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Additionally, the major issues that arise during divorce will depend on each individual couple, so it is important that you determine what you think will arise during your case and research accordingly.

Do you have kids? Custody and child support practices for your state will likely be an issue that you want to thoroughly understand.

Have you been married for a long time and is there a large disparity in income between you and your wife? You will probably need to look into how alimony works.

Do you expect a fairly amicable split? You may want to look into alternative dispute resolution methods, such as collaborative divorce to resolve the case.

Mediation can also be useful to help avoid expensive litigation and might even be required by the courts depending on where you live, so it may be a good idea to look into what that entails.

You are bound to have many questions and find few true answers as you begin looking into what the divorce process requires, and it is understandable if you feel overwhelmed as you start your research.

However, the more specific you can get with your questions, the better off you will be when speaking with an attorney.
Unfortunately, you cannot simply go into court and say 50/50 custody will work best and expect get that as a result. States have their own standards for all aspects of the divorce, and you will need to show why that is the best arrangement in accordance with state laws and procedures.

A family law attorney can help build your case in a manner that will be convincing to the court and gives you a much better shot at reaching the goals and outcome you are trying to achieve.

The investment may seem like a lot up front, but it is well worth it if you can avoid having to come back to court in the future.

For this reason, it is crucial that you also research divorce attorneys to help you through this difficult process and to answer more case-specific questions.

As you begin your research into the tangled and convoluted web that is family law, you will likely end up with more questions than when you began your initial research in the first place — which is totally normal.

However, the more preparation you do before meeting with an attorney, the more you will get out of that meeting and the better off you’ll be as you begin this long and daunting process.

“While many worry about the cost of a lawyer, it is important to realize that it’s often far less expensive — and easier — to try for a more favorable outcome the first time than trying to modify the divorce decree after the fact.”
Finding The Right Divorce Attorney

In the first edition of the Divorce Survival Guide, we explained the importance of legal guidance during divorce – particularly for men – since family courts often show a bias against them.

A quick Google search for attorneys in your area, however, likely will come up with dozens of results. This can be overwhelming for guys considering divorce, and you may find it difficult to narrow down the playing field to select the lawyer that is right for you.

There are many considerations you will want to think about depending on your situation since the attorneys will all have different levels of experience and skill sets that may or may not be relevant to your case.

Who you trust to represent you in divorce is a major decision, so it is crucial that you put the time and effort into this search to ensure you find the attorney that is best suited to help you find success.

Narrowing your search
A common mistake is to simply pick the first name you come across; however, you are much better off compiling a list of potential attorneys and meeting with them to decide who is the best fit.

The first step in finding the right divorce attorney is to narrow down your search.

Since there will be so many options and advertisements thrown at you ranging from billboards to radio to sponsored web content, it is important to consider a number of factors as you begin to thin down your available options.

Look for attorneys in the jurisdiction of your case — It is fairly common for separated couples to live apart, whether that means in different parts of the state or even across the country.

You need to know where the jurisdiction of the case will be, as laws and procedures will vary, and attorneys are only able to represent you in states where they are licensed.

Make sure they practice solely family law — Many attorneys out there will dabble in a variety of areas of law, such as criminal law, family law, tax law, etc.

These multi-faceted lawyers may have some experience in divorce, but when it is your future on the line, you want to find someone who is highly skilled in the family court system.

This is one area where you really want to find someone proficient in the field as opposed to a jack-of-all-trades who may not be as proficient in family law.

Get referrals from friends — If you know anyone who has gone through divorce, you may be able to get a solid recommendation.

Word-of-mouth is still a very important source of business for successful attorneys and law firms, so you may be able to find an experienced attorney to represent you in your case based off the first-hand referrals of friends, family or co-workers.

Check out reviews — You may be able to find a number of review sources online, such as those offered through AVVO.com.

This may help you determine if an attorney is worth following up, though it should be noted that all divorce cases are different and results cannot be guaranteed.
Attorneys will have different experiences and specialties, even within the family law practice area. Make sure to find one who is fully capable of representing your interests.

Know the attorney’s tendencies — Some attorneys may be known for their preference to sort things out in court, whereas others might have a penchant for crafting unique settlements and compromising without litigation. Depending on how you think your divorce will go, you may want to choose one of these extremes, or you may want to find someone who strikes more of a balance.

