

Essentials of Family Law: Solo Practice University

1. Class One: Forming a family law practice

1.1. *Thoughts on being a family law lawyer*

- 1.1.1. A real lawyer
 - 1.1.1.1. *trial lawyer*
 - 1.1.1.2. *transactional lawyer*
 - 1.1.1.3. *real property lawyer*
 - 1.1.1.4. *insurance lawyer*
 - 1.1.1.5. *tax lawyer....*
- 1.1.2. Pseudo-psychologist
- 1.1.3. Pseudo-accountant
- 1.1.4. Pseudo-detective

1.2. *What type of family lawyer are you?*

- 1.2.1. General practitioner working the the area of family law
- 1.2.2. Certified specialist
- 1.2.3. Unbundling
 - 1.2.3.1. [Richard Granat - Solo Practice University - Unbundled Family Law Practice](#)
- 1.2.4. Sub-specialties

1.3. *Thoughts on Practice Management*

- 1.3.1. Remember this is a business
 - 1.3.1.1. *You need to apply business principles*
 - 1.3.1.1.1. [Edward Poll - Solo Practice University - Business Strategies for Lawyers](#)
- 1.3.2. Office Space
 - 1.3.2.1. *Physical office*
 - 1.3.2.1.1. Renting your own space, Sub-lease, Executive suite, Virtual office
 - 1.3.2.1.1.1. [Stephanie L. Kimbro - Solo Practice University - Virtual Law Practice](#)
- 1.3.3. Equipping your office
 - 1.3.3.1. *Telephone, Computer, The Internet, Printer, Copy machine, Scanner, Fax machine*
 - 1.3.3.2. *Software: Word processor, Adobe Acrobat*

2. Class Two: Getting and keeping family law clients

2.1. *Getting clients*

- 2.1.1. Developing a marketing mindset
 - 2.1.1.1. [Mark Merenda - Solo Practice University - Marketing Strategies](#)
- 2.1.2. Networking
 - 2.1.2.1. *Chambers of commerce, Service groups, networking clubs*

2.1.3. Advertising

2.1.3.1. *Phone books*

2.1.3.2. *Newspapers*

2.1.3.3. *Website*

2.1.3.4. *Blogs*

2.1.3.4.1. [Grant Griffiths - Solo Practice University - Blog For Profit](#)

2.1.4. Pro bono panels

2.1.5. Bar association lawyer referral services

2.2. *The initial consultation*

2.2.1. Paid vs. free

2.2.2. Conflict of interest check

2.2.3. Listening to the person's story

2.2.4. Providing overview of the family law system and process

2.3. *Customer service*

2.3.1. Keeping the client happy

2.3.1.1. *Remember this is a service business*

2.3.1.1.1. Get them into the office right away

2.3.1.1.2. Flood them with paper

2.3.1.1.3. Return phone calls and e-mails

2.3.1.1.3.1. *Set your outgoing message*

2.3.1.1.4. Listen, listen, listen

2.3.1.1.5. Be empathetic

2.3.1.1.6. Educate and advise

2.4. *Getting paid*

2.4.1. Attorney-client fee agreement

2.4.2. Retainer

2.4.3. Billing

3. **Class Three: Different family law litigation models**

3.1. *Traditional litigation*

3.1.1. Contested litigation

3.2. *Mediation*

3.2.1. Working with a neutral

3.3. *Collaborative law*

3.3.1. Agreeing to stay out of court

3.4. *Private Judging*

3.4.1. A faster conclusion at a price

3.5. *ADR*

3.5.1. Mediation, arbitration, settlement officer

4. **Class Four: Ethics and starting the case**

4.1. *Ethics*

- 4.1.1. Thoughts on being a family law lawyer
 - 4.1.1.1. *Get along with your colleagues*
 - 4.1.2. ABA and State Rules
 - 4.2. **Information, information, information**
 - 4.2.1. Paper intake
 - 4.2.2. Computerized
 - 4.2.2.1. *LegalEasy*
 - 4.2.3. Identifying issues
 - 4.2.3.1. *Child custody and visitation*
 - 4.2.3.2. *Child support*
 - 4.2.3.3. *Spousal support*
 - 4.2.3.4. *Property division*
 - 4.2.3.5. *Domestic violence*
 - 4.3. **Where to file**
 - 4.3.1. Jurisdiction
 - 4.3.1.1. *Personal jurisdiction*
 - 4.3.1.2. *In rem*
 - 4.3.1.3. *UCCJEA*
 - 4.3.1.4. *State filing requirement*
 - 4.3.1.4.1. California: 6 mos in state.
 - 4.3.2. Venue
 - 4.3.2.1. *California: 3 mos. in county*
 - 4.4. **Standing**
 - 4.4.1. Dissolution
 - 4.4.2. Legal separation
 - 4.4.3. Annulment
 - 4.4.4. No fault
 - 4.4.4.1. *Irreconcilable differences*
 - 4.4.5. Fault
 - 4.5. **Law and Equity**
 - 4.5.1. The two headed judge
- 5. Class Five: Child custody and child visitation**
- 5.1. **Child custody**
 - 5.1.1. Legal custody
 - 5.1.2. Physical custody
 - 5.2. **Child visitation**
 - 5.2.1. Best interest of the child
 - 5.2.2. Visitation plans
 - 5.2.3. Virtual visitation
 - 5.3. **Mandatory mediation**

