

SHOULD YOU REPRESENT YOURSELF?

Take this Test before Trying to Do So!

Answer each question by choosing "yes" or "no". When you have answered all nine questions, total your points so that you can get an idea of how hard it would be for you to represent yourself in your divorce. Remember, there are no "right" or "wrong" answers. This quiz is a guide to show you whether you may have trouble handling your own divorce.

1. Can you stick to deadlines no matter what?

Yes - 1 point - The court will expect nothing less.

No - 0 points - You will need to be careful. Set up a "tickle system" by putting reminders on a calendar you look at daily. If you are on the web, use one the many free web-based electronic calendars such as the one found on Yahoo.com. You can set up periodic e-mail reminders about deadlines.

2. Are you looking to "get even"?

Yes - 0 points - Divorce on a limited budget is not a good opportunity to get even. It can turn a relatively simple procedure into an expensive, lengthy process. It can be difficult to represent yourself if you are deeply emotionally involved. You are likely to find yourself making poor legal decisions.

No - 1 Point

3. Can you find the time to get to the courthouse during the day?

Yes - 1 point - A flexible schedule will help to make the process easier.

No - 0 points - You do not need to go often but you will need to arrange to take time off and arrange for transportation on a few occasions over the months of the divorce case.

4. Do you find yourself yelling at your spouse whenever the topic of money, the kids, or joint decisions come up?

Yes - 0 points - It will be difficult to work out agreements and to make service. You will find that the process is stressful and if these topics are trigger points, you will find it better to have someone represent you who is more neutral and can

make better decisions. Representing yourself may be more stress than you need during an already difficult time.

No - 1 point - A balanced approach to the inevitable difficulties will serve you well.

5. Is your spouse experienced at hiding income or assets?

Yes - 0 points - If your spouse has been "creative" in approaching income tax or if you have no idea where or how much money you have as a couple, expect that he or she will use those hiding skills at your expense during the divorce. An attorney will be able to help you to request court intervention to preserve or locate the marital assets.

TIP: If your spouse has (in the past) hidden taxable income from the IRS and you signed a joint tax return for those years, you may be responsible for past due taxes if he or she is caught. The IRS has a special "innocent spouse tax relief" quiz that can help you find out if you might be eligible for relief.

No - 1 point

6. Was there physical or emotional abuse in your marriage?

Yes - 0 points - You may find that old doubts will surface and old patterns reassert themselves. This is likely to make it much harder to represent yourself well. While an attorney is not a therapist (and it is very expensive to use your attorney's time that way), he or she can provide a buffer between you and your spouse. He or she will have the emotional distance necessary to help make good strategic decisions on your case. In addition, there are certain measures that an attorney can take to ensure your safety. Marital misconduct is a factor in the court's consideration of alimony and any monetary award to address property division in the context of a divorce.

No - 1 point

7. Does the following describe you?

- Attentive to detail?
- Comfortable with paperwork?
- Persistent?
- Able to meet deadlines?
- Comfortable using a library?
- Organized?
- Able to "read" other's reactions and modify your actions?

Yes - 1 point - These traits will help you complete your divorce successfully.

No - 0 points - The work of selecting, completing, and filing divorce forms and tracking them can be substantial. Your chances of success will be lower unless you are able to acquire some of these skills.

8. Can you make decisions and stick with them?

Yes - 1 point

No - 0 points - Once you make a claim, it is difficult to make changes. Divorce is a formal proceeding. Any doubts or questions should be resolved before filing.

9. Can you live with some mistakes?

Yes - 1 point - This is good because you will make some. Hopefully they will be minor.

No - 0 points - This may pose a problem. As a non-attorney, the law is not an area that you are likely to be able to make "perfect" decisions each time. Regretting certain decisions or trying to revisit them will add complexities to your case that may undermine your ability to successfully pursue your case yourself.

How Did You Score?

7 points or more: You are a good candidate for handling your own divorce!

5-6 points: This may be a strain for you. Look for an attorney for support or a friend willing to act as a coach could make it much easier.

4 points or fewer: Strongly consider hiring an attorney. If you cannot afford an attorney to represent you for the entire case, see if one will act as a coach or will represent you in a portion of the case. In Tennessee, a lawyer may accept limited representation.

Adapted by Southeast Tennessee Legal Services, 29 Patten Parkway, Chattanooga, TN 37402, telephone 423-756-0128, fax 423-756-0181, www.selegal.org. Source: People's Law Library of Maryland. © Maryland Legal Assistance Network / MLSC, 1999-2004. Rev. 12.27.04