



# ANATOMY OF A FAMILY LAWYER

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It was a spectacular June afternoon. Not a cloud in the sky; not a care in the world. The wedding plans all came together on schedule and no one was fighting with anyone else. It was your wedding day! The wedding ceremony was beautiful. You each promised to love, honor and obey the other through sickness and health, for richer and poorer, until death do you part.... or until it all falls apart! That's what happened and now it's time to get divorced.

For people confronting the divorce process, the experience can be confusing, frightening and mystifying. The number of questions far exceeds the number of answers.

How will I survive with no money?  
Who will get custody of the children?  
How much child support will I receive/pay?  
How do we file our taxes?  
What will happen to my retirement accounts?  
How will I get health insurance?  
How can I afford to hire a lawyer? Who will I hire? I don't even know any divorce lawyers!

This article assumes you have already found a "family lawyer" or a "divorce lawyer." Now that you have found one, however, what have you actually found? What is a family lawyer? What makes him or her any different from any other lawyer? Let's look at the anatomy of your "newest best friend."

## What is a Family Lawyer?

Simply put, a family lawyer is a lawyer who specializes in family law. Family law can be loosely defined as law dealing with divorce, custody, support, adoption, and other matters directly involving families as opposed to individuals. A divorce lawyer is, technically, a family lawyer. She might limit her practice, however, strictly to divorce while a family lawyer might have a somewhat broader appeal. Either can assist you in your divorce case.

A good family lawyer knows far more than just family law. He must have a working knowledge of tort law, contract law, personal injury law, real estate law, business law, estate planning, immigration law and any number of other areas which, in and of themselves, constitute "specialty

areas" in the law. He must also possess a rudimentary knowledge of accounting and valuation principles as those areas frequently impact family law.

While he knows a little about many areas of the law, that knowledge is designed to assist him in dealing with your divorce or family law issues. As you want a family law professional to assist you with your divorce, care should be taken to insure that you look to a specialist in one of those ancillary areas should the need arise.

## Qualifications of a Family Lawyer

Now that we see what a family lawyer is, let's look at how one qualifies to be a family lawyer. What training or education is involved in family law?

**Education:** A lawyer's education is truly a lifelong process. All Michigan lawyers must attend law school. Generally, that requires first earning an undergraduate college degree. Once the college degree is obtained, an aspiring lawyer must apply to take the Law School Admission Test (LSAT). There are a number of courses which assist a candidate in preparing for the LSAT. While they are not required, they are helpful prior to sitting for the LSAT.

Law schools have become increasingly competitive in recent years. Not only must a candidate have a good undergraduate average (at the bare minimum, a 3.0), but must also attain a good score on the LSAT. The undergraduate degree and LSAT scores are usually supplemented by any number of reference letters in an application to an accredited law school.

Michigan has five law schools located around the state. There are law schools affiliated with the University of Michigan, Michigan State University, Wayne State University, the University of Detroit and a private institution, Cooley Law School, with several locations around the state. An aspiring lawyer must apply to, and be accepted by, one of these schools or one of the many accredited law schools located in other states.

The basic law degree is a Juris Doctor (JD) degree. It is generally an intensive three-year post-graduate program



and is the equivalent of a doctorate in the area of law. A successful law school graduate has put in at least six semesters of class work and may have participated in an urban law clinic, law review, moot court or other law related activities. He must have also successfully completed a course in ethics prior to sitting for the bar exam.

While graduation from law school is a significant achievement in and of itself, it does not entitle a person to practice law. It merely entitles a person to apply for membership in the State Bar of Michigan, the required bar association for all lawyers practicing in the State of Michigan. Membership in the State Bar involves an application in which the candidate presents his law school degree along with an official application detailing his personal and professional life, to that point, for scrutiny by the Board of Law Examiners. He is fingerprinted and checked by both the local police and the FBI for criminal history. He must authorize a credit check to make sure he is not in serious financial trouble. His application must be supported by letters of reference from non-family members familiar with him, attesting to his character and his fitness to practice law.

