

# FAQS ABOUT HIRING A DIVORCE LAWYER

If you are thinking about a divorce, you may wonder whether you can handle it yourself, whether the two of you can use one lawyer, or whether you need to hire the meanest lawyer in town.

These FAQs give you the answers.

## DO I REALLY NEED A LAWYER? CAN'T I JUST DO THE DIVORCE MYSELF?

It may be possible to handle your own divorce, but in most cases, it's not a good idea. Do-it-yourself divorces are best reserved for situations in which (a) the marriage is of short duration; (b) the parties have no children; (c) the parties own no real estate and little other property; (d) both spouses are capable of supporting themselves; (e) they agree on how to divide their property and debts; and (f) the spouse handling the divorce is good with details, deadlines, and paperwork. Even if you fit into this category, you may want to hire an attorney to look over your final agreement.

## MY SPOUSE ALREADY HAS AN ATTORNEY. DO I NEED TO GET ONE AS WELL?

One attorney cannot represent both you and your spouse in a divorce, even if the divorce is amicable and you and your spouse have agreed on everything. Ethical rules that attorneys are obligated to follow do not permit an attorney to represent opposing parties in any kind of case. This is called a conflict of interest. Your spouse's attorney has a duty to look out for your spouse's best interests, not yours. Even if you think the agreement you have reached is fair, it may not be and you can benefit from having your own attorney review it. Of course, you can always represent yourself, but if your spouse is represented that is probably not a good idea as you will be up against a professional with far superior knowledge.

## MY SPOUSE'S LAWYER IS SUPPOSED TO BE A REAL SHARK. DON'T I NEED TO FIND A REALLY TOUGH LAWYER WHO WILL STAND UP TO HIM?

Yes, you want a tough attorney, but don't confuse toughness with lack of cooperation. You don't want an attorney who refuses to cooperate with your spouse's lawyer in scheduling meetings or exchanging documents. Nor do you want an attorney who refuses to negotiate on anything or advises you never to compromise. An attorney shows toughness by (1) telling you the truth about your chances and helping you develop realistic goals; (2) negotiating vigorously with your spouse's attorney to achieve a fair settlement that you and your spouse both can live with; and (3) being prepared and professional in court. An attorney who does not cooperate with your spouse's counsel will only increase your costs, exacerbate the hostilities between you and your spouse, and drag out your divorce.

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