Advantages and Disadvantages of Family Law

Over the last thirty years, the field of family law has experienced a tremendous expansion of substantive law topics. While in the past being a family lawyer may have meant primarily handling divorce and custody cases, today’s family law practitioner may choose from a wide variety of subspecialties, including adoption, genetics and reproduction, children’s rights, elder law, tax planning, and many others.

At the same time, the role of family lawyers has also undergone dramatic changes. With the advent of no fault divorce laws, the lawyer no longer has to prove the other spouse guilty of wrongdoing before a marriage can be dissolved. This has allowed family lawyers to become mediators and counselors; helping clients who are parents begin to build a working relationship with their ex-spouse for the sake of their children.

“You often see good people at their very worst during a divorce,” says Professor Andrew Schepard, who teaches family law at Hofstra University School of Law. “The family lawyer has to help them stabilize to resume their normal functioning.”

Many more options are available today in the areas of custody and support, and there are many more forms of dispute resolution accessible as well. These options have allowed the family law practitioner flexibility to use creative skills in finding solutions for each individual client.

In addition, the growing need for legal services and the increased efficiency of firms through technology have combined to make family law one of the most attractive fields for lawyers.

Career Satisfaction

More importantly, however, family law offers many the chances to do what they went to law school for in the first place: to help clients who need them.

“I think it is the most exciting kind of law because you really make a difference in people’s lives” says Lynne Gold Bikin of Norristown, PA, a former chair of both the ABA Law Student Division and the Family Law Section. She frequently encourages law students to consider this field because it “encompasses every kind of law” along with the opportunities to serve people.

“In order to be a family lawyer, you must be a caretaker, a litigator, a psychologist, a tax expert, a business valuation expert, a custody evaluator, a negotiator and a mediator, to name just a few roles,” explains Gold Bikin. “Being a family law practitioner means that you must be sensitive to people’s needs, must care about them, but know enough to know when they must stand on their own.”

“It’s a great field for those who still believe the practice of law is a service to others, not just a money making endeavor,” says W. Robert Montgomery of Lakewood, CO, a family law practitioner for over 26 years. “You can gain a great deal of personal satisfaction by helping others successfully get on with their lives.”

“It is a wonderful feeling when you’ve helped someone go from the depths of despair and low self-esteem to a self-confident, independent person with a secure future,” explains Pamela Deal of Clemson, SC.

Weighing Advantages and Disadvantages

There are, of course, special challenges faced by those who choose this field, as practicing family lawyers are quick to point out. There are more lucrative fields of law, although many family lawyers make a very good living. ”If you like to work with people and money is not the be-all and end-all to you, this is very rewarding and fulfilling work,” writes Ellen Schell of Keeseville, NY, who has been practicing for four years. “I love it!”

What Does Family Law Encompass?

The following list includes areas which can be considered to fall in the category of family law. The topics illustrate the wide range of issues addressed by family law practitioners:

- Adoption
- Alternative Dispute Resolution
- Custody, including Joint Custody
- Bankruptcy
- Cohabitation

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Family lawyers are also frank about the high level of stress involved in handling divorce cases. Dissolving a marriage is difficult, to say the least, even when both the husband and wife agree that the divorce is necessary.

"Most of the civilized world allows folks to get a divorce through a municipal office or a government civil agency," points out Ronald W Fox of Lynne, MA. "In the United States, we force people to start by going to lawyers whose basic training is in conflict and advocating a position for their client."

Divorce lawyers are frequently the targets of "projection" by clients who blame their own problems on their attorney or on opposing counsel, according to experienced litigator Lawrence Stotter of San Francisco.

"Family law is both the most satisfying and the most frustrating form of law," warns Gold-Bikin. "If you do not have a strong stomach, don’t put your foot in the water."

Many family lawyers deliberately limit their practice to mediation or non-contested divorce and custody cases.

"If you need to ‘win,’ you are probably not the right person to practice in this field," says Gold-Bikin. "There are no winners or losers in a divorce and the best a good family law practitioner can hope to do is to reduce the conflict and tension in the family so the parties can co-exist after the divorce is final."

Even those who do not handle contested cases experience a high level of stress, she points out, because they are often called upon to respond to a family in crisis. Throughout this article, practitioners reflect on their own experiences and offer advice to those considering this field.

At the same time, family lawyers are very proud of their work and understand the valuable role they have in helping people through difficult times. Practitioners are critical of law schools that do not adequately prepare students for this field nor encourage them to choose it.

"Many students enter law school wanting to use their legal training to help women and children," points out Fox, who practiced family law in the 1970s and today counsels other lawyers on career decisions.

"Unfortunately, the traditional law school curriculum diverts them from this path."

"As you contemplate serving the public and making a living in matters of family law," writes Bostonian Ed Hamada in his advice to law students, "please keep at least these three thoughts at the forefront of all your thinking. Namely, that the subject of family law is much broader today than you can imagine; that it is not the bottom of the barrel of subjects to be handed once you’ve passed the bar, as some snobs may chide; and above all, that your participation in this single field of law is more noble than anyone will ever credit you for being."

"The field of family law may well be the most important single field of law in which our personal efforts will affect the future of the greatest number of people in our society," writes practitioner Bob Downs of Chicago, IL. "The economic, social, and personal welfare of children and adults is impacted by everything we do and how we do it."
Because family law encompasses so many substantive areas, those who choose it are constantly learning. "If you want to practice in a field that requires a broad variety of skills and legal knowledge, this may be the place for you," suggests Carrollyn Cox of Virginia Beach, VA. It may well be the only practice specialty which comes close to offering the diverse assortment of cases handled by a general practitioner "Family law is a fascinating field," says Professor Schepard. "To practice it well, you have to have a broad mastery of many legal fields. You also have to have an appreciation of the many different sides of human nature."