

**From:** Dianna Gould-Saltman [mailto:dgsaltman1@sbcglobal.net]  
**Sent:** Thursday, December 17, 2009 1:29 PM  
**To:** Ethics2020  
**Cc:** mkarpf@ybkglaw.com; yhonor@cox.net  
**Subject:** Ethics 2020

I presently chair the Family Law Section's Ethics and Grievance Committee. I am responding only for myself, having received your inquiry, and specifically from the perspective of family law practice.

Re: Admission of U.S. Lawyers to practice in foreign countries and foreign lawyers to practice in the U.S. pro hac vice:

Family law has become more interjurisdictional and international as families have become more mobile. It is not uncommon for family law practitioners to regularly have cases which cross state lines where jurisdictional disputes arise and internationally, where the Hague Convention comes into play. While a mechanism is necessary to assure that only competent and qualified practitioners appear to represent litigants, it is more and more the case that attorneys must coordinate with their counterparts in other states and other countries to establish jurisdiction where a case will be heard and to inform that jurisdiction of the laws, customs and requirements of a different jurisdiction where rulings will be implemented or enforced. This is not exclusively an issue pertaining to in-house counsel.

Equally, even in single-jurisdiction family law matters, knowledge of the laws of other countries is regularly required. These include, for example, spouses whose businesses are foreign business entities (where disclosure requirements in family law and confidentiality of insider information may conflict).

With regard to "unbundled services," this is frequently an issue in family law proceedings. While unbundling is ethically acceptable (in theory) in all U.S. jurisdictions, there is no guideline for attorneys to determine circumstances under which such unbundling is or is not appropriate. For example, under existing rules a family law attorney could appear on behalf of a client on a single issue, say, child support, at a hearing where other issues such as child custody or spousal support/alimony are at issue. Would it be appropriate for the attorney to only examine or cross examine witnesses on the issue of child support and refrain from examining, cross-examining or making objections (even those which would benefit the client) when issues of child custody or alimony arose because that exceeds the scope of the retention? Would it be malpractice to so refrain, if by doing so the child support issues are affected?

Competence and changing technology:

If records are "public" the definition of what "public" means has changed. If one must travel 500 miles to view a physical file available to the public that is quite

different from being able to access that same file online from one's office. The time within which material becomes available may also affect what is "public." As court budgets become tighter it is an ever-growing reality that filed documents are not getting to files immediately (or even in time for a hearing) and that same information is not being downloaded electronically any faster if there is no court staff dedicated to making that happen.

In family law matters, while there is the right in many jurisdictions to publicly accessible files (absent a sealing order for good cause shown), child custody orders, and findings regarding parents' shortcomings, could be accessible to children whose acumen with the internet often exceeds that of their parents, the results of which could be devastating.

I hope this input is helpful.

Dianna Gould-Saltman  
GOULD-SALTMAN LAW OFFICES, LLP  
818 W. 7th St., Ste. 960  
Los Angeles, CA 90017  
(213)489-3900  
[www.gslo.net](http://www.gslo.net)