



Understanding the *Alternatives*

**Making Smart Divorce
Choices For You and
Your Family**

A divorce done differently® e-book
by Pamela Donison, JD
www.donisonlaw.com

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By Pamela J.P. Donison, JD
www.donisonlaw.com

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A Message From Pamela

If you're reading this, it means that you've visited our website and are curious to know more about *divorce done differently*® and the options available to you for your divorce or family dispute. This e-book is meant to be an informative guide, but it can't take the place of a personal meeting to discuss your individual, unique circumstances. After you've read this e-book, call or email our office to set an appointment for a consultation about your case.

We're here to help and will provide you with the knowledge you need to make smart choices for you and your family throughout your family law matter. So let's get started ~ we have a lot to talk about!

Pamela Donison

Choosing A Family Law Attorney

Choosing A Family Law Attorney

Hiring an attorney can be a much more financially significant decision than many people realize and it deserves a bit more thought than just spinning the wheel in Lawyer Roulette.

Before you land in the first office listed on a Google search, think about your overall goals.



First, you should decide what method of divorce you want: do-it-yourself with unbundled services, legal consulting, mediation, arbitration, Collaborative Divorce, negotiated settlement, or litigation. These options can range in expense from under \$2,000 to \$50,000 and up. This is probably the most critical step in the process, because not all attorneys are suited to all types of divorce. There's more information about each of these options in the sections to follow.

When you have selected a method of divorce, call a few marriage counselors and NON-family law firms for a referral for (i.e.) mediation. If you get the same name twice, you'll know that the person is at least respected by their peers. While it's good to get feedback from friends or family members, they may have only one frame of reference — their own divorce.

Now that you have an idea of what kind of divorce you want and have a list of attorneys to call, you should interview at least two attorneys before making a decision. You should meet with more than one attorney to

find one who suits your personality. A bad fit with your attorney can be a very unhappy situation -- and I speak from personal experience.

If someone offers a free consult, I would be a little suspicious because you will definitely get what you pay for. Some firms — mine included — will charge a reduced rate for the initial consult, so you should ask when you book your appointment if they offer a reduced consult fee.

Take note of how the phone is answered and how you are treated when you book your appointment. If the person who takes your call is dismissive or unprofessional, then it may turn out to be a less than satisfactory relationship.

When you meet with the attorney, you should ask these types of questions:

- What is the relevant law that governs your situation and the usual outcome? For example, in Arizona, we have either joint or sole legal decision-making, but the likely outcome for two fit parents is joint legal decision-making unless there are extenuating circumstances. In other words, don't waste resources fighting for something that is an unlikely or unreasonable outcome.
- What is the legal process for the type of divorce you have selected and how long does it ordinarily take?
- What is the average cost of this type of divorce (or other family law action) and does the attorney offer a flat fee rate (all paid at one time with no hourly billing), a payment plan, a sliding scale, credit card payments, etc.?

- What are the things that you can do on your own to cut costs (i.e., make your own photocopies)?
- Are there certain things that the attorney will do to help keep fees down such as using paralegals and assistants do some of the work?
- If you pay a retainer, is it refundable? Is there a “minimum” fee?
- How often will you get billing statements and what type of detail will they include?
- Will the attorney work with you to keep conflict to a minimum and let you know honestly when you are out of line?
- Are there certain people that the attorney will not work with? What happens if your spouse hires one of them?
- Will the attorney "unbundle" or offer *a la carte* services on an as-needed basis?
- What is the attorney's "best" and "worst" case scenario for your divorce?
- What other services will you need for the divorce (i.e., home appraisal, business valuation, Qualified Domestic Relations Order) and how will those professionals be selected?
- Does the attorney have a disciplinary record? (You can contact the State Bar of Arizona for this one!) Depending on the circumstance, this may not be a deal breaker, but you'll want to check it out in advance.

- What will it take to get started and will the attorney give you a fee agreement to review? If not, I would be wary. I recently saw a fee agreement that the attorney had refused to provide to the client for months (after representation!) and now I know why. It was a malpractice suit looking for a place to happen.
- Does the firm offer technology solutions, such as videoconferencing, online bill-pay and invoicing, secure online file cabinets for sharing documents, or other cutting-edge services?

