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## Practicing family law can have many approaches to serving your client

Of all of the possible areas in the law you can choose to focus, that of a family law attorney can be the most fulfilling, diverse and challenging. What other focus in the law do you have an opportunity to strengthen your skills in psychology, forensic and business evaluations, tax implications and understanding stock options all in one matter?

As family law attorney, you are helping people navigate through one of the most difficult periods of their lives, providing the opportunity for a career to be both financially and emotionally rewarding provided it is done well.

Being a family law attorney can be more challenging than any other area of the law as clients are almost always in heightened emotion. They tend to make their decisions based on their feelings, which is often not in their own or their family's best interests.

Family law attorneys can better help clients through this difficult time by being mindful of the following:

**Inform your client.** In an initial client meeting, lawyers tend to simply tell their clients the law as it applies to their situation. Lawyers often overlook the fact that we have a duty to share all possible options on *how* to get divorced and their potential outcomes (Rule of Professional Conduct Rule 1.4).

Gone are the days of litigation being the only option. As attorneys, we have a duty to explain all alternative dispute resolution options: mediation, arbitration and collaborative law.

One size does not fit all when it comes to divorce and helping the client choose the right process is crucial. Steering them to your own agenda is not appropriate.

Teaching clients the importance of co-parenting and tools they can use for this can be just as crucial as explaining the law. You might consider a reading list for your potential clients on everything from how to protect yourself financially to how to co-parent with your ex.

Bill Eddy is my favorite author on educating clients as he teaches, among many other tools, the tried and true technique on e-mails for high-conflict couples: BIFF — brief, informative, friendly and firm.

**Listen more, talk less.** This feels counterintuitive when we know clients are paying us top dollar to hear from us. Your client's feelings will often drive their decisions. Don't interrupt clients and listen to what they are saying, and most importantly, how they are feeling. After hearing the full story, recap what you heard to ensure you got it right, utilizing "this is what I'm hearing you say" statements.

In addition to listening to what they have to say, pay attention to their nonverbal cues. Lawyers often miss the fact that a client is not taking in important information they are trying to convey because they are flooded with emotion.

If a client feels they are heard, conflict can often be minimized. Litigators might be surprised how many potential clients they are not signing up because they failed to listen and misread the client's verbal and nonverbal clues regarding *how* they want to be divorced.

**Refer to outside experts.** Virtually everyone getting divorced can and should have outside help when it comes to their mental health and financial plan and future.

You might consider giving clients numerous thoughtful referrals to mental health professionals and financial advisers. A reminder to be thoughtful on referrals as to what fits the client's needs rather than simply someone you have networked with.

Alongside the family law attorney, these professionals help clients do "periscope thinking" — what is around the corner and down the pipeline. This can be done by working on the client's goals and concerns for the process and after the divorce is done.

Lawyers often want to do it all, yet do their clients no favors by advising in areas where they lack



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the skill and expertise. While it may be enticing to take every client phone call to complain about their spouse, the client is better served working with a therapist to develop techniques they can use for years after the divorce.

Similarly, when it comes to finances, a financial adviser is much better equipped to educate the client on possible outcomes with the various assets involved. The best example is the client who obtained a seemingly amazing outcome financially and was quickly running out of money. No one took the time to have her look at her spending and how quickly

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her estate would be depleted based on her lifestyle choices.

**To fight or not to fight.**

Lawyers are trained to fight until they "win." Any good family law attorney knows there are no wins in divorce court, and the No. 1 client complaint is attorney fees. A reminder: We are not only litigators, but we are counselors at law.

Every action has a reaction, and clients can be lulled into the sense they have to fight. Family and friends often add fuel to the fire as the proverbial Greek chorus.

Remind the clients there are no winners or losers in divorce and they *can* control their outcome.

It is our job to think outside the box. In addition to discussing process options, it is crucial to counsel and advise your client about how important it is to navigate a measured and thoughtful approach rather than acting from a place of fear.

**Composure.** An attorney's ability to maintain composure is not just about staying calm and focused with their client, but also about exhibiting self-control before the court, opposing counsel or an opposing party, no matter the circumstances.

Virtually all judges in family law court appreciate, respect and perhaps listen more closely to the lawyer with a calm, measured and professional voice.

Surprises are common in divorce, as it is challenging to always anticipate what the other side or the court might do. You can help your client minimize those surprises by knowing all the facts of your case and how those facts intertwine with the law.

**Creativity.** Rarely is the law clearly black and white, and this applies especially in family law matters. Parenting schedules are to be decided by examining what is in a child's best interests and marital estates are divided by what is equitable, not equal.

A good family law attorney should be willing to develop creative resolutions to the facts they may be facing. This will

help reach settlements when possible and argue logically and creatively when necessary.

Experience, knowledge and ability help create a good family law attorney. We each have our own style and method of practice. Perhaps considering some of these tips will make an otherwise good family law attorney a really great one.

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