It should be noted that litigating a divorce is usually more expensive and takes longer, but that may be unavoidable depending on the mentality of you or your spouse.

Find someone you trust — After you have begun meeting with the potential attorneys on your list, it is important that you remember to trust your gut. You are about to hire someone who will play a major role in shaping your future. You should feel like the attorney who will represent you in your divorce is taking your case seriously, has the availability to devote the necessary amount of time to your case and has the experience to help you achieve your goals.

While it is easy to just select the first name that pops up when you begin searching for divorce representation, you are much better served meeting with a number of attorneys and picking whoever is best suited to help you meet your specific needs.

Overall, the choice of an attorney is a critical early decision that should not be taken lightly. It may end up costing you far more in the long run if you end up selecting the wrong lawyer to represent you in your divorce.

**Divorce attorney qualities**

Just as people in any particular field will have varying skill sets, attorneys are the same way.

Since each divorce is unique, it is important that you find an attorney with an appropriate level of proficiency in the issues that are likely to arise.

Additionally, this may vary depending on whether the divorce is expected to be more contentious or more amicable.

Communication is key — In every divorce, communication between you and your attorneys is essential.

It is a good idea to find an attorney with a reputation for returning calls and emails in a timely manner, as time may be of the essence when critical issues arise.

Finding an attorney or firm that has a specific policy for returning calls or emails is definitely a plus.

Find an attorney who can help you achieve your goals — Depending on your situation, there may be areas of family law that are more or less important than others to what you hope to achieve.

Do you have kids and want equal custody? Then be sure your attorney is skilled in building a custody case. Do you have a business? Be sure you select an attorney who knows the ins and outs of separating business assets.

**“In every divorce, communication between you and your attorneys is essential.”**

Take these reviews with a grain of salt, as with all services, dissatisfied customers are far more likely to leave a review than satisfied customers – even if it was not the attorney’s fault things didn’t work out.

Once you have narrowed down your list of potential lawyers to family law attorneys in the local jurisdiction of the case, you can begin to dig into the varying qualities the attorneys possess and what you will need to successfully reach your goals.
Maximizing Initial Consultations

Once you have done your research and narrowed down your search to just a few attorneys who seem like they would be a good fit for your case (you usually want to meet with at least 2-3 before making your choice), it is time to begin setting up initial consultations.

These meetings are crucial not only because it is your first opportunity to get an idea of how divorce will work with your unique circumstances, but also since you need to figure out which attorney you feel most comfortable with handling this process that will have a major effect on your future.

While attorneys will typically charge a flat rate for these meetings, the information you can get out of initial consultations is invaluable.

However, like every aspect of divorce, putting time into your preparation beforehand will help you maximize what you get out of these meetings — and your dollars spent.

**Learning how divorce affects YOU**
You should have already spent some time researching the laws and procedures for divorce in your state, but it can often be difficult to determine exactly how these convoluted statutes will affect your specific case.

Judges in family courts are given a very wide discretion when it comes to applying the laws, meaning what happens in one case will generally not result in the same outcome for another — there is really no way to tell with any certainty if your interpretation of the law is correct.

So many factors are unique to each divorce, and each will have the potential to affect other areas of the process. This makes it very difficult for someone who is not proficient in family law to understand with any degree of accuracy what will happen once the divorce has begun.

At an initial consultation, you are not only able to figure out the basic information regarding filing deadlines and your local jurisdiction's divorce procedures, you are also able to lay out the major facts surrounding your marriage and let the lawyer give a general explanation of likely outcomes and scenarios.

Consequently, the more information and details you provide, the more accurate the information you get out of the consultation will be. This means you need to come organized, which is where preparation is critical.

You are able to save a lot of time digging through paperwork by having important documents readily available, such as bank statements, tax returns, mortgage papers, retirement account info, prenuptial agreements or any court documents that have already been filed.

You should also come prepared with a list of questions to go over (which should not be very difficult due to the complex nature of divorce).

These can cover anything that you would like more information about, such as common child custody scenarios, how property division works, what will happen with any business interests you may have, etc.

There will obviously be a lot of information to get through in your hour or so consultation, so make sure to prioritize your most pressing concerns first.

