

Costs of a Breakup

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People don't ever get married thinking that a divorce is in their future. But if you and your spouse decide to untie the knot, there are various routes you can take, from having your lawyers slug it out in court to filing divorce documents yourselves.

The right choice will depend on your circumstances. But when it comes to financial matters such as dividing up property, be aware that long, emotional arguments can mean big delays and hefty legal bills. To avoid this, try to "approach [divorce] like a business deal and leave the emotion and anger outside the door," suggests Barbara Shapiro, a certified divorce financial analyst with HMS Financial Group, Dedham, Mass.

The Cost of Tradition

In a traditional divorce, both individuals hire lawyers. Most cases are settled before trial. But if the case actually goes before a judge to resolve differences over financial matters or child custody, "litigation can take a few years," says Glen Rabenn, a divorce lawyer in Seal Beach, Calif.

Attorney fees often run from \$250 to \$450 an hour. A trial alone, depending on the complexity of the case, could cost each side \$50,000 to \$60,000, says Mr. Rabenn.

Expect to pay for every phone call with your lawyer. To curb costs, Andrew Hoffman, a certified divorce financial analyst in Mandeville, La., recommends keeping a divorce notebook: If you think of something to tell your attorney, "write it down and at some point communicate it in an orderly fashion." Consolidate calls. It's cheaper to call once with four things than to call four times.

If your divorce is highly contentious, hiring an attorney may be your best option. Your attorney does the talking for you, so contact with your spouse is limited, and a judge is there to ensure a fair and equitable split of your assets.

Other Assistance

Divorcing spouses also have other options to resolve their differences over the terms of the split.

Mediation is a process in which a third party -- usually a trained mediator, who may or may not be a lawyer -- helps a divorcing couple negotiate an agreement that is acceptable to both spouses. The mediator's job is to ask questions and facilitate communication, not to provide legal or financial advice, says Julie Denny, a mediator in Princeton, N.J.

Most mediators will prepare a memorandum of understanding that is converted into the settlement agreement, usually by a lawyer who will file it with the court.

Mediators charge \$200 to \$500 an hour, and couples can expect to pay a total of \$1,500 to \$3,500 for mediation, says Ms. Denny. Time and expense are dictated partly by how cooperative and forthcoming the spouses are. While mediation's cost can be attractive, it may not make sense for very angry couples and those who will need professional advice.

"Collaborative divorce" combines aspects of both litigation and mediation. The spouses each hire specially trained collaborative attorneys who advise and assist them in negotiating a settlement agreement but don't go to trial. A collaborative divorce typically involves other professionals, such as a child-custody specialist, mental-health practitioners and a neutral accountant or financial planner.

"It sounds like an expensive process because of all the people involved," says California attorney Mr. Rabenn, who also practices collaborative divorce. But he says this approach can actually cost half as much as litigation, because many tasks are handled by other professionals who charge less than attorneys. Couples choosing collaboration and mediation usually establish a successful settlement agreement, though a small percentage may end up in court.

One less commonly used option is arbitration, in which the two spouses typically hire a private judge to hear their case without lawyers, and usually agree to be bound by the arbitrator's determination. Arbitration often is quicker and less expensive than litigation, but arbitrators can make binding decisions that may not please both parties.

Doing It Yourself

If you don't have much in the way of assets or other contestable issues, you may be able to prepare your own divorce using a how-to book. Mr. Rabenn recommends Nolo's "How to Do Your Own Divorce in California," available on the company's Web site, nolo.com, for \$25.46. Laws, forms and requirements vary state by state, so it is best to consult a book that was designed with your state in mind.

Need a little more direction? You can complete the required divorce paperwork with assistance from Web services CompleteCase.com and LegalZoom.com. After you answer a series of questions, your information is entered into your state's required divorce forms. You can print out the forms or they can be sent to you within a couple of days, with instructions on how to submit them to the court. Both Web services charge \$249. Meanwhile, We the People provides face-to-face assistance, for \$399, at 160 stores in 32 states. These prices don't include the cost to file, which is usually about \$100.

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