

Initial Consultation Questionnaire

Provided by The Modern Woman's Divorce Guide ~ www.moddivorce.com

Use this Questionnaire during your initial consultation with family lawyers. Ask the questions listed below and any others that you think of. Don't be intimidated or embarrassed to ask tough questions; y – you need answers to understand your legal rights and choose the lawyer best suited to your needs.

Conflicts of Interest

1. Do you know my husband? If so, please explain your relationship.
2. Do you know my husband's business partners or associates? If so, please explain.
3. Do you know my husband's lawyer? If so, explain your relationship with and opinion of him.

Lawyer's Experience and Practice

1. How long have you been practicing law in this state?
2. How long have you been practicing family law?
3. Are you a Certified Family Law Specialist? If so, by whom are you certified?
4. What percentage of your practice is devoted to family law?
5. How many family law clients or cases do you currently have?
6. Do you handle all aspects of divorce including child custody issues and disputes?
7. What percentage of your divorce cases go to trial?
8. Are you familiar with the family court judges in our city? If so, please explain.
9. Are you willing to go to court or trial if necessary?
10. If you aren't willing to go to court, what happens if my case requires hearings or a trial?
11. Are you willing to settle cases or do you always go to trial?

12. What percentage of divorce cases do you settle?
13. What percentage of your cases settle before trial? During trial?
14. How do you feel about mediation?
15. Would you be willing to submit my case to mediation, if appropriate?
16. Do you provide clients with a written retainer agreement?
17. What are your normal office hours?
18. How do you communicate with your clients during a case? How frequently?
19. What is your policy for returning telephone calls and e-mails?
20. What is your normal procedure for handling after-hour emergencies?
21. Do you carry malpractice insurance?

Legal Fees and Payments

1. What is your hourly rate?
2. Do you use minimum billing or block billing? If so, explain.
3. What is your retainer fee?
4. Do you accept credit cards or monthly payments?
5. How much do you estimate my divorce will/could cost?
6. Will my husband be required to pay any of my legal fees?
7. Can I withdraw money from a joint account to pay my divorce retainer?

8. What happens if my retainer fee runs out before my divorce is finished?
9. What happens if I can't afford to pay you completely during the divorce process?

Divorce Laws and Procedures

1. What is the normal process for a divorce in this city and state?
2. What are the grounds required for divorce in this state?
3. Do I have the grounds for divorce? If not, can I establish them? If so, how?
4. What type of evidence do I need to prove grounds for divorce?
5. Do I have evidence to prove grounds for divorce?
6. Can I get divorced without going to court? If so, how?
7. Can I get divorced if my husband doesn't want a divorce?
8. If my husband is in the military and stationed overseas, can we get divorced?
9. Is the divorce process different because my husband is in the military?
10. How long do you estimate my divorce will take?
11. Is there anything I can do to speed up the divorce process? If so, what?
12. When can I file for divorce?
13. Should I file for annulment or legal separation instead of divorce? If so, why?

Spousal Support (Alimony) and Other Money Matters

1. How is spousal support calculated?
2. Am I entitled to receive or required to pay spousal support?
3. If I'm entitled to receive spousal support:
 - a. How much will I receive?
 - b. When will the payments begin?
 - c. How often will I receive payments?

- d. When will the payments terminate?
4. Can I withdraw money from our joint bank accounts without my husband's knowledge?
5. Can I close our joint credit cards and equity line without my husband's knowledge?
6. How should we pay our joint bills after I separate from my husband?
7. If I pay our joint debts after separation, will my husband reimburse me?

Child Custody, Support and Related Issues

1. How is custody and visitation decided?
2. If I move out and leave the children with my husband, will it affect my custody rights?
3. What happens if we don't agree on child custody and visitation rights?
4. Does custody and visitation effect child support payments? If so, how?
5. How is child support calculated?
6. Am I entitled to receive or required to pay child support?
7. If I'm entitled to receive spousal support:
 - a. How much will I receive?
 - b. When will the payments begin?
 - c. How often will I receive payments?
 - d. When will the payments terminate?
8. If I'm entitled to receive child support, how much will I receive?
9. If I'm entitled to receive child support, when will the payments begin and how long will they last?
10. Will my husband be required to carry health insurance for our children?
11. Will my husband be required to pay our children's private school tuition during the divorce? After the divorce?
12. Should I start keeping any records about our children's activities or time spent with my husband? If so, which records should I keep?

Property Issues

1. Should I move out of our house?
2. Is there anything I should do before moving out of our house?
3. If I move out of our house should I take the children with me?
4. If I move out of our house will it affect my right to keep the house after the divorce?
5. Should I ask my husband to move out of our house?
6. Can my husband be forced to move out of our house?
7. Can I change my will and trust documents? Should I?
8. Can I change the beneficiaries on my accounts? Should I?
9. Can I change the title on our joint property? Should I?
9. If I signed our prenuptial on the day of our wedding, is it enforceable?
10. If my husband tore up our prenuptial agreement after marriage, is it enforceable?
11. If my husband told me after marriage that he was revoking our prenuptial agreement, is it enforceable?
12. If no copies of our prenuptial agreement exist, is it enforceable? If it were enforceable, how would the terms be proven?
13. Is a prenuptial waiver of child support enforceable? Please explain.
14. Is a prenuptial waiver of spousal support enforceable? Please explain.
15. Can I negotiate a divorce settlement that differs from the terms of my prenuptial agreement?

Prenuptial and Post-nuptial Agreements

1. Have you ever represented women who signed prenuptial agreements? If so, approximately how many have you represented?
2. Have you ever represented men who signed prenuptial agreements? If so, approximately how many have you represented?
3. Generally speaking, please describe your cases involving prenuptial agreements and identify which spouse you represented in each case.
4. Have you ever successfully challenged prenuptial agreements? If so, please describe the legal reasons for your success.
5. Are you willing to challenge my prenuptial agreement if valid grounds exist?
6. What are valid grounds for challenging a prenuptial agreement?
7. If our prenuptial agreement was handwritten is it enforceable?
8. If I signed our prenuptial agreement without talking to a lawyer, is it enforceable?

Disclaimer: The contents of this document should not be used as a substitute for competent legal advice from a licensed lawyer, doctor or therapist. Please consult a licensed lawyer, doctor or therapist who is familiar with your case and your state's laws.