

[Music playing in the background]

[No other audio]

[Image of a client consulting with an attorney]

## What Questions Should You Ask a Divorce Attorney on the First Visit?

Here are the most important questions you should ask a divorce attorney before you hire one.

Presented by: [farzadlaw.com](http://farzadlaw.com)

[Image of an attorney in his office]

In some respects, how the attorney answers the following questions will tell you how experienced and knowledgeable the divorce attorney really is and whether the divorce attorney is a good fit for your case.

[Image of a man making a phone call]

[Image of a cell phone that reads: To access the full guide, visit [farzadlaw.com](http://farzadlaw.com). The guide includes over 50 questions to ask and the answers you should expect.]

[Images of a phone, envelope, and email symbol]

## Questions to Ask a Divorce Attorney on the First Visit About Communication

[Image of two people having a conversation]

How often will we communicate about my case?

If an attorney struggles with answering this question, he or she may be a poor communicator. Organized and disciplined attorneys have a proactive communication style that fits the particular client.

The complexity of the case does make a difference. The more complex the case, the more the communication will likely take place. A typical case has communication between one to four times per month. A complex case that is in active, contested litigation on a regular basis may have significantly more.

[Image of an email message]

How will we communicate with each other?

Communication may be by telephone call, email, videoconferencing, and/or in-person meetings.

The better family law attorneys communicate in various ways, as the client's needs change.

An attorney should customize the communication based on its nature and extent.

We believe dialogue requires verbal communication and an exchange of perspectives and ideas.

However, if the communication is as simple as passing on information, asking simple and straightforward questions or answering them, email communication works well.

[Image of a document with a padlock on it]

Questions to Ask a Divorce Attorney on the First Visit About Security of the File and Access

[Image of a padlock]

How will you keep my file secure?

The family law firm you intend to hire should have a system in place to keep their clients' files secure.

Most family law cases, especially divorce cases that involve financial issues, will include documents with the client's Social Security number, bank account numbers and other private information.

If the attorney or law firm you intend to hire does not have a specific and secure method of storing and transmitting that information, you should ask yourself what else are they not diligent about.

[Image of a folder with legal documents inside it]

How will I have access to my file?

Your attorney should explain how you have access to your file upon any reasonable request by you.

For example, if you want to see your physical file, you should make an appointment and come into the office to view it.

If you want physical copies of documents, the attorney should provide it.

If you want electronic copies of documents, the attorney should securely transmit those electronic copies.

The file does not belong to the attorney. The file belongs to you. The attorney needs the file to represent you.

[Image of online reviews]

Questions to Ask a Divorce Attorney on the First Visit About References and Reviews

[Image of a five-star rating]

Will you offer references from previous clients?

The answer to this question had better be a resounding, "yes."

If an attorney cannot provide you with multiple references to former clients, that attorney may not have much success representing clients. The former clients should also be types of cases similar to yours.

For example, if you have a high conflict divorce ahead, how much value is a reference from a past client who had an amicable divorce and never saw the inside of a courtroom?

I am referring to a factual situation and issues similar to the ones you face. Do expect the attorney will need to obtain one or more former client's consent before the attorney can provide you with their contact information.

[Image of paying clients]

Are all of the reviews and testimonials on your website from former clients?

If the attorney has testimonials on his or her website, you should ask the attorney whether each of those reviews and testimonials is from a former client.

You can ask the same question regarding reviews and testimonials outside of the website and on other websites you read such as reviews on Google, Yelp, etc.

We believe it is dishonest and potentially unethical for an attorney to have a review and testimonial on a website that is not from an actual client, former client or someone who genuinely consulted with the attorney about his or her family law matter, unless the attorney actually discloses that fact.

How many do you think actually make that disclosure? We have not yet seen it.

[Image of a boss delegating tasks to employees]

## Questions to Ask a Divorce Attorney on the First Visit About Delegation of Responsibility

[Image of law firm staff]

What people at the law office will work on my case?

You should know before you hire an attorney whether the attorney or attorneys will be working on your case or if non-attorneys will be doing the substantive work.

