

Handling Your Divorce with the Least Lawyer Intervention

Pro Se

The State of Washington has attempted to make it possible for people who are divorcing to do the paperwork themselves. Handling your divorce yourself is known as handling your matter “pro se”.

If you want to handle your case by yourself, you can log on to the Internet at <http://www.courts.wa.gov/forms/>. Download the forms or fill them out online and then print them. I recommend that you save a copy onto your own computer so that you don't lose the documents that you have produced online. There are some instructions on the state website about how to fill out the documents.

Family Law Facilitator

If you need more assistance, but still can't afford legal services, you might want to consider going for a free consultation with the Family Law Facilitator's office located at both the Kent Regional Justice Center, and the King County Courthouse at Third Avenue and James Street in downtown Seattle.

At the King County Courthouse, they have a first-come, first-serve legal clinic in the mornings at 516 Third Avenue, in downtown Seattle, near Yesler and James. The family law facilitator also schedules afternoon appointments. Contact the facilitator at (206) 296-9092.

The Kent Regional Justice Center located at 401 4th Avenue North in Kent, Washington hosts a free walk-in clinic on a first-come first-serve basis from 9:30 a.m. to 12 noon, Monday through Friday. Their phone number is (206) 205-2526. You can schedule private consultations through the family law facilitator at the Kent Regional Justice Center by calling (206) 205-2526. Generally, these appointments are held in the afternoons, Monday through Friday.

Unbundled legal services or “pro se” assistance

The next level of legal intervention is to consult a lawyer for one-hour consult to review the paperwork that you've put together yourself. You would be asking the lawyer to help you with “unbundled legal services.” Not all lawyers do this type of work. However, I find it is a nice way to work with clients. I host weekly paralegal office hours if you need general information and assistance, and I see clients one-on-one for more in-depth legal help.

Mediation

If you and your spouse are having more conflict, you might want to consider using the services of a mediator. A mediator is a trained professional who acts as a neutral third party to help you and your spouse negotiate issues involved in your

case. A mediator is technically not supposed to give you legal advice and may recommend that both you and your spouse see an attorney to become better educated about the issues in your case. I prefer mediators who have a legal background, however, in the state of Washington mediators can also be non-lawyer professionals. Lawyer mediators are particularly helpful because they know all of the issues required for you to settle everything that the State requires of you.

Collaborative Law

The next level of intervention is to use the collaborative law process, which involves both you and your spouse hiring lawyers to each represent your interests. All of the issues are decided at four-way meetings. In order to keep costs down, the collaborative lawyers may refer you to a neutral third party such as a financial planner or child specialist for more detailed information and discussion on these particular issues. In collaborative law, the information-gathering stage is informal and can potentially keep your legal fees down. Formal discovery (which is a special term for exchanging information between litigants in a case) can be an expensive process.

Litigation

If the hostility is even greater in your case, then you might have no other choice than to each hire individual lawyers who represent you in the court process. Sometimes the court process is very necessary and I do not want to give you the impression that the more amicable methods of resolution are always preferred. There is a time and a place for litigation, and when it is appropriate, it is a very necessary and helpful tool. I think that you will know if litigation is right for you if you find that you and your spouse are unable to work towards any reasonable win-win solution. Litigation is appropriate if you feel afraid of your spouse, have been threatened by your spouse, have been beaten or physically hurt by your spouse, or if you fear for the safety of your children. If you do not have a basic level of trust with your spouse, litigation might be a more appropriate way to resolve your conflict.

Even if your case goes to litigation, I still recommend early mediation with a mediator trained to work with two lawyers and two clients. In most civil and domestic cases in Washington, mediation before trial is necessary anyway. I believe that mediating early can help focus the case in the most positive direction. Besides, mediating on the eve of a court trial is a nerve wracking experience- to be avoided if you can. Sometimes lawyers don't feel that they are in a position to advise their client on settlement until every last stone is unturned and much money and time has been invested in the legal case. I disagree, I find early mediation can be very helpful in sorting out where the larger fights are going to be and to find places where both sides can agree to exchange information informally.