

# - WHITE PAPER - CALIFORNIA DIVORCE BUYING

## CALIFORNIA DIVORCE BUYING 101

Prepared by NetDivorce, LLC

### INTRODUCTION

At [NetDivorce](#), we believe we have created over time the best available online divorce package for the California divorce consumer. That package consists of:

- a secure, intuitive, custom online interview;
- an accurate and immediate download and printout of your completed divorce forms, both state and county - with unlimited free changes and re-downloads;
- various interconnected, highly-personalized and context-sensitive client help systems, including DokChek, our proofreading system, and automatic Monday morning email updates on your case;
- superb case-specific written checklists on how to file your case at court;
- unlimited friendly client support by phone, email and live chat M-F 7 AM-7 PM with knowledgeable experienced case workers; and
- a killer price - \$129 for any uncontested California divorce.

In fact, we suspect that NetDivorce's only public perception problem is that some consumers may think we cannot provide what we promise for that price, which is less than half of what our major competitors charge.

Therefore, while we THINK that the conclusion of most uncontested divorce shoppers who read this White Paper will be to hire NetDivorce, we also want you to be comfortable in that choice. For you to have that comfort level, you must know about California divorce buying basics – the players and the common issues that separate those players. It's NOT a pretty picture.

This California Divorce Buying White Paper is our good-faith attempt to provide you, the California divorce consumer, with no-nonsense information to enable you to look carefully at all of the options available to you, including options that do not include NetDivorce.

We think you will find this White Paper informative and brutally honest. We would like you to shop around and assess ALL of your options -before you hire NetDivorce – if that is the best option for you. If you do not hire NetDivorce, this White Paper will still have done its job.

## PART ONE - RECOGNIZING THE PLAYERS

This White Paper will provide you with a good understanding of the California divorce industry as well as lots of guidance for comparison shopping on particular issues which may be important to you.

Divorce is generally not a happy task, but once you've made the difficult personal decision to divorce, it has to be done. You should feel as good as you can about the process.

The California divorce industry is not an easy place for an inexperienced divorce consumer to shop and compare and know what's going on. So let's start with the basics. Just recognizing and understanding the players involved will get you about 60% of the information you need to figure out what you should do next.

The players in the California divorce industry are:

**Lawyers:** These are licensed professionals with a high level of education in the law. Contrary to popular conception, most are uninsured. However, all are heavily regulated by the professional rules of conduct of their Bar Association. Lawyers generally behave themselves, not because they are any more honest than any other profession, but because they are understandably intimidated by the client complaint system provided by the California State Bar Association and even the remote possibility that they could be censured, suspended or even disbarred as a result of client complaints. The California Bar Association's regulation of lawyers is serious stuff.

A lawyer is absolutely necessary in your divorce if you have contested or complex issues. NetDivorce and the other non-lawyer options are lower cost alternatives to a lawyer, but neither NetDivorce nor any other non-lawyer alternative is a substitute for a lawyer.

There is no substitute for a lawyer. If you need one, you need one. If you suspect you need one, you probably do.

If you need one, but don't hire one, you will inevitably screw up your case in some way and make it even more difficult and expensive to get it straight later on. Divorce is definitely an area of your life where you can easily throw good money after bad if you are not careful. Don't short-arm your divorce if you need a lawyer.

One factor that makes this part of your decision more difficult is the availability of free or very low cost consultations with a lawyer. A consultation is different to the actual hiring of a lawyer. You would normally consult, consider/compare and then hire the lawyer in 3 separate steps.

Consultations might seem attractive, and they do have definite value, but they can be misleading too. NetDivorce always recommends a consultation with a lawyer before you proceed. You don't have to do that, of course, but it's always a good idea. Just be careful and be sure you understand the nature of the lawyer "beast."

What do we mean? The problem with lawyer consultations is that no matter what substantive and good advice you get from the lawyer about your case, the ultimate recommendation from the lawyer will always be, "Hire me. I understand your case. I'm the only one who can help you." That will be the inevitable advice, whether it is accurate or not. You will never have a lawyer consultation in which the lawyer says at the end, "Be sure you do this, this and this in your case, but you'll be safe with a company like NetDivorce (or any other company). There's no need to spend \$5000 on me at this time."

