



BENMOR'S ADVICE TO FAMILY LAWYERS

Self-care in the practice of family law is not a frill, but a professional duty.

Family law is not practised in neat legal compartments. It is practised in the emotional aftermath of betrayal, fear, grief, financial instability, parenting conflict, coercive control, and uncertainty about the future.

Family lawyers do not merely process files. They absorb stories, manage crises, read disturbing communications, carry urgent timelines, and help clients make life-altering decisions while those clients are often at their least regulated and least resilient. That reality makes self-care in family law far more than a personal preference. It is a professional necessity.

As this paper makes clear, trauma in legal practice often arises not only from what happens to the lawyer directly, but from repeated exposure to the suffering, conflict, and distress of their clients. Family lawyers may experience vicarious trauma, burnout, compassion fatigue, and moral distress, sometimes all at once.

That is why family law must be approached as a marathon, not a sprint.

The metaphor matters. A sprint rewards short bursts of intensity. A marathon demands pacing, endurance, discipline, hydration, recovery, mental focus, and the humility to accept that one cannot run at top speed the entire way. Separation and divorce are marathons for clients (who usually prefer a sprint), but they are marathons for counsel as well.

However, the family lawyer who attempts to sprint – to function in a perpetual state of urgency will eventually find that exhaustion becomes irritability, irritability becomes diminished judgment, and diminished judgment becomes poorer service to clients, leading to far bigger problems.

In that sense, self-care is not separate from professional competence. It protects it.

This paper will best prepare you for a long and satisfying career in family law - from a lawyer that learned the hard way.

Lesson 1: We trade in 'trauma'

Trauma in legal practice does not only come from what happens to the lawyer directly. It comes from what lawyers are exposed to - over and over. Every day of our career, family lawyers are affected by:

- Regularly hearing traumatic client stories
- Reading distressing affidavits, texts, emails, and other records and documents
- Working in constant conflict and crisis
- Feeling responsible for outcomes affecting children and families
- Carrying stress for long periods without enough recovery time

Common types of professional trauma include:

1. Vicarious Trauma: Taking in the emotional impact of clients' trauma over time
2. Burnout: Chronic exhaustion, reduced energy and feeling depleted by work
3. Compassion Fatigue: Feeling emotionally worn down from constantly supporting people in crisis
4. Moral Distress: Knowing what is just and fair but facing a legal system that may not deliver it

Family lawyers can experience all four simultaneously.

Lesson 2: Who are our only customers?

Family lawyers serve one and only one population of clients – ordinary people who are in the worse situation of their adult lives and are, right now, experiencing:

- Intimate partner violence
- Coercive control
- High conflict
- Emotional intensity
- Fear of the loss of their children
- Uncertainty over the loss of parenting time
- Financial instability
- Loss of housing
- Threat of court involvement
- Granting complete control over their lives to a judge
- Repeated litigation events

Such service providers (eg. family lawyers) who only serve this one population of clients face:

- Constant exposure to clients' trauma
- Working with people in crisis
- High conflict environments
- Heavy workload and urgent timelines
- Emotional responsibility towards clients
- Moral distress

Lesson 3: Some family lawyers take their work personally

Family lawyers generally are passionate about social justice and take their work to heart. Some unintentionally do not 'represent' their clients, but rather they 'become' their clients. A smaller group of family lawyers treat their role as a warrior, whose role is to damage the other spouse and, by association, the other spouse's lawyer. They may believe that such conduct is evidence of forceful lawyering. The marketplace has a name for them. Some clients seek out, and ask for referrals to, "the aggressive lawyer", the shark" or the "bulldog". They earn significant fees and so therefore they feel validated for their approach to family law. Generally, their clients later regret retaining them, but by then the damage has been done.

Bill Eddy calls this the "High Conflict Divorce" (see Eddy's publications at <https://www.unhookedmedia.com/high-conflict-institute>).

This by far is the greatest driver of the trauma suffered by family lawyers. We could handle the traumatized client. We can handle the heavy workload and urgent timelines. We can handle the difficult legal issues. We can handle the grumpy judge. But when the other lawyer is mean, rude and threatening, and this occurs with multiple cases – all at the same time – that is when the practice of family law becomes unbearable and lawyers suffer distress, withdraw or quit.

Lesson 4: What behaviours do family lawyers endure

Clients undergoing personal trauma experience, and then act out, behaviours that law school or articling does not prepare lawyers for. Since nearly half of society divorces, that means that divorce is experienced by all people, at all ages, in every culture and by every socio-economic group. Whether the client is a blue collar worker or a CEO, a banking executive or a UBER driver, a teacher or a police officer, divorce upends their normal life and creates stress responses that are varied. Clients of family lawyers:

- Become emotionally dysregulated
- Demonstrate anger, panic and tears
- Have difficulty remembering details
- Are unable to answer questions
- Have inconsistent narratives
- Display a mistrust of professionals
- Have difficulty making decisions
- Are hyper-vigilant
- Become withdrawn
- Avoid dealing with important things

Lesson 5: What are the tell-tale signs that you might be experiencing trauma

Lawyers are smart. After all, they graduated from undergrad and were accepted to law school. They spent many years honing their written and analytical skills, amongst a top tier of fellow smart people. Then they were called to the bar. Their families are proud of them. They are celebrated. They are revered in society. They are proud of themselves.

