

Antioch University

## AURA - Antioch University Repository and Archive

---

Antioch University Full-Text Dissertations &  
Theses

Antioch University Dissertations and Theses

---

2022

### It Takes Two: Professional Interconnections and Potential Collaborations Between Small-Town Family Attorneys and Couple/Family Therapists

Wendy Lenk McClary

*Antioch New England Graduate School*

Follow this and additional works at: <https://aura.antioch.edu/etds>



Part of the [Counseling Psychology Commons](#), [Law Commons](#), and the [Marriage and Family Therapy and Counseling Commons](#)

---

#### Recommended Citation

McClary, W. L. (2022). It Takes Two: Professional Interconnections and Potential Collaborations Between Small-Town Family Attorneys and Couple/Family Therapists. <https://aura.antioch.edu/etds/904>

This Dissertation is brought to you for free and open access by the Antioch University Dissertations and Theses at AURA - Antioch University Repository and Archive. It has been accepted for inclusion in Antioch University Full-Text Dissertations & Theses by an authorized administrator of AURA - Antioch University Repository and Archive. For more information, please contact [hhale@antioch.edu](mailto:hhale@antioch.edu).

IT TAKES TWO:  
PROFESSIONAL INTERCONNECTIONS  
AND POTENTIAL COLLABORATIONS BETWEEN  
SMALL-TOWN FAMILY ATTORNEYS AND COUPLE/FAMILY THERAPISTS

A Dissertation

Presented to the Faculty of  
Antioch University New England

In partial fulfillment for the degree of  
DOCTOR OF PHILOSOPHY

by

Wendy Lenk McClary

ORCID Scholar No. 0000-0002-7078-7983

December 2022

IT TAKES TWO:  
PROFESSIONAL INTERCONNECTIONS  
AND POTENTIAL COLLABORATIONS BETWEEN  
SMALL-TOWN FAMILY ATTORNEYS AND COUPLE/FAMILY THERAPISTS

This dissertation, by Wendy Lenk McClary, has  
been approved by the committee members signed below  
who recommend that it be accepted by the faculty of  
Antioch University New England  
in partial fulfillment of requirements for the degree of

DOCTOR OF PHILOSOPHY

DISSERTATION COMMITTEE:

Lucille H. Byno, PhD, Chairperson

Denzel L. Jones, PhD

Althea Lloyd, JD



**ABSTRACT****IT TAKES TWO:  
PROFESSIONAL INTERCONNECTIONS  
AND POTENTIAL COLLABORATIONS BETWEEN  
SMALL-TOWN FAMILY ATTORNEYS AND COUPLE/FAMILY THERAPISTS**

Wendy Lenk McClary

Antioch University New England

Keene, NH

Attorneys who specialize in family practice may experience significant rates of mood disorders and substance reliance. Law schools typically do not provide supportive coursework or mentoring to help students learn to manage their feelings and those of crisis-impacted clients. Lawyers may well consider that understanding emotional needs and providing emotional support does not fall within their codes of practice. Societal stigma may prevent family attorneys and their clients from seeking therapy. Small-town attorneys may be particularly vulnerable to professional stress and safety concerns. The purpose of this study was to explore and understand the lived experiences of family attorneys practicing in small towns. Semi-structured interviews of five family attorneys practicing in small towns in New England revealed professional and personal challenges related to compassion fatigue, vicarious trauma, and burnout, as well as safety concerns for themselves, their associates, and their families. Some reported resistance to therapy due to stigma or unfamiliarity with the process, though all validated therapy as a tool for distressed clients. Future research could identify ways in which couple/family therapists and family attorneys can collaborate to effectively and comprehensively meet the needs of clients who are experiencing challenging life transitions, and to support the ongoing emotional health

needs of lawyers. This dissertation is available in open access at AURA

(<https://aura.antioch.edu>) and OhioLINK ETD Center (<https://etd.ohiolink.edu>).

*Keywords:* alternative dispute resolution, attorney, attorney safety, burnout, CFT, collaborative divorce, compassion fatigue, custody, divorce, family law, family therapist, high-stress jobs, Husserl, lawyer, mediation, MFT, neglect, parenting, partner abuse, phenomenological, secondary stress, secondary trauma, semi-structured interview, stigma, vicarious trauma.

### **Acknowledgements**

To Lucy Byno: You have been a consistent, enthusiastic, and trusted support throughout this process. Your ability to weigh in with a thoughtful comment, prescient observation, or well-timed boost has been invaluable. You will always have my infinite admiration and grateful appreciation.

To Thea Lloyd and Denzel Jones: Thank you for joining Lucy to create the dream team of doctoral committees. You gave your time and expertise so generously and this project is deeper, stronger, and richer because of you.

To Kevin Lyness: Your unwavering commitment to Antioch's doctoral program and doctoral students is always evident. Thank you for your ongoing work in creating a safe, welcoming, and inspiring program.

To Pippin Macdonald: Your patience, expertise, and eye for detail got this project across the finish line! Thank you so much.

To Noel, Elliott, Lily, Katy, and Em: You have been there throughout this process to pitch in, laugh or commiserate as necessary, and keep me moving forward. I love you more than you can imagine.

## TABLE OF CONTENTS

CHAPTER I: INTRODUCTION	10
CHAPTER II: REVIEW OF LITERATURE	12
Background	12
Concerns About Attorney Safety and Emotional Wellness	16
Compassion Fatigue, Vicarious Trauma, Burnout, and Stigma	23
Compassion Fatigue	23
Vicarious Trauma	24
Burnout	25
Stigma	28
Collaborative Approaches in Family Law	29
Family Attorneys in Small Towns	32
Sources of Support	34
CHAPTER III: METHODOLOGY	38
Introduction	38
Research Context	38
Statement of Purpose and Theoretical Framework	38
Research Questions	40
Methods	40
Researcher Role	40
Participants	41



Data Collection	41
Data Gathering	43
Data Analysis	44
Ethical Considerations	45
Addressing Potential Bias	46
Limitations	47
Establishing Trustworthiness	48
CHAPTER IV: RESULTS	49
Analysis of Data	49
Findings	49
General Observations	49
Sources of Stress	51
Managing Stress	54
Experiences with Therapy	56
Small-Town Family Law: Benefits and Challenges	58
Issues of Safety	59
Sources of Support	63
What to Expect/How to Prepare	65
Addressing Issues of Researcher Bias	67
CHAPTER V: DISCUSSION	69
Introduction	69
Implications for the Field	71
Recommendations for Further Research	73

REFERENCES	75
APPENDIX A: Informed Consent to Participate	96
APPENDIX B: IRB Approval	98
APPENDIX C: Interview Protocol	99
APPENDIX D: Example of Thematic Coding Process	104
APPENDIX E: Preliminary Meaning Units	115
APPENDIX F: Final Meaning Units	132
APPENDIX G: Reflections from Journaling / Bracketing	147
APPENDIX H: Example of Situated Narrative	149

## CHAPTER I

### Introduction

Attorneys who specialize in family practice may experience frustration, anxiety, depression, emotional exhaustion, significant rates of substance reliance, compassion fatigue, vicarious trauma, and burnout (Beck et al., 1995; Brobst, 2014). Law schools typically do not provide coursework or mentoring to guide student attorneys in supporting the moods and feelings of clients who may be reacting to challenging life events with distress, anger, or blaming, and are often unequipped to instruct students on self-care practices (Jolly-Ryan, 2010). Lawyers may well consider that ongoing emotional support for themselves or others does not fall within their codes of practice, and most law schools do not provide coursework in emotional wellness as a way to prepare attorneys to work effectively and sustainably with clients experiencing high levels of emotional distress (Jolly-Ryan, 2010). Attorneys practicing in towns with populations of 20,000 or less may need to combine several challenging aspects of family law into their practices, and may be particularly vulnerable to professional stress and safety concerns due to their local visibility and broad range of potential client distress (Frost & Beck, 2016). The client profile and professional dynamics familiar to family attorneys is shared by couple/family therapists, who work systemically with clients who may be responding to changing life circumstances with mood disruption, self-medication, and challenging behaviors (Yingling & Hance, 2001).

The purpose of this study was to explore and understand the lived experiences of small-town attorneys practicing family law, and to begin to identify potential sources of collaboration between family attorneys and couple/family therapists, particularly those practicing in small towns. (Note: Throughout this study and subsequent discussion the terms *attorney* and *lawyer*

will be used interchangeably.) A phenomenological process of semi-structured interviewing and subsequent thematic coding was utilized to obtain a deep description of participant experience (Creswell & Poth, 2018). Semi-structured interviews included the following research questions: What are the experiences of the participant as a family attorney in private practice in a small New England town? What does the participant report in terms of professional satisfaction; respect from peers, clients, and community; personal emotional health and wellness; coping strategies; and personal privacy and safety? What professional collaborations, virtual or local, does the participant currently utilize to provide comprehensive legal and emotional support for clients? Attorneys in private family law practice in New England towns with population 20,000 or less were invited to participate.

Results of this study may illuminate ways in which family attorneys and couple/family therapists can collaborate to effectively and comprehensively meet the legal and emotional needs of clients who are experiencing challenging life transitions, to highlight potential emotional health needs experienced by family attorneys, and to support the unmet emotional health needs of attorneys.