*Do not underestimate the importance of this question.*

If the attorney with whom you meet states non-attorneys will be doing a significant amount of the work, then that should in most situations concern you.

While I am sure there are skilled paralegals out there, we do not believe a reputable family law firm will delegate significant, substantive work to paralegals, secretaries or other non-attorneys.

What is or is not significant and substantive may vary depending on the case. On that issue, it is more a question of your comfort level.

[Image of an attorney in court]

Who makes court appearances on my case?

This is a very important question.

If the law office you hire only has one attorney, that attorney will likely be the one who makes the court appearances.

However, you should specifically make sure that is true. You should also question how the attorney, as a one-person office or even a two-person office, has the time to handle the paperwork and make court appearances.

Remember these small offices are also a business so there are administrative responsibilities separate from handling a case.

[Image of an attorney juggling various tasks]

Ask yourself whether the very small office you are hiring really has time for your case or whether that one or two attorney office will be juggling a lot of different responsibilities in addition to your case.

In a law firm setting, the attorney with whom you meet may not be the attorney who makes the court appearances. Sometimes there are specific attorneys designated and law firms who handle court appearances.

These attorneys may not be the same attorneys who handle the various day-to-day paperwork on your case. This is normal.

[Image of an invoice]

Questions to ask a Divorce Attorney on the First Visit About Cost of Divorce

[Image of attorney fees]

How much will my divorce cost?

Some attorneys say you cannot even talk about the cost of divorce because it is impossible to predict. However, we believe that goes too far.

Attorneys, if they are experienced family law litigators, should know the factors that significantly decrease or increase the cost of the divorce. No attorney can honestly state how much a divorce will cost.

However, family law attorneys can give ranges, with the understanding those ranges are not exact and subject to those factors.

For example, if both spouses are amicable with each other, exchanged their financial disclosures, have no disagreements regarding custody, support, division of assets and debts, that divorce will cost significantly less than a high conflict divorce.

[Image of an attorney using a calculator]

This is an important question for two reasons.

First, it will test the divorce attorney's knowledge and experience of the divorce process and divorce law.

Second, it will educate you on what specifically the attorney can and will do with you to help mitigate the costs.

If the only thing the attorney tells you is for you to be cooperative and reasonable, that should concern you. Instead, the attorney at the first visit should be able to explain to you what you can do in your specific case to keep the costs down.

You should save this question for the end of the first visit because the attorney does need to be familiar with the facts of your case.

[Images of a dollar sign, bar graph, and clock]

Questions to Ask a Divorce Attorney on the First Visit About Reasonable Expectations of Results

[Image of a gavel]

How does the court typically rule on issues such as those in my divorce?

No attorney can guarantee to you a particular result. If they do, ask for it in writing. They probably will not put it in writing.

However, experienced and knowledgeable divorce attorneys should be able to tell you what the typical results are in cases similar to yours.

The more factual disagreement there is between you and your spouse, the harder it is to estimate the potential outcome.

Do not confuse estimating potential outcomes with estimating the ultimate outcome.

The California Family Code gives the family law judge significant discretion in many different areas of family law.

[Image of a law book]

After stating the issue about which you have a question, ask the attorney what the law specifically states about that issue.

If you have a question about alimony, ask the attorney what California law states about alimony.

If you have a question about a specific aspect of child custody such as move away requests, ask the attorney what California law states about move away requests.

Whatever is on your mind should be in the form of a question to your attorney regarding California family law.

Experienced divorce attorneys should rarely not know the law. The better divorce attorneys even show you the law in our codes.

[Image of a house key]

## Questions to Ask a Divorce Attorney on the First Visit About Living Arrangements

[Image of movers carrying a couch]

Should I move out of the family home or should my spouse do so?

Moving out or staying is a personal decision but there are certain situations where a good divorce lawyer will advise his or her client whether moving or staying affects the divorce case.

Some examples include those situations where there is domestic violence, the potential for false allegations of domestic violence, physical or emotional abuse of the children, etc.

[Image of a wife kicking out her husband from the house]

You may have grounds to ask the court for an order to remove your spouse from the family residence.

If this is something you want to do, you should ask the attorney whether you have the proper basis to make such a request of the court.