You should also bring a list of goals that you would like to accomplish, such as an ideal parenting arrangement or what assets are the most significant to you so the attorney understands from the start what is most important and can begin working towards making those goals a reality.

Finally, don’t forget to bring a pen and paper to take notes!
**Maximizing Initial Consultations**

**Is the attorney the right fit?**
You will understandably have a lot on your mind trying to get a grasp on what will happen during the divorce, but you should also walk into each consultation with a part of your mind trying to determine whether the attorney you are meeting is right for you.

You will get a lot of information about what lies ahead in the divorce process, but a consultation is also your opportunity to gauge whether you are comfortable with a particular attorney handling your case.

There is no obligation to retain an attorney after a consultation, so it is important that you treat the initial as somewhat of an interview as well.

Do not feel uncomfortable asking questions about the attorney’s experience, qualifications and case load. You need to feel that they will have the time to put the required effort into your case, and an attorney worth hiring should be more than willing to talk about their credentials.

Additionally, if they do not have much experience with something like complex business division and that is going to be a major issue in your divorce, it is better to know that up front so you can look for an attorney more suited for your situation.

Another factor that is important to consider is whether they have any sort of policy about returning calls or emails. Communication is vital throughout the divorce process, as unforeseen circumstances can arise at any time. It is always a plus if they have a firm policy in place for returning any calls within a certain time frame just in case an emergency occurs.

The attorney also should be upfront about his or her own fee structure. A divorce attorney is likely going to be one of the most expensive aspects of the divorce, and you need to be absolutely certain you understand how much they charge and when.

**Consequently, the more information and details your provide, the more accurate the information you get out of the consultation will be. This means you need to come organized, which is where preparation is critical.”**

For example, most attorney charge by the hour; however, they may have a ticking clock that starts and stops every time they talk to you on the phone or respond to an email.

This can lead to nickels and dimes adding up, and if you are unaware that is how the attorney charges, it may come as a complete surprise if you are sending emails or calling every time you have a question.

(This also is why attorneys often recommend saving multiple questions for one email at the end of the day instead of spreading them out).

If the attorney seems frustrated or unwilling to explain in detail how they charge, that should be an immediate red flag.

Finally, you should simply trust your instincts. After meeting with an attorney for an hour, you should get some feel for their level of competency and if you trust them — something that is crucial throughout your case.

You need to feel comfortable that your attorney has your best interests at heart and be willing to share not only the good, but the bad and the ugly as well.

Trust becomes a two-way street between you and your divorce attorney, and they need to know everything — even if it is something you’re not proud of.

The chances are that it will come out at some point in your case, and if your attorney is caught off guard, it can have severe consequences.

Obviously, choosing an attorney to represent you in divorce is a major decision that should not be taken lightly. You are placing your future into their hands, so it is crucial that you find someone you are confident can handle that responsibility.

There are no guarantees — particularly when it comes to family law — but the choice of your lawyer can make a big difference, so it is worth the effort to find someone you trust.
This becomes important because each state will have distinct laws and practices for the varying aspects of divorce, such as property division, custody / visitation, alimony, etc. When you have the option to file in more than one state, it is important to look into the statutes for each to determine whether there is an advantage to file in one over the other.

An additional complication can come into play when a separated couple lives in different states and there are minor children involved. Since almost every state has signed on to some form of the Uniform Child Custody Jurisdiction Enforcement Act, the jurisdiction for your divorce will more than likely be where the children have lived for the previous six months.

There may be some exceptions to this rule, but having children live with one parent may limit where you are able to file.

**Serving your divorce petition**

After you have filed your divorce petition with the proper court, you must notify your spouse with a copy of the complaint. This is known as being served, and there are several ways it can be accomplished.

The two most common methods to formally serve your spouse are personal service or through certified mail with a return receipt request.
Filing Your Divorce Petition

With personal service, anyone over the age of 18 can hand-deliver the documents. This can be a family member, friend, sheriff, professional process server, etc.

Include an Acceptance of Service form for your spouse to sign and file it with the courts, which will begin the clock on your divorce action. Your spouse will typically have 30 days to file a response to your petition with the courts, though the time frame can vary by jurisdiction.

You also can serve your spouse by sending the papers via certified mail if you know their current mailing address, though you may need to prove you tried other service methods without success.