## CHAPTER II

### Review of Literature

#### Background

Attorneys who specialize in family practice are immersed daily with social systems at their most distressed (Brobst, 2014). Divorce, child custody, child support, infidelity, alimony/spousal support, inheritance, prenuptial and postnuptial agreements, guardianships, elder care issues, child neglect and abuse, intimate partner violence, and a full range of other domestic challenges can bring with them family discord, conflicting opinions and interests, and client feelings of fear, betrayal, vengeance, disillusionment, confusion, disbelief, sadness, regret, and anger (Brobst, 2014). Clients may find themselves suddenly and unexpectedly propelled into life situations in which illness, death, abuse, or abandonment necessitates a level of decision-making for which they are unprepared (Bride, 2004; Mucalov, 2011). Within the framework of sometimes-intense systemic drama, family attorneys work within a polarized legal dynamic, advocating for the needs and wishes of their client and often against the priorities of the opposing party, all within the context of the laws of the state and the norms of the prevailing court (Lande, 2003). The result can be disputes full of raw emotional content for the family attorney's clients (Edwards & Miller, 2019; Fines & Madsen, 2007; Kreiger, 1998; Lande, 2003; Mucalov, 2011; Silver, 1999). Clients may be surprised and dismayed to learn that dishonest, emotionally harmful, or even abusive acts committed by an ex-partner or family member, even if these were reasons for the termination of the relationship, may not typically be utilized as determinants in issues of custody and finances (Allen et al., 2011; Lande, 2003). Often issues can be resolved via mediation or through lawyer-to-lawyer consults, but sometimes matters may become particularly adversarial and resistant to resolution. In the case of issues for which efforts to obtain client

agreement fail or unique circumstances must be considered, going before a family court judge may be required (Arditti & Keith, 1993; Lande, 2003). Decisions made in court are binding and can feel arbitrary, expensive, emotionally triggering, and hard to live with, particularly for ex-partners who must continue to co-parent their children as amicably as possible (Allen et al., 2011; Arditti & Keith, 1993; Berenson, 2012), but also for other members of the system:

The current standard for determining custody according to children's 'best interests' is a vague principle which, from the perspective of judges, makes custody disputes almost impossible to decide. Custody disputes also are troublesome from the perspectives of many lawyers, who find the cases emotional, demanding, and unrewarding. Fears about losing your children, legal expenses, public embarrassment, and the divisiveness of a court battle are some of the many problems from the perspective of parents. Finally, from the perspective of children, a custody dispute epitomizes perhaps the worst thing about a divorce: Getting caught, or put, in the middle of a war between your parents. (Emery, 2012, pp. 1-2)

The literature indicates that lawyers tend to exhibit a somewhat unique profile of characteristics, traits, abilities, resources, strengths, and weaknesses (Daicoff, 2004). Researchers exploring typical personality characteristics for a number of professions noted strikingly different characteristics for attorneys versus non-attorneys, with lawyers often displaying introversion, preferring cognitive to emotional reasoning, and showing a strong tendency towards judging themselves and others (Elwork et al., 1995; Richard, 1994). A pattern of denying emotional vulnerability is illustrated early in a legal career by recent law school graduates' persistent suspicion around bar exam questions pertaining to prior mental health treatments (American Bar Association, 2020). Law schools train students to think rationally, not

emotionally, even if this means students must bypass their own principles or feelings in favor of their client's wishes. Lawyers become adept at anticipating all available possibilities whether positive or negative, prizing objectivity, clarity, precision, logic, and order. Lawyers can be direct, competitive, assertive, and can understand the value of and need for conflict. They may overlook or rationalize a client's emotional needs, focusing instead on maximizing the client's material and custodial success in a family dispute (Daicoff, 2004). For lawyers, pessimism is an important professional stance, since anticipating potential negative outcomes is an essential part of the work (Huang & Felder, 2015; O'Grady, 2006; Shirvington, 2004). Seligman et al. (2005) found that lawyer unhappiness was attributable to three factors: 1) lawyers are selected for their pessimism, and this quality goes on to infiltrate their personal lives; 2) young lawyers tend to hold jobs that are at once high-pressure and low-power, two key factors in potential damage to morale and feelings of effectiveness; and 3) "American law is to some extent a zero-sum game, and negative emotions flow from zero-sum games" (p. 1). Attorneys typically bill by the hour, and frequently experience significant stress as they attempt to meet high billable-hour requirements, enduring the resulting long workdays required to amass these hours, and managing ongoing pressure to achieve partnership (American Bar Association, 2020; Campbell & Charlesworth, 2012; Fortney, 2000, 2002, 2005; Omari & Paull, 2013; Parker & Ruschena, 2011). Parker and Ruschena pointed to a larger systemic challenge, within which "... billable hour pressure is merely the face of more fundamental pressures stemming from the way that lawyers in private practice perceive their work environments" (p. 619). As a group, lawyers often project a sense of strength and capability, but maintaining that profile and displaying resilience while managing the effects of traumatic situations may trigger existing mental health vulnerabilities among members of this professional group so well-known for pessimism

(Armbruster et al., 2015), skepticism (Hu, 2015), and perfectionism (Trabsky & Baron, 2016), and who can be risk-averse and hold low levels of trust (Levin & MacEwen, 2014).

Negative impacts on work/life balance, personal relationships, sleep, self-care, outside interests and recreation, and emotional regulation can be the result of workplace pressures (American Bar Association, 2020; Cho, 2019). These professional and personal challenges often lead to unhappiness and disillusionment with the realities of a legal career, and are precursors for resulting high attrition rates within the profession as well as unhealthy coping strategies (American Bar Association, 2020; Cho, 2019; Fines & Madsen, 2007; Fortney, 2000; Huang & Felder, 2015). Attorney dissatisfaction can damage client relationships and incur loss of billable time (Huang & Felder, 2015). Unhappy or stressed attorneys might begin to miss appointments, neglect ongoing communications with clients or court officials, miss court appointments, or forget to file court documents (Bonifacio, 2013; Cohen & Collens, 2013; Gächter et al., 2011). Attorney health may be impacted, with forgetfulness, headaches, blackouts, anxiety, depression, ulcers, high blood pressure, liver disease, breathing challenges, and substance reliance reported (Dir et al., 2013; Gächter et al., 2011). Occupational stressors can also extend beyond the individual practitioner: negative public opinions and disparaging jokes about lawyers and the legal profession are commonplace, and suspicions that lawyers may be essentially dishonest, motivated by money, and possibly even corrupt are communicated anecdotally and in the media (Daicoff, 2004; Galanter, 2002). It is also common for family law to be denigrated by peers as low-status compared to other areas of law (Fines & Madsen, 2007). Family attorneys may be the recipients of negative reactions and perceptions from their peers, and achieve a lower level of status, prestige, and respect from their colleagues (Eekelaar, 2011; Huntington, 2008; Pellman et al., 2012).



### **Concerns About Attorney Safety and Emotional Wellness**

Research indicates that violence directed at members of the legal profession has been of concern for some time, and may be increasing (Bow et al., 2015). A Utah attorney (Kelson, 2018), who has embarked on a series of surveys on violence against lawyers which thus far has included practitioners in 27 states, noted in a 2017 study of attorneys in New Hampshire that, while nearly all respondents reported that they had received some kind of threat or experienced violence, family lawyers reported facing disproportionate amounts of threats and violence compared to their peers (Laird, 2018). These family lawyers were more likely to report threats within the past year; they also were more likely than the overall participant population of New Hampshire lawyers to say they were physically assaulted, especially by a party who had previously threatened them (Laird, 2018). To date Kelson has surveyed about 12,000 lawyers utilizing volunteer participants recruited by state bar associations to complete detailed, anonymous surveys (Laird, 2017). Each state's data was provided to the *ABA Journal*, which used it to compile a comprehensive portrait of U.S. attorney safety concerns. Their statistics revealed that 88.7 percent of lawyers nationwide who responded to the surveys had received some kind of threat that rose to the level of concern. The number of all lawyers who said they had been assaulted was much lower, at 8.6 percent; however 42 percent of lawyers nationwide also said they had experienced an in-person confrontation that fell short of assault, and 6.6 percent reported property damage (American Bar Association, 2020; Kelson, 2018; Laird, 2017, 2018). In some extreme cases lawyers reported receiving threats about their children being raped, having their car tires slashed, and seeing clients shot to death in front of them (Kelson, 2018). When the aggregated national survey responses were broken down by the lawyer's specialty,

family lawyers across the country replicated their peers in the New Hampshire survey, ranking consistently highest in rates of threats and violence (Laird, 2018).