Also, lawyers are not willing to show vulnerability. After all, that's a sign of weakness. But in private, many family lawyers experience life differently. Here are some examples:

- They feel personally responsible for fixing their client's entire life
- They are constantly thinking about their files
- They check emails at night and on weekends
- They fear emails from opposing counsel
- They replay an unsuccessful meeting, call or motion and not able to let it go
- They desperately hope a case settles to avoid the conflict
- They put off calling or responding to a difficult client
- They are irritated by client requests
- They leave work feeling emotionally drained
- They have difficulty "switching off" work
- They exhibit reduced patience and empathy
- They struggle to maintain boundaries
- They feel fatigued, have trouble sleeping, or feel constantly "on edge"
- They become more curt, blunt or reactive

Lesson 6: What can be done about all this

Be proud that you graduated law school and are a member of the legal community. You are a source of goodness in society. Family lawyers are in great need. Spouses, parents and children need good family lawyers. They are an integral part of the family justice system. They solve family problems – big and small. They help families reconstitute. They help children lead normal lives when their parents have decided to live apart. But a by-product of all that much needed professional service is being a trauma-informed lawyer. Family lawyers who are aware of these lessons have a clear blueprint for their long-term health and career in family law. These lawyers help clients feel safer, clearer, and better prepared for the trauma, uncertainty and adverse consequences of divorce.

Here are some outward client-facing actions that such lawyers take:

- They explain to the client what will happen this week, month, year
- They prepare clients for difficult moments and conversations
- They validate their clients emotions
- They slow down complex discussions
- They randomly make mental health checks on their clients (at no charge)
- They use phrases such as:
 - “What is worrying you the most about this right now?”*
 - “Here’s what I can help you with, and here’s what you and I can’t control.”*
 - “We don’t have to solve everything today.”*
 - “Let’s slow down and look at this step by step.”*

Family law can easily become a 24/7 job if you let it. Family law often involves clients in crisis, which can blur professional boundaries. Hence, here are some inward actions that such lawyers take:

- They are clear with clients about steps and costs at the outset of the retainer
- They tell clients when they can expect a response to an email or call
- They deliberately condition clients on response rate and costs
- They limit the number of channels through which clients communicate
- They educate clients to distinguish between emergencies and other events
- They turn off email and message notifications
- They use Auto-Reply to notify clients and counsel of unavailability or absence
- They schedule their day and week in advance
- They set times to read and respond to emails to allow proper concentration times
- They accept a realistic volume of work and limit their caseload
- They do not plan meetings, calls or court attendances back to back
- They take breaks especially after court and emotionally charged meetings

Conclusion

The practice of family law is hard. But it is also rewarding. Planning is required. If not, trauma will set in and it will control your professional and personal life.

Family lawyers who have figured out self-care are better lawyers, better colleagues, better spouses, better parents and better people.

Family lawyers who have figured it out are happier, have pleased clients, make more money and have a good reputation.

Family lawyers, like all people, also benefit from the following known health tips:

1. **Sleep really well.** Set a designated time to go to bed and stick to it. Put the devices away before bedtime. Stop watching screens 1 hour before bed. Lower caffeine intake. Take sleeping aids such as Melatonin or prescribed medications, if needed. However you do it, make sure that you are sleeping at least 7 hours every night.
2. **Eat clean.** Eliminate the 3 white devils - sugar, salt and flour. Choose a food program and stick to it. Drink two litres of water every day. Do not allow your family law practice to justify poor eating, weight gain and bad health. Appoint someone to hold you accountable.
3. **Exercise.** Start with an easy 30 minute walk outside everyday. Later, double up with a meditation app. Practice deliberate breathing. Build your exercise up by adding time, speed or incline. Keep adding milestones. Eventually, you can add a gym membership, yoga class, running group or fitness partner. Treat fitness as a requirement and not an option.
4. **Grow your brain.** Begin learning new topics through reading, listening, or podcasts that are on a topic that is stimulating to you. Consider topics that you have always been curious about (eg. history, politics, art, architecture, travel, design, business, foods of the world, etc.).
5. **Socialize.** Place yourself amidst others. Take your reading to a coffee shop, library or community center. Begin attending church/mosque/synagogue each week. Connect with an old friend.
6. **Express yourself.** Begin journaling, drawing art, writing poetry, listening to music, doing a craft or finding a new hobby.
7. **Practice gratitude.** Express thanks to people around you. Start with your children, then family, and then friends. If you believe in G-d, express gratitude through prayer. Practice spirituality.
8. **Laugh.** Program laughter into your day by watching comedy videos on YouTube, funny movies on Netflix or subscribe to comedy channels in your car or at home. Either way, be deliberate about finding humour and laughing. It will take your mind off the practice of law, raise your mood and generate positive feelings in life.

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