

Divorce suits this lawyer

Big money doesn't always mean best

By Sandy Wells
STAFF WRITER

Shopping for a divorce lawyer? You can't miss the ad. Under Lawyers in the Yellow Pages, the first full-page advertisement announces, in huge letters, AFFORDABLE LEGAL ASSISTANCE from Pepper & Nason.

"Rich people can afford any attorney," the copy says. "Poor people receive free legal aid. Too many of the people in the middle either pay too much or go without legal assistance altogether. . . . We are dedicated to providing legal services to individuals and local businesses at reasonable costs."

At the Hale Street offices of William W. Pepper and Andrew S. Nason, you won't find the elegant hush and opulent ambience of an upper-crust law firm. No polished mahogany. No ankle-deep carpeting or gleaming oak floors. No breathtaking views of the city.

"I think I hold my own. I would not be so presumptuous as to say I'm better than anyone else, but I also don't feel I am intimidated by other people."

Andy Nason
Charleston lawyer

Andy Nason's office overlooks the sidewalk.

The pleasant but functional lobby at Pepper & Nason oozes efficiency, a kind of revolving-door bustle associated with People's Court.

"We're both former Legal Aid lawyers," said Nason, "so when we started in practice, the model we used was more or less a legal

clinic."

The firm handles all sorts of legal problems, including personal injury, criminal cases and bankruptcy.

Andy Nason's forte is divorce.

Deemed highly competent by prestigious colleagues who have faced him in court, Nason estimates he has handled 1,500 divorces since he started practice in 1979. Divorce work makes up about a third of his practice.

Finding a niche

Modest and soft-spoken, a man who measures his words, Nason talks about his reputation with resignation. "After a while, certain lawyers get a reputation for being the best personal injury lawyers or for doing corporate work or discrimination cases. After you've gotten into a certain niche," he

See DIVORCE, 11A

*The Charleston Gazette, Monday, May 23, 1994

11A

Divorce

Continued from 1A

said, "it's hard to get out of it."

Nason charges \$15 for a consultation. At \$100 an hour, his usual retainer for cases without hotly contested issues is \$1,200. Unchallenged cases cost less.

"Most people can't pay all at once," Nason said. "We represent a lot of working people who have to make payments on their divorce fees or have marginal incomes and have to borrow money from family members."

"Anyone who is getting a divorce or has property to divide ought to at least talk to a lawyer," he said. "I like to use the example of the Fram Oil commercial. You can pay a little bit now or a lot later. Sometimes people who don't have lawyers have legal problems down the road that are much more expensive and complicated."

Not all his clients have limited assets. Nason attracts his share of high rollers. "I've represented the whole spectrum — doctors and lawyers, people on AFDC [Aid to Families with Dependent Children]. We charge them all the same."

Apparently, the people's lawyer can go tit-for-tat with the Big Dogs. Nason has locked horns many times with Charleston's most expensive divorce lawyers.

"I've had divorce cases with Robin Davis and Joe Zak and Chester Lovett. I think I hold my own. I would not be so presumptuous as to say I'm better than anyone else," he said carefully, "but I also don't feel I am intimidated by other people."

"I find Andy to be a most able advocate," said Davis, the city's highest-paid divorce lawyer. "It's a pleasure to work against him. He's always well prepared."

High-profile people may feel more comfortable hiring a high-profile lawyer, Nason said, because the big name instills confidence. But big money doesn't necessarily buy the best lawyer.

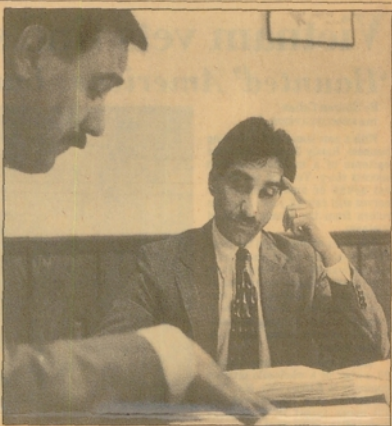
Big money doesn't mean best

"Some people feel if something is more expensive, it's better. That's not necessarily so. When you go to the grocery store, sometimes the store's own brand will be just as good as the high-priced line."

Because divorce is essentially a business decision, he said, the amount of money people invest in a divorce should have some bearing on the outcome. "If you've got to spend \$1,000 fighting over a \$1,200 issue, it's not worth spending the \$1,000. If there's a lot to fight over, it makes more sense to invest time and energy and money to fight than if there's a little bit to fight over."