Criminal lawyers, whose work may well involve direct contact with clients, opposing parties, or witnesses with a history of violence, also reported a higher rate of threats and violence, as did lawyers choosing “general practice,” which could include many practice areas. Among family attorneys, however, who do not typically become involved in criminal cases, 92.8 percent reported experiencing some kind of threat or violence (American Bar Association, 2020; Kelson, 2018). “I felt way more threatened and kind of menaced ... as a family law attorney than ever in the years that I spent as a prosecutor,” said one respondent (Kelson, 2018, p. 5). Family lawyers were also more likely to say they had experienced in-person confrontations, property damage, or assault; when they were assaulted, family lawyers frequently reported that the person responsible was more likely to be someone who had already threatened them (8.5 percent) compared to 6.4 percent for lawyers in general. About 25 percent of family lawyers said they had been threatened within the past year, while a smaller proportion -- 18.4 percent -- of all lawyers reported this (Laird, 2018). Kelson’s surveys indicated that most of these threats to family attorneys came from opposing parties. One family attorney stated, “We are often looked at as the cause of many problems in custody cases because the parties want someone to blame” (Laird, 2017, p.11). While lawyers in general who reported credible threats or assaults were more likely to say they were threatened or attacked by a client, only 38 percent reported that the assailant was an opposing party; however, for family lawyers the rate was significantly higher at 54.4 percent. This threat was elevated for lawyers who represent victims of intimate partner abuse (Buel, 1999; Laird, 2017). In these cases the opposing parties, by definition, have a history of violence as well as power and control issues, but statistically they are less likely than criminal

defendants to be incarcerated (Buel, 1999). It is not uncommon for family attorneys to find themselves targets of angry, controlling estranged partners. Survey participants reported harassment such as false, insulting, and highly negative reviews left by opposing parties on easily accessible attorney rating websites or social media, or vindictive ethics complaints. Confrontations in court or at the office were also widely cited, as were bricks, rocks, and bullets through windows (Laird, 2018). An overwhelming majority of respondents identified inappropriate and threatening communications and actions made primarily in person or by phone, some of which included direct and implied threats:

[They] threatened to take my children to see how I would feel; threatened to run me over with a car; and [there was] intimidation by sneaking into my office and standing quietly behind my chair while I was on the phone and then [throwing the] items at me which the party was court ordered to provide. (Kelson, 2018, p. 5)

In response to perceived or direct threats, attorneys have reported utilizing panic buttons, security guards, and active shooter trainings. Some might be armed with pepper spray or heavy tools like hammers (Carter, 2021). Some reported carrying firearms although this practice is of little use at or near the courthouse, where risks might be the greatest but firearms typically are not allowed (Carter, 2022). Stevenson (2019), addressing ethical issues related to an increasing number of attorneys carrying firearms, noted that visible firearms can affect negotiations via intimidation or even escalation of conflict, negatively impacting opposing clients and counsel.

Research shows that law students and practicing attorneys exhibit significant levels of emotional distress when compared with other professionals (Jolly-Ryan, 2010) and even when compared with the administrative staff members who work alongside them on client-related issues (Levin et al., 2011). Huang and Felder (2015) documented "... near-epidemic levels of

depression, decision-making errors, and professional dissatisfaction ...” among family attorneys (p. 727). The experience of attending law school appears to be a factor: Benjamin et al. (1986) and Benjamin et al. (1990) found that students entering law school reported levels of depression that progressed from relatively average to significantly increased by the end of the first year of school. Follow-up studies showed that these depression levels remained elevated two years following graduation (Benjamin et al., 1990). Law students reported stigma around seeking emotional support, citing fears of being denied a law license post-graduation (American Bar Association, 2020). In another study (Benjamin et al., 1990) 19 percent of the attorneys surveyed exhibited elevated levels of depression, as compared to three to nine percent of the general population. Of this 19 percent, most reported suicidal thoughts (Benjamin et al., 1990). This was underscored in a separate study which also reported that suicide risk is higher for attorneys than for the general population (Weiss, 2009). It might appear that an attorney’s actual job description is a potential recipe for suicidal impulses:

[L]awyers are expected to work—and be successful—in adversarial situations. They have unpredictable schedules, and they often lack tools to deal with stress. All of this predisposes them to chronic stress and/or depression. Lawyers are also expected to be the ultimate problem-solver. [We] often hear lawyers say that the expectation is that they are “a superhero” with no room for error or humanness. Furthermore, the mental health stigma often discourages identification, discussions and access to care. Chronic stress and depression often trigger unhealthy behaviors such as substance abuse and personal problems, which can sometimes result in suicide or suicidal ideations. (Cho, 2019, p. 119)

Exploring causative and/or accompanying issues related to attorneys' emotional wellness, Beck et al. (1995) identified anger as the most significant variable in predicting lawyers' emotional distress. Ongoing research into the emotional well-being of attorneys throughout their careers (Allen, 1997; American Bar Association, 2020; Daicoff, 2004; Emery, 2012; Kelson, 2018; Kreiger, 1998; Pulliam, 2008; Rothstein, 2008; Yakren, 2008) consistently presented a cautionary picture, with significant levels of anger, anxiety, exhaustion, depression, and self-medicating contributing to attorneys' challenges with primary relationships, particularly marriages. Maguire and Byrne (2017) and Fines and Madsen (2007), among others, have listed vicarious trauma among potential stressors for family attorneys due to lawyers' professional requirement to witness trauma-filled narratives that may include abusive, aggressive, or violent content; Fines and Madsen subsequently wondered whether these family lawyers might be coping via high levels of alcohol use. Studies consistently show that attorneys experience problematic drinking at a much higher rate than other populations (Reed & Bornstein, 2013). Benjamin et al. (1990) reported alcoholism rates of 18 percent in lawyers compared to 10 percent in the general population, with problem drinking tending to increase throughout the duration of legal practice. These statistics were supported by the American Bar Association (2020). A 2016 study (Krill et al., 2016) found that 21 percent of licensed, employed attorneys qualified as problem drinkers, compared to just 12 percent of similarly educated workers in other professions. The same study found that 28 percent of lawyers experienced depression and 19 percent reported anxiety symptoms, with attorneys in their first 10 years of professional practice appearing most susceptible (American Bar Association, 2020; Laird, 2018). Female attorneys were more likely to exhibit high levels of depression while male attorneys were more likely to abuse alcohol or other substances (Krill et al., 2016). In response to these concerns, the

American Bar Association has launched initiatives to explore and support mental health concerns for law students and practicing attorneys, with a standing committee to make recommendations (Childers, 2008). It has been noted that positive coping mechanisms such as exercise and being able to talk about problems may be less supportive for attorneys than for other professionals (Appleby, 2016; Elwork, 2007; Kobasa, 1982), perhaps because of the unique dynamic of lawyer personality types coupled with intensive law school training. A culture of peer-to-peer bullying often reported within law schools could also be a factor (Flanagan, 2007). This phenomenon has been validated via studies that found post-traumatic stress disorder (PTSD) symptoms related to bullying among lawyers (Le Mire, 2015; Omari & Paull, 2013; Yamada, 2018).

While clinical support such as therapy, peer mentoring, and bar association workshops and consultants are increasingly available, family attorneys may resist seeking help so as not to appear weak, unprepared, troubled, or unable to represent the client.

The American Bar Association's Model Rules require that a lawyer shall not represent a client or, where representation has commenced, shall withdraw from the representation of a client if the lawyer's physical or mental condition materially impairs the lawyer's ability to represent the client. (Morgillo, 2015, p. 460)

Within a structure of success measured by billing, family attorneys may thus be resistant to share their experiences due to financial pressure as well as the possibility of being perceived as lacking the skills or endurance for the job (Cohen, 2002).

Family attorneys, who routinely interact with and support the needs of highly distressed clients, can be particularly vulnerable to emotional challenges. “[C]onstant exposure to distressed clients can take its toll on your own emotional health in the form of burnout, stress, alcohol/drug addiction, and vicarious trauma” (Mucalov, 2011, para. 23). Family attorneys are

people too, with their own histories, complications, and domestic issues, and they may see facets of themselves, their lives, and relationships in their clients or the opposing party. Despite this, the family attorney's job is to help clients resolve domestic disputes and achieve client goals without personal emotional involvement (Emery, 2012; Weinstein & Weinstein, 2005). It is arguable that the practice of family law requires more than typical training in managing client needs, since so many clients by definition are involved in significant and often emotionally painful life transitions (Yingling & Hance, 2001).

The systemic problem is daunting, and the urge among lawyers to minimize the impact of emotional challenges by using substances or other unhealthy coping tools can be strong and compelling (American Bar Association, 2020; Miller & Bornstein, 2013). “[A]s many as 50 percent to 70 percent of the lawyers who are respondents before bar disciplinary committees are chemically dependent” (The Other Bar, 2021, p. 2). Issues of emotional stability and chemical dependence often are factors in ethical challenges such as failure to appear in court on time, misuse of client funds, general neglect of caseloads, and failure to cooperate with ethics boards (Currall, 1999; Dodge, 2017; Goodliff, 1994; Krill et al., 2016). Dodge (2017) outlined four ethical rules that frequently are cited in ethics board judgments of impaired lawyers:

- ER 1.1 (Competence) requires thoroughness and preparation reasonably necessary for the representation.
- ER 1.3 (Diligence) requires reasonable promptness in representing a client.
- ER 1.15 (Safekeeping Property) requires a lawyer to hold the property of clients and third parties that is in the lawyer's possession in connection with a representation separate from the lawyer's.

