

DO YOU NEED A LAWYER?

How to Decide Whether to Hire a Lawyer.

If you are involved in a divorce, civil union dissolution or parentage action, one of your first decisions is whether to hire a lawyer. If you represent yourself, you will be responsible for completing all the necessary paperwork and for making decisions a lawyer would otherwise help you with if you had hired one. When you choose to represent yourself, you will be called a **pro se** party, meaning "for one's self". There are many people in Vermont who now choose to represent themselves.

If you and your spouse have agreed on how to parent your children, divide your property and pay outstanding bills, representing yourself may be a good choice. If you cannot agree, or you have significant assets such as pension or retirement accounts, or there has been violence in the marital relationship, you may need the help of a lawyer to guide you through the process. If your spouse has a lawyer, you may feel better protected if you have a lawyer. The decision, like all the other decisions you have to make before the divorce becomes final, is for you to make.

How the Case Manager and the Court Staff can help you.

The court staff has sample forms for you to use and can give you general directions about the court process. More information and forms can be found at www.vermontjudiciary.org. The court staff **cannot** give you legal advice or suggest to you what you should do. The court must be neutral. It is **your** responsibility to know the law and how the facts of your case apply.

If you have minor children, you will be required to attend a Case Manager's conference. The Case Manager will ask you about custody (rights and responsibilities) and visitation (parent-child contact) agreements and help you to reach agreements if you are able. The Case Manager will also explain the child support guidelines and tell you what to expect. The case manager will try to answer your questions and clarify your options, as well as explain any court procedures that you don't understand.

The court staff is trained to answer questions. All courts now have a general education course, called "**Pro Se Education**" that you will be required to attend. Ask the court staff or Case Manager about programs to help people who are representing themselves.

How a Mediator can help you.

Many people choose mediation to help them resolve their disputes. The family court encourages mediation and can give you information about mediators in your county. In some cases there are subsidies available for mediation.

A Mediator is a trained, neutral, third person who helps people to consider choices and resolve their dispute. Mediation helps people reach agreements themselves. The mediator can help parents reach a parenting agreement, which considers the best interest of the children. Parents who have made agreements in their divorce by using a mediator have reported greater satisfaction with the outcome than where judges made their decisions for them.

Ask the court staff for a list of trained mediators available in your area. When selecting a mediator, you may want to ask about the mediator's training in mediation skills and family dynamics and working with families in crisis.

The Vermont Family Court Mediation Program has qualified mediators in most counties and those mediators offer a sliding fee to income eligible parents. You can learn more about this program by going to www.vermontjudiciary.org/mediation.

If you come to an agreement through mediation, we recommend that you review the written agreement with a lawyer before you send it to the court.

How a Lawyer can help you.

Lawyers, through the study of the law and through practical experience with family law and the difficult process of divorce, have the knowledge and advice you may need to help you make the best decisions for you and/or your children. Issues of parenting, support, property division, and spousal maintenance (alimony) may involve complex legal questions, and a lawyer can guide you through this process.

During the divorce you may have emotional reactions to what is going on in your life which may limit your ability to present the facts of your case and make reasonable decisions. A lawyer who is not emotionally involved may help you find practical solutions.

You also have the option of consulting with a lawyer as you go through the divorce, without hiring that lawyer to go to court with you. You may want to consult with a lawyer to evaluate the facts of your case and the risks you may be taking by representing yourself.

How much does a Lawyer Cost?

Divorces are often emotionally difficult, and what may seem like an uncomplicated divorce can turn into a bitter struggle. Therefore, it is almost impossible to estimate how much time it will take for the lawyer to finish the divorce. Most lawyers charge an hourly rate, require a down payment (called a retainer) and are not willing to quote an estimate. You should discuss fees at the first meeting with a lawyer and see if you can work out a payment schedule.

Are there Free Legal Services?

Vermont Legal Aid

1-800-889-2047

will do a limited number of divorces where a spouse or children have been abused. Unfortunately, most people who cannot afford to pay a lawyer cannot get free legal advice.

Vermont Lawyer Referral

1-800-639-7036

If you don't have a lawyer and you think you have a legal problem, the Vermont Bar Association's Lawyer Referral Service can direct you to a lawyer.

When you call the Lawyer Referral Service, you will be asked to state your problem. After listening to your problem, and based on the information you provide, Lawyer Referral will give you the name and telephone number of an attorney who concentrates in that area of law.

CONSULTATION FEE:

The first half-hour of consultation will not exceed \$25.00.

Hours of the service:

Lawyer Referral Service operates Monday-Friday, from 8:00 a.m. to 4:00p.m.

Remember...

If you have a legal problem, you should have legal representation. The Lawyer Referral Service is designed to serve you. Persons who have a legal problem and cannot afford a lawyer will be directed, if possible, to another public service program or human service agency for assistance.

Some counties have Legal Clinics, which are staffed on a volunteer basis by local attorneys. You would have to make an appointment to meet with a lawyer at the clinic. Check with the Court staff to see if such a program is available in your county

**You can obtain helpful information, as well as court forms at:
www.VermontJudiciary.org.**