawyer explain the legal aspects of your case in an understandable way? You should be informed about the legal process and any unique legal issues which apply to your case. At this stage there should be nothing you can't understand in the explanation.
- **Supportiveness.** Does this person listen to you? If you can't communicate your wishes and concerns to a receptive ear, you are more likely to be unhappy with the result. Your attorney should be willing to listen without cutting you off or dismissing your fears or your desires. ►

- **Decision making.** Will this person share decision making with you or dictate to you? You should be a partner with your lawyer in making major decisions in how you are to be represented. Hiring a lawyer who is not receptive to such a working relationship is giving up the right to influence the outcome of your case.

- **Cost.** The hourly fee is only part of the story. An experienced lawyer charges a higher fee, but often works more efficiently than a less experienced lawyer. You need to know the hourly rate, the amount of the retainer (or deposit toward fees), whether payment arrangements can be made, and the chances that your spouse will have to contribute to your fees or vice versa. Be sure you understand the terms before signing a contract. ■

QUESTIONS TO ASK IN THE INTERVIEW

You will probably have many other questions, but these are questions you should ask of any lawyer you interview:

1. What is the procedure for my case?
2. Does my situation have any special legal issues or problems?
3. How would you handle my case?
4. What are your billing rates and retainer, and do you make payment arrangements?
5. Would you handle the case yourself or assign it to an associate? (If the latter, meet the associate.
6. What do you expect of me, and what can I do to make the process easier and less expensive?

GET REFERRALS

So where do you start? Even though there are plenty of online resources (below), nothing can replace getting a personal referral and then you can look them up:

Lawyers

Lawyers are usually in a good position to refer you to divorce lawyers based upon their reputation for competence, ethics and professionalism. Be sure to ask how your source knows, or knows of, the referral.

Other Professionals.

Accountants, psychologists, financial planners, bankers and others often know and can recommend attorneys based upon observations of how well the lawyer represented the source's client or friend.

Friends (or friends of friends).

When getting names from friends, find out how happy the client was with the lawyer's representation, not whether they "won" or "lost," which is not often a relevant term in a divorce case. ►

Bar Association Referrals

Some bar associations maintain referral lists. The members usually pay to keep their names on the list by an annual fee or share of the fees charged, or both. These lists are not all-inclusive nor do they necessarily insure more than that the attorney practices in the field. There is no guarantee of any quality level.

Online Listings

Even if you get names from another source, it pays to look up the attorney online. Here are things to look for:

1. Does the online source rate the lawyer and, if so, on what basis? Martindale.com is probably the oldest national directory and their rating system is based on ratings by other lawyers. Avvo.com rates the attorneys by reviews and has at least a bare profile on all attorneys. Lawyers.com is another online listing through Martindale Hubbell which includes reviews.
2. Look at the time the lawyers have been practicing and what professional activities they have. Is family law a large part of their practice or a side-line? You need an attorney with some expertise in the field unless yours is the most basic case. ■