- ER 8.4 (Misconduct) covers and prohibits criminal, dishonest or fraudulent acts, often part of claims against lawyers who misappropriate clients' property. Trust account violations are a common complaint in substance abuse cases. (p. 10)

Emphasizing the worrying frequency and ongoing professional challenge of attorneys' stress-related substance misuse in light of the potential enormity of an attorney's inability to represent a client according to professional standards, Dodge (2017) as well as Pulliam (2008) have speculated whether it might be advisable to encourage state ethics boards to offer emotional support services to enable afflicted attorneys to receive appropriate treatment and regain the ability to maintain professional standards without the shame of negative judgment by peers and the public.

### **Compassion Fatigue, Vicarious Trauma, Burnout, and Stigma**

Professionals immersed in crisis-filled environments, managing crisis-based events, and supporting clients who are, or have been, exposed to traumatic events are susceptible to the complex effects of compassion fatigue, vicarious trauma, and burnout. While these three terms have been used somewhat interchangeably in the literature, it is useful to explore them as separate yet often related reactions to crisis and trauma (James, 2020; Lewis & King, 2019; Newell & MacNeil, 2010). "These are related, albeit distinct, concepts that have been used to describe patterns of negative emotional outcomes in various employment contexts," (Pirelli et al., 2020, p. 454). Rauvola et al. (2019), in a qualitative review of the previous ten years of peer-reviewed professional articles focused on empathy-based stress constructs, also recommended the use of specific defining characteristics for these reactions.

#### ***Compassion Fatigue***



Studies of compassion fatigue have typically focused on its impact on therapists and social workers (Adams & Riggs, 2008; Bride, 2004; Cummins et al., 2007; Harr et al., 2014; Lewis & King, 2019; Newell & MacNeil, 2010; Osofsky et al., 2008). It occurs when exposure to client stress negatively impacts the provider's ability to remain empathic and appropriately supportive (Adams et al., 2006; Figley, 1995; Lewis & King, 2019; Town, 2004). Figley (1992, 1995) described compassion fatigue as the cost of caring. Compassion fatigue can result from narrative or direct exposure to a client's trauma while maintaining heightened empathy (Gentry, 2002), and reacting with empathy to clients who are suffering or have been injured (Newell & MacNeil, 2010). When a helping professional feels persistent anger, sadness, nightmares, avoidance, guilt, or detachment, or experiences escalating domestic challenges or substance reliance, it is possible that compassion fatigue is a factor (James, 2020; Lewis & King, 2019; Newell & MacNeil, 2010; Sabo, 2011), and extended compassion fatigue can contribute to burnout (Bride et al., 2007; Lewis & King, 2019). Studies suggest that workers in the helping professions who have individual histories of trauma, including childhood abuse, may be particularly susceptible to compassion fatigue (Adams et al., 2008; Linley & Joseph, 2007; Nelson-Gardell & Harris, 2003).

### ***Vicarious Trauma***

Vicarious trauma is the phenomenon of experiencing trauma-based symptoms following direct or reported exposure to the trauma of another (Lewis & King, 2019; Newell & MacNeil, 2010; Town, 2003). Often vicarious trauma results in the experiencing of symptoms associated with PTSD, such as anxiety, depression, confusion, lack of focus, apathy, intrusive imagery, reduced trust, and somatic stress (Levin et al., 2011; Newell & MacNeil, 2010; Sabo, 2011). The client's crisis narrative creates vivid exposure to the trauma in the helping professional (Nelson-

Gardell & Harris, 2003; Sabo, 2011). For family attorneys, client issues of intimate partner abuse, child abuse or neglect, high-conflict divorce, contested custody, restraining orders, or elder care challenges can be traumatic for both client and attorney (Ordway et al., 2020).

They may need to discuss in detail the experiences and injuries of clients, victims or witnesses, including actions, events and consequences that many people would find gruesome, traumatic or upsetting. Lawyers often need to draft affidavits, analyze reports, and closely examine forensic evidence including photos, recordings and physical items. In addition, they may need to work closely over time with traumatized clients or witnesses who are displaying PTSD symptoms from their direct trauma. (James, 2020, p. 276)

Some researchers see vicarious trauma as the most serious condition resulting from exposure to trauma as it involves a cognitive or schematic shift, sometimes leading to a change in personality or world view (Hernandez et al., 2007; Newell & MacNeil, 2010). Vicarious traumatization was identified as a persistent factor in a study of 105 judges, 63 percent of whom reported at least one PTSD-associated symptom of vicarious trauma (Jaffe et al., 2009); recent replication of this study has produced similar results (Edwards & Miller, 2019).

### ***Burnout***

“Burnout is what happens when either or both vicarious trauma and compassion fatigue go unaddressed and become pervasive” (Ordway et al., 2020, p. 187). Burnout has been defined as a “syndrome of emotional exhaustion, depersonalization, and reduced personal accomplishment that can occur among individuals who do ‘people work’ of some kind” (Maslach & Jackson, 1986, p. 1). Everall & Paulson (2004) described it as “... a condition of physical, emotional, and mental exhaustion brought on by involvement with emotionally

demanding situations over prolonged periods ... [resulting in] a negative internal psychological state” (p. 26). Bianchi et al. (2015) drew strong connections between burnout and situational depression. The signs of burnout often encompass similar or identical symptoms to those of compassion fatigue and vicarious trauma because these reactions, if untreated over time, can result in burnout (James, 2020; Lewis & King, 2019; Maslach, 2001; Ordway et al., 2020). Researchers have noted such indicators as depersonalization, impatience, anger, negativity, frustration, cynicism, exhaustion, withdrawal from work or other activities, procrastination, and feeling undervalued (Lewis & King, 2019; Maslach, 2001). Factors related to burnout have been studied extensively in populations involved in various client-supportive professional roles as well as with professionals involved in minimal or no direct client contact (Bianchi et al., 2015; Langballe et al., 2006; Lewis & King, 2019; Maslach et al., 1996; Maslach & Jackson, 1986; Ratanawongsa et al., 2008; Tuuli & Karisalmi, 1999; Van Dierendonck et al., 2001). Kim and Ji (2008) concluded that social workers’ experiences of emotional exhaustion and depersonalization were the primary factors in their presentation of burnout. In a national study of U.S. lawyers who provided services to economically marginalized clients, Jackson et al. (2007) assessed burnout as well as job-related factors such as workload, work environment, and organizational commitment, concluding that a professional’s experience of unrealistically high workload demands, significant role conflicts, or multiple, conflicting, simultaneous work-related demands, was positively correlated with emotional exhaustion. Depersonalization disorder can be an effect of emotional exhaustion: in it, individuals “experience a detachment from their own senses and surrounding events, as if they were outside observers. A particularly common symptom is emotional detachment from the surroundings” (Phillips et al., 2001, p. 145). Van Dierendonck et al. (2001) noted that depersonalization was related to prior feelings of reduced

personal accomplishment and professional competence. Siemsen (2004) observed that depersonalization appears to be a consistent result of being an attorney. In fact, similarities can be drawn between law school training that prioritizes objectivity, non-engagement, and avoidance of emotional reactivity with a heightened appearance of clinical levels of depersonalization in attorneys (Jolly-Ryan, 2010; Reed et al., 2016). Burnout is often referenced in professional publications when discussing common challenges experienced by attorneys (American Bar Association, 2020; Fines & Madsen, 2007; James, 2020; Kruml & Geddes, 2000). Frequently implicated in attorney burnout are depersonalization as a coping strategy (Siemsen, 2004; Van Dierendonck et al., 2001), as well as anger (Beck et al., 1995), long work hours (Fortney, 2000, 2005), and pessimism and negativity (O'Grady, 2006). When family law's persistent stressors, emotionally challenging cases, frequently troubled clients, and sometimes emotionally reactive situations are factored in, it appears likely that family attorneys may be even more vulnerable to burnout than their peers in other legal disciplines (Lively, 2002).

Burnout can lead to the professional being unable to do their job effectively or, in extreme cases, at all. In response, researchers and professional organizations have recommended that family attorneys build and maintain strong professional and personal boundaries (American Bar Association, 2020; Elwork, 2007; Reed & Bornstein, 2013). Family law can be professionally risky, with one of the highest rates of ethical complaints and professional grievances in the profession (Benjamin et al., 2018). Cost-benefit analyses of a sort can be involved in determining how much client crisis to accept, with high-conflict divorce, for example, carrying the mixed effects of strong billing potential and sustained emotional intensity for everyone involved. Bricklin & Elliot (2000) attempted to define the concept:

While we can find no formal definition of “high conflict divorce,” most researchers endorse the notion that things are at their worst (1) when post-divorce conflict lasts more than two years, (2) when the children become enmeshed in their parents’ continued disputes, and (3) when the parents have poor coping strategies” (p. 501).

These cases can create conflict that feels all-encompassing and inescapable for client and attorney alike (Bricklin & Elliot, 2000; Ordway et al., 2020). Children, also, are impacted negatively by the continual disharmony and unhappiness fueled by high-conflict divorce.

