

advice from judge toler...

Keeping Your Divorce Costs Low: an Interview with Judge Toler

By Josh D. Simon

Let's face it: even during boom times and bull markets, divorce can be expensive. And over the last year, chances are that your savings and investments have taken a hit, your job is less secure, and you're doing what you can to scale back on the nice-to-have in favor of the need-to-have. Financially speaking, the last thing you need is to go through a costly divorce process. But with the right knowledge and attitude, you may not have to.

We asked Judge Lynn Toler to share some advice on how you can keep divorce costs under control. Here's what Judge Toler shared:

Divorce Magazine: Judge Toler, in terms of keeping costs as low as possible, what should divorcing people keep in mind when choosing a lawyer?

Judge Toler: Divorce lawyers often specialize in certain areas. People should first try to identify what they need from a lawyer, and then try to find one who matches that need. That being said, people still need to make sure that they are comfortable with that lawyer. Just because a lawyer specializes in an area doesn't mean he or she is the right fit.

A person should not find their lawyer intimidating or unresponsive. She or he should be able to explain the system in a way that the person understands. This is an obvious yet important point. While all lawyers can explain the system, the question is whether they can explain it to their client in the way they understand it.

Another thing to keep in mind is that it's good to find a lawyer who is responsive and confident, but one who isn't inflammatory, because that can prolong the

divorce process and increase fees.

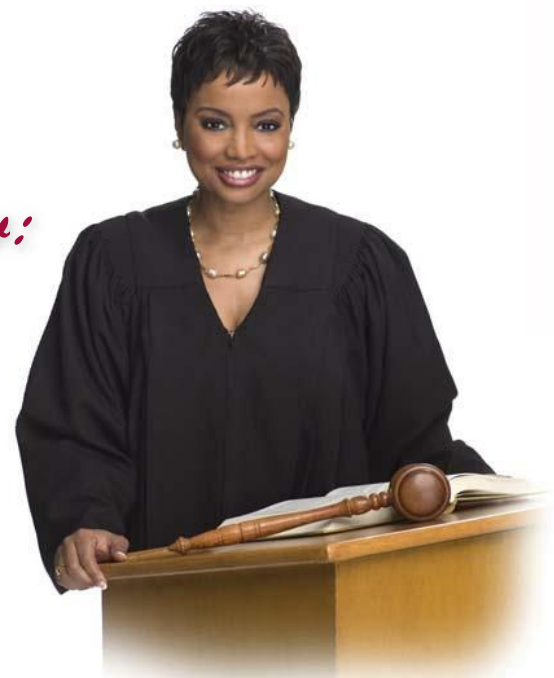
DM: As a Judge, what do you see as the most common mistakes that people make that can lead to excess costs?

Judge Toler: One common problem is that people often get information from the wrong source. You cannot get a good understanding of the system by talking to friends about their divorce, nor can you bring courtroom television into the regular courtroom. Those who have gone through the process have a hard time seeing things from both sides. They know whether they were satisfied with the result or not but may not understand how the judge got to that result. On television, some things occur for dramatic effect, and other things that are important aren't shown because they are not necessarily interesting. As a result, sometimes people have very unrealistic expectations of what the Judge is empowered to do, and what the Judge is going to do.

DM: What are some practical steps that divorcing people can take to keep costs low and under control?

Judge Toler: It starts with being prepared and "doing your homework." Knowing the law matters. Particularly in the United States where each state has its own divorce law. Often, I see individuals who are prepared for the requirements of State A, but are actually in State B. Not being prepared can lead to messy situations that extend the length of the process and, of course, the costs.

The other thing to keep in mind is that their lawyer — or the judge for that matter — is not a psychologist. Don't talk about emotional issues with a lawyer who is billing hundreds of dollars an



hour. Lawyers won't be able to provide proper psychological support anyway since they are not trained to provide that service.

And the last thing I'd caution people from doing is trying to achieve what I call a Zen resolution to their divorce process. Often, people want the divorce process to provide them with a satisfying feeling of completion and wholeness. They've gone through an emotional crisis and they expect the legal system to somehow fix that. But they have to accept that law cannot address every aspect of their life. It can provide a resolution that is as fair and equitable as possible, but it can't provide people with the emotional healing they may want or expect. Those who fail to accept this fact can extend the divorce process, and of course that means spending more money. ■

Judge Lynn Toler, a graduate of Harvard and The University of Pennsylvania Law School, served as a municipal court judge for eight years. She presides over the courtroom on the nationally syndicated television show Divorce Court. She is also the author of My Mother's Rules: A Practical Guide to Becoming an Emotional Genius, and co-author of Put it in Writing: Creating Agreements Between Family and Friends.

For more Advice from Judge Toler, go to www.divorcemag.com/articles/judge_toler.