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## **REDUCING ATTORNEY'S FEES IN DISSOLUTION CASES**

There are certain unavoidable situations that may arise and while processing your marriage dissolution. These situations may require extensive hearings, pleadings, or other work by the attorney and staff. For example, if your spouse refuses to negotiate or follow court orders, you have no choice but to take legal action in response. This process is both expensive and emotionally wearing. However, you can reduce your attorney's fees by following some simple rules:

1. Remember that telephone calls to the attorney and staff usually are chargeable time at their respective hourly rates. Usually, the paralegal or legal secretary will be able to answer questions on the status of service, court filing, billing, procedures, or to relay information at a much lower cost than a call to the attorney.

2. Keep in mind that KIRK & SIMAS' services are primarily legal. While the attorney needs to thoroughly understand the emotional nature of your interaction with your spouse, his or her primary job is to be your advocate. If at you are feeling especially stressed emotionally, consider seeking counseling from a professional specializing in family counseling. This is usually money very well spent.

3. Participate as effectively as you can in your own case. KIRK & SIMAS will request that you obtain as much of the information and documents for your case as is possible. This will help us with properly and expeditiously handling your case. ***Please keep in mind that if we ask you to return information to our office by a certain date, it is because we need time to prepare this information in a final form.***

4. Organize your case documents in your own file and bring them to all conferences and hearings. This way, you and the attorney handling your case will be "on the same wavelength" when settlement negotiations are attempted. It will be beneficial to have a full set of the papers to refer to at all times.

5. Keep an open mind towards settlement. Judges often dispose of cases in ways which disappoint one or both parties, and therefore it almost always is best to negotiate a settlement between the parties. As soon as we have enough information, your attorney will seek your authority to negotiate a settlement.

6. If you have children, it always is best to work with your spouse to come up with a parenting plan. Keep in mind that you will be co-parenting with your spouse at least until the youngest child turns 18. Working with your spouse to parent your children not only reduces attorney's fees, but also lays a solid foundation for future parenting decisions. For parties who cannot agree, consider attending mediation to work out your differences with a third party's help. It is a free service you will be required to use before any hearing on a contested child custody or visitation issue.

7. We will do our best to explain your case's progress at each step of the way. Please ask for clarification immediately if you do not understand something. Do not be shy.

8. Household Effects, Furniture, and Appliances: The value assigned to household furnishings and appliances is one area that you can limit the attorney's involvement, if dealt with logically.

As you know, furniture and household goods depreciate in value rather rapidly. The attorneys have no idea of the items' value. A used furniture person will give you a "lot" sale value, which is usually less than full market value. Items sold at a garage sale will probably be valued nearer their fair market value.

Here are a few suggestions for you to consider:

A. Separately list every item of household effects, furnishings, and appliances. Make two complete lists: One list of the items that are in your possession, and one list of the items that are in your spouse's possession. Do not list every pot and pan, knife and fork, unless there are some exceptionally expensive items. These are simply listed by category such as "cooking utensils." Do list the major appliances used in the kitchen.

B. After each item listed, set a value. The value should be the price that you would accept as a credit against your community property share, or as a charge against your spouse's community property share. For example, assume you are trying to determine a value for a refrigerator. If you value it at \$200, this means either (a) you accept the refrigerator for a charge against your community asset share at \$200, or (b) you will give the refrigerator to your spouse for exactly that price, for a charge against his or her community property share.

C. If you and your spouse cannot agree to a value, there are some alternatives:

(1) Sell all the furniture and furnishings and divide the proceeds;

(2) Make a list of all items of household effects, furnishings, and appliances. Flip a coin to see who goes first, and then each party alternately chooses one item from the list. By this method, the items are approximately evenly divided;

(3) You and your spouse could bid on each item in turn. Using the refrigerator as an example, you may bid \$100, and your spouse may bid \$200. In that case, your spouse gets the refrigerator and is charged with \$200 towards his or her share of the community estate. After the bidding is over, the figures are then totaled up, and it can be determined whether one party owes the other party something on account of an unequal division.

One final note: In cases where children are involved, it is best to consider their furniture, toys, bicycles, camping equipment, sporting equipment, etc., as belonging to the children. Those items should go with the children, and whichever party has custody of the children should not be charged with the value of those items.