So that's my short course in choosing an attorney. Most important, of course, will be your gut feeling about the staff, attorney, the office, and whether or not you feel listened to and valued as a client.

Choosing a Process

Alternative Dispute Resolution

Alternative Dispute Resolution or “ADR” is the umbrella term for all of the ways we handle legal matters **outside** the Courtroom. Some professionals in the field (including many judges) think a better name is *Appropriate* Dispute Resolution, because it is a far more civilized manner of resolving legal disputes. ADR includes arbitration, mediation, negotiation, Collaborative Divorce, and other forms of non-court settlement.



Arbitration

Sometimes, people do not want to engage in face-to-face negotiations or feel that they cannot effectively mediate or negotiate with their spouse. In those cases, you will find **arbitration** to be an effective method of obtaining an expert decision without the cost or stress of going to trial.

Arbitration is essentially a “private trial” because you have an informal hearing at which time you present your arguments to the arbitration panel, who then deliberate and write an arbitration “award.” The arbitration award is binding and becomes the basis for your Decree of Dissolution (or other order, depending on the nature of the dispute).

In some areas of law, this concept of “private trial” is quite common and valued for its speed of resolution, cost efficiency (in comparison with

traditional litigation) and finality, because you walk away with a binding decision (Decree of Dissolution or other final order) without ever having to go to Court.

You and your spouse will present your view of the issues to the arbitrator or arbitration panel, who will discuss and deliberate over your unique facts and circumstances. The arbitrator(s) will then come up with an opinion based on the information presented, and that reflects his/her/their expertise in a sensible plan that is tailor-made to your unique circumstances, needs, and desires.

At DonisonLaw, panels are comprised of the experts most relevant to the issues in your case and we use a panel of no less than three professionals. The legal aspect is managed by Pamela Donison, who is also the panel chair.

The Financial Specialist can be a Certified Public Accountant, Certified Financial Planner, or Certified Divorce Financial Planner. This person assists the panel in recognizing the financial strengths and weaknesses of the marital community and in structuring an equitable award.

The Mental Health Professional will be a licensed Psychologist, Social Worker, or Counselor to provide insight and guidance regarding family dynamics and developmentally appropriate parenting plans.

In the event that a Business Professional is needed, we engage a Business Valuation Specialist, Certified Public Accountant, and/or Business Law Attorney to advise the panel on an appropriate division of business assets and liabilities, including review of partnership or operating agreements.

So why use arbitration instead of a Court trial? Control and ease of process. You get to choose the date and time of your hearing, receive an extended period of time to provide your arguments, are coached on how to prepare your information, and you are not required to have an attorney present.

Arbitration is equally successful for divorce, paternity, parenting plans, and post-decree issues. Arbitration is offered on a flat fee basis and includes the following services:

- All professional fees for the three-person panel
- Question and answer meeting with the panel to assist in preparing for the hearing
- Three hours of panel preparation, including review of your exhibits
- Up to 6 hours of hearing time with full panel; additional hours will be billed in quarter hour increments
- Panel debrief
- Drafting of award (decision)
- Preparation of decision (your Decree or orders) for filing with the Court.

Mediation

Mediation is one of the oldest and most effective methods of resolving conflicts, with roots in the tribal tradition of bringing disputes before the elders. In mediation, you and your spouse will discuss all aspects of the issues with your mediator.



In other settings, mediation can be time-pressured, coercive, or support an imbalance of power, resulting in agreements that do not truly serve your unique needs. In our view, creating agreements that impact the most important aspects of your life – children, family, property, businesses and finances – deserves careful consideration. We encourage clients to consult with therapists, counselors, child psychologists, financial professionals, and family members as part of the decision-making process.

Your mediator will facilitate communication and help you identify common ground. In most cases, disputes are not “resolved” as much as they are transformed from unacceptable outcomes to jointly-created solutions. When you have reached a final agreement through mediation with us, it will reflect who you are as a person and as a family.

To answer the needs of our clients, you can work with us on either a Fast Track or on your schedule.

