

# 9 Secrets to Keeping Attorney's Fees and Costs Low in a Divorce

Sharmeela Kawos

I can't stress enough the importance of being cognizant of your client's attorney's fees and costs. As we all know, there is no winning in a divorce. Both parties suffer a loss. What's worse is knowing you are burning through children's college funds because the parties are unable (or unwilling) to agree about even the most basic issues. As an attorney, you must be heavily involved in management and communications regarding your client's attorney's fees. Staying involved and helping your client make reasonable decisions can help save them thousands of dollars and prevent high unpaid client bills in collections. Below are ten tips for keeping attorney's fees and costs low in a divorce.

## 1. Set Standards and Guidelines.

The secret starts with the initial conversation. Once you agree to take on the case, you need to set your standards and guidelines on billing. Reserving five to ten minutes at the end of your consult to review your legal services agreement with the client will go a long way. Set your expectations on what information or documents you want and the manner you want them organized. Do more than just listening to their stories and giving them legal advice. Explain to them your firm's policies and procedures. Share what method of communication with you is most efficient and productive. Explain how and when they can get a hold of you if they have questions. Explain your timelines and inform your clients during the initial consultation how often they can expect updates. Tell them how they may connect with your staff if you are unavailable. To take it one step forward, create a brief policies and procedures guideline for your new clients that they can use as a reference later. This will help set expectations.

At the end of every consult, I share with my clients how we work as a firm. I detail our billing rate and standards. I explain the billing program we use and the



Ms. Sharmeela Kawos exclusively practices Family Law and Domestic Relations. Originally from Afghanistan, Ms. Kawos is a 20-year California resident. She achieved her Doctorate in Jurisprudence, with an emphasis in Family Law and Intellectual Property Law from Golden Gate University, School of Law. Before joining Law Offices of David M. Lederman, Ms. Kawos performed employment and human resources legal compliance for Uber Technologies, Inc., where she managed Uber's legal

employment and business contracts and policies globally. Ms. Kawos is an active member of California Lawyers Association, an executive member of California Young Lawyers Association, Liaison to the Family Law Section, a member of California Lawyers Association's Strategic and Long-Range Planning Committee, and a member of CLA's Member Engagement Committee. She is also on the Board of Contra Costa County Bar Association, Family Law Section and the current Legislation Director.

manner in which they are billed. I suggest to them how they can help keep their attorney's fees and costs low. I am frank and straight forward with clients and they appreciate that. This is how you build a trust relationship from the inception. Setting these standards and expectations at the beginning will also help future billing-related discussions with clients and help save them money.

## 2. Pick Your Battles.

You can't win every battle in a divorce. Pick the battles that are worth fighting. Individuals going through a divorce are experiencing an emotional rollercoaster as their family—the most valuable part of their life—is shattering. Their ability to rationally cognize information and make practical decisions can become clouded by emotional entanglements. As their attorney, you must be the reasonable voice to help them understand what is in their best interest and do a cost benefit analysis for them. It is one thing to keep your clients happy; it is another when you go into client-pleasing mode. Client-pleasing may temporarily make your clients happy. However, fighting these worthless battles will leave your client with a fat bill and unsatisfied with your services. Pick the reasonable battles as the places to spend time and money. Encourage settlement and compromise on the issues that are not worth spending thousands of dollars to resolve.

## 3. Give them Homework.

A very efficient way to help keep your client's attorney's fees low is to give them *homework*. For example,

provide them a checklist to work on after your initial meeting with a list of documents needed to prepare their financial disclosures, send them a bullet point list of information and documents you need to respond to discovery, send them questions to prepare for drafting motions, etc. Assigning them with homework will help avoid inefficient and unproductive back and forth communications that cost a lot of money. Homework can also serve as a guide to keep them on track when they look for their documents and provide answers to your questions. It helps them stay involved in their case and know what is being requested. Once they provide you with the requested information, then scheduling a meeting with them to discuss the documents and their answers becomes much more efficient and saves time and money. Some clients are very sophisticated and technology savvy. Sophisticated clients can follow specific format instructions that can accelerate our time to synthesize their data into work product. Their completed homework will help move the case forward efficiently. This level of organization is critical in every divorce matter.

#### **4. There is an Awesome Invention Called a "Telephone." Use It.**

In today's age, electronic communication such as emailing is becoming the main form of communication. Almost everyone has an email address. Now more than ever, we rely on email and other electronic methods to communicate with each other. Don't get me wrong, email is a great tool for communication. It is great for record keeping and to have something in writing to refer to later. However, drafting an email requires specificity and clarity with detailed explanations. Not doing so causes lots of confusion, resulting in multiple back and forth emails until the request is met. There is the risk your recipient doesn't receive your email, or your email gets lost in the large pool of other emails or goes into your recipient's spam folder. To cure this problem, you end up sending multiple follow-up emails wondering why your client hasn't responded. You also risk missing deadlines and completing work last minute which is time consuming. This problem results in your client incurring lots of unnecessary attorney's fees. The better practice is to pick up the phone and call your client, followed by an email summarizing your conversation. If your client is not responding to your initial email, call them and follow up via telephone. If your client does not understand what you request in an email, call them instead of sending ten emails back and forth. A one-minute call may be all that is required to get what you need.