Nasty bickering seems to go hand in hand with highly publicized society divorces, but Nason said the amount of fighting that goes on in a divorce has no relation to income. "Sometimes people who are very wealthy are able to sit down and divide things up very easily. Position on the socioeconomic scale is no way to predict whether they're going to be able to get through the process quickly and easily."

Big money cases aren't the tough ones, agrees Nelson Bickley, a Charleston lawyer known for divorce work. "Kids marry at 16 to get away from home. The boy goes to work in the coal mines. At age 25, the woman finds out there's another world out there. He's gotten fat. He's beating on



Gazette photo by F. BRIAN FERGUSON

Soft-spoken Andy Nason (right) is no pushover in court, as colleagues such as Michael Turkaly can attest.

her. She's got two kids and no job skills. She's going to get custody, but she's not going to get child support, because there is no estate. Those are the difficult divorces."

Busy Charleston divorce lawyer John Mitchell Jr., said the advent of equitable distribution tempers the need for expensive, high-profile divorce lawyers. The law, enacted in 1984, requires all assets acquired during the marriage to be split fifty-fifty.

"With equitable distribution, you don't need a good lawyer as much as a good economist. All you're doing is throwing out numbers to the judge so he can figure out an equitable distribution balance sheet. Our biggest responsibility is discovery, making sure we have all the numbers, that they aren't hiding anything."

Like Nason, Mitchell tries to make his fees affordable. A non-custody divorce case will cost from \$1,250 to \$1,500. A younger attorney in the office, Andy Brisson, will take the case for \$900 to \$1,000. Mitchell charges \$100 an hour out of court, \$125 for court time. The initial consultation is free.

"Andy and I are ham-and-eggs, nickel-and-dime lawyers," he said. "We have to do five cases to bring in what Robin Davis charges for one. Divorces are 10 percent of my income, but 50 percent of my work."

"I will say one thing about Robin Davis," he added. "Nobody is better prepared. You get your money's worth."

On the other hand . . .

But hiring a big-name lawyer is like driving a Mercedes, he said. "What's the first thing someone in West Virginia does when they make a lot of money? They buy a Cadillac or a Mercedes. They want to make that statement."

Choosing a status divorce lawyer says plenty, he said. "It's very effective. I've heard cases where if one side had a Robin or a Parrish or a Joe, the other side shriveled away. They feel like they've already lost."

"Robin Davis will take you right to the Supreme Court in a heartbeat," said Nelson Bickley. "She's good. You can't say she doesn't do the work."

Bickley said he wins his share

of battles against the Big Guns, but his fees remain moderate to make him affordable to women. "I mainly represent women because I feel they get the short end of the stick. Regardless of how much money the husband is forced to pay, in five years, that guy is whole again. I concentrate my efforts on leveling the playing field."

Divorce makes up 75 percent to 80 percent of his practice, Bickley said. Retainers range from \$800 to \$1,200. He charges \$100 an hour. He prefers payment up front, but a fee schedule can be arranged in three increments. If he's hired, the consultation is free. Otherwise, he charges \$30 for 30 minutes.

Divorce experts, Big Guns included, say a good divorce lawyer is one who knows the law. "If you get two people with no money or two people with tons of money, the same law applies," Andy Nason said.

"You've got to keep up with the law," said Bickley. "It changes constantly. Every time the Legislature goes up there, there's some new wrinkle given."

Nason encourages prospective clients to check with other lawyers. "When people hire a lawyer, it's not like a car where you can go kick the tires and slam the door," he said. "Usually people will have what they consider to be their entire life on the line, and spending money on a lawyer can be a big investment. The words a doctor would use are, 'Get a second opinion.'"

Beware of false promises, Bickley said. Eagerness in snaring a client may prompt a lawyer to pledge the impossible, he said.

"I'll tell a husband right off he's going to have to pay child support and alimony and give her half the equity in the house and half of his retirement."

"Most lawyers will shoot clients in the butt with a glory gun, saying they can get this and that, but knowing damn well he's not going to get custody, knowing he can't keep the wife from getting the husband's retirement. Then, when he has to suck it up, he's going to blame it on God and everybody else. I don't know why they do that. Maybe they're scared the guy is going to walk out the door."