

Selecting an Attorney

Podcast # 2 of 10

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ATTORNEYS AT LAW

The selection of a competent attorney with whom you are comfortable and can afford is, perhaps, the most important decision you will make in your divorce. Your selection should focus upon the three "C's": Competency, Cost and Chemistry.

A. Competency - Competency is the most objective and the easiest to determine. You must hire someone who is experienced and objectively competent in handling divorces.

Under no circumstances should you hire someone who is not experienced in divorce law simply because they are a family friend, because they are less expensive, because they have done other work for you or your employer or for any reason other than the fact that they are experienced and competent as a divorce attorney. In order to find such a person, you should access a number of sources. For example:

I. If your state certifies attorneys in specialty fields, you should see if the attorney is certified as a matrimonial or family law attorney. In New Jersey there are approximately 120 attorneys statewide who have been so certified.

II. You should access the [American Academy of Matrimonial Lawyers](#) (AAML) website. There are approximately 1,500 attorneys nationwide who have successfully passed a qualifying written examination and a peer review in order to become Fellows of the American Academy of Matrimonial Lawyers.

III. You should access the [American College of Family Trial Lawyers](#) website. There are only 100 divorce attorneys nationwide who have qualified as Diplomates of the American College of Family Trial Lawyers.

IV. You should check the attorney's rating in [Martindale-Hubbell](#). An AV rating is the highest possible rating but, in most circumstances, you should not accept an attorney who is rated any lower than BV.

V. You should access both the [Best Lawyers](#) in America and the [Super Lawyers](#) websites. These are peer review ratings which some people accept as a reliable rating service and others criticize as being simply a "popularity contest." Inclusion, however, of an attorney in either Best Lawyers or Super Lawyers does give you an indicator of how that person is viewed by their fellow professionals.

After you have focused in on several attorneys, you should visit their individual websites and read their biographies. Give consideration to whether or not they have been leaders in various professional organizations, whether they write or lecture frequently and what professional credentials they carry.

Also take the time to Google the attorney's names. You will find from that research whether or not they have written, lectured or participated in any professional activities which are worthy of inclusion on the various internet sites.

B. Cost - All divorce attorneys will charge you for their services at an hourly rate. However, do not accept an "hourly rate quote." Ask the attorney to give you a

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good faith estimate of the budget which you may expect for the completion of your case.

In addition, ask the attorney whether or not he/she will use associate attorneys or paralegals to assist on your case and, if so, at what hourly rate. Remember that if you hire a solo practitioner at a lower hourly rate, all of the work done will be billed at that lower rate. If, on the other hand, you hire a more experienced attorney at a higher hourly rate who will use associates or paralegals to more efficiently perform some of the work on your case at a reduced billing rate, the ultimate combined rate may actually be cheaper.

C. Chemistry - This is the most subjective and most difficult component to assess, but perhaps, the most important. The criteria is totally subjective; is the attorney and their personality the right fit for you. That is a very difficult decision to make and equally hard to articulate. However, some criteria which you should identify and assess are:

- I.** How did the person speak and present themselves when they were with you?
- II.** Were they attentive and respectful?
- III.** Did they interrupt your time with them to take calls or messages from their staff?
- IV.** Did they introduce you to their staff?
- V.** Was their approach and presentation to you courteous and attentive or did they appear to be overbearing or speak down to you?

It may help for you to call the attorney back after the office conference. Ask them several follow-up questions and assess how they respond. Do they remember you? Are they patient and attentive to your questions? Or, do they appear disinterested and impatient? If in doubt, the obvious answer is to go back for a second visit to be as sure as possible regarding your initial impressions.



Robert J. Durst II is Chair of the Divorce Group of Stark & Stark and is certified by the New Jersey Supreme Court as a Matrimonial Attorney and by the National Board of Trial Advocacy as a Civil Trial Attorney.

Mr. Durst is a frequent lecturer on Family Law topics, was a Co-Founder of the New Jersey Summer Family Law Institute and is currently the Co Director of the American Trial Lawyers annual Boardwalk Seminar on Family Law. His leading lectures include a nationally known presentation on the distribution of stock options, the use and distribution of life insurance, and an original series on evidence in divorce cases.