Lawyers, as a profession, are neither good nor bad. There are good and bad lawyers. A few are dishonest. A large majority are not. Some are more expensive than they should be. Many are cost-effective, and more are becoming so.

Depending on where a lawyer THINKS s/he is in his or her professional development, "good" does not necessarily equate to expensive. Most lawyers try to do a good job and many of them succeed consistently. As in all professions, there are good and honest lawyers and bad or dishonest lawyers, and price is not an indicator.

Hiring a lawyer is, in the final analysis, a crapshoot, no matter what. But then, hiring any professional is a crapshoot, no matter what. All you can do is research, compare, think and use your best judgment.

Lawyers are easy to find. However, forget local Bar Association lawyer referral services - you just get assigned the next unemployed lawyer in line. You should exercise some judgment yourself.

Also forget the free online Yellow Pages listings. You might just as well close your eyes and stick a pin into the listings. Hiring a lawyer is an important decision. Exercise judgment and stay off the roulette wheel provided by lawyer referral services and free online listings.

Personal referrals from trusted friends and relatives are the best source of lawyer referrals, if available. Take personal referrals, if available, but don't proceed blindly. Every case is different. A lawyer that did a great job for your friend can screw up your case because it is different.

If no personal referral is available, search online for “[the name of your town] divorce lawyers.” Read their websites. Narrow it down to 3 or 4 and then call them all.

Interview several local lawyers on the phone before deciding (Lawyers may call those interviews “free consultations,” but that doesn’t matter - you are interviewing them for the job). The lawyer has a very low “conflict of interest” threshold to clear for you to be able to hire her, but you are trusting your legal and financial future to the lawyer. Make him or her qualify. If there is any resistance to the fact that you are qualifying the lawyer, walk away. You will already know whose interests that lawyer will represent first. It isn’t you.

If you are wealthy, have a lot of high-dollar assets in your case or you will be dividing an existing business between you (NOT assigning it to one of you) or if you have a special needs child of the marriage, you ABSOLUTELY need a lawyer. You should pay an appropriately experienced lawyer at least \$5,000-10,000 for any such case. You need to do that just to protect your wealth, assets and/or child. It's worthwhile.

If you're not wealthy, but have concluded that you need a lawyer, you should be able to find a competitive, competent, probably younger, less experienced lawyer who will do a reasonable job in an uncontested case – either for \$600-800 on a traditional hire or even as low as \$350-\$450 on what is called unbundled or “limited scope representation.

Limited scope representation is relatively new and you should definitely consider it if you need a lawyer in your case. It is where you use the lawyer only where and when you absolutely need him or her. You can file your case at court yourself just as easily as a lawyer can for you. You can serve your spouse with divorce papers using a trusty friend or relative, 18 or older, just as easily as having a lawyer serve your spouse for you. Why use a lawyer in areas of your case where you can do just as good a job yourself – and save money?

In unbundled representation, you still are represented by a lawyer. You just use the lawyer more cost-effectively. In limited scope or unbundled representation, there will be limits on office visits, phone calls and emails. For example, there may be a limit of 2 email responses and one phone call per month during your case. This should be adequate, and you can always buy more if the need arises.

If you are interested in limited scope representation, but the lawyer you are interviewing says it’s unprofessional or unethical, walk away. It is neither. Limited scope representation is a significant and growing trend in the practice of family law. If a lawyer won’t even consider it in your case, he has already made a judgment about what you can afford.

**Feel Good Websites:** We are not being disrespectful in that description. That is an accurate description of a large group of varied online providers who offer some valuable divorce-related products and services, but do not offer divorce services, though they sometimes try to appear like they do.

Some of these websites are informational. Some sell psychological or counseling services or books. Some are directories of links to almost any divorce-related topic or article you can imagine. Some are wide-ranging divorce blogs.

