

Q

How do divorce lawyers deal with clients who become emotionally attached?

MARNA S. TUCKER

Feldesman Tucker Leifer Fidell
Washington, D.C.

THERE'S ANOTHER ASPECT to the problem of emotional attachment in divorce. I've seen lawyers come through my firm over the years, and some of them just want to be truly needed and want to be liked in a way that's not healthy.

They'll tell clients to call them at home, call them anytime; they'll carry their cell phones on the golf course and encourage a client's dependence on them.

Family law is very stressful, which is why so few of us do it. If you're going to do it for a long time and keep your mental health, it requires setting boundaries for yourself as a lawyer.

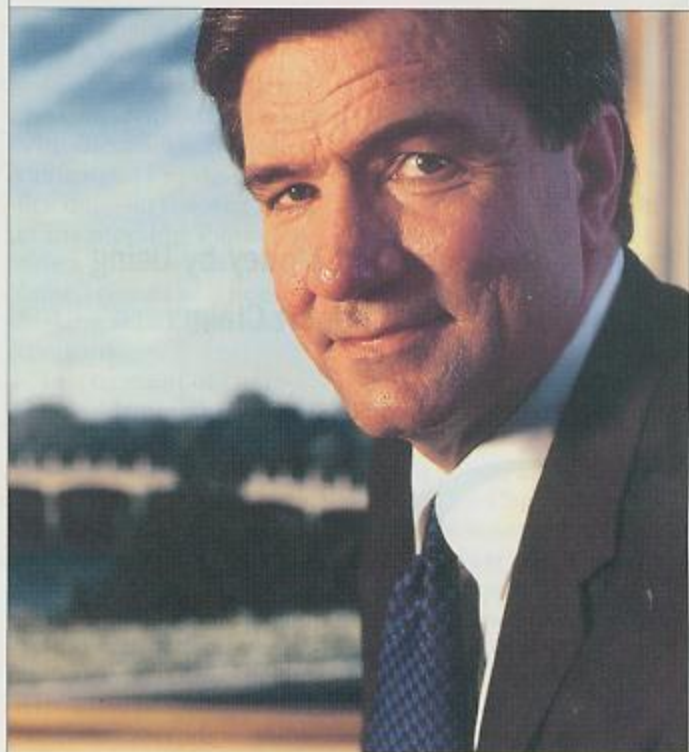
JONATHAN R. LEVINE

Levine & Smith
Atlanta (Chair, ABA Family Law
Section's Committee on Trial
Practice and Techniques)

WHILE CRIMINAL DEFENSE attorneys see bad people at their best, divorce attorneys see good people at their worst. They're upset and acting on emotions.

It can help if you require these clients to do some of the work, like preparing a detailed marriage history and collecting documents such as financial records.

Giving homework makes for a better attorney-client relationship and ultimately helps the attorney get paid. The client has a better appreciation for how hard it is to obtain information and documents.



Reeves W. Mahoney

Huff, Poole & Mahoney
Virginia Beach, Va.

There's one problem I've found too often when I represent a woman in a divorce who has been not only in a very bad marriage but also dominated as far as power and money are concerned. There is a strong emotional component in divorce anyway, but here it's more so because the woman suddenly feels empowered when you go in and fight for her. Now there's a man listening to what she has to say and making her the focus of attention. And more than in any other area of law practice, this kind of client might tend to want to form an emotional attachment that is not appropriate.

There are ways of keeping professional distance while staying very close to the client and the case. If the relationship is too personal, for instance, you might have to drop the client and end up with a divorce within a divorce. I have female paralegals who are good at handling these clients, not as a buffer but by bonding with them professionally in a way that helps maintain my professional distance, too. And I've learned not to relate my own personal information, much more so than with clients in other areas of my practice. If I'm busy with my family and my kid's ball game, I just say I have a commitment.

These clients are emotionally raw and they need to be helped and guided in somewhat personal ways, but only with the proper distance.

—INTERVIEWS BY TERRY CARTER

Do you have answers to the big questions? If you would like to participate in a future Big Q, please e-mail Terry Carter at terryecarter@cox.net.