

FAMILY LAW

AMERICAN BAR ASSOCIATION YOUNG LAWYERS DIVISION



Committee Newsletter | Fall 2016, Vol. 1 No. 1

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ARTICLES >>

Introduction from the Committee

The ABA YLD Family Law Committee is excited to release our first newsletter of the year. Our Committee is here to assist young lawyers pursuing a career in family law. We also serve as a bridge for new lawyers to the ABA Family Law Committee at large. Our 2016–2017 appointed leadership team members are as follows:

Allyson D. Burger - Chair
Marie Sarantakis - Vice-Chair
Shari Scalone - Vice-Chair
Mathew Kreitzer - Vice-Chair
Rachel Smith - Vice-Chair

Letter from the Editor

By Marie Sarantakis, Esq.

I consider it a great honor to serve as an Editor of our division Newsletter. Our publication is by young lawyers and for young lawyers. It is a resource to grow professionally and a scrapbook in some sense to reflect on where we have been and determine where we are going.

I urge you to take an active role in writing for this publication and to take advantage of all that it has to offer. Our articles should serve as a toolkit, providing you with practical and substantive advice on how to be a better advocate for your clients, obtain more business, and even achieve a better work-life balance. While I firmly believe that our publication is a great resource, I believe it is an even better vehicle. By that I mean, while passively reading the publication can be beneficial, it is even more valuable to you professionally when you contribute.

Accordingly, I encourage lawyers and law students versed in family law to submit articles for publication. We are eager to hear about what you are doing and the knowledge you have to share with similarly situated professionals. If you would like to submit an article for consideration, please e-mail it to marie@davilegal.com along with a one to three sentence bio.

Five Ways to Enhance Your Credentials as a Family Law Practitioner

By Marie Sarantakis, Esq.

(1) Become a Certified Mediator. The demand for mediation is growing in the field of family law. Some jurisdictions now make it mandatory to attempt to resolve ongoing conflicts with the assistance of a mediator in certain stages of the litigation process.

(2) Train in Collaborative Law. Many parties, whether to reduce conflict or save on costs, elect the more amicable route of a collaborative divorce process. Lawyers trained in the facilitative process are increasingly sought after.

(3) Teach CLE Courses. By teaching industry courses, you will greatly improve your understanding of a particular area of law and others will come to know you as an expert in that niche. This is a great way to gain exposure and credibility amongst your peers, which may lead to referrals.

(4) Write Articles for Industry Publications. There are a plethora of newsletters and magazines eager to publish fresh content. Publication will provide you with great exposure to lawyers and non-lawyers alike. Do not forget the added bonus of increased search engine optimization linking your name to your article online.

(5) Serve Your Local Bar Association. Bar associations are a rich resource loaded with opportunities to become appointed to leadership roles and attend events where you can socialize with like-minded individuals while growing your professional network.

[Marie Sarantakis](#) practices family law in Western Springs, Illinois. She is a certified mediator and currently serves in numerous leadership roles with the American Bar Association, Chicago Bar Association, Illinois State Bar Association, and Women's Bar Association of Illinois.

Eight Quick Tips for Drafting Family Law Complaints

By Marie Sarantakis, Esq.

Whether you are a seasoned practitioner or awaiting your Bar exam results, your legal writing skills can always be improved. Through experience and exposure to other's expertise, we acquire a working knowledge so that we may continuously refine the product provided for our clients. We hope that these quick tips will help you construct a better pleading for your family law client(s).

(1) Harness the Power of Your Initial Pleading. Many practitioners underestimate the power of a well-articulated Petition for Dissolution. Your initial pleading will serve as the foundation, setting the tone for the rest of the proceedings to follow. Do not waste the opportunity to define the case in the light most favorable to your client, while demonstrating your knowledge and professionalism. Make conscious strategic decisions as to how you want to present your case moving forward. You get to tell the story. Be sure it is a good one.

(2) Know Your Jurisdiction. Besides becoming acquainted with the local customs and nuances of a particular courthouse, it is important to become familiar with the local rules. While federal and state rules give much guidance, there are gaps, which are filled by localities. Failing to follow local rules may signify your unfamiliarity to the Judge, or worse, you can violate a procedural requirement, such as failing to comply with the time and manner requirements when filing your initial pleading.

