

Helping Abused Clients

Mediation training key for lawyers helping abused clients

By Ron Shulman



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(August 15, 2019, 8:53 AM EDT) -- Separation and divorce often evoke feelings of fear and uncertainty but initiating a divorce can be fatal for a person who is experiencing domestic abuse.

Most will recall the recent news story about a Toronto neurosurgeon who murdered his wife in 2016, two days after she filed for divorce. Not all cases are so extreme, but every family law lawyer has had a client who is apprehensive to leave a bad relationship out of fear that things will only get worse.

Family law lawyers want to help, but there is no structured procedure, or even guideline for that matter, for them to follow. There is no law school curriculum on how to assist clients who are experiencing abuse. Many of the lawyers who do understand how to identify and help a client who is experiencing abuse have learned these essential skills from sheer experience.

Mediation training could be the key to equipping all family law lawyers with an invaluable skill set to better help clients who are experiencing abuse.

Family law lawyers are used to helping people who are distressed and are accustomed to fighting for their clients, both in and out of court, in order to obtain the best solutions for them. However, it is not always obvious when the distress is caused by a dangerous relationship as opposed to the divorce; often, clients will not immediately disclose that they are being physically, emotionally or financially abused.

In fact, some clients may not even fully understand how vulnerable they are. Furthermore, employing traditional strategies to cases where the opposing party is abusive could aggravate the abuser and put the victim at greater risk.

Through mediation training, lawyers can enhance their skill set with these three things: 1) screening for power imbalances and domestic violence; 2) building a network to minimize risk; 3) creating strategies that can mitigate potentially volatile situations.

Screening is an important first step. This technique can help both partners in the separation or divorce. Screening refers to processes used to detect and identify the type, frequency and severity of domestic abuse. As written in an article from the Canadian Bar Association, "When family law lawyers screen for family violence, they are informing themselves of the full context of their client's experiences. If the screening process identifies the presence of family violence, this information permits lawyers to better consider the impact the situation may be having on the family, especially if there are any children. This knowledge allows the lawyer to begin to ascertain whether specific relief, services or interventions may be appropriate in the circumstances."

From here, a family law lawyer can decide if, and who, they should refer the client to. Mediation training will help the lawyer understand if he or she should reach out to another professional, such

as a social worker, counsellor or the police, depending on the level of danger the client may be facing.

There's one other excellent outcome of this type of training: it encourages collaborative problem solving. Lawyers are generally comfortable working with their legal team, but not all are accustomed to collaborating with professionals who work outside their firm. But for cases that involve domestic abuse, lawyers need to work with a team in order ensure the client has all of the resources they need to remain safe. This is not a one-person job.

Finally, mediation training helps lawyers think differently about long-term resolutions to family law issues. Lawyers recognize they must take extra care when putting together a plan for a client who is being abused. For example, they may have to think of new alternatives to avoid litigation as court could aggravate the opposing party and put the client in more danger. In mediation training, lawyers will learn what some of those alternatives are.

Mediation training not only gives lawyers the tools to help clients who are being abused, it gives them the ability to get a steady hold on the delicate situation that the client is entering.

Ron Shulman, a certified specialist in family law, is the founder of Shulman Law Firm, an exclusive family law practice focused on the resolution of conflicts and ensuring clients are prepared to confidently move on with their lives.

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