There is absolutely nothing wrong with any of this extremely varied group of sites as long as they represent themselves accurately and honestly and if you know what it is you are looking for and what the site you are looking at is offering. These can be very useful sites, particularly to get far more information about divorce than you ever want or need to know.

The main factor you need to know about this group is that none of them will get you divorced. They may help you, but you don't ever get divorced as a result of visiting or using any of these sites.

If you want to get divorced, use caution and your best judgment when viewing these sites. Then find a lawyer or an online divorce from preparer, like NetDivorce, in order to get your divorce.

**Blank Form Providers:** This group is dangerous and even dishonest. Fortunately, there aren't many of them left at mid-2015. The primary one is owned by an online competitor of NetDivorce. That competitor recently converted the use of the site from fraudulent blank form selling to the fraudulent recommendation of its own parent company. It pretends to be a legitimate online divorce service reviewer and then, surprise, surprise, recommends the online divorce service owned by its own owners. That's how dishonest the overall online divorce industry has become.

These sites offer only blank forms, i.e. not completed with your personal information. You can download all state and county blank divorce forms FREE from the Judicial Council website or from the website of your county's local Superior Court!!

Some of these form provider sites claim to provide written instructions on how to prepare and file and serve your blank papers after you have completed them. But unlike a lawyer or a service like NetDivorce, they would not know anything about you or your case when they provide those instructions. Such instructions would literally need to be hundreds of pages long to be of any practical use to you. They would have to be so long that no reasonable person would ever read them.

We have seen several of these so-called filing instructions. They are all very long and have many pages of very thin, vague and sketchy instructions that will not help you in any practical sense to get your case prepared or filed.

All that downloading blank forms from any website gets you is a confusing bunch of blank forms.

Before you downloaded blank forms, you suspected that you wouldn't know how to fill them out or what to do with them after you had completed them. After you download, you will be absolutely certain that you do not know what to do with them and further, that you don't want to know.

Downloading forms free, or from some sites for \$10-\$30, doesn't get you divorced. You still need to know how to complete which forms and what to do with them and when.

In fact, that's what these sites count on. They know you're not going to get divorced as a result of downloading their forms and instructions!

Their game is that they sign up lawyers (or are married to one). They then dispense or sell forms to you. You are immediately more confused than you were before. You then notice that the site from which you downloaded also offers lawyer referrals, which is their real line of business. You then contact that site (or they have already "followed up" with you a day or two after you have downloaded their blank forms). They then try to "rescue" you by referring you to one of their lawyers (or the one they are married to).

You've been hooked. You could have picked your own lawyer yourself without the confusion and delay these folks offer.

Stay away altogether from online blank divorce form providers

**RocketLawyer.com:** This is a group of one, but deserves special mention as this company is all over the Internet. It may be that it provides valuable services in other areas of legal services provision, but RocketLawyer is downright tricky in the area of divorce.

RocketLawyer does not provide blank forms or online divorce services. It provides Bait and Switch.

It dupes you in with the promise of a free prepared Marital Settlement Agreement (MSA). If you complete the RocketLawyer online interview and provide your credit card data and email address, you actually do get a very poorly prepared MSA. It is not state-specific and it would never be accepted at any California

court. It is essentially worthless because it lacks many mandatory California-specific terms and phrases, but you do get the MSA. And it is technically free at the time you get it. It has cost you “only” the 15-25 minutes of your time it took to complete the RocketLawyer interview

After you complete the RocketLawyer online interview, you are offered three options to proceed. Those are: (1) a free one-week membership; (2) a personal legal services plan for \$20 per month on credit card auto-billing; or (3) a personal/business legal services plan for \$50 per month on credit card auto-billing.

If you select the free week option, you are still required to provide credit card data, and then, unless you actively terminate during that week, they begin credit card auto-billing for one of the other two options.

When you are provided these 3 options, if you scroll down to the very bottom of the screen, even below the orange continue button, you will also see a button that says, "No thanks, I will take my read only version." But that button is easy to miss.