The attorney should then ask questions to determine if you have the factual and legal basis to do so on an emergency basis or a nonemergency basis.

[Image of legal documents]

## Questions to Ask a Divorce Attorney on the First Visit About Temporary Orders

[Image of temporary orders]

What temporary orders should I seek?

**Alternative question: What temporary orders should I expect my spouse will seek?**

The California divorce process usually involves temporary orders that then lead to final orders.

Temporary and final orders are not necessarily the same terms.

There may be subtle or significant differences between the time the court makes a temporary order and when the court makes a final order.

What your divorce lawyer should tell you is what temporary orders make sense in your case.

[Image of two parents supporting their child]

For example, does it make sense to do the following?

- Should you seek temporary child custody and parenting time orders?
- Will there be benefit in seeking temporary child support and spousal support orders?
- Is there a sufficient disparity between you and your spouse's income or access to money to seek an attorney fee contribution from your spouse as part of a temporary order?
- Is certain property in danger of being destroyed or otherwise in some form of default status? If so, does it make sense to seek property control orders on a temporary basis?
- Is there a family business your spouse is endangering by his or her conduct? If so, does it make sense to seek temporary orders for exclusive management, control and use of the business while the divorce is pending?

[Image of a calendar]

How does the process of getting a temporary order work?

The divorce attorney should explain to you the request for order process. This includes the following:

- The documentation required to file a request for order,
- How the attorney will file the request for order and serve it on your spouse or your spouse's attorney,
- How the court assigns a hearing date for the request for order, and
- Who is present and what happens at the hearing date

[Image of a child in between his parents]

Questions to Ask a Divorce Attorney on the First Visit About Child Custody and Parenting Time

[Image of a stack of books, pencil, and graduation cap]

What is legal custody?

The attorney should be able to explain to you exactly what legal custody means including the difference between joint legal custody and sole legal custody.

[Image of a house]

What is physical custody?

Once again, the attorney should explain to you what physical custody means, the difference between that label and the actual parenting time and what circumstances justify joint versus sole physical custody.

[Image of a money deposit box]

How Much Can I Expect to Receive in Spousal Support?

[Image of someone opening an empty wallet]

How much can I expect to receive in spousal support?

**Alternative question: how much can I expect to pay in spousal support?**

Which question you ask depends on whether you are the higher or lower income earner?

Spousal support, also called alimony, is either temporary or ordered at the final judgment. Most divorce cases include both temporary spousal support and spousal support at the judgment phase.

We are not going to go into a lengthy discussion about spousal support. We encourage you to check out our guide on California Alimony Laws on [farzadlaw.com](http://farzadlaw.com).

Instead, what you should ask and know is what your temporary spousal support payment expectation or obligation should be.

[Image of a calculator and tax returns]

While the attorney may not be able to give you the exact, temporary amounts, he or she should provide you with a reasonable range of spousal support.

It will be more difficult for a divorce attorney to answer your questions about the ultimate alimony amount at the judgment phase.

They would have to first conduct or have a proper expert conduct a marital standard of living analysis, which includes an analysis of Family Code 4320.

If your income stream and that of your spouse is simple and predictable, the attorney may be able to provide you with a general standard of living analysis.

However, any information during the first visit should be with a grain of salt until the full analysis is complete.

[Image of an ascending line graph and currency]

Is spousal support modifiable during the divorce?

You should ask regarding modifiability of spousal support, especially in those situations where your income or that of your spouse is unstable or unpredictable.

Based on the facts you provide to the divorce attorney, they should be able to explain to you whether you will likely face modifiability request or whether you will need to file one.

[Image of hands holding a child up]

Questions to Ask a Divorce Attorney on the First Visit About Child Support

[Image of a computer calculating equations]

How much child support will I receive?

**Alternative question: how much child support can I expect to pay?**

Similar to spousal support, the child support question depends on whether you are the one receiving child support or the one who expects to pay it.

Similar to spousal support, the attorney can run the computer program to determine what temporary child support should be.

[Image of an employee fired at work]

Is child support modifiable during the divorce?

The question is very similar to the one you may have asked regarding spousal support.

The answer may be similar or the same for child support.

