

CAREER PATHWAYS: FAMILY LAW & JUVENILE LAW

I. Overview

A. Survey of Substance

A family and/or juvenile law practice encompasses a wide variety of legal matters that bear on the relationships among family members. Typical issues include divorce (including spousal support, property division, and post-divorce modification and enforcement), premarital agreements, child support, child custody, establishment of paternity, termination of parental rights, adoption, child dependency and neglect, domestic violence, and guardianships or conservatorships.

B. Typical Practice Settings

Family law or juvenile law is practiced primarily by small firms, by solo practitioners, or as a specialty practice within a larger firm. There is also a substantial public interest practice in settings such as Legal Aid and Legal Services programs and, in Memphis, the Community Legal Center.

Government agencies also employ attorneys versed in family/juvenile law. The Tennessee Department of Children's Services employs attorneys to represent the agency in dependency and neglect proceedings, terminations of parental rights, and occasionally, juvenile delinquency proceedings. Agencies that provide federal Title IV-D Child Support services either directly or by contract (in Memphis, Maximus) have staff attorneys to represent the agency in child support matters, contempt matters, and establishment and disestablishment of paternity cases. Attorneys who represent the State in juvenile delinquency proceedings are employed by prosecutors' offices, while attorneys who represent children accused of delinquency offenses are employed by public defender agencies or by contract. Non-profit organizations that provide services to children and families, such as adoption agencies, social service agencies, the Court Appointed Special Advocate (CASA) program, and the courts themselves, often employ lawyers skilled in family/juvenile law.

There are substantial opportunities throughout Tennessee under Tennessee Supreme Court Rule 13 for court appointments to represent parents in dependency and neglect cases, terminations of parental rights, and child support contempt actions. In addition, there are opportunities to represent children as court appointed guardians ad litem in dependency and neglect cases, divorce and custody proceedings, terminations of parental rights, parentage

actions, and occasionally, juvenile delinquency matters. Attorneys trained in family/juvenile law often are employed as mediators of family disputes.

C. Typical Tasks

The typical client in a family and/or juvenile law matter is an individual, most likely a parent, child, or relative. Family/juvenile law attorneys spend much of their days performing three tasks: (1) litigating cases in adversary proceedings; (2) negotiating to help parties reach a settlement; and (3) counseling clients about available options as well as the processes and procedures in the litigation. Typical tasks include: drafting legal documents and advice letters; engaging in formal and informal discovery; preparing clients for and representing clients in mediation; preparing clients and witnesses for trial; conducting all aspects of trial practice; and engaging in appellate practice.

A growing field for the family/juvenile law practitioner is collaborative law in which two attorneys represent parties with the intention of negotiating a settlement without adversarial litigation. Parties are sent to other attorneys for litigation if they fail to reach agreement. Family/juvenile law attracts attorneys who are interested in and able to engage in an interdisciplinary practice as well as in therapeutic jurisprudence. Experts from the fields of medicine, psychology, social work, financial planning, accounting, and tax are often consulted. Attorneys are often called upon to advise clients about or arrange for psychiatric and/or psychological evaluations, mental health counseling or therapy, parent education, behavior management programs, domestic violence services, medication management, and an array of public benefits or other social services.

Attorneys may choose to build their firms by coupling family/juvenile law practice with other types of cases that involve children, such as education and special education, mental health, guardianship and probate, and social security. International child custody issues and immigration issues might also come into play.

Strong interpersonal, oral, and written communication skills are vital. Empathy, objectivity, good listening skills, and patience are important strengths.

D. Related Areas of Practice.

All aspects of children's law, including education and special education; mental health law; elder law; juvenile delinquency; mediation; probate; and social security.

II. **Courses**

A. Primary Courses

- Family Law
- Juvenile Law
- Child and Family Litigation Clinic
- Divorce Law Practice

- Family Law Seminar
- MALS Externship in Domestic Violence Unit

B. Secondary Courses

- Trial Advocacy
- Appellate Advocacy
- Advanced Appellate Advocacy
- Advanced Brief Writing Seminar
- Legal Drafting: Litigation, Discovery, and Pre-trial Litigation.
- ADR Mediation, ADR Negotiation, Mediation Clinic

C. Related Courses

- Tax
- Employee Benefits
- Business Organizations
- Remedies
- Conflicts
- Accounting
- Civil Rights
- Education/Civil Rights
- Disability Law and Practice
- Mental Health

III. **Related Opportunities**

The Child and Family Litigation Clinic and MALSI Externships are very useful. Judicial clerkships in Circuit or Chancery Court will expose students to a large volume of family law practice. Volunteer pro bono opportunities with the Foster Care Review Board, the Court-Appointed Special Advocates (CASA), Juvenile Voluntary Probation Service, the Non-Custodial Parents Unit at Juvenile Court, and Youth Court will enable students, as early as their first year of law school, to become comfortable with interviewing stakeholders and representing children. Students should consider a summer clerkship, paid or unpaid, with a family law or mediation firm, MALSI, Community Legal Center, the Department of Children's Services, or a state court judge. All of these opportunities help students to learn more about the field, networking, and forming professional relationships.

IV. **Resources**

- Public Action Law Society (sign up on TWEN)
- Family Law Section of the Memphis Bar Association
 - <http://www.memphisbar.org>
- Family Law Section of the Tennessee Bar Association
 - <http://www.tba.org/sections/FamilyLaw/index.html>

- Juvenile and Children's Law Section of the Tennessee Bar Association
 - <http://www.tba.org/sections/JuvenileLaw/index.html>
- American Academy of Matrimonial Lawyers
 - <http://www.aaml.org/>
- International Society of Family Law
 - <http://www.law2.byu.edu/isfl/>
- Family Law Section of the American Bar Association
 - http://www.americanbar.org/groups/family_law.html
- American Bar Association Center for Children and the Law
 - http://www.americanbar.org/groups/child_law.html
- National Association of Counsel for Children
 - <http://www.naccchildlaw.org>
- Family Law Professionals on LinkedIn
 - <http://www.linkedin.com/groups/Family-Law-Professionals-96041>
- Family Law Group on LinkedIn
 - http://www.linkedin.com/groups/FamilyLaw-2964143?itemaction=mclk&anetid=2964143&impid=&pgkey=anet_search_results&actpref=anetsrch_name&trk=anetsrch_name&goback=.gdr_1332200580257_1
- Legal Advocates for Children and Youth
 - <http://www.lawfoundation.org/lacy.asp>
- Next Door Solutions to Domestic Violence
 - <http://www.nextdoor.org/>
- Family Law Organization
 - <http://www.familylaw.org/>
- Publication: American Bar Association, HOW TO BUILD AND MANAGE A FAMILY LAW PRACTICE

V. **Contacts**

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