

Skills & Values

Family Law

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Family Law

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Introduction

We all have to begin somewhere. The exercises in this book are a good place to start. While they are not guaranteed to prevent that “in over my head” sensation when you first enter law practice, they will help you begin to build the skills and reflect on the values that will be important to you as an attorney.

To that end, when you are assigned a chapter or an exercise by your professor, take to the task as well as you can without worrying that you need to get it perfect. You are a law student, not a practicing lawyer—you are not expected to be an expert at this. And since you are a law student, you are probably competitive, you likely place pressure on yourself to excel, and you may even be not so fond of critique (who is, when we get right down to it?). In light of the above realities, therefore, please do your best to work hard at the exercises while realizing—embracing even—the notion that critique is on the way.

After you have completed the assignment to the best of your ability, use the self-assessment provided as feedback on how you can improve. In some cases, you may even want to try a redo to see how you can improve your product or performance. The assessments are intended as guides and constructive feedback. They are not an indictment of your abilities.

PLEASE PLEASE PLEASE do not view the self-assessments defensively. That can be quite easy to do, but remember that they are a learning tool to help you develop skills that are often not taught in doctrinal courses. Do not fret over the fact you didn’t get everything exactly the way it is set forth in the self-assessments. To do so will undermine the likelihood that the exercises will help your skill development. And please—avoid the urge to curse your professor for assigning the exercise to you! We all have to begin somewhere; it is difficult and almost always frustrating to be a novice at anything, to learn a new skill. Take that as a given and go for it!

The book is structured in the following manner. Each chapter is a topic that likely corresponds to a chapter in a casebook in a basic family law class or perhaps to a subject matter topic that your professor has assigned in an advanced family law seminar or class. The chapters begin with brief substantive highlights. These highlights rest on the assumption that you are studying or have already studied the topic in greater depth. Remember that family law, like nearly all doctrinal areas, often has different approaches. Therefore, please be sure to follow your professor’s instructions on the substance of the black-letter law. Even in instances where there is a difference in doctrine, however, doing the exercises will still prove helpful. First, they are self-contained, *i.e.*, they include the law or legal principles necessary to complete the exercise. Second, the point of the exercises is not to drill you in substantive law but rather to develop

your skills in analyzing, interpreting, reading, and communicating the law and applying it to the circumstances set out in the exercise.

After the substantive highlights, the chapters move on to the exercises. Some chapters have more than one exercise, others just one. Regardless of the number of exercises in a chapter, they have been developed to stand alone. They place you in a setting where you will have to exercise a skill or comply with an ethical prescription or think about how you will react and/or comport yourself in the challenging area of family law.

The exercises may have you working alone or partnering with a colleague. A portion of each exercise is found in these chapters and a portion, as well as the self-assessment, is contained in the accompanying on-line materials. Your professor has details on how to access those. For any given exercise, the amount of material differs, depending on the amount of explanatory information necessary, the tools needed for self-assessment and whether there is confidential information embedded in the on-line portion. Accordingly, it is wise not to freak out that there is not enough information contained in the book chapter as it may be in the on-line chapter.

It is also wise not to wait until the last minute to check out what is needed from the on-line content for any particular exercise. Avoiding waiting to the last minute, if only because, as Murphy's Law holds, if something can go wrong it will, is an important skill for law practice. Compliance with filing deadlines and meeting dates set forth in court orders are critical to being a good lawyer.

For those of you who have some experience in a clinic, externship, or summer clerking position, you already have gained valuable practice experience. Therefore, some of the exercises may seem simplistic or may have an approach different from the one you have experienced. The exercises have been developed with the complete novice in mind; if you are fortunate enough to have had some experience, use the exercises and self-assessments as a way to add breadth to your experience as well as to see that there are different approaches to a given task. The danger in a little experience is to assume that "it is always done that way." Family law practice differs—in content, in procedure, in local practice norms—from state to state. Sometimes the differences are fairly profound. As someone who has practiced in four jurisdictions, the local differences, and correspondent learning curves, still amaze me.

My experience tells me that if you approach these exercises as a way to start building (or improving upon) your skills and developing the perspective needed for an accomplished and satisfying law career, they will be useful to you. I sincerely hope that is the case.

A quick explanation for some of the dates in the exercises is required. If a number is preceded by –, it means subtract that number of years from the current date. For example, if a child's birthdate is listed as 6/23/–7, he or she was born on June 23 seven years before the year in which the exercise is being done. If you are doing the exercise in 2018, therefore, the child was born in 2011.

A final note to users, professors and students alike: comments and suggestions are welcome. If there are ways to improve the exercises, use the contact information in the acknowledgment section to let me know what improvements you suggest.

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