

Advice for Aspiring Family Law Attorneys

This might come as a surprise to you. I absolutely detested my job at a family law firm for my first eighteen months in practice. I hadn't set out to practice family law. I wasn't terribly excited about divorcing people all day long. And I certainly didn't like dealing with what seemed to me petty arguments over bedtimes, haircuts, and pots and pans.

Honestly, how could anyone possibly like this stuff?

But I kept at it and then suddenly one day I looked up from a brief I was writing and realized I liked what I was doing. Ten years later, I have my own family law practice, and I wouldn't trade it for any other type of law. Family law is challenging, complex, and ever-changing. It's also draining and difficult, yet definitely rewarding. Here are some of the tips I routinely share with others considering practicing as family law attorneys. My hope is that following them will make your life more manageable, the practice of law more fun, and serve to enhance the dignity of the profession.

Set boundaries early. Clients in the throes of divorce or custody battles are going through one of the most tumultuous and emotional times of their lives. They often exhibit demanding, needy, and sometimes even clingy behaviors and place constant demands on your time and attention. Multiple emails each day followed by calls to see if the emails were received and whether the initial message about the receipt of the emails was passed along to the attorney eat up your time and emotional energy. It's not unusual to receive voicemail or email messages at 3 a.m. There's something to be said for not giving out your personal phone numbers and for shutting off your work phone when you're finished with work.

Communicate clearly. Tell your client at the beginning of the representation when you accept calls, how often you check messages, and what your policy is for returning calls. Save yourself a bar complaint alleging a failure to communicate (usually the number one bar complaint, by the way), and give yourself a break from the urgency of email or a ringing phone. Similarly, if you don't want walk-in clients, don't accept them. The first time a client shows up unannounced let the client know you're in the middle of something but would be happy to schedule a more convenient time to talk. If you spend more than five minutes with the client, you're establishing a pattern that you may come to regret.

Keep the office at the office. Family law is tough work. Fighting over children, dealing with emotional disorders, eliciting testimony about abuse ... none of these things are easy, and will haunt your dreams if you let them. Once I found a way to leave my cases in my office, I began to enjoy the work more.

Develop a network of resources for your clients. It's not uncommon for clients to bring bags of unopened mail containing financial statements and bills and expect us to help them go through it. We've had to walk at least one client through setting up an email account. Obviously, these types of activities are not an efficient use of your time or your client's money. Get to know counselors, coaches, financial planners, accountants, divorce support groups, and

where to find AA chapter meetings so you can help get your clients the resources they need without playing social worker.

Find out who the good expert witnesses are and learn how to use them effectively. A good expert doesn't just help win your client's case. Consulting with a forensic document examiner early on in an alleged forgery matter saved one of my clients tens of thousands of dollars in legal fees and additional support and debt payments. As soon as the opposing party realized we were serious about refuting his spurious claim, the case settled within a matter of days. Experts can help you poke holes in the opposing side's case and develop effective cross-examination strategies. Conversely, using an "expert" who really isn't that qualified is a sure sign to the judge, your opposing counsel, and (eventually) your client that you're not savvy enough to advocate for them as zealously as need be.

Don't let sympathy for your client prevent you from feeding yourself or your family. In this line of work, people are in sad situations. Often months drag on without any type of support award or final decision as to distribution of assets. Clients run out of funds quickly, even those who started out assuring you that money was no object. Remember that when a case is over, you are no longer useful to your client and paying you will quickly fall in the list of priorities. If they are upset about the outcome of the case, they may not even want to pay you at all, or demand a refund!

To be sure, there are cases where you are stuck because a judge won't let you out. But that should be the only reason you ever end up taking on what I call "accidental pro bono". You should be the one to choose who you represent for free. And even then, choose carefully. It's one thing to take on an uncontested matter that's over in a couple of months. It's quite another to spend a year or more working with someone, devoting time and energy to the case, and then finding out that the only way to properly try the case is with an expert the client can't afford. Not only is it frustrating, in many jurisdictions you open yourself up to a malpractice claim. Tread carefully and ask advice before you take on a complex pro bono matter.

Follow the Golden Rule. Show respect for others, and they will be more likely to show respect for you. The family law bar in many jurisdictions is known for a lack of collegiality, but I've found that in nearly all cases, as long as I'm cordial, the other side will be as well. And even if opposing counsel continues to treat you obnoxiously, rudely, or with profanity-laced exclamations, the judges will respect you for your courtesy. The importance of a judge's opinion of your professionalism, integrity, and credibility cannot be overstated.

Reach out for help when you need it. It's easy to get in over your head – after all, family law seems deceptively simple but is in reality quite complex. But if you ask, you'll find that most people are willing to help you out. And then follow the Golden Rule and pay it forward.

Finally, know up front that in family law, the highs are high and the lows are very, very low. Granted, the death penalty isn't on the table. But losing a custody case is heartbreaking. After the trial, every question you did or didn't ask, and every decision leading up to it replay in an endless loop in your mind, sometimes refusing you peace for days at a time.

It's no surprise that alcoholism runs high among lawyers. It's hard to escape the aftershocks of a bad day in court.

The flip side of this is that it's a tremendous feeling to know someone is going to be safer or receive a well-deserved and much-needed financial support award because of your advice or representation. My favorite days in practice are those when someone comes to me troubled and walks away as if a weight has been lifted from his or her shoulders. Telling an immigrant mother that she won't automatically lose her children just because she filed for divorce – when that's what her U.S. citizen spouse had her believing – is absolutely one of my favorite things to do as a family law attorney.

The practice of family law is not for everyone. But if you've decided it might be for you and you take my advice to heart, I promise you it will be as intellectually stimulating and rewarding as you make it, and there's no limit to the amount of good influence you can bring to the profession and the dignity of the family in the process.