



QUESTIONS THAT YOU HAVE TO CONSIDER

BEFORE

HIRING A DIVORCE ATTORNEY

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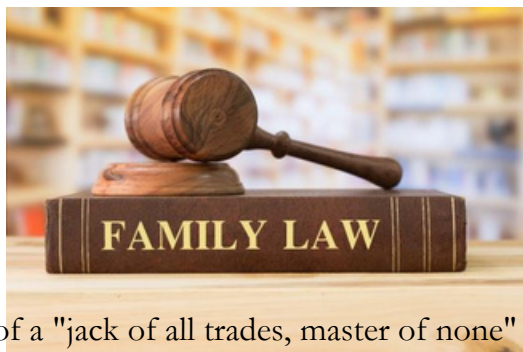
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For most people, choosing a divorce lawyer is a daunting task. You are about to embark on an unfamiliar and treacherous journey through the legal system. If you are not an Israeli native, then this journey is done through a legal system foreign in concept to you – a system that for many issues is based on your religion rather than on evaluations of fairness and justice. To make things worse you have to do this while you are in the grip of extreme emotional turmoil. Guiding you through this dramatic life experience should be a lawyer that you can trust completely and with whom you can establish a close working relationship which will continue for as long as you need (for weeks, months, and in rare cases even for years). Throughout this selection process remind yourself that all lawyers are not created equal. You can **protect yourself** by carefully considering the questions in this short booklet before making your decision and payment arrangements.



1. Does the lawyer's practice focus exclusively on family law?
You should choose a lawyer who exclusively or at least primarily practices in the area of matrimonial and family law. This is a constantly evolving, highly complex area of practice, and in your corner you need a knowledgeable and experienced lawyer who is intimately familiar with the intricacies of divorce law and family matters. You cannot leave the welfare of your children or your future financial security, in the hands

of a "jack of all trades, master of none" attorney.

2. Is the lawyer attentive when you are talking? It's crucial to have an initial face to face consultation with any potential lawyer before signing a written payment agreement. An initial consultation is a golden opportunity to assess whether the attorney will treat you with compassion and dedication or whether you are just going to be another number in a book and a faceless file stuck in a corner in his office. If the lawyer is checking his emails, typing away, and on his telephone or taking other calls during your meeting, you really should think about going elsewhere. Remember, whatever you pay for an initial consultation fee will be small potatoes compared to the total fee – and you are better off leaving earlier and writing off a smaller consultation fee rather than either being stuck later or worse having to retain another attorney if the lawyer is not attentive towards you.



3. Does the lawyer return your initial consultation fee in the event that you retain him? On the one hand, an attorney's time is his stock in trade – i.e. he makes his living by selling his time and expertise. On the other it can get very expensive to visit attorney after attorney evaluating which attorney you should be using. Only an attorney who does not value his time will be able to take initial consultations for no fee on a regular basis. Instead, what most reputable attorneys will usually do is to spend ten to fifteen minutes talking to the potential client on the phone, and then, if they think that the conversation sounds like it will lead to a case that fits their firm's clientele, is to invite the potential client in for a paid initial consultation. Ask any attorney who invites you in for a paid consultation if he refunds the consultation fee in the event you retain him. If he doesn't, then he may just be using the consultations as a "money leader" without doing any real evaluation of the potential of the case beforehand. You do not want an attorney who is unwilling even to do preliminary work to be the one representing you on your day in court.

4. Does the lawyer have an office policy insuring the timely return of phone calls? Communication between attorney and client is a key in any divorce action. A lawyer should be reachable by phone and email. Unfortunately, clients' main complaints against divorce lawyers are that the lawyers fail to respond in a timely manner to emails, telephone calls or other communications. Ask any lawyer you consider retaining whether there is an office policy regarding the prompt return of phone calls and emails. If he hesitates, there likely is no such policy and you will be frustrated to no end in trying to get in touch with him or her.



5. Is the lawyer selective in accepting cases? Does the lawyer you are considering accept every client that walks through the door? Or does his or her practice consist of fewer, but select clients? In order to provide dedicated and comprehensive service an attorney owes it to existing clients to be highly selective and accepting new matters, make sure that this is the case with your attorney.

6. Is your personality compatible with your lawyer's personality? In order to work effectively with your lawyer, you have to be comfortable with him or her. Make sure that the lawyer you are retaining is someone that you can talk to, that you can listen to, and that you will be able to share the most intimate details of your life and finances without feeling threatened in any way.



7. Does the lawyer treat you with compassion and empathy? Make sure the lawyer treats you as the unique individual that you are. A good lawyer will be eager to listen to your marital history and will make sure to fully understand your priorities and your objectives without being in a rush to simply categorize you and hurry you out the door.

8. Is the lawyer proactive? You should hire a divorce lawyer who is able to provide you with a plan of action. This attorney should listen to you and then take charge.

~~REACTIVE~~
PROACTIVE





9. Will the lawyer be involved in your case personally? If your case is also handled by an associate or paralegal when will your attorney be involved? You do not want to go to a firm where you meet the attorney at the initial meeting and then never see them again. While it is understandable that in successful law practices there is the lead attorney on a case and then associates doing the legal "grunt work", you must be satisfied that any staff member working on your case is competent and experienced. You must know when and how you will be in contact with the lead attorney, even though you may be in contact with the associate attorney for much of the day to day interaction. This is essential.

