

Using a lawyer to coach you through your divorce

Getting divorced? Hiring a lawyer can be an expensive undertaking, especially in this economy. Depending on the type of issues that need to be resolved, you may be able to hire a lawyer to simply “coach” you through the process. If so, this could save you thousands of dollars. Another benefit is that you and your spouse could maintain a non-adversarial relationship that could otherwise be damaged by tough litigation. Especially when children are involved, it is helpful to remain on friendly terms with the other parent to preserve the co-parenting relationship. This model also gives both parties more sense of control of the process than if two attorneys are also involved.

What does coaching mean? You essentially hire a lawyer to educate and coach you and then you do the actual negotiating with your spouse.

You begin by meeting with your lawyer “coach” to get educated about the issues, to develop a settlement strategy and to discuss reasonable settlement options. Then you begin working with your spouse to reach agreement on the issues. You can call your lawyer at any time with questions that may come up in your discussions. This will help you to further refine your settlement options. Once you have reached agreement, your lawyer will draft the final papers and put everything in legalese. You and your spouse will sign off on everything, and one of you will appear in court at the final hearing, where a judge will sign the final papers.

How do you know if your case is suitable? The reality is that many cases are not suitable for the coaching model. If you have complicated assets and/or debts; if your soon to be ex has hired an aggressive attorney; or if you have a difficult time negotiating and advocating for yourself, or if there are drug, alcohol or domestic abuse issues, your case is not suitable for this model. The reason is that there are just too many pitfalls for a layman to navigate. The coaching model is primarily for couples who still have some semblance of a working relationship and can talk to each other civilly, who both have a good grasp of the financial issues and, if they have children, they are in basic agreement about the residential schedule, meaning there isn’t going to be a fight over custody. Both you and your spouse must be committed to working things out without threatening court action.

Sometimes people who are working reasonably well together to resolve the issues believe that they can go straight to a mediator, without a lawyer, to settle their case. I have seen this cause a lot of problems. A mediator is not representing you and is under no obligation to discuss all the different sides of an issue or explore all settlement options – which leaves you not being fully educated. People then sign settlement agreements only to later find out more information on an issue that would have dictated a different result. I had one client who did not know she was entitled to alimony until after she signed the agreement. She came to me to file a motion with the court set aside the agreement. When you hire a lawyer to coach you, you get the comfort of knowing that

you have had an experienced professional who was looking out solely for your best interests. It could be a question of “pay me now, or pay me later”. The “later” could be a really expensive process.

If you think your case is suitable for the coaching model, when interviewing prospective attorneys, ask them if they are open to coaching you. Some attorneys will not be willing but there are many who will. Some of the most important things to look for when hiring an attorney are experience, competence, and finding someone with whom you feel comfortable. Divorce is a very stressful experience, even if the two of you are reasonably friendly. Adding litigation to the mix simply makes the process even more stressful.

Before meeting with your “coach” write down all aspects of your case. Having all your information together will help the “coach” decide if your case is suitable for the coaching model. The coaching model will help you feel more comfortable in your divorce process and will help you preserve your relationship with your ex spouse or partner.