

CHOOSING A LAWYER

Experienced Fairfield, Connecticut Attorney

No matter what type of legal issue you are facing, it is important to have a qualified lawyer on your side who understands the law and who cares as much about the outcome of your case as you do. At the law firm of the [Law Offices of Brian G. Winter, LLC](#), we represent clients throughout Fairfield and New Haven Counties, in a variety of legal cases.

One of the most difficult decisions a person makes is finding the right lawyer. When an individual first goes to an attorney it is usually during a time of crisis. This is especially true in the area of matrimonial law.

When searching for a lawyer, first look to friends, co-workers and relatives for referrals. People who have previously been through the issues you are facing are a good starting point. By relying on the recommendation of people you trust you can get some insight into the how the attorney interacts with their clients. Rapport is very important during a difficult time. Keep in mind; the facts of each and every case are different. Therefore, no two people's cases are identical and results may vary.

I do not recommend merely choosing a lawyer because you like their advertisement in the yellow pages or their website has great bells and whistles. After all, would a person choose a heart surgeon in this manner? A divorce is not a matter of life and death, but its outcome can have repercussions and affect you and your children far into the future. Instead, when choosing a lawyer, beyond the conventional and basic qualifications, i.e., law school attended, work history, experience in a particular field, you should look for a lawyer who is compatible with your particular personality. Remember legal actions, especially divorce actions, are not resolved quickly. Therefore, you will most likely be represented by the attorney for an extended period of time.

Be aware that while you are interviewing your prospective lawyer to see if they meet your particular qualifications, it is common place that lawyer is interviewing you as well. Both sides are attempting to see if there is compatibility and if they can work together. The lawyer is paying special attention to whether you will be amenable to following their advice and also determining the type of witness you will make. Although this is an emotionally charged time, it is important to follow the advice of a professional. You will fare better with a problem solving focused approach as an opposed to an emotional one.

Keep an open mind during the interview. Use the time to find out as much as you can about the legal process. This is the lawyer's area of expertise, not yours. Find out how the legal process works. Understand how to get into court to have issues resolved, which includes the timetables for achieving results (financial issues and custody and/or visitation).

Before the meeting, take the time to write out your questions so that your intentions are clear. Always provide lawyers with all pertinent facts. Do not pick and chose what you believe is important. A lawyer cannot give an informed opinion on any issue unless given a full and complete history. By preparing a list of questions beforehand, you will make the most efficient use of time during the initial consultation. I also recommend preparing a brief marital history. In addition, the more forthcoming you are with information during the consultation, or in general during the divorce proceedings, the less time the attorney will have to spend dealing with issues of which they were not aware. This may save you both time and money as the process ensues.

When visiting a matrimonial lawyer, if possible, do some research of your finances. This may not be possible in all cases, as the other spouse may be in charge of the parties' finances. If available, obtain copies of tax returns, pay stubs, bank statements, etc. This information will be helpful when the lawyer evaluates your case. The information will also help you understand your

present financial circumstances which will play a major role in any settlement or judgment. The information will also be important when completing a Financial Affidavit.

If you have children, be prepared to discuss the whether you and your spouse have differing opinions and/or expectations regarding the issues of custody and/or visitation. Be ready to discuss why you believe that a particular custody or visitation order is appropriate in your case. This is a difficult time for everyone involved and it is recommended to be mindful of what is in the best interest of the children. Although there are exceptions, children want to be able to see and spend time with both parents. Divorce proceedings, by their nature, are highly emotionally charged and special consideration should be given to minimize the effect on the children.

Furthermore, your attorney should be advised if any of your children have special needs, i.e., education, medical and/or emotional needs. Children with special needs may require special care and attention and any custody and/or visitation orders will play an important role in determining what is in the best interest of your child(ren).

Ask the lawyer for their experience with the particular issues/problems you are facing. During the initial interview you may hear information and advice you do not wish to or are prepared to hear. The law deals with certain assumptions and parameters. A lawyer can only utilize the facts as they exist. Most importantly, be wary of a lawyer that tells you everything you want to hear. In fact, if the lawyer tells you that will get everything you can wish for and more, they are not giving you an honest assessment of your case.

Unfortunately, some lawyers will tell potential clients anything they believe the client wants to hear in order to get retained. In such cases, after the initial retainer has been exhausted, you will learn that those initial promises or guarantees were unrealistic. These lawyers are doing you, and the profession, a disservice. When this occurs, the client may feel vulnerable because they do not have the funds to have another lawyer. The client may also feel betrayed, and therefore, wary of hiring new counsel. Therefore, it is important not to let vulnerabilities and resentment dictate your choices. Alternatively, focus on solving the problems at hand and not making impulsive emotional reactions. They will not serve you in the long run.