[T]he emotional turmoil of a high-conflict divorce often moves the focus away from the children as parents struggle emotionally and financially. Although the best interests of the children are always in the judicial purview, the repeated, lengthy, and hostile litigation process often associated with high-conflict dissolution has lasting effects on the physical and mental health of children, similar to those associated with physical abuse and neglect. (Joyce, 2016, p. 642)

### ***Stigma***

The ingrained resistance to emotional support that accompanies so many attorneys throughout their professional lives can actually be experienced by both the family attorney and the client. Stigmatization can prevent the client as well as the attorney from acknowledging the emotional impact of trauma-filled work (Corrigan & Penn, 1999; Hinshaw & Stier, 2008). The client may perceive a legal or parental disadvantage to appearing in need of help, or may have become accustomed and somewhat numbed to the presence of persistent emotional triggers, and the attorney may avoid emotional content; as a result, both parties may allow painful feelings to be unaddressed (Emery, 2012; Ordway et al., 2020). Societal stigma around acknowledgement of mental health issues significantly impacts individuals experiencing psychological distress

(Corrigan, 2004; Corrigan & Penn, 1999; Granello & Pauley, 2000; Hinshaw & Stier, 2008; Mojtabai, 2007; Ordway et al., 2020; Rüschi et al., 2011; Vogel et al., 2006), and this stigma can serve to discourage the utilization of appropriate supportive services (Cepeda-Benito & Short, 1998; Gonzalez et al., 2002; Kuo et al., 2006; Ordway et al., 2020). Stigma can preclude acquisition of supportive services, and may also serve to exacerbate troubling symptoms:

Due to the stigma in a legal workplace milieu many lawyers may think it is counterintuitive to disclose symptoms and reveal what they think will be seen as a professional weakness. Suppressing symptoms not only avoids opportunities for organizational responses but risks aggravating the effects lawyers may suffer.” (James, 2020, p. 291)

Stigma and stereotypes associated with the possibility of emotional support and those who seek it have been perpetuated through media misrepresentations of the mentally ill and mental health providers, further shaping negative attitudes towards treatment seeking (Eber & O’Brien, 1982; Hinshaw & Stier, 2008; Ordway et al., 2020; Orchowski et al., 2006; Vogel et al., 2008).

### **Collaborative Approaches in Family Law**

While the scope and practice of family law are riddled with emotional challenges and stressors, and while the basic client designations of ‘plaintiff’ and ‘defendant’ set an adversarial tone from the outset of a case, some initiatives have been addressed towards reducing stress for clients and attorneys, and encouraging collaboration between opposing clients (Zelon, 2010). In 2000, Bricklin and Elliot called for enhanced training to support the needs of attorney and client:

Two blue ribbon committees recommended that professionals who would be involved with even average, let alone high conflict, custody disputants be knowledgeable in all of the following areas: child development; functional and dysfunctional family dynamics;

child psychopathology; adult psychopathology; effective parenting techniques and behaviors; the effects of divorce and remarriage on families; applicable methods of psychological assessment; applicable state statutes and common law; typical custody and visitation arrangements; ethical standards in child custody evaluations; life-span developmental psychology; mental retardation and developmental disabilities; child psychotherapy and behavior change; and parent, family, and school intervention. (pp. 527-528)

Mosten (2015) called for consideration of limited-scope representation:

Unbundling is a legal access approach to better and more affordably serve unrepresented divorce litigants as well as to assist overburdened and underfunded courts. [A] critical benefit of unbundling [is] the ability of divorcing professionals to provide information and support to divorcing families to help reduce family conflicts.... Four unbundled peacemaking roles that lawyers can play: (1) Collaborative Lawyer; (2) Lawyer Coach for Self-Represented Litigants; (3) Lawyer for Mediation Participants; and (4) Preventive Legal Health Care Provider. (p. 439)

There are calls within the field of family law to utilize Alternative Dispute Resolution (ADR) to enable family attorneys to take on roles such as mediator or client advocate during the mediation process, collaborative negotiator (Emery, 2012), arbitrator (Cohen, 2006), or parenting coordinator (Mitcham-Smith & Henry, 2007), working toward an ultimate goal of preserving ongoing relationships such as co-parenting while resolving the termination of other aspects of the relationship as amicably as possible. In 'Unbundling Legal Services in Mediation: Reflections of a Family Lawyer,' Garfield (2002) discussed potential client advantages of this approach from the perspectives of finances, emotional safety, and personal power.

One prominent example of an ADR intervention is collaborative divorce, a trust-based option that offers couples a structured and emotionally supportive means of resolving issues regarding interpersonal challenges, property, finances, child custody, and other matters by assembling teams of attorneys, financial professionals, parenting coaches, and counselors to collaborate, reach consensus, and support both clients on issues related to the divorce (Mosten, 2009).

Collaboration ... [offers] alternatives to the adversarial court system. Rather than preemptively using power and leverage to gain the upper hand, collaborative professionals trust the best in their clients and in each other. Collaborative professionals work together toward the common end of helping spouses and their children resolve their divorces and begin to heal fairly, fast, with dignity, and at reasonable cost. (Mosten, 2009, p. 5)

In collaborative divorce, clients typically agree to trust and abide by the recommendations of the team, relying on the counselor, who functions as a coach, to facilitate communication and to help them process the emotional impact of each decision. This permits the attorneys to focus their attention on the legal components of the discussions (Webb & Ousky, 2006). Studies indicate that clients frequently report greater post-divorce harmony and satisfaction, increased willingness to adhere to negotiated agreements, and fewer instances of post-divorce relitigation than do those with litigated divorces (Emery, 2012; Lee et al., 1998; Mosten, 2009; Webb & Ousky, 2006). Results of a nine-year longitudinal study of 53 divorcing couples showed that couples utilizing collaborative divorce reported more frequent child contact and productive co-parenting discussions than did couples with litigated divorces. Joint custody was more likely to be the outcome of ADR divorce negotiations, including collaborative divorce,



and even non-custodial parents reported more frequent and satisfactory contact with their children post-divorce in the ADR group versus groups with litigated divorces (Dillon & Emery, 1996). However, there can be disadvantages. The collaborative divorce contractual agreement states that ongoing challenges to team recommendations may result in the process ceasing and clients being referred elsewhere (Mosten, 2009), and persistent questions exist as to the professional ethics regarding whether this could be construed as attorney abandonment (Lande, 2003). Bryan (1999) reported that collaborative divorce outcomes, similar to the outcomes obtained via non-collaborative strategies, often result in disadvantaging women and children. The process can be prohibitively expensive, and may not be indicated for couples with a history of domestic abuse, power and control dynamics, characterological mental health issues such as personality disorders, or substance-related concerns (Budd, 2011; Lee et al., 1998; Salava, 2014).

### **Family Attorneys in Small Towns**

The 2020 U.S. Census utilized a population range of 5,000 to 50,000 as a definition of what constitutes small towns and small cities (United States Census Bureau, 2020). There is a dearth of research documenting the experiences of lawyers in towns and cities within this range. However, based on Kelson's 2017 New Hampshire study on attorney well-being as well as more generalized studies, it may be reasonable to make some broad assumptions (Laird, 2018). New Hampshire is similar to other parts of New England in terms of the preponderance of small towns (World Population Review, 2021). Kelson reported:

... [M]any members of the New Hampshire legal profession assume that work-related acts of violence are too remote to occur or won't happen to them. Contrary to the general perception, many members of the New Hampshire legal profession experience threats of violence and actual violence arising from the practice of law. (Laird, 2018, p. 1)

Of the 419 respondents to Kelson's questionnaire, more than 41 percent reported that they had been threatened by clients or opposing parties and/or physically assaulted on at least one occasion. Incidents were more frequent among family attorneys than any other specialty of practice. Kelson reported that New Hampshire attorneys reported the following threats:

- [W]hile driving down Route 101 the ex-boyfriend [of a client in a domestic violence matter] drove close up behind me, came alongside me and swerved into my lane multiple times then cut me off as he moved into my lane.
- Someone stuffed my car exhaust pipe causing a fire after I had been driving a little while.
- Sincere or valid threats have been rare but included attempted assault, one arson, two vandalism burglaries as well as damage to vehicles.
- An opposing party threatened to shoot his attorney, me and an insurance adjuster. His psychiatrist and I reported the threat. Local police arrested him en route from his residence with a gun.
- [D]efendant, in an eviction, came to my office and threatened to knife me in front of my staff.
- Gas cans dropped off at our office.
- [An opposing party] somehow knew my schedule and would call just as I was leaving many days and tell me he was going to kill me. (Laird, 2018, p. 5)

Respondents reported receiving threats of violence at the courthouse and business office as well as at home and a variety of public locations. Survey results also showed that opposing parties were by far the most likely sources of threats, followed by current or past clients (Laird, 2018).