Fast Track Mediation is the all-at-once marathon of mediation for families that value resolving their disputes in the most time efficient way possible. We will block off the calendar for a full day (or more, as necessary) to work only on your case. You will be asked to provide us with certain information and financial data in advance of your mediation and, at the end of the session, we will review your agreements and put them in writing for you to sign. Most couples finish in one to two full day sessions. This is a great solution when one or both parties live out of town. When time matters, the **Fast Track Mediation** is a perfect choice.

As-Scheduled Mediation is just what it sounds like. Often, couples have travel plans, busy work schedules, child care needs or other issues that make it difficult to set aside a full day for their mediation. In other circumstances, there is homework (i.e., obtaining a home appraisal) or personal work (i.e., therapy) that informs the timeline. With **As-Scheduled Mediation**, you decide when and how often we meet, and the meetings are tailored to address your most pressing needs first. For some couples, this may mean several breaks between meetings to do research, obtain expert opinions, create financial plans, or simply become comfortable with a new parenting plan.

Mediation is equally successful for creating cohabitation agreements and premarital agreements, paternity, divorce or legal separation, developing parenting plans, and all post-decree issues. Mediation is offered on a flat fee basis and includes the following services:

- Data collection
- Assistance with preparing Petition for Dissolution of Marriage
- Petition and Response Filing Fees
- Acceptance of Service

- Firm Administrative Fees
- Online secure file access
- Case Management Meetings
- 12-20 hours of meeting time (depending on your circumstance)
- Decree of Dissolution of Marriage
- Property Settlement Agreement
- Parenting Plan (coordinated with school calendars)
- Provisions for children with special needs
- Child Support Calculations and Worksheet (for Court filing)
- Support Order (Spousal Maintenance and/or Child Support)
- Schedule of business asset allocations
- Promissory Note/Buyout Schedule (if applicable)
- Coordination with business accountants and attorneys regarding operating agreements, taxes, buy/sell agreements, etc.
- Coordination of Business Valuation, property appraisals, and equipment appraisals, as needed
- Review/execution (signing) meeting
- Coordination with Court for delivery and entry by Judge
- Pick up and certification of copies
- U.S. Priority Mail delivery of your certified copies of the Decree package

Case Study

Mediation: Two Views

Recently, I worked with two very different couples in two very different mediations, and it occurred to me that if you are in the divorce process, you know nothing of other clients' experiences, which might be helpful in making a decision about mediation.



Here's the back story: Couple A (let's call them Anne and Arturo) and Couple B (Barb and Ben) have more than a few things in common. They are all working professionals, but at different levels of pay. Both couples have one young child each (Abby and Boris). They both have moderate debt and assets. They are all smart and capable, and they all want a divorce that preserves their sanity, resources, and relationship as co-parents. And both couples chose mediation as the vehicle for settling their divorce.

Anne and Arturo have a very communicative relationship, even now, in the midst of divorce. They share equal time with Abby and talk about her to

each other all the time. Anne tends to be more outgoing and decisive, while Arturo is more quiet and contemplative. They have been working through their issues in mediation two hours at a time for several months. We are almost at resolution, with only a few details left to hammer out, and Anne and Arturo both needed this time to fully process and absorb the agreements they were making. They have thoroughly reviewed their settlement documents at least three times, and are giving them a final review before signing.

Anne and Arturo have repeatedly told me how much they appreciate the fact that we never rush or pressure them to agree to anything they don't understand or fully embrace. They most value the fact that they are completing mediation on their own schedule.

Ben and Barb do not communicate at all other than to exchange their young son, Boris. Ben is assertive and no-nonsense, while Barb is soft-spoken and sensitive. Ben and Barb have lived apart for several months and both realized that it was time to complete their divorce, but they were stuck on how to move past their financial and parenting disputes. Ben and Barb both needed to "be done" as quickly as possible because the stress of the looming divorce was causing their strained communications to become all-out fights. Ben and Barb just wanted to put their heads down and plow through the issues. Which we did, in one day.

