

Your Advocate, Not Your “Yes Man”

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Zealous advocacy does not mean blind advocacy, especially in matrimonial matters. A truly good and responsible matrimonial attorney does not just unquestioningly follow a client's directives; the attorney must examine the facts of the case and make recommendations to the client which will be to the client's benefit, while also taking into account the other parties in the case.

A good [matrimonial attorney](#) should not just tell the client what they want to hear. People going through the transition of a divorce, do not need a “Yes Man,” they need a guide. In fact, I think it is healthy if a client and their lawyer disagree at times during the case – they may even argue. If a client is taking a position on an issue that the attorney, from their unemotional, impartial and informed vantage point, thinks is not what is best – for the client or the children, if there are children involved – it should be the lawyer's obligation to speak, diplomatically but candidly, with the client, and suggest alternatives or a compromise position which will not harm anyone but still protect or advance the client's interests.

People involved in divorce are often being driven by strong emotions, sometimes negative ones. In situations involving children, the attorney needs to be mindful that his or her advocacy for the client's position dovetails with what is in the best interests of the children. If both parents are good parents and want time with the children, a discussion with the client about what is best for that child is warranted. Often a joint custodial arrangement is recommended. While this does not necessarily translate to a 50/50 time share, it does require the parents to consult with each other regarding all major decisions about the children.

A client who is angry about other aspects of the case may want to cut the other parent off from the children, in an effort to hurt the other parent. Understanding why they are taking this position can help the attorney counsel the client. If the client is insisting on a “modified National Guard” schedule – i.e.: two weekends per month and nothing more – the attorney should find out why, as the client may be

insisting on that arrangement based on a desire to punish the other parent, or financial motivation, i.e.: getting more child support, rather than what is truly in the children's best interests, which is to have two involved, loving parents. No matter how angry your client may be at their spouse, and no matter what the financial issues may be in the case, playing keep-away with the children will only hurt the children, in the end.

The bottom line is this: Your divorce lawyer should not tell you that you can get everything you want. If they do, they are selling you a bill of goods on which they will not be able to deliver. You, the client, should find an attorney you feel comfortable with, whose personality meshes well with yours and who you feel will zealously represent your positions and protect your interests.

Just don't expect them to agree with everything you say.

- See more at: </familylawblog/2012/02/09/your-advocate-not-your-%e2%80%9cyes-man%e2%80%9d/#sthash.RKBjqkZb.dpuf>