#### **5. Combine Your Communications.**

You can help save your clients attorney's fees by combining your requests into one email or one phone call. Don't send your client multiple emails requesting information when you can combine all requests in one email. Similarly, limit your phone calls and set a call to discuss all issues together. It is even more important to instruct your client to limit and combine their communications into one method of communication. Each email sent has its own transaction cost. It gets read and indexed into the client file. If you ask for documents or if they have questions, they should consolidate their responses and questions together into one email or one phone call. If you don't set this expectation from the inception, you open the door to allow your client to send you an email or call you for every item, no matter how important or minor. Help your client understand the importance of combining their communications as it will help save them thousands.

#### **6. Cut the Therapy.**

Let's face it. As a divorce attorney you catch yourself providing your client with something akin to therapeutic counseling. It is unavoidable because our clients are possibly going through the worst time of their life. They are stressed, emotional, and many are also going through some form of depression. We must sympathize with them and build a relationship of trust. Regardless of how great a therapist you may think you are, you are not. You are an attorney. They hired an attorney to help them navigate their legal situation. So, cut the therapy and help them resolve their family law issues. If your client needs a therapist, refer them to one. Therapists are usually cheaper than attorneys. Your job is to help finalize their divorce and resolve their family law disputes. If you continue to allow long conversations with your client about how horrible their ex-spouse is and how they ruined their life, then your client will end up with a substantial bill and an unresolved and convoluted family law matter.

#### **7. Embrace Technology and Teach Your Clients.**

Law firms that implemented technology into their systems before the COVID-19 pandemic had an easier time shifting to work from home after the stay-at-home orders were put in place. Those who maintained paper files and rarely used digital platforms struggled and suffered financially as they were forced to digitalize their firm practices and procedures. The reality is, whether we have a pandemic or not, technology is booming and eventually

paper will become extinct. Familiarize yourself with top recommended technology platforms for your client file retention and learn the ease of data transfer electronically. There are various case management software programs and document retention platforms that are user friendly and much more affordable than maintaining paper files. There is client relationship management software that can help you streamline your client intake process and help you automate your follow-up communications with your clients during your representation. An efficient, technology driven firm, can manage their client cases productively and help keep their attorney's fees low by not spending time on unnecessary, outdated administrative work.

It is also as important to teach your clients how to better use technology to their advantage to help keep their attorney's fees low. Your clients should know how to convert files such as images and jpeg files into PDF and also know how to consolidate multiple files into one document. This will prevent unnecessary administrative work on your end that would otherwise be costly to them. For example, if you send your client a list of twenty documents, teach them to organize the records into different categorical folders, separate by year and category. Sure, your client may not do exactly what you ask of them, but any level of organization helps.

### 8. Negotiate a Settlement.

Hearings and trial proceedings are expensive. It is imperative you encourage your client to make every effort possible to resolve all issues privately without the court's intervention. By the time you prepare for and complete trial, your client's bill will grow by thousands of dollars. This is where advising your clients to pick their battles is important. They must understand the value of their objective against the costs of possibly attaining that objective. Do a cost benefit analysis with them again and discuss other alternative options to trial. If the parties go to court for a decision, they are asking a judge (whose scope of knowledge about their lives is limited to the evidence admitted) to make their important life decisions. If they negotiate a private settlement, then they have more control and can possibly come to a better outcome and save on costs. It is critical to discuss and explore all alternative options before sprinting to the courthouse.

### 9. Don't Create Issues. Discourage Fights.

At times, the things parties fight about are so worthless that it makes me cringe. Is it worth fighting over a \$500

couch and spend over \$1,000 each to argue who keeps it? It makes no sense. It is probably less expensive and more productive to buy a brand-new couch than pay your attorney to fight over the old one. Sure, the personal item may have some sentimental value to your client, or they may be emotional and sad because of the divorce—but spending thousands over it is simply not financially prudent. Adding another \$1,000 to their child's college fund and building savings for their future is a far more worthy cause than a \$500 couch. This is the time you need to help do a cost benefit analysis for them and be the logical person to help them make better decisions as they are going through their emotional turmoil. Discourage fights over every issue and don't create new issues simply not worth the cost.

Work with your clients and have regular weekly or biweekly quick follow-up calls with them. Your follow-up conversation need not be long but give them a quick update on where they stand with their attorney's fees during every follow-up call. Setting realistic expectations about their case and revisiting their goals help control their attorney's fees. Keep these nine tips in mind as it will help save your clients thousands of dollars and it will help you manage your financial business efficiently and productively.

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