“Read-only” means that you cannot edit or change your free MSA. It’s a done deal. You’re finished. The hidden “read-only” document is the only option that does not require disclosure of your credit card data - after you’ve invested an average of 15-25 minutes of your time and disclosed your private information to a company partially owned by Google.

Is there any way to recover through RocketLawyer after you’ve been baited with an offer of a free MSA and then switched to a useless un-editable MSA that will not get your case filed or completed? Neither the \$20 nor the \$50 per month pre-paid legal services plans cover divorce, though each will enable you to talk to a local lawyer on the phone one time only free of charge. Almost all divorce lawyers provide at least one free telephone consultation.

Anything more than that one free phone call will be billed to you under the legal services plan at 40% of the lawyer’s standard rate or \$125 per hour, whichever is greater.

Remember the RocketLawyer promise of, “Free divorce documents – no credit card required?” Since then, they’ve taken 15-25 minutes of your time, all of your personal data, they tried to hide your free MSA from you and they’ve tried to sell you a pre-paid legal services plan that doesn’t cover divorce but would entitle you to get hosed by one of their lawyer sign-ups.

You have discovered that RocketLawyer is nothing more than a lead generator for lawyers. They’ve sold your zip code to some number of lawyers, and the next lawyer up in your zip code is assigned you and your case.

If you think that either a \$20 or \$50 per month pre-paid legal services plan on credit card auto-billing is a good deal, sign up for one. If you decide to hire a lawyer to handle your uncontested divorce, look around, talk to people you trust, get referrals and pick a lawyer yourself.

Don't get Baited and Switched into an expensive lawyer that someone else selects for you. Stay away from RocketLawyer.com.

**Main Street (Bricks and Mortar) Paralegals:** These are non-lawyers, just like their online brethren, but they act a lot like lawyers, just like their online brethren cannot and do not.

These Main Street paralegals sit in offices, are available for consultation and require you to call them to get a price. But you get none of the protections of hiring a lawyer.

You can't be an online non-lawyer and act like a lawyer. You'd be exposed online pretty quickly. But you can be a Main Street non-lawyer and act like a lawyer, because you're not online.

If you are only online, your fees have to be right up front for anyone to see immediately. Who's going to call an online forms preparer to find out what the fee is? If the fees aren't immediately obvious on your site, you just don't get hired.

However, you CAN be a main-street, non-lawyer paralegal with a 1 or 2 page static website and have all of the disclaimers on your site, on your intake paperwork and in your strip mall office window but still act like, quote like and charge fees like a lawyer.

Cost is the real danger of this group, but they also offer many of the inconveniences of lawyers - you have to go to their offices, fill in a questionnaire in a waiting room full of people, wait in line, squirm through an embarrassing personal interview, wait for them to do the work and do this whole procedure twice in most divorce cases.

The average Main-Street paralegal fee for these truly inconvenient services is \$400-\$700. A clue to whether or not this will be the fee quoted is whether they list their fees in their advertisements or on their 1 or 2 page websites.

Uncontested divorce fees are not rocket science. NetDivorce fees are quoted in every advertisement and PROMINENTLY on our website landing page and other pages of our extensive website.

If you have to call a non-lawyer on the phone just to find out its divorce price, you're dealing with a Main-Street paralegal and the fee will be \$400 to \$700. There will be much up-selling too.

The only time when Main Street paralegals can be of value is if you have already filed your divorce case – either yourself or through someone who had no clue what they were doing. If your existing case is so screwed up that you cannot figure out what to do, then only a lawyer or a Main Street paralegal can assist because you need to go into someone's office, sit down face to face and show them the papers that have been filed and pay lots of money to get things squared away.

Online providers can provide that type of service, if you scan or even fax the docs to them, but most don't want that type of business. They'd prefer to handle cases from beginning to end only. NetDivorce does not come into existing cases. We just can't clean up messed up cases at our low price level.

Main Street paralegals consist largely of older paralegals from the 80's and 90's who did not switch to the Internet around 2000-2005. These are the dinosaurs of divorce.