Small-town lawyers in solo or small group practices, such as those common to the legal communities in small New England towns, may experience less pressure to achieve partnerships than their counterparts in larger cities, focusing instead on developing their own business structures and professional identities (Laird, 2018). To make a living, family attorneys in small towns may need to create relatively broad-based practices across several avenues of family law, rather than having one focus, such as divorce. It may be advantageous for family attorneys to be highly visible as community members, since their professional success depends on local referrals. It is likely that information about attorneys' family members and details such as address, description of automobile, and typical daily schedule would be relatively easy to obtain by members of the community. Small-town attorneys are likely to work in easily accessible offices, often strategically near a courthouse. They may be unlikely to have significant building security; in fact, sometimes only an administrative assistant may stand between a visitor to the office and an attorney at work (Laird, 2018). Use of virtual assistants might lead to the attorney practicing alone in the office (Law Practice Editorial Board, 2013). Logical assumptions regarding the emotional context of family attorneys might include feelings of isolation despite significant visibility, susceptibility to harassment or other negative actions by clients or opposing parties, and resulting concerns about the safety and well-being of self and family members (Laird, 2018). Issues of stigma coupled with relative lack of anonymity might preclude seeking the support of a therapist (Elwork, 2007).

### **Sources of Support**

Some state bar associations and nonprofit groups have initiated measures to support attorney wellness, although attorney concerns regarding the possibility of professional censure still remain. To bypass the possibility of peer stigma within the legal profession, the Colorado Attorney Assistance Program and The Other Bar offer confidential, anonymous support, mentoring, workshops, and retreats for stressed attorneys in Colorado and California, utilizing statewide networks of mental health providers and recovering lawyers and judges dedicated to assisting peers who are suffering from substance-related challenges (Bass, 2017; Mines & Braun, 2001; The Other Bar, 2021). The Vermont Bar Association has instituted the Bar Assistance Program, with a mission to promote professional competence and ethical compliance via guidance, referrals, and a range of supports (Vermont Bar Association, 2022), and the Massachusetts Bar has published a toolkit for lawyer well-being, which is available on their website (Massachusetts Bar Association, 2021). The American Bar Association has asked attorneys to sign onto a seven-point pledge focused on supporting the substance-related and mental health needs of lawyers (Canady, 2018). Law school networks have urged schools to develop policies for recognizing, addressing, and combating substance-related issues, and some law schools have begun to include coursework on substance- and mental health-related issues in their curricula (Rothstein, 2008).

While such measures are clear steps towards destigmatizing attorney stress and promoting wellness, a void exists regarding systemic approaches focused on making the work of family law less emotionally challenging for attorneys and clients. It is here that connections could be made between the respective professional skillsets of family attorneys and couple/family therapists. Family attorneys and couple/family therapists are systemic practitioners who work with clients who may be experiencing significant life stress. While family therapists

receive training to manage their response to professional and personal stress, it has been well-documented that attorneys exhibit significantly high levels of depression, anxiety, substance-related challenges, and suicidal ideation when compared to other professionals with similar levels of education (Yingling & Hance, 2001). Lawyers who specialize in family practice tend to experience the highest reported levels of these symptoms when compared to their colleagues in other branches of law (Kelson, 2018). Emotional exhaustion, depersonalization, compassion fatigue, vicarious trauma, and burnout are frequently observed in practitioners of family law, and may well have roots in the trauma reactions exhibited by clients (Fines & Madsen, 2007; Yingling & Hance, 2001). Law schools typically do not provide coursework on supporting the needs of clients who may be reacting with distress, anger, or blaming to challenging life events, and family lawyers may well consider that providing ongoing emotional support to a client is not consistent with their code of practice or professional identity (Benjamin et al., 1986). Small-town attorneys, who may need to combine several emotionally challenging aspects of family law into their practices, may be particularly vulnerable to professional stress and safety concerns due to their local visibility and broad exposure to client distress (Laird, 2018). However, they may be reluctant to seek the support of a mental health professional due to stigma within the profession and their own lack of anonymity and resulting privacy concerns within the town (James, 2020). While attorney experiences of stress have been studied fairly extensively, there is a lack of peer-reviewed information in legal and psychological journals regarding stress experiences and reactions reported by small-town attorneys for whom family practice is a specialty or a component of their practices. Literature describing mutual support possibilities between family attorneys and couple/family therapists is also sparse. This study was designed as a step towards remedying these gaps.

It is likely that small-town family attorneys work with a similar clientele as do couple and family therapists, who may routinely work with individuals, couples, and families who are experiencing situational stress in the midst of family discord, divorce, child custody issues, death, and other major and distressing relational challenges. While collaborative practices between attorneys and other helping professionals exist, it is also likely that local attorneys and therapists may have little ongoing interaction (Yingling & Hance, 2001). Further opportunities for professional support and more comprehensive and supportive client services could arise from discussions of ongoing challenges in the family attorneys' practices. Identification of the specific stressors and self-care challenges experienced by small-town family attorneys could also define ways in which systemic family therapists could support the emotional health of family attorneys.

### CHAPTER III

#### METHODOLOGY

##### **Introduction: Family Law and Couple/Family Therapy**

This chapter will describe research questions, study design, rationale, process, and significance of the study. Details of participant recruitment, researcher stance, and ethical decision-making throughout the study will be explained and explored.

##### **Research Context**

###### *Statement of Purpose and Theoretical Framework*

The purpose of this Husserl-based phenomenological study (Peoples, 2021) was to explore and understand aspects of the lived experiences of family attorneys practicing in small towns. This information will begin to address a gap in the legal and psychological research regarding stressors unique to small-town attorneys and how couple/family therapists can provide systemic support to attorneys and their clients. Semi-structured interviews and subsequent thematic coding were utilized to obtain a deep description of participant experience. Attorneys in private family law practice in New England towns with populations of 20,000 and below were invited to participate.

Edmund Husserl (1859-1938), a primary figurehead of phenomenology, believed there should be no assumptions or biases in phenomenological research (Cohen et al., 2000). To effectively explore the experiences of small-town attorneys, the Husserl-based narrative framework encouraged participants to deeply describe their personal and professional lives. Participants were assured of their anonymity to help assuage any concerns related to stigma or negative professional image. The phenomenological, case study approach permitted in-depth descriptions of relevant events and occurrences (Creswell & Poth, 2018). Qualitative case study

research typically requires that the phenomenon being explored exists within a “bounded system” (Ary et al., 2019). The bounded unit within the current study consisted of attorneys in family practices in small New England towns (World Population Review, 2021). Semi-structured, open-ended questions were utilized for all participants, who were encouraged to share their experiences in as much detail as they chose, without direction or prompting from the interviewer.

A key concept in the Husserl-based phenomenological method utilized to explore the essence of the personal and professional experiences of these small-town family lawyers is intentionality, the presumption that consciousness implies being conscious of something. The object of consciousness, labeled the intentional object, can be constructed in a variety of ways, such as memory, perception, or signification. A process of reduction provides a means of describing the intentional objects, with the ultimate goal to move toward understanding the workings of consciousness via the subjective process of the person experiencing it (Dowling, 2007).

In practice, this method required that nothing be assumed or taken for granted by the researcher while trying to understand these lived experiences. This researcher at all times attempted to avoid personal or professional expectations prior to or during data collection, employing a schema of phenomenological reduction to suspend judgments and utilize an outsider’s view of the analysis of participant experience (Peoples, 2021). To achieve this outsider stance, sometimes described as imagining oneself as a visitor to a strange land (Creswell, 2013), the researcher utilized bracketing, a methodological device in which her existing beliefs, experiences, knowledge, and assumptions were systematically put aside in order to focus exclusively on participant narratives. Beginning with brief notations of potential sources of bias



and assumptions in the interview process, and throughout the data gathering and subsequent analysis, she journaled her observations, expectations and presuppositions (Appendix G), with the intention of providing an assumption-free space in which a deep understanding of the experiences and issues of the participants could emerge (Creswell, 2013).

### ***Research Questions***

The following broad research questions were explored: What are the experiences of the participant as a small-town family attorney in private practice? What does the participant report in terms of professional satisfaction; respect from peers, clients, and community; personal emotional health and wellness; coping strategies; and personal privacy and safety? What professional collaborations, virtual or local, does the participant currently utilize to provide comprehensive legal and emotional support for clients? Basic demographic information was obtained from each participant prior to their interview, but this was used to ground and clarify their lived experience, not to promote assumptions or biases (Peoples, 2021).

### **Methods**

#### ***Researcher Role***

As a licensed couple/family therapist and longtime local resident of southern Vermont, the researcher has professional and personal connections within the communities under study. She has worked in local family court systems in cases related to adoption, foster care, divorce, custody, and involuntary mental health determinations, as well as the abuse and neglect of children and vulnerable adults and termination of parental rights, and has acquaintance-level familiarity with several local family attorneys. Attorneys whose professional experiences and views were well-known to this researcher were not invited to participate, as this might have

diminished her ability to be objective and without expectations as to the content of client experience.

### ***Participants***

Family lawyers in private practice in small towns in New England were identified through professional connections and invited via email to participate in the study. The study was approved by the Institutional Review Board at Antioch University New England (Appendices C, D). Prospective participants were informed via informed consent of data collection methods and confidentiality procedures. Participant identifiers were removed from all documentation, and all participants were given pseudonyms to maintain anonymity. Snowball sampling was utilized to enable participants to recommend colleagues with an interest in the study. Saturation, or reaching a point at which little to no unique information is obtained from subsequent participants, most likely did not occur within this deeply personal and open-ended format. Cohen et al. (2000) maintained that reaching a point in which there is no new information does not occur in phenomenology. Instead, Cohen et al.'s sample estimate of 10 or fewer participants for detailed, intense interviews guided the researcher's decisions as to total sample size. Ultimately five attorneys were interviewed by this researcher.