Finally, if you are unsure where your spouse currently lives after making a comprehensive effort to locate them, you may be able to use a method known as service by publication. This entails publishing a notice of your intent to divorce in a local newspaper, which will result in a default divorce.

This method should be a last resort, as a default divorce can later be disputed at a later date. Additionally, it may not be an option in all states and often requires definitive proof of your efforts to find your spouse to have them actively involved in the process.

**Being served a divorce petition**

If you are on the receiving end and are served with divorce papers by your spouse, it is crucial that you get in contact with an attorney immediately. Service marks kickoff time for the divorce process, and the clock starts ticking on when you must file your response.

The divorce papers will include a variety of requests, such as your spouse’s proposals for custody, property division and maintenance. In your response, you are able to admit or deny these proposals and state your reasons, which is a critical first step.

For example, if your wife requests sole legal and physical custody in the divorce petition, this is your first opportunity to make your case for shared or joint custody.

An attorney will be familiar with the kind of language judges and courts like to see, as well as the response process for your state.

“**The divorce papers will include a variety of requests, such as your spouse’s proposals for custody, property division and maintenance. In your response, you are able to admit or deny these proposals and state your reasons, which is a critical first step.”**

Failing to submit your response in time will result in the court assuming you agree with everything the opposing party stated in their original petition and result in a default judgment against you, which could obviously result in a very unfair divorce.

Additionally, the default judgment may be extremely difficult to overturn if you simply neglected to respond to the petition.

Filing is the first step down the long and bumpy road that is divorce and also offers your first taste of the complicated legal procedures you will encounter.

From determining where exactly you have file your petition to ensuring you follow the proper steps for service, you will now have your first glimpse of what lies ahead.
Now that you are certain you want to move forward with a divorce, it is time to make one of the most important decisions of the entire process: Will you be moving out at some point while the divorce is pending?

The instinctual reaction for most guys going through a divorce is to separate themselves from the potential drama and inevitable arguments that come with living in the same household as their soon-to-be ex.

However, the potential ramifications moving out will have on your case means this decision should not be made lightly.

You should take a lot of time to consider the pros and cons of moving out, including what it can mean for your case if you have children and what will result financially from this choice.

**Moving out creates potential custody issues**

For fathers, the most obvious problem that can arise with the decision to move out of the marital home while a divorce is pending involves their future parent-child relationship.

Family courts across the country will use some form of a “best interests of the children” analysis when it comes to awarding custody. Since the children are most likely going to be staying in the marital home, moving out during the divorce immediately limits your parenting time.

With a divorce taking anywhere from a couple months to more than a year, you are now restricting your ability to do the little things that courts often look toward when making a custody determination.

**Who puts wakes the kids up and gets them ready for school? Who takes the kids to doctor’s appointments? Who cooks dinner and gets the kids ready for bed?**

All of these questions will likely arise during the divorce proceedings, and even if you had an equal share in these responsibilities before you moved out, the answer will likely be your wife during the period of time leading up to the custody hearing.

Although you may have had a strong case for equal or joint-physical custody before making the decision to move out, the court will likely weigh the recent parenting arrangement more heavily.

Additionally, you are also essentially becoming the non-custodial parent voluntarily, which sets up a precedent for the judge.

You obviously felt comfortable with your wife’s ability to care for your kids since you packed up and left, so it is clearly in the best interests of the children to keep the living situation the same after the divorce is final.

The intent behind leaving the marital home may have been to simply avoid unnecessary arguments and fighting; however, the court will read into this decision much differently for fathers.

This reason alone should give you pause before making hasty arrangements to sleep on your brother’s couch or rent a shabby apartment.

**Two households, twice the bills**

Divorce is already an event that can wreak havoc on your financial stability. From court and attorney fees to splitting your bank account and assets in half, your sense of fiscal security enters a state of flux.

Because of this uncertainty, it is typically not a good idea to add more financial burdens to an already challenging time of your life — something you risk by moving out of the marital residence.
Moving Out Of The Marital Home

When the primary earner opts to leave the home preceding a divorce, a court will often issue a status quo order. While this typically restricts a parent from removing their child from the state or county, it can also be implemented to protect the lower-earning spouse from losing their home.

This means that whoever was in charge of paying the mortgage and other monthly bills must continue to do so until matters are resolved in court.

