

10 Things Divorce Attorneys Won't Say

by Catey Hill

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, 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. It's clients who don't fall into that category who 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. (In January, Gregory pleaded guilty to embezzlement 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 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.

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

Divorces often require complicated financial calculations, like projecting the long-term value of a 401(k). 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.

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 percent 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.

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, aaml.org. Lawyers in the association are required to spend at least 75 percent 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 percent 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 divorce and remain divorced for at least six years face a 40 to 45 percent average drop in family income, according to the National Bureau of Economic Research.

7. Go cry somewhere else.

The financial strain of a divorce pales in comparison with the emotional toll. Twenty-eight percent of people age 40 and up experience depression following their divorce, while 63 percent of women and 44 percent 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."

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 li

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 percent 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 percent of currently married Americans -- may now go through with them, says W. Bradford Wilcox, 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.