

Preparation is Key

The key to success as a Marital and Family Law attorney often lies in being the most prepared person in the room. Our cases can be intricate and emotionally charged, requiring navigation of legal complexities and personal dynamics. Preparation is one of the cornerstones of effectively managing Family Law cases and bringing closure for our clients.

So, what does it mean to be the most prepared person in the room? Below are my top tips for building a habit of preparedness to get you on the right track:

Know the law. Do not just know it, live it. Read Florida Law Weekly, weekly; surround yourself with other lawyers who you trust and believe know the law; attend CLEs (especially those put on by the Family Law Section and the AAML).

Assess Risk. You must understand the law well enough to know the strengths and weaknesses of your case. You need this information so you can determine what facts you need to support the law, but also what facts do not exist or where an outcome is unlikely because of the facts or the law. You should be well versed in the assets and liabilities of the parties in your case and have a good understanding of any nuances that may exist, for example goodwill issues in business valuation. If there are children, make sure you understand the uniqueness of the family in which you are dealing, do not assume your one size fits all parenting plan really fits all. Make sure you know if there are any special concerns or matters that need to be addressed that are not necessarily things that need litigated, but things that need attention. For example, IEPs and passports are things often overlooked when there's not a contentious parenting matter. It truly is your responsibility to make sure you client understands all permutations of possible outcomes in their matter, including those things that might not likely be on their side. It may feel like you have a better chance of getting or keeping a client by telling them what they want to hear but not properly preparing them for a negative outcome can come back to bite you tenfold. Make sure you are assessing what the *other* side may argue so you are prepared to address it as well.

Create a team. Complex divorce cases often involve nuanced issues. If an area of the law that you do not know arises in your case, create a team of lawyers who know that area of the law. I find this usually involves Trust and Estate lawyers, Business lawyers and Real Property lawyers, but that is not an exhaustive list of the team you may need to create in your case to be prepared. In scenarios involving significant assets, business interests, or contentious timesharing disputes, preparation becomes even more critical. You should do your best to truly understand the complex issues that may arise in your cases. That may mean taking a forensic accountant to lunch, having coffee with a psychologist, or meeting individuals who run a business similar to your client. An attorney who diligently reviews financial documents, understands the nuances of asset valuation, and anticipates potential legal hurdles is better equipped to advocate for their client's interests.

Be ready first. What does this mean? Work with your team to have as much information as soon as possible. I like to meet with my forensic accountant as soon as possible to evaluate the assets and liabilities and distribution of each. This is also a great opportunity to see if there are holes in the schedule, determine additional discovery that might need completed, or know that there is little additional work that likely needs to be done. I like to have all this under my belt before attending the first mediation. I do believe, but for rare circumstances, you should be prepared to go to trial when you walk into mediation.

Organization. Figure out what method of organizing a case works for you. Whether you love a notebook, folders, or an iPad, you need to create mechanisms that allow you to have the information you need readily available. Having a system in place makes you top of your game for mediation, excellent in depositions, and very ready if you end up in court. I organize myself by witness and then by issue within each witness. That method may not work for you. However you choose to organize, be sure it can translate well when being presented to someone other than you – as all the preparedness in the world will not help you if you cannot effectively communicate the information.

As you can see, preparation is not just about understanding the law; it's about being ready for every aspect of the case. This includes preparing clients for depositions, gathering evidence, and developing a strategic approach to negotiations and court proceedings. Strategically, you should constantly be preparing for both purposes, working towards settlement for your client, but ready to walk into court, if that is what is required. A prepared attorney can confidently guide their client through the process, reducing anxiety and building trust and bringing resolution for clients in one of the most difficult times in their lives.