If you are the higher-earning spouse and you decide to move out, you may be stuck with two sets of bills: A mortgage and utilities for the marital residence where you are no longer living, as well as the new home or apartment where you move.

You also may lose access to your possessions, including important financial documents that may become relevant later in your case. Additionally, you run the risk of incurring temporary spousal support or child support, which can eventually be rolled into a permanent order.

Obviously, an additional set of bills is not something anyone would voluntarily undertake, so until a judge orders you to leave the home, you are often better off financially to remain in the marital residence.

You may be left with little choice
Although there are plenty of reasons to stay in the marital residence — particularly if you have children — circumstances may arise where it is potentially worth the associated risks to leave.

When a spouse wants to kick the other out of the home during a divorce, they may stoop to drastic measure to make that happen since both parties are presumed to have equal access to the residence until the court says otherwise.

For example, you may fear that your spouse will attempt to goad you into an argument or straight up lie about a domestic abuse incident.

It is unfortunately not uncommon for a wife to claim physical or mental abuse has occurred or that there is a realistic risk of abuse to themselves or their children for the sole purpose of having the court forcibly remove the husband from the home.

Due to the very low burden of proof required to obtain an emergency protection order and the significant impact this can have on divorce proceedings, it may be a better option to remove yourself from that situation entirely.

However, you should always consult with your attorney before making any major decision of this nature to ensure it is truly in your best interests.

This is particularly important since some states may require physical separation for a period of time before a divorce can be granted.

What to do if you must leave the home
If you are determined (or forced by the court) to leave the home, there are several things you should consider doing before you lose access to the residence entirely.

First, you should make sure to have copies of all relevant documents since it is distinctly possible that you will be barred from reentering the residence.

This includes tax returns, paycheck stubs, bank and credit card statements, loan agreements, mortgage documents, car titles, etc.

You can never be sure whether your spouse will play ball once the divorce is underway, and the fees associated with filing motions to compel during the discovery process can be avoided if you simply have copies of all relevant documents available.

Next, make sure to document valuable pieces of property through photographs or video. If you lose access to your home, your spouse will have sole possession of all your stuff. It is not uncommon for certain items to be “lost” in the months it takes for your divorce to proceed.
Everything from your wife’s jewelry to your baseball card collection should be documented just in case some items mysteriously vanish on your spouse’s watch.

Finally, thoroughly research where you decide to live — particularly if you have children.

If you are attempting to obtain shared parenting, it will be important for you to remain near enough to the marital residence that it will not interfere with your children’s schedules. You will ideally remain within their school zone and be able to continue upholding their daily routines.

You also need to make sure that your living conditions are similar, meaning you cannot crash on a friend’s couch in their one-bedroom apartment and expect the court to grant you 50/50 custody.

There is an expectation that you should maintain a similar standard of living between both residences, which can sometimes be difficult due to spousal support, child support, living expenses and divorce fees.

Although your initial reaction to a divorce may be to get out of the home immediately, there are obviously many factors you need to consider since where you live will likely have a huge impact on proceedings.

Starting with a clean slate may be your goal, but if the divorce is pending, you may be better off waiting until everything is finalized to take that first step.

“Family courts across the country will use some form of a “best interests of the children” analysis when it comes to awarding custody.”
Submitting A Financial Declaration

After you have filed and served your spouse with divorce papers, the clock on your proceedings officially begins ticking. If you have not done so already, you need to begin the legwork of gathering important documents and evidence to help build your side of the case.

One of the first (and arguably most important) tasks in the divorce process will be filling out your financial declaration, which provides the court an overview of your monthly income, bills and general expenses.

Each party is required to submit their own affidavits, and the judge will use these documents to determine a variety of issues in the case.

It is crucial that you are upfront and honest with your financial declaration, as omissions — whether intentional or accidental — can result in damage to your credibility, court-issued penalties or financial obligations you cannot afford.

An overview of financial declarations
Like most aspects of divorce, there will be differences in the forms, process and even what it’s called depending on your location — you may have to submit a Financial Declaration, Financial Affidavit, Statement of Net worth or some other variation based on where you live.

No matter what your state calls it, however, the form boils down to the same purpose — giving the court an accurate overview of your monthly income and expenses via an itemized list of earnings vs. expenditures.