[Images of a calculator, credit cards, and a wallet]

Questions to Ask a Divorce Attorney on the First Visit About Attorney's Fee Requests

[Images of a dollar sign, car, and house]

Can I seek attorney's fees against my spouse?

Assume your first visit goes into the following:

- A reasonable depth about gross and net value of assets,
- The amount of liquid assets such as money in various accounts with financial institutions, and
- Your income and that of your spouse.

In such a situation, your attorney should be able to provide you with your reasonable chances of obtaining a fee award against your spouse.

Courts base "need based" fee awards on Family Code 2030 and 2032.

[Image of attorney fees]

Will I have to pay my spouse's attorney fees?

Assume you are the higher-earning spouse and/or the one with more access to money to pay fees.

The attorney should explain what exposure, if any, you have to an attorney's fee order.

Since the results are not predictable, the attorney cannot predict whether you will definitely pay a contribution toward your spouse's fees.

However, the attorney should explain to you the following:

- What factors the court considers,
- Which ones will be most important, and
- What actions you can take to mitigate your potential liability to contribute toward your spouse's fees.

[Image of an attorney meeting with a client]

That last part may be the most important part of the conversation and is a conversation we regularly have with prospective clients.

The knowledge we provide to our prospective clients at the first visit on this issue empowers them.

It helps them realize they have more control over the fees than they thought.

This is especially true if they are willing to make smart choices and avoid unnecessary litigation.

[Image of a game plan]

Questions to Ask a Divorce Attorney on the First Visit About the Divorce Process

[Image of an hourglass]

How long will my divorce take?

If you want to plan your life after a divorce, you should at least have a general idea of how long divorces similar to yours take. This planning will help you prepare a budget for the cost of divorce.

The attorney should truthfully tell you there is no way to predict exactly how long a divorce will take. He or she should also tell you the length of time a divorce takes depends mostly on whether the divorce is contested or uncontested.

The more issues in dispute, the longer the divorce likely will take.

The answer however should not stop there. We explain this more in the next question.

[Image of a separated couple beginning the divorce process]

What is the typical divorce process from start to finish?

Smart divorce attorneys will also explain to you how your particular case should go, including contested issues and uncontested issues.

While the attorney cannot predict exactly the steps from start to finish, the divorce attorney should provide you with each step if your case follows a typical path from start to finish. Even contested divorces have a path or pattern they follow.

Once a divorce attorney has handled enough of them, he or she is familiar enough with that path and its nuances to give clients specific advice on the journey and the different factors that likely will cause a divergence.

[Image of a house split in half]

Questions to Ask a Divorce Attorney on the First Visit About Community and Separate Property

[Image of a couple inside a car]

What is community property in my case?

California Family Code 760 states, "Except as otherwise provided by statute, all property, real or personal, wherever situated, acquired by a married person during the marriage while domiciled in this state is community property."

At the first visit, the divorce attorney should explain to you what is likely community property in your case.

I use the word "likely" because there are facts you may not know and which may surprise you during the divorce.

Some spouses do not know the details of when and how you and your spouse (or just your spouse) acquired certain assets.

Are you that spouse? If so, you may not realize certain assets are not 100 percent community property.

[Image of a hand holding up a house]

What is separate property in my case?

California Family Code defines separate property as the following:

"(a) Separate property of a married person includes all of the following:

- (1) All property owned by the person before marriage.
- (2) All property acquired by the person after marriage by gift, bequest, devise, or descent.
- (3) The rents, issues, and profits of the property described in this section.

(b) A married person may, without the consent of the person's spouse, convey the person's separate property."

What we wrote regarding community property applies here. An attorney should tell you what is likely separate property. However, there may be facts you do not know and that may change the analysis.

[Image of a couple's photo ripped in half]

Questions to Ask a Divorce Attorney on the First Visit About Contested Versus Uncontested Issues

[Image of the divorcing parties disagreeing]

What do you expect to be the contested issues in my case?

Toward the end of the first visit, the attorney should explain to you what issues he or she expects may not easily resolve. The attorney will base his or her answer on the information you provided.

Stepping into a divorce with your head in the sand will not help you.