- 5.3.1. Purpose
 - 5.3.2. Client preparation
 - 5.4. **Independent child custody evaluation**
 - 5.4.1. Purpose
 - 5.4.2. Client preparation
 - 5.5. **Third parties**
 - 5.5.1. No custody to non-parents
 - 5.5.1.1. *Guardianship*
 - 5.5.2. Visitation
 - 5.5.2.1. Troxel
 - 5.5.2.1.1. Grandparents
 - 5.5.2.1.2. Step-parents
 - 5.5.2.1.3. Siblings
- 6. Class Six: Child support and spousal support**
- 6.1. **Child Support**
 - 6.1.1. Purpose of child support
 - 6.1.2. Duration
 - 6.1.3. How child support is calculated
 - 6.1.4. Add ons
 - 6.2. **Spousal Support**
 - 6.2.1. Purpose of spousal support
 - 6.2.2. Temporary versus permanent
 - 6.2.3. How spousal support is calculated
 - 6.2.4. Duration
- 7. Class Seven: Property division**
- 7.1. **How property is handled**
 - 7.1.1. Community property states
 - 7.2. **Marshalling the property**
 - 7.2.1. Finding
 - 7.2.2. Characterizing
 - 7.2.2.1. *Jointly owned or separate*
 - 7.2.3. Disclosing
 - 7.3. **Preserving the property**
 - 7.3.1. Automatic temporary restraining orders
 - 7.3.2. Notice of adverse interest
 - 7.3.2.1. *Insurance companies*
 - 7.3.2.2. *Pension administrators*
 - 7.3.2.3. *Credit cards*
 - 7.3.2.4. *Banks and brokerages*

7.4. Resolving the property issues

7.4.1. Identify the process in your state

7.4.1.1. Equal division

7.4.1.1.1. Division in kind

7.4.1.1.2. Balance sheet division

7.4.1.2. Fault states

7.4.1.3. Breach of fiduciary duty

7.5. Pensions, IRAs, 401(k)s

7.5.1. Joinder

7.5.2. Notice of adverse interest

7.5.3. QDROS

7.5.3.1. Do it yourself or farm it out

7.5.3.1.1. Attorneys and actuarials

8. Class Eight: Discovery

8.1. Overview

8.1.1. Start with your own client

8.1.1.1. Thorough client intake

8.1.2. Financial discovery

8.1.2.1. Income

8.1.2.2. Assets and debts

8.1.3. Issue discovery

8.1.3.1. Reimbursements, claims, offsets

8.1.3.2. Pre-existing agreements

9. Class Nine: Procedure

9.1. Law and Equity

9.1.1. The two headed judge

9.2. Codes, Codes, Codes

9.2.1. Civil Code

9.2.2. Code of Civil Procedure

9.2.3. Family Code

9.2.4. Rules of Court

9.2.5. Probate Code

9.2.6. Local Rules

9.3. Initiating the court case

9.3.1. Document drafting

9.3.1.1. Fill in the blanks or create your own

9.3.2. Summons and complaint/petition

9.3.3. Asserting grounds

- 9.3.4. Establishing jurisdiction and venue
- 9.3.5. Perfecting personal jurisdiction
 - 9.3.5.1. *Service of process*
- 9.4. *Responding to the lawsuit*
- 9.5. **Intermediate relief**
 - 9.5.1. Motions and orders to show cause
- 9.6. **Trial**
 - 9.6.1. The light at the end of the tunnel
- 9.7. **Evidence**
 - 9.7.1. The Evidence Code does apply in family law
- 10. Class Ten: Using Experts**
 - 10.1. *Accountants*
 - 10.2. *Appraisers*
 - 10.2.1. Real property
 - 10.2.2. Personal property
 - 10.2.3. Business
 - 10.3. *Actuarials*
 - 10.3.1. Vocational evaluators
- 11. Class Eleven: Software, Hardware, and Other Fun Stuff**
 - 11.1. **Paperless Office**
 - 11.1.1. Adobe Acrobat Pro
 - 11.1.2. Windows Explorer
 - 11.1.3. Scan in, scan out
 - 11.2. **Software**
 - 11.2.1. Case management/Practice management software
 - 11.2.1.1. *On-site software:* Amicus Attorney, Time Matters, Needles, Abacus
 - 11.2.1.2. *Off-site software:*
 - 11.2.1.2.1. Clio, Virtual law office
 - 11.2.1.3. *Property Division*
 - 11.2.1.3.1. Propertizer
 - 11.2.1.3.2. Community Property Divider
 - 11.2.1.3.3. Family Law Software
 - 11.2.1.3.4. Excel
 - 11.2.1.3.5. Case analysis
 - 11.2.1.3.5.1. *CaseMap, NoteMap, TimeMap*
 - 11.2.1.3.5.2. *Mind Mapping*
 - 11.3. **Hardware**
 - 11.3.1. Webcams

- 11.3.2. Monitors
- 11.3.3. Wireless modem
- 11.3.4. Notebook/laptop
 - 11.3.4.1. *One Note*
 - 11.3.4.2. *Evernote*

11.4. **Remote computing**

- 11.4.1. GoToMyPc, LogMeIn, etc.
- 11.4.2. GoToMeeting, etc.

12. **Class Twelve: New Horizons in Family Law**

12.1. *Domestic partnerships*

12.2. *Same sex marriage*

12.3. *Family formation and reproductive law*

- 12.3.1. Egg and sperm donation
- 12.3.2. Surrogacy

- 12.3.2.1. *Theresa M. Erickson - Solo Practice University - Creating a Niche Practice in Reproductive Law*

12.4. *Two Moms, Two Dads*