This document will be used to determine how a number of issues in your case are resolved, such as the need / ability to pay spousal support, child support, attorney fees and property division.

Due to the extensive list of areas this document affects, it is imperative that you pay close attention to even the most minor of details when you are filling out your financial declaration.

First of all, the financial declaration is considered a sworn statement under penalty of perjury.

If it is discovered that you deliberately mislead the court regarding your financial status — perhaps you owned an asset you didn’t think your wife knew about — it can result in major penalties ranging from a simple slap on the wrist to jail time depending on the severity of the deceit and how it impacted the case.

Even accidental omissions or misrepresentations on your financial declaration can affect your divorce, resulting in lost credibility with the judge, inequitable distribution of property or support obligations that are more than you can handle.

For this reason, it is crucial that you gather documentation or supporting evidence to verify any expenses you claim.

It may be extremely tedious to track down everything you need, but a common reason many people run into trouble on their financial declaration is due to making wild guesses instead of taking the time to confirm that the information is accurate.

Gathering documents
What you need to include in your financial declaration will depend on your individual circumstances, so ask your attorney for a complete list based on your situation. However, there are several common documents that you can compile early in the case to make your life a little easier when it comes time to fill out your financial declaration. These include:
Submitting A Financial Declaration

Gathering documents cont..

Tax returns — you will need copies of both federal and states tax returns for at least the previous two years before the divorce was filed. If you own a business, you will likely need to provide copies of your business’ returns as well.

Pay stubs — gather pay stubs for the previous 12 months from any job you may have held, both full- and part-time.

Financial statements — this includes statements from checking and savings account, credit cards, investment accounts, retirement accounts, etc.

Real estate information — make copies of any and all real estate documents that include the value of your home, such as the most recent appraisal or refinance documentation.

Loan information — this includes auto and personal loans that have been opened or closed within the past 12 months of filing.

Bills — collect several months’ worth of bills, including but not limited to, utilities, cable, Internet, cell phone, medical, day care, pet care, car repair, etc., to help determine an accurate figure for your average monthly expenses.

The purpose of gathering all of this documentation is not only to ensure you are truthfully representing your monthly income and expenses, but to also provide the ability to back up your claims if the opposing party questions the accuracy.

Unfortunately, this is one area where your attorney can only help you so much — they do not have an inside look into your earnings and expenditures over the past several years.

It is up to you to report correct information, and then follow your attorney’s advice on how to present it to the court.

Filling out your financial declaration

While the forms for each state will vary, they are typically broken down into categories / sub-categories that will include a section for basically any expense you can incur.

For example, compare the Illinois Financial Affidavit to the South Carolina Financial Declaration.

The layout of the forms may be different, but both require a lot of time, thought and math to be put into verifying where your money is coming from and how it is being spent.

When it comes to your income, not only must you report your paycheck, you also need to calculate how much overtime, bonus money, tips, commission, investment / retirement income, etc., that you average each month.

Since many of these sources are not regular installments like your salary, you will likely need to go back through several years’ worth of documents and average what you made per month over that time to come up with your monthly figure.

Your attorney can provide you with more information on the best practices for reporting variable income in your state.

As for expenses, you are able to itemize essentially anything you could possibly spend your income on, ranging from essential bills like a mortgage and utilities to more trivial matters like entertainment.

You want to ensure you fill both categories out thoroughly and do not forget to leave out any details, as anything you forget to add may count toward your “expendable” income, possibly opening yourself up for larger support payments.
Gathering as much supporting documentation as possible will also help in case the judge or opposing party feels you are over or understating your income and expenses.

It cannot be stressed enough how critical it is to file an accurate financial declaration at the onset of your case.

Due to the number of important issues that your financial declaration will impact, you want to be absolutely certain every penny, nickel and dime are accounted for.

While your attorney can assist with filling out the forms properly and advise on how to report certain types of income and expenses, they rely on you to report accurate information.

Your attorney has experience presenting information in the best possible light; however, the worst thing you can possibly do is try to hide something only to have it catch your attorney off guard in a later court hearing.

“The purpose of gathering all of this documentation is not only to ensure you are truthfully representing your monthly income and expenses, but to also provide the ability to back up your claims if the opposing party questions the accuracy.”
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