When being confronted with the breakdown of a marriage, people are angry and tend to want to lash out. In fact, some clients only wish to hire a lawyer that will rattle his/her saber over every issue and take a no prisoners attitude. This approach to law does not do you any favors. In truth, in many cases it will end up harming you. It usually causes your spouse and their lawyer to decide that there is no point in working toward resolving issues. As a result you may find yourself in protracted and expensive litigation which could have been avoided. In such cases, it is a judge who will decide your future. An adversarial position has another consequence in matrimonial actions where children are involved. Be advised that when litigating a custody/visitation matter, your attorney will have to bring evidence into court that will not paint a very favorable picture of your spouse. When this occurs, after the case is over and the dust has settled, you can rest assured that your ability to work effectively with your former spouse for the best interest of your children will be irreparably damaged.

I have come to realize that it takes a better lawyer to settle a divorce case than to try a case. It is a maxim that all lawyers and clients should be aware of and follow. This does not mean that litigating issues must be avoided at all costs. Issues must be weighed and evaluated with a cost benefit analysis. In the end, what is important is disengaging yourself from your former spouse so that you may immediately begin building your new future. Remember, again, this is a contractual endeavor, not an emotional power struggle.

As intelligent as you may be and savvy regarding your own personal matters, the law exists and you are hiring a lawyer for their expertise and knowledge of the law. Let the lawyer inform you regarding your rights and responsibilities, as well as educating and informing you as to the law governing your particular issues. Once you are educated as to the legal process, you will

be in a better position to discuss litigation tactics and trial strategies. This is your case. It is important to know what is occurring and why. As the client, you are entitled to be carbon copied on correspondence, written and received, by your lawyer. You should also receive copies of a pleadings and motions filed with the court. Lawyers should welcome open and frank discussions regarding your case. As in any relationship, it is important that you can communicate effectively with your lawyer.

If you are dealing with post-judgment matters, i.e., issues that have arisen after the judgment of dissolution was entered, do not expect a lawyer to re-litigate the case. Once a case is settled or tried, the Separation Agreement or Memorandum of Decision governs your rights, obligations and responsibilities toward your former spouse (and children). You cannot un-ring the bell. Hindsight is always twenty-twenty. Your current lawyer will best serve you by starting where you left off and moving forward. Many reasons go into prior decisions that your current lawyer was not present for and may be unaware of the special circumstances taken into consideration at that particular moment in time. If they were, their assessment of how your case should have been handled may be very different. Be suspicious of a lawyer who takes the time to tear apart all the decisions or agreements that occurred in your case and admonish that if they were your counsel the results would have been much different. This is not to say or infer that your case was handled properly. Negligence and/or malpractice can occur.

That being said, the law does permit certain modifications of judgments of divorce. These areas may include child support and/or alimony orders and visitation and custody issues. However, the judgment will state whether certain provisions can be modified.

When you make the appointment with the lawyer for the initial consultation it is important to inquire whether the lawyer charges a consultation fee. By acting this question, you can avoid an awkward moment at the end of the meeting when the lawyer asks for their fee.

During the initial consultation you should inquire about the costs and fees associated with the divorce.

- Does the lawyer require an initial retainer?
 - If so, how much is the retainer for your type of case?
- What is the lawyer's hourly billable rate?
 - Is there a different rate for different attorneys in the office?
 - Will you be billed for paralegals time?
- Make sure to inquire about the typical costs associated with a divorce

Typically, the client will provide the lawyer with a retainer against which all legal fees and costs will be deducted. The next inquiry then is how often you will be invoiced for the legal services rendered in your case. There also may come a time when the initial retainer is exhausted. You should ask the lawyer how the retainer is replenished. It is always better to know this information up front rather than having it become a point of contention between you and your lawyer later on in your relationship.

Most importantly, if you are going to hire the lawyer, be sure that you receive a written retainer agreement. The retainer agreement is the document that gives your lawyer permission to represent you in your dispute. It is also the governing contract in your attorney client relationship. The retainer sets forth both you and your lawyer's responsibilities to each other.

In order to have an effective attorney client relationship certain guiding principles should be followed. I have always exemplified the belief that clients deserve to be treated with respect. Phone calls should be returned as quickly as practicable. You should have your questions answered in a timely manner. Furthermore, keeping clients abreast of the developments in their case is important in building a strong attorney client relationship and managing anxieties that may arise.

In closing, the best judge of whether you have found the right lawyer is you. Trust your judgment.

[Contact the Law Offices of Brian G. Winter, LLC](#) to discuss any questions regarding your legal needs or how to choose the right lawyer for your case.

The Law Offices of Brian G. Winter, LLC services clients throughout Fairfield County and New Haven County, including clients located in Greenwich, Darien, Norwalk, Rowayton, Westport, Wilton, Weston, New Canaan, Stamford, Easton, Redding, Fairfield, Danbury, Bethel, Brookfield, Milford, Trumbull, Monroe, Newtown, Shelton, Danbury, Ridgefield, Orange, New Haven, Oxford, Derby and Seymour.