



"I Need a Divorce Lawyer!" Referring Clients

By Kathleen Newman

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"The phone rings in your office. It's a corporate client whose marriage is falling apart and his wife is demanding he leave the house. It's a couple whose estate plan you did last year, whose daughter isn't getting child support from her ex-husband. It's a guy whose DWI case you handled, who has just been served with divorce papers. What do you do? You had a family law class in law school, and went to that CLE program a few years ago . . . are you prepared to handle a family law matter? The answer, of course, is a resounding "no." Family law is a specialty area of practice that requires specific expertise.



What most clients need in a crisis situation is a good listener. If the client is emotional, try to calm him down by asking him to tell you the story from the beginning. Listen carefully, ask clarifying questions and be empathetic. Family legal issues are some of the most stressful events in a person's life, and the client often needs space to tell his or her side of the story. Once you have heard the client's story, ask questions that will help you make an appropriate referral to a family law attorney.

When you make the referral, the family law attorney will want to know:

- How long has the couple been married?
- What is the annual household income?
- Is there a prenuptial agreement?
- How many children do they have and what are their ages?
- What county will the action take place in?
- Who is the other attorney?
- What are the big issues: custody, spousal maintenance, child support, occupancy of a home?
- Is a business involved?

Once you have this information you can consider who to refer the case to. Is this a high net worth client who will need a high-powered attorney? Is it a case for Legal Aid or the Volunteer Lawyers Network? Is the case in Hennepin County or McLeod County? You will need to consider all of these factors as you make the referral.

What to Consider In Making a Family Law Referral

When you make a referral, you want to refer to someone who will reflect positively on you. Matching the client to someone with whom they will identify is important. Many experienced family lawyers will be able to handle a traditional case with housing, pension and child support issues. Cases with special issues, however, require lawyers experienced in those areas.

For example, if it is a business case you want someone who has experience in business valuation and preferably someone who has litigated business issues in the past. If it involves a family farm, be sure that your referral has specific experience in farm valuations. Non-marital issues are often complex and require special expertise.

Some marital issues have also become more complex. For example, if spousal maintenance is an issue the client will need an experienced family law attorney. When and how much spousal maintenance is awarded has changed significantly in the last few years with the decisions in *Passolt v. Passolt* and *Powell v. Powell*. Today, even dependent spouses in long-term marriages are expected to work and contribute to their own support.

Finding the Right Match between Attorney and Client

One thing to consider is whether the client will be fairly independent and able to follow directions, or whether he will require more support during the process. In the case of the latter, you may choose to refer the client to a family law attorney with an experienced paralegal. Furthermore, the complexity of the case will dictate whether a solo practitioner can handle it or if associate attorneys will be necessary to assist in handling the matter. You should also consider whether the client will need an attorney that practices primarily where the case is venued, or whether a well-matched attorney from another area will be acceptable.

Connecting the Attorney and the Client

Generally, it is fine to give the referral attorney's name to the client. However in the unusual or complex case, a call or even a joint meeting may be in order. Remember, you want the transition to a new attorney to be a smooth and reassuring one for your client.

The American Academy of Matrimonial Lawyers, a national organization, ensures their members maintain high standards in practicing family law. The Minnesota chapter and member attorneys can be found at www.aamlmn.com.