Beginning early and ending late, we managed to resolve every issue on the table including signing off on all of their agreements. Ben and Barb have repeatedly told me how much they appreciate the fact that we set aside an entire day to work only on their issues and that we were prepared with written documents as soon as they reached agreement. They most value the fact that they completed mediation on their own schedule.

Both the A's and the B's paid flat fees for their mediation -- the same flat fee. For Anne and Arturo, the flat fee works because they want to take their time without being "nickel and dimed" throughout the process. For Ben and Barb, the flat fee works because they wanted to come in, resolve their disputes, sign their documents and leave without ever having to pay another bill.

For both couples, the flat fee mediation process provided a value beyond the basic services provided -- it gave them some control and input to the outcome that they would not otherwise have.

If you are litigating your divorce, you will not get months of time with your judge to hammer out the best wording for your parenting plan. If you are litigating your divorce, you will not get the judge to set aside a day just for you AND provide you with a decree at the end of the day. And if you are litigating your divorce, you will NOT be getting a flat fee for all of the services provided (far from it)!

If you're thinking about mediation, consider that you can choose the long road or the short road and, in either case, you will pay one all-inclusive, very reasonable fee for the entire process.

Collaborative Divorce

The fundamental principle of *Collaborative Divorce* is that the parties (and their attorneys) agree that they will not litigate their case, *no matter what*. In addition to the attorneys, team members may include a family specialist (usually a psychologist or other mental health professional), a Certified Divorce Financial Analyst, and a child specialist (child psychologist). Other professionals may be added as needed, such as business valuation experts, business accountants and attorneys, tax advisors, estate planners, and investment advisors.



The overwhelming advantage of Collaborative Divorce is that it allows you to work with a professional support team to reach a settlement uniquely suited to your individual family. Each spouse agrees at the outset not to engage in litigation and, if either spouse determines that litigation is necessary, all professionals involved are required to withdraw from representation.

Collaborative Divorce is offered on a hybrid flat fee or hourly basis. To hear more about Collaborative Divorce, visit our website to listen to an interview with Pamela Donison, here: <http://donisonlaw.com/in-the-news/>

For a lot more information about the collaborative divorce process and to review a list of qualified members in your area, visit the International Academy of Collaborative Professionals website, www.collaborativepractice.com.

À La Carte Unbundled Services

Divorce is one of the most important and life-altering decisions you may make in your adult life. Even so, some clients feel comfortable navigating the divorce process on their own, or partially on their own, with some assistance from us. If this applies to you, you may find À La Carte (unbundled) services to be a good option for managing your divorce dollars.



Consulting

Our consulting services give you the information you need in a focused one-on-one meeting. We consult on a wide variety of family law topics, including:

- rights and responsibilities related to divorce
- review of documents, including Premarital Agreement, Petition for Dissolution, Decree of Dissolution and Property Settlement Agreements
- advice on how to approach your spouse regarding divorce
- child support calculations
- premarital review of community property laws
- review of outdated Parenting Plans
- coaching for hearings or mediation

The Pre-Divorce Assessment

Divorce is one of the most important and life-altering decisions you may make in your adult life. It can be planned for months or come as a sudden and unwelcome surprise. It can be treated as a sad, but necessary, life transition or an all-out war. In any event, you should consider all of your options before deciding how to proceed. If you've visited our website, you know that we recognize that divorce has five aspects: legal, financial, emotional, physical and spiritual. Get an in-depth analysis of your unique situation with a two-hour Pre-Divorce Assessment. We will review financial data, explore custody and parenting time arrangements, advise you regarding your legal rights and responsibilities, and help you prepare for the life transition of divorce or separation.

A La Carte Packages

To make sure that we cater to all types of clients with a variety of needs, we've put together A La Carte packages most commonly requested. If you would like a custom package, we are happy to create one just for you. We currently offer flat fee packages for:

- Petition for Dissolution (or Legal Separation)
- Response to Petition
- Custody and Parenting Plans
- Property Settlement and Consent Decree

Notice: When providing a la carte services, we don't represent you, and are only providing the services listed above. If you desire representation, please ask about other services.

