

Can't Afford To Hire An Attorney For Your Entire Case? Divorce Coaching May Be Right For You.

By Amy A. Edwards

The Problem

When a couple separates, one or both spouses might consult with an attorney only to find out an attorney representing him or her in the traditional way is out of the question. In years past, many people had the ability to take out home equity lines of credit or seek a personal loan to meet the other person on equal ground in the courtroom. However, in this economy, jobs are less secure and fewer people are able to qualify for loans that would enable someone to hire an attorney for full service representation. Real estate is no longer easily and quickly sold, even when both spouses agree their property should be sold and the sales proceeds divided. As a result, many people are navigating the court system *pro se* (Latin for representing yourself).

The Options

The traditional way family law attorneys have served clients was to handle all of the case, giving advice, filing court documents, handling discovery and depositions, participating in mediation, and concluding the case in front of a judge, followed by the task of preparing an order for the judge to sign when the trial ends. Those who cannot afford the traditional representation might benefit from non-traditional representation, which I call divorce coaching. Think of the divorce process as a restaurant. Rather than being seated and having your menu selection automatically grouped and delivered to your table, divorce coaching is more like a buffet where you might only choose a meat and one side dish instead of the soup, salad, bread, a main course that includes two side dishes, and dessert.

The Expectations

Representing yourself in family court can be daunting. You are faced with a judge who expects you to be mindful of the rules and ready to proceed in a trial, knowing the important things you want to testify about and cross examining the other party. Divorce coaching is a practical way to represent yourself with some help. As long as the attorney and the client are clear at the beginning of the process, agreeing on exactly what services are to be provided, it can be very flexible because the client chooses what services he or she wants. At our firm, I usually charge an hourly rate to handle divorce coaching.

Divorce Coaching

Common examples of divorce coaching include an attorney preparing legal documents for the client to sign and file, or consulting with the client about the evidence rules when

he or she is testifying, such as hearsay or doctor-patient privilege. Other times, clients have their own detailed needs in mind when they choose divorce coaching. I have had clients who want to know what the rules are for family court and how to respond to subpoenas or civil discovery. Under some circumstances, an attorney may be hired to represent a client for a specific event, such as mediation.

A good attorney can give you insight about the overall system, including certain "pet peeves" of the judge or opposing counsel's routine manner of trying cases. Fortunately, in Pitt County, many of the family law cases filed each year are settled in mediation. If all matters cannot be agreed upon in mediation, the parties may agree on some. For example, people might be able to agree on the division of their property but not on child custody. The parties may jointly choose their mediator, and their choice of mediators makes a big difference. An attorney can give you the bird's eye view of which mediator might be best for your case, and you can take it from there.

Some of the most important tasks a family law attorney performs are retirement division orders, often known as QDROs (qualified domestic relations orders). Pension plans are very complex, and are often the most valuable asset a family has. Not only do QDROs and other similar orders address survivorship benefits, they address when a spouse or former spouse may receive benefits, vesting, cost of living increases, taxes and fees associated with the distributions, and special time limits that must be observed. On top of that, there are state laws that must be observed, as well as federal laws for these orders, and more rules for federal employees and military members. These orders can be slanted to the benefit of one person if the other person does not understand the benefits and risks at issue. If the judge has made a ruling on a litigant's pension and a QDRO or some other order is required in order to divide retirement, advice from a family law attorney about this valuable asset and the order that divides it is time well spent.

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