(3) Be Cautious Using Stock Documents. That is not to say you should avoid templates, but rather, be sure to uniquely and appropriately tailor your document to your client's particular facts and needs. Legal writing is not creative writing, but it is also not formulaic. You need to work within the confines of how a legal document is structured, while inserting your voice in the unique situation at hand. If you frequently recycle your own forms, you should be careful to not

inadvertently retain language that may later be damaging to your client's case or embarrassing to your reputation. Do not let expediency cost you your credibility. For example, if you have an old client's name on the first document that new client sees from your office, they will feel as though they are receiving a lesser quality work product and less value. It will be very difficult, if not impossible, to overcome that perception moving forward.

(4) Write Simply and Concisely. Courts, counsels, and clients all appreciate a straightforward and plain-English narrative over antiquated drivel and legalese. Archaic terms such as *henceforward*, *thenceforth*, and *thereunto* add little value to your document and frustrate the reader. The Court will pay greater attention to your initial pleading when it conveys a message in a direct manner and simple English.

(5) Include Your E-Mail Address. Recently some jurisdictions have started to require that counsel include their e-mail address on filed documents, including petitions. Even in the jurisdictions where this has been implemented, very few practitioners are abiding by this rule. Show the Court that you are attentive to developments in procedural rules. It signifies that you are also likely in tune to changes in case law.

(6) Add Any Appropriate Third Parties. While rare, at times, it may be wise to add a third party to a domestic relations case because it will bind the third party to the judgment. For example, you may want to bring in a business in which one of the spouses had a pecuniary interest. By bringing in the third party, the Court will have jurisdiction to either mandate or prevent the third party from later suing a particular spouse.

(7) Write in Active Voice. Many lawyers enjoy the complexity of passive voice. It forces the reader to pay more careful attention to the document because the sentence is written backwards. You want to be sure to situate the noun before the verb in your sentence structure, unless the noun is unimportant or unknown. Aim for a lively and unambiguous Petition for Dissolution.

(8) Properly Caption Your Case. Depending on your jurisdiction, there may be some differences when drafting the heading of a family law case compared to other types of civil matters. For example, in order to lessen the acrimony between litigants in a dissolution proceeding, captions should refer to the parties as "and" as opposed to "versus." When a Judgment is entered both parties are affected as opposed to one. Moreover, there is no victor and loser. Additionally, your jurisdiction may refer to the parties as "petitioner" and "respondent" rather than "plaintiff" and "defendant."

NEWS AND ANNOUNCEMENTS

LGBT Family Law Considerations and Practice Tips Program

By Allyson D. Burger, Esq.

We are thrilled to announce that our Committee will be co-sponsoring a program during the upcoming ABA YLD Fall Conference in Detroit, Michigan. The program, co-sponsored together with the ABA YLD Sexual Orientation and Gender Identity Committee and ABA YLD Tax Committee, is entitled “LGBT Family Law Considerations and Practice Tips” and is scheduled for Saturday, October 22nd at 10:45 a.m. We will be joined by Ryan Loeffers, Esq. of Hawaii Electricians Administrative Office of Honolulu, HI, as well as Angie Martell, Esq. of Igersia Martell Law Firm, PLLC, of Ann Arbor MI. Our panelists will offer unique insight and practice tips concerning emerging changes in the law from the perspectives of a family law and a tax practitioner.

Family Law Arbitration Act Roundtable

By Marie Sarantakis, Esq.

On Friday, November 4, 2016, from 12:00 p.m. until 1:00 p.m. (ET), the Family Law Litigation Committee will host a roundtable discussion overview of the Family Law Arbitration Act. To join the roundtable, visit form.iotform.com/62504543364150.

Primer on Adoption CLE

By Marie Sarantakis, Esq.

On Wednesday, November 30, 2016, from 1:00 p.m. until 2:30 p.m. (ET), the ABA Center for Professional Development, Division for Public Services, Section of Family Law, and Solo and Small Firm Practice Division will co-host a 1.5 credit CLE session overview on the adoption process. To register, visit:
<http://www.americanbar.org/content/ebus/events/ce/2016/11/ce1611adp/registration.html>.

Collaborative Law CLE

By Marie Sarantakis, Esq.

On Wednesday, January 18, 2017, from 2:00 p.m. until 3:00 p.m. (ET), the ABA Center for Professional Development, Division for Public Services, Section of Dispute Resolution, and Section of Family Law will co-host a 1.0 credit CLE session overview of collaborative law practices in the United States and Canada. Register by visiting:
<http://www.americanbar.org/content/ebus/events/ce/2017/01/ce1701clp/registration.html>.