Double Divorce

“Double Divorce” refers to the common problem of divorcing couples who own businesses. The result is that both your personal assets and business assets have to be divided in a way that preserves the integrity of the business entity while providing an equitable result for the spouse who is not retaining an interest in the business.

In a Double Divorce, we work closely with business counsel and accountants to make sure that all of the legal and financial issues of the business are addressed, as well as the personal and property issues of your family. We understand that going to trial is a very dangerous game due to mandatory disclosure rules, which means that your business financial data may end up as a public record.

Pamela holds a B.A. in Business Management, has over 20 years experience in the corporate world, and is dedicated to handling this type of dispute in a reasonable, rational manner to preserve marital assets. She has helped literally hundreds of business owners work through the myriad issues of disentangling a marital estate with business assets in the mix. Whether your business is a small “mom and pop” entity or a multi-million dollar enterprise with hundreds of employees, if it is closely held and your marital estate has an interest, we can help.



One of the most important service we can offer the business owner is confidentiality and privacy, including settlement agreements that are kept out of the public record and away from prying eyes.

Double Divorce can be resolved through arbitration, mediation, Collaborative Divorce, or negotiated settlement, and can be on a flat fee, hourly fee, or hybrid basis.

Premarital Agreements

With divorce rates hovering between 40 and 70 percent nationwide (Arizona is at approximately 65%), a **premarital agreement** can be the difference between a catastrophic divorce and an amicable parting of ways in the event the marriage does not survive. Many people have a misconception about premarital agreements, believing they are only for the super-rich or that they indicate a lack of faith in the marriage.



In fact, a premarital agreement is important if you:

- own a business or property prior to marriage;
- are an inventor or artist who owns and develops intellectual property;
- have children from a previous relationship;
- are guardian for a person who depends upon you for support;
- are entering a marriage where your incomes are very disparate; or
- want to preserve wealth for future generations in the event of a divorce.

A Premarital Agreement is a contract between you and your future spouse outlining certain agreements as to how you will manage your property and finances during marriage. Premarital Agreements are governed by statute and become effective at the time of marriage. If the engagement is terminated, the Premarital Agreement has no effect.

Premarital Agreements have two sides: the person requesting the agreement and his/her attorney (the drafters) and the person receiving the agreement and his/her attorney (reviewers).

Both drafting and reviewing can entail significant work, depending on the amount of negotiation and revisions necessary. In all cases, it is necessary that both parties have advice of counsel in order to ensure that the Premarital Agreement is enforceable.

Many of our clients come to us seeking a neutral advisor and mediator to draft the terms of their Premarital Agreement, because they don't want to pit attorney against attorney just prior to their wedding! We understand and have created dozens of Premarital Agreements for couples who want a more peaceful process while still protecting their assets.

Premarital Agreements are offered on a flat fee or hourly rate basis.

Cohabitation Agreements

Cohabitation agreements are very much like premarital agreements, except the contract contemplates that the parties (either heterosexual or same sex couples) are not going to wed, but are going to live together in a committed relationship for a long period of time.

The cohabitation agreement can set forth terms regarding how bills are paid, responsibilities are shared, and income is allocated.

Agreements usually also provide for custody and parenting time arrangements and how mutually-owned property will be divided in the event of a break up, when no marital property laws apply.

Anyone contemplating living with another should seriously consider entering into a cohabitation agreement before the move occurs or, if you are already living together, you should consider memorializing the agreements you are verbally adhering to.

Cohabitation Agreements are offered on a flat fee or hourly rate basis.



Negotiated Settlements

Negotiated settlements may be established between the parties, with or without counsel, and with a host of professionals assisting. Unlike mediation, in all cases of negotiated settlements, the firm represents only one of the parties and we take the role of advisor.



In negotiation, we will work with you to focus your goals, educate you on possible outcomes, and help you develop creative, personalized solutions to your unique circumstances. We will represent your interests in your dispute and work hard to create an amicable and results-oriented relationship with everyone involved in the process. When negotiations become difficult, we rely on our years of training and experience in to help optimize your outcome.

The process of negotiated settlements is equally applicable to all family law matters. Negotiation is offered on an hourly fee basis.