If you insist on paying \$400-700 to a substantially inconvenient group, NetDivorce's strong advice would be to hire a real lawyer on a limited scope representation. You can definitely find a decent California lawyer to do a good job for you in an uncontested case for \$350-450 on an unbundled basis.

**Online Divorce Form Preparation Services:** This group is the future of divorce services. As consumers expect more online experiences in every aspect of their lives, this is the way that all divorce business, except perhaps mediated or contested cases, will be going. There is also an additional incentive for consumers to move their divorces online as divorce is one of the relatively few industries where less face-time is good.

However, if face-time is mandatory to you, for whatever reason, this group is not for you. Face-time is expensive. Only lawyers offering traditional (not unbundled) service and main-street paralegals offer face-time.

This group includes all the big nationwide outfits as well as localized regional services, like NetDivorce. These are exclusively online services. They do not file your case at court or serve your spouse for their lower fee. Lawyers and Main Street paralegals will file your case and serve your spouse for their much higher fees.

Filing papers and serving your spouse are easy things to do. NetDivorce recommends that you do not pay anyone to file or serve your case. It's too easy.

However, NetDivorce does have independent court filers and registered process servers standing by, at additional cost, if you absolutely cannot get to the court and don't want to involve a friend or relative in your case. Your choice.

The fees of online providers are definitely lower than those of main street paralegals. Their levels of efficiency and client support will vary widely based upon many factors, including their business integrity, quality of software used and their overall depth of experience. Remember - it's a crapshoot no matter what. Just do your research, think and use your best judgment in making your final hiring decision.

**Recommendations Regarding the Players:** We suggest that, based on the above analysis of the players in the California uncontested divorce industry, if you are looking to get a divorce, while the "feel-good" sites may well help in other areas, there are only two realistic options to use to get an uncontested California divorce: a lawyer (unbundled only) or an online divorce forms preparer.

Use a lawyer if you have any complex or disputed issues in your case. Use a company like NetDivorce if you don't have issues and want to save a chunk of money. In our submission, it's that simple.

Don't waste your money buying blank forms, getting baited and switched by RocketLawyer or over-paying a Main Street paralegal.

Unless you're very wealthy or have a lot of high-dollar assets, don't waste your money on a lawyer who will not consider unbundling his or her services.

Part Two of this White Paper deals with the remaining 40% of your comparison shopping in the California divorce industry, namely understanding and avoiding the most common pitfalls.

## **PART TWO - RECOGNIZING THE ISSUES**

If the definitions and descriptions of the California Divorce Industry Players above have not driven your final decision, read on. The following common issues and considerations should finalize your decision.

**Most Main-Street Paralegals Do Not Advertise or Readily Disclose Their Fees:** Uncontested divorce fees are not rocket science. In almost all divorce

cases, there is a relatively fixed and predictable amount of work and client support required.

Experienced Main-Street divorce paralegals should know this and be able to put a flat fixed price on their time and effort for that work. Online divorce forms preparers put a price on their work and always advertise that fee openly on their sites. That's because they know that no one will call an online provider on the phone just to discover the fee. That's what "online" all is about. The fee is online, not on the phone.

Yet almost all Main Street divorce providers, some of whom have very thin non-functional websites as well, pretend that they have to speak to you on the phone to be able to determine, oh so expertly, what your fee will be. It's the off-line equivalent of establishing "engagement" with the online website visitor.

So you have to call them for a "consultation," immediately putting you in an uncomfortable and dis-advantaged position because you don't know what the fee will be and they do. They should have known and disclosed the fee to you in their advertisement before you even called. You then have to answer a bunch of personal questions while they try to figure out what they need to pay the rent this week.

This is not the way to start a trusting personal business relationship. The NetDivorce fee is quoted in every advertisement, on our website landing page and on many other pages throughout our website.

Main Street paralegals are only of practical use to you if you absolutely require face-time with your divorce provider (see the players section above). If you can do without that expensive add-on, there is really no practical use for Main Street divorce providers

**Almost All Online Divorce Form Preparers Ignore the Existence of Local County Divorce Papers:** This is one area where the main-street divorce providers beat the online big-boys, but still are not worthwhile.

