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DEPARTMENT

DIVORCE CLIENTS

Divorcing Clients' Expectations

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Sally and Harry agree

- My lawyer rushes me and isn't very understanding.
- I hired a shark and he/she seems to have capitulated.
- Why do I meet with the associate?
- My lawyer never calls me back.
- I'm hemorrhaging money.

Sally also thinks that

- The lawyer told me:
 - I can keep the house and get half of the 401(k).
 - I'm 50 now and I'll start Social Security next year.
 - I don't understand what he/she said.
 - I thought I'd get alimony forever.

Obviously there is a reasonable explanation to each of these

complaints; however, the client either was never told the reason or, more likely, they were so distraught they don't remember the answer.

Understand how your client likes to receive information.

Regardless of the reason, the issue can be easily handled by establishing expectations from the beginning.

- **Communications and Responsiveness.** Discuss

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the clients' communication style. Both the clients' level of frustration and your time will be minimized by understanding how your client likes to receive and process information. Preemptively tell them you're often in court and may not get back to them right away.

- **A Plan and Expectations.** Give the client an overview of how the process works. Divorce is the breaking of a contract, and there are laws in place to deal with the dissolution. Be sure to stress that neither of them will get everything they want – it's a negotiation.
- **Circle of Support.** You have a team in place, and the most efficient and economical way of helping the client is to have each professional deal directly with them to explain their expertise and help strategize a suitable settlement.

On the team level, with the client's permission, it is important for the team to communicate with each other and come up with a solution that makes sense legally, financially, and emotionally.

Bringing the client full circle back to a rational functioning adult takes time, effort, and empathy.

The attorneys who have the ability and the team behind them to help the client through one of life's more stressful experiences will not only be more successful but, more importantly, less stressed themselves.

Harry:

I went to a lawyer my friend recommended and I really liked her. I

picked a woman so Sally would feel more secure. I told her Sally doesn't have a clue and trusts me so she'll take whatever I give her.

WHAT'S A LAWYER TO DO?

It is always important for you to realistically handle your client's expectations. Many attorneys have built a team of specialists to help achieve the best settlement for their client as well as help manage their expectations. The model that I call the "Circle of Support™" allows the client to hear the same information from the perspective of each modality, thus reinforcing both the information and the reality of the outcome. Obviously, the more complex the case the larger the team, but I have listed some typical team members:

- Therapist – Granted, it's important for the attorney to be aware of the client's emotional state, and hear the story but the attorney clearly is not trained to help the client navigate through the emotional trauma a divorce usually causes.
- CPA or Forensic CPA – Typically, the CPA will evaluate a business to determine how to value it for purposes of division of its worth. In cases in which a more in-depth analysis is required, a forensic accountant may be required.
- Certified Divorce Financial Analyst (CDFA) – This is a financial advisor, often times a certified financial planner (CFP), who has had additional training in the tax aspects of divorce.

An important recommendation that most CDFAs suggest is to get an annual complete credit report from all three bureaus. A legitimate source is *www.annualcreditreport.com*. In addition, an added benefit is that the majority of CDFAs also have investment experience and can evaluate portfolios. It is a rare but nice addition to have a CDFA who is also a Certified Financial Transitionist (CeFT). These professionals are CFPs trained to help with the emotional and physiological aspect of a sudden change of financial circumstances.

- Mortgage professional – This person can determine whether or how to refinance the mortgage (if they qualify) after a credit check has been done.

BACK TO EXPECTATIONS

Managing expectations is an important aspect of any case whether it is mediated, collaborative, or traditional. In mediation and collaborative cases the team is neutral whereas in the traditional setting the team serves as an advocate. Regardless of the model, however, the goal is the same: workable settlements and content clients.

As a Certified Divorce Financial Analyst and Certified Financial Transitionist I often meet with clients at various stages of the divorcing process. I often hear repetitive complaints.

Every divorcing client enters your office with anger, fear, emotional baggage, and generally

unrealistic expectations on the outcome of the divorce. The initiator of the divorce is most likely light years ahead of their spouse in terms of how they envision their future – be it alone or with a new love – while the one left behind is shell-shocked and frightened.

Every client has anger, fear and emotional baggage.

Although the following dialogues are a composite, I'm sure at least one of your clients pops into your head.

Sally's point of view:

Oh my God, he has a girlfriend! He's leaving. I gave that man 25 years of my life and he's leaving me

for some little chicky! I'll fix him. Cold-water flat, and she can cook him baked beans on a hot plate. I don't want to move. The kids – what do I tell them? The neighbors, oh the neighbors, what will they think? How will I live? I don't even know what we have or what it's worth! Oh my God, I'm going to be a bag lady!

Harry's point of view:

Whew! It went better than I thought. Am I lucky, Jane is 25 years younger than I am. She's pretty, she's vivacious, and she's everything Sally isn't. I bet if I just give Sally the house (Jane doesn't want it), I can keep my 401(k). After all I worked for the 401(k); I deserve to keep it all. Sally hasn't a clue, so anything I give her will be fine, and I can be happy at last.

Introducing Reality

The names may change and the reason for the divorce may change but the emotions are the same. The one leaving thinks everything will be rosy, and the one left behind is devastated.

Each client arrives on your doorstep with very different emotions and very different expectations. Unfortunately, their emotions generally are not in tune with their ability to listen, absorb, and rationally make the necessary decisions. Your job is to redirect those expectations and emotions and to repackage them to fit into the divorce laws of their state, which can take several meetings to achieve.