10. Is the lawyer willing to attempt and negotiate settlement on your matter? Only a very small percentage of divorce cases actually go to trial. The vast majority of cases are settled, some on the court house steps on the very day of trial. A good attorney knows that there is no court winner in a divorce or custody trial. If it's left unchecked, the process can be emotionally and financially devastating to both sides. Your attorney should therefore make every reasonable effort to negotiate a settlement on your behalf - while at the same time diligently prepare your case for the potentiality of the trial. Cases are settled when the lawyers are both prepared and dedicated.



11. Is the lawyer willing to educate you and to answer your questions? Your divorce lawyer must be a good communicator and be willing to answer all your questions. Any skilled divorce lawyer knows that educated clients are better equipped to make good and informed decisions with regard to their and their family's future.

12. Is the lawyer assertive without being arrogant? Many people make the mistake of looking for divorce lawyer that will be "pit-bull". In hiring a divorce lawyer remember that louder, does not necessarily mean better. A good attorney will not feel the need to compensate for a lack of skill by being obnoxious. A good attorney will aggressively and effectively advocate for you, but without an ego that squeezes the air out of any room.





13. Is the lawyer being honest with you? Or are you being promised the sun, the moon and the stars? Be very wary of any lawyer who guarantees a specific result in your divorce case. All litigation is risky and can be influenced by present circumstances, future developments and the decisions and the attitude of the judge. Every case has strengths and weaknesses and your lawyer should be able to point out both. You can trust an attorney who tells it like it is, and who is candid with you about your chances of getting a particular outcome. You can't trust an attorney who simply tells you what you want to hear.

14. Does the lawyer underscore that your children's best interests are your highest priorities? No parent should ever use his children as pawns in a divorce action. Your children's welfare and best interest should be your paramount priority. Any good lawyer will understand and support this objective and will caution you that manipulating your children will be devastating to them personally.



15. Does the lawyer present himself or herself well? If you are put off by the lawyer personal grooming and dress, behavior, or language, then chances are that the judge and the opposing counsel may be also. If a lawyer's office is a mess of dirty pizza boxes, dirty clothes, and legal documents that he or she prepares on your behalf; it is likely to reflect that the work product on your case, will not be thoughtful, cogent and organized either. You want an attorney who cares enough to present him or herself, the staff, and the office in a professional manner.

16. Is the lawyer able to utilize the latest technology? In this day and age your lawyer should be up to date on the latest technological developments. Your lawyer should understand how computers, the internet are changing communications, relationships and society. If a lawyer has chosen to remain blindly old school about technology, do you think he or she cares enough to stay up to date with the latest developments in the law?





17. Does the lawyer speak your language and understand the mentality and culture you are coming from? Here in Israel, I would not call ourselves a melting pot like in the U.S., but I would call us a salad. We have different groups of people that stay mainly in the same ethnic and or social types of groups that they stayed with in their home countries. This is because such a large number of us are immigrants who have moved here from other countries. You really have to make sure that your attorney has an understanding of where you are at. Not only in terms of language, also in terms of mentality.

18. Does the lawyer provide you with free information about the law? The days of monks being the only people able to read are over. You do not want to work with a person who tries to hoard information to him or herself. When that occurs, what can happen is that the attorney may end up making decisions in your case which are not in your or your family's best interest. This may be because the attorney is just not cognizant of all of the issues relevant to you, or worse – may be because the attorney's interests conflict with yours (i.e. the attorney wants the case to be over so that he or she can move on to the next file...). You want to work with an attorney who understands that a well-informed client is the type of client who will make the best decisions about his or her own personal future and his or her family's future. Most attorneys are busy people and may not be able to spend a lot of time with every client to go over every potential eventuality in a legal case – but they should be able to provide the client (or potential client) with guides, books, audio and / or video files, and other information that will give the client the information needed to make an intelligent decision when the time comes.



If you need to hire a divorce lawyer, you really have to be sure to do your homework and to consider these questions before signing a retainer agreement

In closing, the last thing you need during your divorce case is to waste your precious energy, money and time in disagreements with your lawyer. So, be sure to hire the right lawyer from the start and save yourself the agony of lost time, big bills and endless frustration.



Jay Hait has been practicing law in the U.S. and/or Israel for nearly twenty years. When in the United States, Jay had a boutique securities related practice in New York City. When he moved to Israel with his family in 2004, Jay initially flew back and forth and continued to practice securities law in the United States. After going through an ugly divorce in Israel, with ancillary divorce litigation both in the United States and Israel, Jay was awarded custody of his three minor children (then 10, 7, and 4). Jay realized that despite the archaic family law system in Israel, there had to be a better way to get divorced than the process he had gone through, and opened a law practice in Israel focused on family law.

Today Jay's practice focuses on family law issues for the Jewish Anglo Saxon community in Israel, with affiliated offices in Tel Aviv, Haifa, and Jerusalem, and local intake offices in most areas with large Anglo communities. Jay and his staff pride themselves on helping people from western countries navigate through the seemingly archaic intricacies of the Israeli family law system.