### ***Data Collection***

Those who agreed to participate provided information regarding their approximate age, number of years in practice, race, gender, and marital status, and completed what had been described to them as a 45- to 60-minute semi-structured interview with this researcher (Appendix C). This measure is consistent with Cohen et al.'s (2000) definition of intense questioning. Participants who wished to proceed beyond 60 minutes were permitted to do so in order to fully describe their professional and personal experiences (Cohen et al., 2000). Semi-structured

interviews, when planned thoughtfully, are designed to allow the researcher to establish rapport, credibility, and mutual trust, and to define a safe forum in which to elicit honest responses and reflections. “The interview protocol has two important components: (a) how do you ... introduce yourself to the person being interviewed and (b) what are the questions to be asked” (Rabionet, 2011, p. 564). The goal was to collect thick, rich descriptions of participant experience (Creswell & Poth, 2018). Rabionet explained:

There are some specific topics that I would like to cover, but at the same time I want to hear their stories. Consequently, I will use the format of an opening statement and a few general questions to elicit conversation. I will have some additional questions designed to probe for information if it does not come up. (p. 564)

It was the intention of this researcher to provide information to participants, both in initial contact and the interview itself, regarding her professional practice and qualifications, in order to establish herself as a professional familiar with complicated client dynamics. Early in each interview she described details of the research proposal, and her beliefs about the relevance and importance of the study. She assured each participant of strict confidentiality. She then presented within the conversation a list of questions (Appendix C) that were guided by two key themes: (a) the overall nature of each participant’s family law practice, including scope of practice, specialties, and geographic client reach, and (b) overall recollections and reflections on professional identity and ethics, including successes and challenges. Questions were open-ended and devised to encourage the revealing of appropriate details of each participant’s individual story. The interviews were conducted either in-person or via secure video link by this researcher, depending on participant choice, and were audio-recorded, transcribed, and inductively coded for thematic results, with bracketing used to suspend judgment in order to permit analysis of

experience (Tufford & Newman, 2010) and to avoid preconceptions and assumptions. She maintained a detailed audit trail and journal reflections on the research process, recording and reflecting on her questions, thoughts, and attitudes (Creswell & Miller, 2000).

### ***Data Gathering***

In Spring 2022 this researcher conducted semi-structured interviews with five family attorneys, three female and two male, all Caucasian, ages ranging from early 40s to late 60s. Each attorney self-identified as specializing solely or primarily in family law, each had practiced family law for at least 10 years, and each had established their practice in a community with population 20,000 or less in New England. Demographic information as well as the pseudonyms that will be used throughout discussion of these interviews are below:

<u>Pseudonym</u>	<u>Age</u>	<u>Marital Status/Children</u>	<u>Gender/Sexuality</u>	<u>Years in Practice</u>
Annie	50s	Married/adult children	Female/Queer	20+ years
Barbara	60s	Divorced/remarried/ adult children	Female/Heterosexual	20+ years
Carole	40s	Never married/no children	Female/Not disclosed	15+ years
David	60s	Divorced/remarried/ adult children/stepchildren	Male/Heterosexual	30+ years
Elliott	40s	Married/children	Male/Heterosexual	10+ years

Interviews were conducted in-person or via secure video link, as determined by the interviewee, with a list of semi-structured, open-ended questions (Appendix C) presented to each interviewee. The narrative framework allowed for elaborations and some off-topic content without direction or prompting from the interviewer. Each interview lasted approximately one hour, although one (Barbara) approached 90 minutes. Each attorney agreed to the standards of

confidentiality outlined in Chapter III and signed an informed consent agreement (Appendix A). The researcher/interviewer did not take notes on interview content; however, she maintained abbreviated, extemporaneous notes to record any assumptions or potential biases she encountered while in conversation with the interviewees. These notes were subsequently utilized in her ongoing journaling/bracketing process, which will be described in Chapter V.

Interviews were audio-recorded with the signed permission of the interviewee, and transcribed in full, with potentially identifying details omitted or disguised. Each interviewee was given a copy of their transcript and invited to clarify or correct as necessary. Throughout the interview process, the researcher journaled to identify and explore potential sources of bias or presuppositions (Appendix G).

### ***Data Analysis***

“The term *data analysis* is not completely in line with phenomenological inquiry simply because *analysis* means to ‘break into parts,’ whereas phenomenological inquiry seeks to understand a phenomenon as a *whole*” (Peoples, 2021, p.57). The interview process encouraged participants to provide rich and thick descriptions to allow themes to emerge from detailed scenarios. Thick description “involves capturing and representing the meanings a particular action or sequence of actions has for the individuals in question” (Denzin, 2001, p. 116). Through the use of rich descriptions, “... credibility is established through the lens of readers who read a narrative account and are transported into a setting or situation” (Creswell & Miller, 2000, p. 129). An inductive thematic process allowed for codes and themes to emerge organically through each participant's responses in order to answer the research questions. Data coding was conducted in two stages: open and selective (Peoples, 2021). Interview transcripts were made available to participants to allow them to review their accuracy and credibility.

Lincoln and Guba (1985) described this step of member checking validation to be the “most critical technique for establishing credibility” (p. 314). The approved transcripts were first openly coded (Appendices D and E); in this process the researcher reviewed each written transcript and identified codes and themes (Appendix F) that related to the core research questions.

### ***Ethical Considerations***

Throughout the study, principles of autonomy, beneficence, and justice were utilized (Orb et al., 2000). Participants were informed verbally and via an informed consent agreement (Appendix A) that their interviews were voluntary and that their agreement to participate in the study could be rescinded by them at any time and for any reason. The study was conducted with permission of the Institutional Review Board (IRB) (Appendix B) and members of the dissertation advisory committee, and any modifications suggested by those parties were discussed between all relevant entities and potentially incorporated into the study. Participant anonymity was strictly maintained throughout all phases of the study. Audio recordings were stored on the researcher’s computer, which was double-password protected. Transcripts, which did not contain identifying information, were stored in a locked file cabinet within the researcher’s locked office, with client identifying information stored in a second locked file cabinet. Transcripts were prepared by transcribers who agreed to strict confidentiality procedures. At all times the researcher exhibited awareness about the potential personal and professional vulnerability of each participant and maintained therapeutic levels of confidentiality. However, it was explained to all participants both verbally and via informed consent that this researcher, as a mandated reporter, was required to report any issues related to

the safety of a child or vulnerable adult to the appropriate authorities, and that this standard would apply to any individuals referenced in participant interviews.

### *Addressing Potential Bias*

**Bracketing.** As a licensed couple/family therapist with a deep background in family court, DCF, and high-stress divorce cases, this researcher was both professionally interested in the research topic and aware of some potential biases and presuppositions. Bracketing, or phenomenological vigilance (Peoples, 2021, p. 30-31) was utilized throughout the research process to suspend prior or current judgment in order to enable a focus on the phenomena in question. The researcher took notes during the interview process of potential biases and assumptions, using these cues to maintain a journal (Appendix G) throughout the planning, interview, data analysis, and writing processes in which to record and expand upon personal thoughts or experiences that might influence her understanding of each interviewee's stories.

**Horizon.** In Husserl-based phenomenology, horizon refers to any content that may have been missed or overlooked due to present circumstances at the time of the interview.

The present experience that you are having cannot be suspended or bracketed because you are currently in it. Everything has a horizon when we look at any phenomenon – there is always this present experience. Therefore, nothing can be seen fully in its entirety unless you were omniscient ... which of course, no human is. So when we look at something, even though we suspend our judgments to try to get this pure essence of something, we come to the horizon, and the horizon is the understanding that we have.

(Peoples, 2021, p. 30)

It is important to note that this researcher was not conducting interviews in a vacuum: throughout the study she was also maintaining a full therapeutic caseload, supervising several interns and

master's-level therapists, and managing her home and family. Because she utilized her professional resources, particularly secure video links and conversations in her therapy office, it appears reasonable that some intersection of roles between researcher, student, therapist, supervisor, and parent may have impacted her daily reality while conducting the interviews. Similarly, the family attorneys interviewed were aware that they were discussing personal experiences and feelings as well as professional reflections with a therapist, and it is difficult to assess how much that dynamic may have affected their ability to trustingly maintain the ability to be informative about their work observations and personal lives

### ***Limitations***

This study design was chosen to obtain the personal essence of each participant's experience, resulting in data that could be interpreted subjectively. It was clear from the outset that there were possible limitations relevant to the interpretation of these findings. The results of this study may be unique to the professional lives and experiences of attorneys in small towns in southern New England, and so information gleaned from interviews with attorneys from other similarly sized geographic regions might differ. Second, responses from the participants might include inherent biases, as they self-selected through their willingness to participate in this study and, perhaps, recommend the participation of colleagues. Additionally, biases from the researcher, who is a couple/family therapist in Vermont, New Hampshire, and Massachusetts, and who works frequently in the local family court systems, might have influenced the interviews or coding process. Although the researcher used bracketing and set aside her personal and professional experiences as much as possible to apply an observer's fresh perspective (Moustakas, 1994), it was most likely unrealistic for her background to play no role whatsoever, and so her history and biases could still be represented. Additionally, while a cultural perspective



was explored as a moderating element in the findings, it was acknowledged that results related to gender, race, and ethnicity could be impacted by the relatively small number of participants and the lack of ethnic, racial, and cultural diversity in the geographic region being studied (World Population Review, 2021).