Fees

Flat Fees Are Finally Here!

Billable Hours

Lawyers are taught at the outset of our careers that the Billable Hour rules the world. Coming from the business community, I always found the billing practices of law firms to be rather odd. In most other service industries, the customer obtains a quote or bid or scope of work that outlines what you will pay for the work you want done. Law firms (as well as accounting, and some other professions), on the other hand, almost always operate on an open-ended contract that often brings a frightful surprise to clients at the end of the month. An open-ended hourly system of billing invites inefficiencies and does not serve our clients as well as we should.

Variable Costs of Litigation

Legal fees can vary greatly from firm to firm and can increase exponentially with even a little bit of conflict between the parties. It's been very difficult for the Family Law bar to adopt flat fees because of the moving target of litigation. For example, given two cases that have almost identical fact patterns, assets, and liabilities, Case A's litigated divorce will cost around \$30,000 each and Case B's litigated divorce will cost in excess of \$150,000 each. And it's hard to know, in advance, which case an attorney might be dealing with because most of the factors are out of the attorney's hands. (Yet another reason to avoid litigation!) The same is also true, to a lesser degree, for negotiation. For those services, we have retained the status quo billable hour.

Flat Fees

One of the positive changes to come out of the economic downturn of 2008 (and beyond) has been a "call to arms" by some of the most influential law firms in the country to move our profession to flat fees. I have been on this bandwagon for a few years because it makes good financial sense and, for alternative dispute resolution cases (arbitration, mediation and Collaborative Divorce), the costs are (mostly) predictable. When I first started talking about flat fees, our clients did not seem ready to embrace such a drastic change to the norm, but that's changing. In response to a client requests, we established a fee schedule that includes flat fees for most of our services.

Our fees are not published here because there are so many variables to consider and we want to make sure that each client is selecting the most suitable service for their unique situation. Fees for your particular situation will be discussed at your initial consultation.

The firm does not offer free legal services to any clients, as all pro bono hours are devoted to serving the Arizona Women Lawyers Association, Arizona chapter of the Association for Conflict Resolution, the State Bar of Arizona, and local collaborative teams.

Frequently Asked Questions

Frequently Asked Questions

\$200 divorce? \$100,000 divorce? Which is it?

Both of these are true and neither one of them is true. Maybe you've seen billboards claiming "\$200 Divorce." Is there any such thing? Technically, it can cost you absolutely nothing if you do it all yourself with free forms provided by Maricopa County's online E-Court and if you have your filing fees waived. The problem is that some places offer the "\$200 Divorce" without informing you that the exact same forms they are using are available for free. They also don't advertise that the Superior Court charges a filing fee of \$321 for filing a Petition and \$256 for a Response, unless you apply and qualify for a fee waiver.

By the way, that \$200 doesn't buy you any legal advice, either, because those are document preparation services, not licensed attorneys.

Maybe you've heard the saying "Love is Grand, Divorce is A Hundred Grand." Is your divorce going to cost \$100,000? Yes, it can cost that and much more if you have a complex marital estate, want to litigate every possible claim, and take unreasonable positions with the assistance of a willing attorney.

At DonisonLaw, we think your divorce should be a budgeted expense, with careful consideration to spending money where you NEED to and not where someone else WANTS you to. Keep in mind that conflict costs money, so the higher the level of conflict the more you can expect to pay in legal fees.

Who are your clients?

All types of people engage our services. We have an equal number of men and women as clients, and represent people who make a modest wage as well as multi-millionaire business owners. We represent newly engaged spouses-to-be and divorcing couples who have been together for decades, same sex couples moving in together and never-married couples who are breaking up, people who have children from previous relationships and couples with no children at all, home-based consultants and business owners who value the privacy and confidentiality of out-of-Court solutions.

We enjoy working with a variety of clients with one thing in common: they want to handle their affairs peacefully, privately, and with minimal damage to their family. The firm does not represent parties engaged in cases alleging domestic violence or child sexual abuse, as those require a specific skill set and mental health intervention. We are happy to provide referrals to our trusted colleagues for those types of cases.

