

# Should You Change Divorce Attorneys?

[\(provided by Paul L. Feinstein, Esq.\)](#)

Your divorce is the most important financial transaction of your life. There are times when it appears that the case is never going to end and that you have lost confidence in your lawyer. It is important to know whether or not you should change lawyers and if so, what to do.

There are certain things to look for to determine whether or not you have the right attorney. That could be summarized as follows:

- Don't be upset with your lawyer if you lose a hearing, nobody wins them all. Do be upset with your lawyer if he or she is unprepared for the hearing.
- Don't be upset with your lawyer if he or she forgets a detail about you or your case or cannot answer a legal question. Lawyers are human. Do get upset if this becomes habitual.
- Don't get upset if your lawyer takes an occasional vacation. Do get upset if the lawyer is commonly unavailable for any purpose. Understand however, that most good lawyers are in court a good deal of time.
- Don't get upset if your lawyer is occasionally late for court or a meeting. Do get upset if this becomes common. Some lawyers simply have more cases than they can handle and are literally putting out fires on a daily basis. You don't want to be one of the fires.
- Don't get upset if your lawyer refuses to "hold your hand" constantly. You may simply be demanding too much non-legal service from him or her. Do get upset if the lawyer obviously has no interest in you or your case.
- You want a lawyer who is confident in his or her ability to try a case. You don't want a lawyer who promises they will "get" your spouse and loses perspective. Your case is about your life, not your lawyer's ego.

If you do make the decision to change lawyers, there are number of things you need to know:

- You need to ask the new lawyer how she or he will get your file from your old lawyer.
- You need to know how to handle any outstanding legal fees or overpayments made to the first lawyer.
- You need to let the new lawyer know of any and all court, deposition or important other dates so that lawyer can get ready for you.

Then you need to get your new attorney the following information (some you will know, some needs to be obtained from the first attorney):

- Who is the judge?
- What has been done and what remains to be done on discovery?
- Are there any discovery or filing deadlines?
- What is your personality and what is your spouse's personality?
- What is the status of settlement (particularly, have any offers been made)?
- What are you looking for in the case and why has the case not settled?
- Have any depositions been taken and if so, where are the transcripts?

- Are there any unusual issues in the case?

Keep in mind that your lawyer is not a mind reader. You need to let him or her know what you want in the case and then you should ask for an honest opinion as to whether or not your requests are reasonable. The only measuring stick for whether a case should be settled is, what are you likely to get after a trial.

**Information provided by:**

Paul L. Feinstein, Esq. located at

<http://www.divorcesource.com/IL/pages/pfeinlaw.html>