However, it is not because Main Street paralegals are more honest about the existence of county forms. It is because most bricks and mortar divorce providers charge you so much money, they have to file your papers at court for you. They can't take \$600-\$700 off you and tell you to file your own papers. So they MUST have all necessary documents, including county forms, with them to complete the court filing. Otherwise they'd have to come back to you to tell you that they had failed to file your case because of missing documents.

Almost all documents that will be used in your case are California state forms approved by the Judicial Council. Yet almost all cases will include perhaps one to three ADDITIONAL local county forms. Counties are allowed to create and require the use of their own local forms as long as those local forms do not replace any state forms. All 58 counties in California have some local family law forms. Several counties have an extensive array of local divorce forms.

It is tough to keep up with all of these local forms and all the changes that are constantly made to them, as well as keeping up with the bulk of state forms. All of these county forms are available online, but online providers would have to go to 58 separate county Superior Court websites to get their local forms or check on any amendments.

Instead, almost all online providers choose to go only to the Judicial Council website to get all of the California state forms only. Online providers, particularly those who claim to provide service in many other states as well as California, just aren't going to go to those 58 separate sites on a continuing basis.

So what do they do? They ignore the county forms altogether and don't mention them at all on their websites. Instead, they use "weasel words" to announce that their service includes all "state approved forms" (or similar verbiage). Of course, the problem is that you won't know of the existence of county forms (until you read his White Paper), so you will think these online providers are telling you that they prepare "all forms." They are actually telling you, in a very underhanded way, that they do NOT prepare all forms.

So when you go to court to file your case and the filing clerk throws a blank local form at you and you go home and call your online divorce provider and ask "what the heck," they will be able to tell you accurately that they told you up front that they would only provide state-approved forms. We think this is dishonest.

NetDivorce handles divorces in California only. We check all 58 court websites for new or altered local forms on the first day of every month. We occasionally get caught short on a new or altered form that was changed on the 3rd or 5th of the month, but we can build in a new form in a matter of an hour or two.

The important consideration here is that to be up front and honest with you, the online big-boys would provide you with all forms, state and local, no questions asked and no fraud involved. NetDivorce provides you with all of the forms, state and county, needed to complete your uncontested divorce.

**Someone Has To File Your Papers at Court – Usually On 2 Separate Occasions 31 Days Apart:** So who will actually file your divorce papers? We don't know of a single online provider who will do that, including NetDivorce.

It's part of the online creed of keeping fees down. You should not want to pay ANYONE to stand in line at the courthouse for you. Yet we don't know of a single bricks and mortar provider who doesn't file for you. In fact, they charge you so much, they can't get away with not filing for you.

The main point here is that filing is so easy (it can also be done by mail or FedEx), you don't want to pay someone to do it for you unless you just cannot get to the court yourself or flat-out don't want to do it. If you just can't make it to the court, don't pay anyone to do it for you anyway! Your papers can be filed by anyone 18 or older - you, your mom, your friend. It is very easy to do!

If you cannot get to the court and don't want to involve anyone else in your case, NetDivorce (and most online providers) do have court filers standing by at about \$55 per filing.

However, we really don't recommend paying anyone to file your case. If you don't pay anyone to go to the DMV or Post Office for you, don't pay ANYONE to stand in line and file your case at court. It's not worth it.

This is also yet another way to say, "Don't hire a Main Street divorce paralegal."

**CONCLUSION:** Instead of outlining the above issues for you, we could have just said, "If you are not hiring a lawyer to get your divorce because you are wealthy or have contested issues, then buy only from an experienced online provider that states its fee up front in writing, has a low fee that is representative of the lower cost of doing business online, provides ALL necessary divorce forms and doesn't charge you to stand in line for 10 minutes at court."

We could also just have said, "Hire NetDivorce."

We hope and trust that this White Paper on California Divorce Buying has been informative and helpful to you in your considerations of how to proceed on your divorce case. Good luck in your case.