I'm not married, but everything I'm reading refers to "Divorce." Do you offer services for people who are a) Getting Married; b) Never Married; c) Divorced; d) Gay/Lesbian; e) Attorney / Other Professional?

Yes! We offer services for all types of family law issues; however, our clients seek us out predominantly for divorce, so it's a handy (if not all-inclusive) reference. For anyone seeking family law legal advice, we are happy to help. If we are not the right fit to serve your needs, we will advise you and refer you to other attorneys better suited to manage your case.

What is the difference between Arbitration and Mediation?

In both cases, we serve as a neutral third party.

In **Arbitration** – essentially a private trial – the Arbitration Panel acts as a judge, hearing your testimony and making a decision in the form of a binding Arbitration Award.

In **Mediation**, we serve as a facilitator to help you come to an agreement on the issues. In both instances, we assist you in reaching settlements out of court for your issues.

What is Collaborative Divorce?

Collaborative divorce is a formal model adopted by the International Academy of Collaborative Professionals. Your team members will be professionals trained in Collaborative Divorce who are members of the professional organization. Collaborative Divorce participants agree to refrain from litigation and, if one party decides to litigate, all of the professionals withdraw.

Can't I do my own divorce?

Yes and many people do; however, don't be misled by billboards that promise a "\$200 Divorce." The information is misleading, as Court filing fees are over \$500! The Maricopa County Superior Court offers forms through their Self Service Center that are free of charge. Unfortunately, many family law issues are more complex than they initially appear, so you may be "penny wise and pound foolish" to represent yourself.

We recommend that if you are going to have a Do-It-Yourself Divorce, you at least seek advice on the form of Decree or Order that you submit to the Court. It is so much easier and much less expensive to get it right the first

time! Correcting mistakes through post-decree modification is time-consuming and can be very costly, depending on the agreements that you are seeking to revise. For Do-It-Yourself Consulting, we provide services on pay-as-you-go basis.

We have agreed on almost everything, but we need help with the formal process of getting divorced. Can you help?

Yes we can! We have assisted many couples with a Do-It-Yourself Divorce who have come up with the basic terms of an agreement, but want assistance in filing their Petition or Response, drafting an agreement, and filing their decree or orders. For this type of Consulting, we offer both flat fee and hourly billing.

My spouse and I own a business. How can we keep our financial information from being public record?

Many people don't realize that when you divorce as a business owner, all of your personal and business financial data is fair game to be used by your spouse as evidence of earnings and, therefore, becomes part of the public record open to all of your employees and competitors. To avoid what can be a devastating disclosure, business owners should never take their divorce to court. See the section on **Double Divorce**.

I really want to have my day in Court! Will you litigate my case?

It is important to understand that a day in real Court is not at all like a day in TV Court. You likely will not get the type of satisfaction or “justice” that you expect and your legal fees will be much higher than you imagined! A typical litigated divorce, including trial, costs approximately \$30,000 - \$75,000 per person. A few will cost less and some will cost much more. In Maricopa County, only about 5% of cases end up going to trial and most attorneys will agree that only about half of those actually need to be tried

before a judge due to domestic violence, substance abuse and/or mental illness.

If we evaluate your case as one that should go to trial, we will either manage your case with our on-call litigation team or, if we are unable to accept your case, we will refer you to trusted colleagues who concentrate their practices on litigation.

Do you offer free consultations?

No, but the first hour of your consultation is discounted from our usual hourly rates.

What should I bring to our first meeting?

If you have any written agreements between you and the other party, or Court orders regarding the matter in dispute, you should bring those documents. At our first meeting we will talk about your individual needs and what documents to gather, and we will give you a checklist of items to bring to our second meeting.

I want to mediate, but my spouse won't agree. Now what?

It's not unusual for one person to be less than enthusiastic about the divorce, no matter what the method. Mediation is a voluntary process and unless your spouse will at least agree to one informational meeting, your next step will be to explore some other method. Often, it is fear of the unknown that makes people hesitant to engage in mediation. We encourage reluctant spouses to review the information on our website, read this e-book, then come in for consultation to get more information about how the process works.