You will feel blindsided throughout the divorce, as issues do not resolve.

Stepping into a divorce knowing the likely contested issues will help you plan and prepare with your divorce attorney. This will increase the chances of a reasonable result consistent with the facts and the law.

[Image of a man checking his watch]

When do you think we will resolve the uncontested issues in my case?

You should ask this question toward the end of the first visit.

By then, the attorney should explain to you the timing for the uncontested issues.

For example, if you and your spouse agree on parenting time, there is no reason to wait months before the attorney drafts a stipulation and order that sets forth the parenting time.

Be careful however on financial issues. Until you and your spouse exchange preliminary declarations of disclosure, it is dangerous to agree on support and division of assets.

[Image of income reports]

These situations are organic.

Let us take spousal support and child support as one example. It may make sense in smaller cases where the income is predictable and both spouses have W-2 forms.

In such cases, we can look at pay stubs and those pay stubs may tell the whole story.

The more complex the income structure becomes, the less likely quick agreements make sense.

[Image of a handshake]

Questions to Ask a Divorce Attorney on the First Visit about Settlement

[Image of an approved settlement offer]

Will I have to review and approve settlement offers before you make them?

The answer to this question had better be, "yes."

The attorney should also explain to you the process of preparing settlement offers and the collaboration that takes place between you and the law office.

[Image of the divorcing parties in a negotiation meeting]

How will the negotiation process proceed?

The divorce attorney should explain to you how the negotiation process works and whether he or she intends to use correspondence, mediation, voluntary settlement conferences or other methods to attempt resolution. Not every method is proper for every case.

The divorce attorney should also explain to you whether, from a first impression, you have the kind of case that will likely settle or proceed to court.

An attorney should not hesitate to provide this to you and you should understand situations might change because you cannot predict your spouse's behavior any more than your spouse can predict your behavior.

[Image of a dollar bill and credit card]

Questions to Ask a Divorce Attorney on the First Visit About Billing

[Image of a clock labeled with a dollar sign]

What are the hourly rates for the people who will be working on my case?

You should not have to wait to review a retainer contract before you know what the attorney and non-attorney's hourly rates are for a case like yours.

The attorney should explain to you exactly what the hourly rates are. If you decide to hire the divorce attorney, what the attorney told you should match exactly what is in the retainer contract.

[Image of signed contract]

How does the retainer deposit and any replenishment of that deposit work throughout the case?

Once again, do not wait until you review the retainer contract to ask questions about such issues.

You should know the retainer deposit the attorney will need. You should know what the policies are regarding replenishment of that deposit throughout the divorce.

The attorney may not be able to answer this question for you until he or she knows enough about your case.

Therefore, you can ask this question toward the end of the first visit.

[Image of a to-do list and clock]

Questions to Ask a Divorce Attorney on the First Visit About Time Management

[Image of an attorney overwhelmed by emails and phone calls]

Do you have time to handle my case?

The answer to this question is probably yes.

That is exactly why you should ask follow-up questions.

[Image of an attorney swamped with work]

How many cases other than mine are you handling?

This is a critical question. Follow-up questions like this and others should get into the attorney's caseload and time management. Do not be shy about such issues.

If an attorney takes offense to you getting into the details of the time and attention they have for your case, that is a red flag.

The best family law attorneys do not overburden themselves or the law firm with more cases than they can handle.

[Image of a prospective client meeting with an attorney]

Are You Ready for a Strategy Session?

Now you know the questions to ask a divorce attorney on the first visit. The next step is meeting with experienced and knowledgeable divorce attorneys.

There is no substitute for legal advice from and representation by an experienced California family law attorney.

Contact us for an affordable strategy session.

[Image of documents]

We hope you enjoy our written guide on questions you should ask a divorce attorney on the first visit.

[Image of a Wi-Fi symbol]

Visit us today at [farzadlaw.com](http://farzadlaw.com).

[Image of an outline of California with three office building photos]

We have offices in Los Angeles, Orange County, and San Diego.

[Image of the U.S. Bank Tower]

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[Farzad & Ochoa logo]

California Family Law Attorneys For Good And Honest Men And Women.