

Hiring an Attorney: Screening Questions

Choosing an attorney can be an arduous task, here are some questions that may help with the process. Remember you have the right to interview any potential attorney

1. General Questions about Divorce or Custody Cases

- Have you or any members of your firm ever represented my former partner or anyone associated with him?
- Do you handle divorce or custody cases? How many of these cases have you handled?
- How many of them were contested?
- How many of them went to trial?
- Did any of the cases involve expert witnesses?
- How many were before the judge(s) who will hear my case?
- What kind of decisions does this judge usually make?
- Have you ever appealed a case, and if so, what was the issue appealed? How many of these appealed cases did you win? (Remember that even excellent attorneys lose cases.)

2. Questions about Attorney Fees and Costs

- What are your fees? What work do these fees cover? Is this an hourly fee or a flat fee for the entire case?
- Is there an additional charge for appearing in court?
- Do you ever charge less for people who do not have much money?
- Do you charge a retainer? How much? What does it cover?
- Do you refund all or part of the retainer if my case ends up being dropped or doesn't take much time? (Attorneys should be willing to refund any part of the retainer not spent.)
- Are there other expenses that I may have to pay? What are they and how much are they likely to be?
- Will you be the only person working on my case? What will other people do? How will I be charged for their work? Will I be charged for speaking to your secretary? Your receptionist?
- Are there ways that I can assist you so as to keep down my costs?

- Will you send me copies of letters, documents and court papers that you file or receive regarding my case?
- Do you charge extra if the case gets more complicated or we have to go back to court?
- Will you require that I pay everything that I owe you before you will go to court with me or finish my case? (Many attorneys do this. They may also refuse to return your original papers or copies of your file, and in some states this may be legal. Therefore you should insist on getting a copy of any paper filed with the court, or given or received from another party or otherwise relevant to your case. Be sure to keep all of them in a safe place, in case you ever need them.)
- Are you willing to work out a payment plan with me?
- Will you put our agreement in writing about fees and what work you will perform?

3. Questions about Cases Involving Domestic Violence

- How much experience have you had with cases involving domestic violence? Which party did you represent (the victim, the abusive partner or the children)?
- Do you generally believe women who tell you that they have been abused?
- Do you go to court with women wanting to obtain orders of protection against their abusive partners?
- How sympathetic to abused women is the judge who will hear my case?
- What are the laws of this state regarding which parent should be given custody when one parent has abused the other parent? Does the judge who will probably hear my case follow these laws? What does he/she usually recommend?
- What do you think about joint custody awards in cases involving domestic violence?
- What do you think about mediation in cases where there has been domestic violence?
- Do the expert witnesses likely to be involved understand the need to protect abused women and children?
- What kind of custody and visitation arrangements do they usually recommend in cases involving domestic violence?
- Do the judges usually follow their recommendations?
- Do you have a working relationship with the local abused women's program? With whom have you worked?
- Do you have a working relationship with any intervention programs? Which ones?
- How helpful is the local prosecutor in handling domestic violence cases?

4. Questions about Contested Custody Cases

- Do you usually believe mothers who tell you that their children's fathers have physically and/or sexually abused the children?
- How do you handle cases where parental alienation syndrome is alleged? (This is a popular theory that blames mothers for turning their children's affection against the father, most often in cases where the father has abused the mother or the children. The American Psychological Association says there is no scientific basis for this theory.)
- How do the custody evaluators you work with feel about cases where the father has abused the children? Do they usually believe a mother's statements about the abuse? What kind of custody and visitation recommendations do they usually make?
- How does the judge who will probably decide my case feel about cases where the child's father has abused the child? Do they believe mothers who have made reports about the fathers' physical abuse of the children? About the father's sexual abuse of the children?
- Will someone be appointed as an advocate for the children, and how will that person feel about the father's physical and/or sexual abuse of the children?
- Will it matter if the child protective service agency has substantiated the abuse? If the father was convicted or pled guilty to the abuse in the criminal case? What do you do to protect children in cases when you know that their father is abusing them? Are you willing to stand up for my case, even if it angers the judge?
- If none of the abuse allegations have been made public yet, what do you recommend about whether and how to raise them publicly, and how to keep my children safe?