**We can't agree on anything except that we don't want to go to Court.
What are our options?**

Sometimes, communication breaks down to the point that you may both think reaching agreements will be impossible. If mediation or Collaborative Divorce are out of the question, you might be successful in negotiation. Another excellent option for people that have a hard time negotiating with one another is to choose binding arbitration, or "private trial." Arbitration allows you both to present your side of the story to a panel of experienced practitioners, along with evidence and witnesses, just like a trial, but less structured. Arbitration is better than a Court trial in that it's more informal, completely private and confidential, can be scheduled quickly, and the result is an Arbitration Award that forms the basis of your decree or Court orders.

Do you work with other experts?

Yes! We regularly work with mental health professionals, divorce financial planners, business valuation experts, investment advisors, realtors, pediatric therapists, vocational evaluators, real property appraisers, accountants, estates and trusts attorneys, business attorneys, and Court-appointed special masters. Our team approach ensures that decisions are based on the best possible data rather than conjecture or "guesstimates." We know that working with experts is a wise and cost-effective method of helping you make smart decisions about your family, finances, and future.

I'm afraid to mediate because my spouse always bullies me.

Yours is a valid concern and it may disqualify you from being able to effectively engage in mediation. Any time there is a significant power imbalance in a relationship, you run the risk of being "bullied" into agreeing to things that you never intended. The best way to safeguard against that dynamic is to participate in individual counseling to assist you in facing the

task at hand in a more emotionally healthy way. Employing the services of a therapist or coach may be a positive step to ensuring that your Alternative Dispute Resolution achieves results that you can live with.

How soon can I get in to see you?

We will always try to accommodate your schedule and will offer you the next available appointment. Because Donison Law Firm is a thriving practice with a strong reputation and name recognition, our services are in demand and there can sometimes be a brief waiting period for new clients. No matter how busy our day may be, we are always happy to talk to you and answer your questions.

To help accommodate schedules, we offer phone, Skype, Google Hangout, and phone meetings.

Can I email you my case information to get started?

No. We do not establish client relationships via email due to conflict of interest concerns and our strict adherence to the State Bar of Arizona ethics rules. After we have agreed to work together, most of our business can be conducted by email, phone, and Skype meetings.

Next Steps

Now that you have information about choosing an attorney and an explanation of the different processes that you can select, here are some next steps to get you on your way ~

- Visit our website and read about the services you are interested in.
- Schedule online, call, or email to schedule an appointment.
- Gather your current financial data, including bank statements, credit card statements, investment and retirement benefit statements, your premarital agreement, family trust, business and personal tax returns.
- Interview professionals that will form your team, such as a divorce therapist, financial planner, business valuator, realtor, moving company, and so on.
- Begin creating a “to-do” list of items that will need to be performed between now and the time that you are physically living apart from your spouse.
- Create a budget based on your current and your expected future expenses.
- Make an inventory of personal property, including items held in a safe deposit box or home safe, furniture and household goods, tools and gardening equipment, guns, coins, cash accounts (checking and savings), artwork, and other items that will need to be divided between you and your spouse.
- Calculate Kelly Blue Book private sale values for all family vehicles.
- Remember to breathe deeply, take care of your health, and put your children’s happy childhood at the top of your list of priorities.

CONTACT US

Donison Law Firm, PLLC
480-951-6599
www.donisonlaw.com

Understanding the *Alternatives*

Making Smart Divorce Choices For You and Your Family



***A divorce done differently®* e-book
by Pamela Donison, Esq.
www.donisonlaw.com**

What Clients Are Saying ...

“ If I had known half of this information before I got divorced, things would have gone a lot differently and I could have saved months of fighting and thousands of dollars in legal fees.” ~ Terri S.

“ I was six months and \$14,000 into my litigated divorce when I discovered Pamela’s website. I fired my lawyer the next day and, with Pamela’s help, we reached settlement in just a few weeks.” ~ Rob W.

“ When I showed this e-book to my brother, who is a lawyer in California, he was blown away at the amount of information that most lawyers won’t share and recommended that I hire the firm immediately.” ~ Karen M.