Having undergone all of the rigors of the application process, the candidate goes back to school to take a specialized review course designed to help her pass the rigorous Michigan bar examination. The bar exam is a two-day ordeal which tests a candidate's knowledge of the law. It consists of one day of multiple choice questions and another day of written essay questions. Don't be lulled into thinking that the exam couldn't be that difficult if it's only a multiple choice test. This is the most rigorous part of the two day examination and is the portion of the exam most often failed by unsuccessful candidates. The exam is graded and a successful score must be attained for membership in the state bar.

Assuming a successful result on the bar exam and all of the other requirements, the candidate is admitted to the fraternity of Michigan lawyers.

**Experience:** In many respects, family law is similar to other areas of the law and a good law school education will prepare your lawyer to handle your family law matter. On the theory that "practice makes perfect," the longer your lawyer is in practice and the more family law matters he has handled, the better equipped he will be to handle your matter, whatever issues may arise. Some of the best lessons I have learned over my years of practice are lessons learned the hard way – through doing as opposed to reading a book or listening to a lecture.

Don't be put off if your lawyer has never handled a case with your particular twists and turns. Her education, research skills, and other resources have equipped her to work through the issues in your case wherever they may lead. If you have general confidence in your lawyer, it's

important to give her your support and backing to work your case through to completion.

**Continuing Education:** A good lawyer never stops learning. There are numerous practice texts your lawyer will read and use in your case. Additionally, new law is made each and every day by the Michigan Court of Appeals and the Michigan Supreme Court. Your lawyer will most likely subscribe to a service from the State Bar which gives him a summary of each and every case decided by the appellate courts within a day or two of the decision being rendered. Many lawyers print these decisions off on a daily basis and sort them into folders for various areas of the family practice. For example, a case which speaks to a support issue might be pertinent to your case. Your lawyer might have archived that case in a folder on support issues and will have the latest law at his fingertips to use in your case.

There are a number of excellent journals and publications that address various areas of family law. The Family Law Section of the State Bar of Michigan publishes a monthly journal as well as an annual special issue, such as the one you are reading. These journals offer an excellent opportunity for family lawyers to write scholarly articles and share practice tips with other lawyers. The American Bar Association publishes a quarterly journal known as The Family Advocate. It is an excellent publication of interest to family lawyers.

In addition to reading practice-related articles, there are numerous opportunities each year for lawyers to hear other lawyers speak in a seminar setting. The Institute for Continuing Legal Education (ICLE) conducts numerous seminars state-wide at which lawyers volunteer to educate other lawyers on the ins and outs of the practice. The Michigan Chapter of the American Academy of Matrimonial Lawyers and the Michigan Family Law Section also conduct high-level practice seminars. A good family lawyer will always jump at the opportunity to further his family law education through reading the various publications available to him or through valuable practice seminars.

**Professional Networking:** There is perhaps no more collegial group of professionals than lawyers. Among lawyers, family lawyers tend, in my opinion, to be the most collegial. Every lawyer benefits from the talents of every other lawyer in practice. A good family practitioner will share those talents, whenever possible, with fellow brothers and sisters in the bar. I have never encountered another family lawyer who has been unwilling to answer a question or share his or her expertise in a certain area with his brothers and sisters in the bar. Your family lawyer is part of a vast network of family lawyers and you will benefit from the collective wisdom of that assemblage, not just the knowledge of one person.

There are a myriad of activities in which lawyers can



share their knowledge and talents with other lawyers. All Michigan lawyers are required to belong to the State Bar of Michigan. But there are dozens of voluntary local and special interest bar associations to which lawyers can also belong and benefit themselves as well as the other member lawyers. County bar associations typically have family law sections of their own. Your lawyer may belong to one or more voluntary association and network through that association with other family lawyers.

## **What Works for You**

As you can readily see, your family lawyer is much more than a smiling face in a new suit. He's a highly educated, well trained professional who stays at the cutting edge of his profession through constant efforts at continuing education and self-improvement. All of this knowledge comes together to help you navigate the sometimes turbulent waters of your divorce or other family matter.