### *Establishing Trustworthiness*

Trustworthiness refers to the validity of qualitative research (Moustakas, 1994). Methods utilized to establish trustworthiness included: (a) bracketing to avoid assumptions; (b) utilizing member checking of interview transcripts; (c) maintaining participant confidentiality and anonymity throughout the process; (d) maintaining a detailed audit trail and journal reflections on the research process; and (e) engaging in consultations with others with qualitative expertise. Trustworthiness could have been impacted by this researcher's choice to complete the literature review prior to conducting participant interviews. Further, given the nature of small towns, it remained possible that there could exist some element of dual relationships between the researcher and participants, although this was avoided if at all possible.

## CHAPTER IV

### RESULTS

#### *Analysis of Data*

Once approved by the participants, transcripts underwent an initial reading by the researcher to begin the process of discerning participant meaning. In this first reading, information that was irrelevant or unnecessary, as well as pauses, repetitive statements, and filler linguistics such as “um,” were excised from the text to crystallize meaning; following this process revised transcripts were completed. Each revised transcript underwent coding (Appendix D) for initial themes, or preliminary meaning units (Peoples, 2021, p. 60), and these units were compiled (Appendix E). Working with a deepened understanding of the respondents’ meaning, the researcher condensed the preliminary meaning units into final meaning units (Appendix F) that corresponded to specific research questions (Peoples, 2021, p. 60). To maintain the narrative integrity of the interviews, the researcher compiled situated narratives (Peoples, 2021, p. 61), comprehensive, verbatim summaries of each participant’s responses (Appendix H). The goal throughout the data analysis process was to illuminate, explore, describe, and understand the lived experiences of these family attorneys as fully and deeply as possible.

#### **Findings**

##### *General Observations*

Each interview underscored that family attorneys believe strongly in the value of their work, with attorneys reporting awareness that they were directly helping people and that their work was personally affirming. Said Barbara:

[T]he feeling that I had from [family law], the sense of accomplishment, was so profound, was so big, much more rewarding than anything else I had done in the law. I help people through the worst times of their lives.

“Helping people with challenging personal situations feels good -- working with people who are motivated to move forward,” explained Elliott. Respondents pointed to the importance of their own life experiences, reporting that their own divorces, childhood experiences, and awareness of the needs of marginalized communities helped influence their choice of family law as a specialty, and were integral to their ongoing work with clients. Carole reported:

[M]y parents separated and then they divorced, and it was bumpy. They didn’t plan well. When I am working with clients on their divorces or custody or wills, things like that, it helps them to be stronger going into the future.

Said Barbara, “[My own divorce] underscored the importance of getting divorced well, and doing it in a way that was humane and matter-of-fact.” Annie explained:

I wanted to help queer clients because I could see that there was a need, especially as civil unions and then marriage became part of the law for queer people. It seemed like we worked so hard to [legalize] same-sex marriages but forgot that there would also be divorces, and some of the issues involved can be kind of unique.

Barbara pointed to the consistency of the work, reporting that family law is always in “big demand,” with no notable cyclic or economic downturns.

Attorneys reported arriving in family law via a number of routes, working up from caseworker or clerkship positions, or making lateral moves from other specialties. Barbara reflected:

When I graduated from law school I was a complete snob and said ‘no way is [family law] really practicing law.’ I wanted to do impact litigation, and first amendment litigation, and really interesting, complex commercial litigation ... [but then] I got burnt out on that.

This early-career belief underscored the assertion, as reported by all the respondents, that their peers in the legal community and even law students may have little respect for family law as a profession. Respondents reported put-downs, with family law described disparagingly as “touchy-feely,” “too messy,” or “too much drama”; the assumption that family law is unimportant, or “women’s work”; that it is less lucrative than other specialties; or that it profits off of human misery. Said Carole:

Everyone knows lawyers who kind of look down on family attorneys. There are some sexist feelings that women are more likely to do family cases. We don’t make as much money as some attorneys in other fields. And this can be sticky, complicated work.

People get mad at us sometimes for doing our jobs. It can be exhausting.

Passive-aggressive remarks were noted by Barbara:

I get a lot of put-downs that don’t really sound like put-downs, but they are, right? A lot of ‘oh, I could never do that kind of work.’ But there are also attorneys who admire my being able to do this work for so many years.

Said Annie, “I think the intensely personal domestic cases are intimidating for a lot of lawyers. They may not say that, in fact family law gets put down a lot, but I think it’s too much drama for a lot of lawyers.”

### *Sources of Stress*

Interviewees revealed a long list of stressors in family law, naming demanding, unmotivated, unrealistic, vengeful, petty, or highly emotional clients; vicarious trauma via disturbing client narratives; clients or opposing parties using children as tools to punish or manipulate ex-spouses; high-conflict, lengthy divorces and custody battles; and the awareness that there are “no real winners in court” as significant sources of frustration and unhappiness with the work. Said Annie:

I hate, hate, hate divorces that go on forever. Some go on for years. It destroys everybody, especially the kids. [I don't like working with] people who let their egos get in the way of what might be best for everyone. People who just want to win at all costs. “An attorney can't be very helpful when it comes to how the kids feel, and how the parents treat their kids and each other,” said Elliott. “Especially when a divorce drags on, it can take a real toll on the kids.”

Carole affirmed:

I don't like high-impact cases. No drama! I like to work with clients who can evaluate the options and not just react negatively. Lots of times a client will worry about worst-case scenarios, and I can help them manage that, but when it feels like the client is out for blood I really don't like it.

Attorneys reflected on the specific challenges presented by court-mandated child abuse/child custody cases involving the state Department of Children and Families (DCF). Said Annie:

[DCF cases] can be tough because of what these kids and their families are going through. Lots of times it's hard to find an outcome that feels good. The cases are getting more complex, too, and there are more of them.”

Said David:

Family court, abusive situations, not enough foster families, so many substance issues, a few non-custodial parents who come to court wearing their pajamas and scrolling through cell phones and thinking they are going to get custody reinstated. That part of the field is very discouraging and kind of thankless. I like [working with] people who can be thoughtful and reasonable. I don't want to get into complicated custody stuff or protracted divorce negotiations because it becomes adversarial very quickly. If people have the ability to listen and be open to cooperation I'm happy to represent them.

Attorneys reported transference between clients and attorneys, between opposing clients and their ex-partner's attorney, and even between the attorneys themselves. "In court I have been told by opposing clients that I am doing a bad thing, that I'm a bad person," said Elliott. Barbara reported:

I have had people triangulate me into discussions with their spouses, and basically instead of arguing with the spouse, they argue with me as a bogey, like who they think I may be. It's very important as an attorney to tell your client, 'Look. Don't talk about me as much as possible, because this can happen.' And I need to do a better job of that, so I [also] have to be very careful of not trash-talking the opposing party's attorney.

Attorney/attorney transference can be both powerful and detrimental to case progress.

Barbara continued:

It feels almost like I'm my client and the other attorney is the opposing client and we are having the same dynamic they are! It can be bizarre. [An opposing attorney] has reacted emotionally to [case dynamics] in ways that I've never seen and has been so inappropriate, and it's really sad. Now we have this meta-conflict occurring that prevents

real [progress]. I have really turned down my temperature in the way I interact with [opposing attorney], and try to not react to him, because he is a very articulate, smart attorney who I like, and that's the irony of it. When we get in such battles with other attorneys that we really do like, and then we're just so surprised when they turn around and they are complete – it starts doing things that are so harmful to the divorce process and that are counterproductive.”

Attorneys reported often feeling that their clients saw them as a therapist or a quasi-parent, and described significant resulting challenges both personal and professional. Said Carole, “Clients come here and lots of times they can't eat, can't sleep, are so stressed out, maybe lose a lot of weight, maybe drink too much, whatever. I can help them legally, but I can't help with the emotional stuff.”

Said Annie:

Sometimes people come here on the worst day of their lives, if there's a death or they found out their marriage is over. People cry, they get angry – not at me, but at the situation, maybe at the partner. It can be very emotional work.

Said David:

I think [clients] want me to be a therapist sometimes. I'm a nice person, but that's not my job. I hear all about arguments and affairs and suspicions. Sometimes a client might be scared about what a partner might do when the papers are served. There might be a history of domestic violence – [at least] I might suspect it, but the client doesn't always tell me.”

### ***Managing Stress***

The family attorneys interviewed endorsed a variety of methods for helping to reduce stress, with some reporting previous struggles with unhealthy coping strategies. Being outdoors, walking their dogs, kayaking, running, swimming, gardening, cooking, podcasts, television, and socializing were each endorsed by one or more of the family attorneys interviewed. Alcohol as a coping tool was mentioned by each of the five respondents as something they currently utilize or have utilized in the past, with three attorneys stating their desire to respect the “slippery slope” that alcohol use can present. Two attorneys discussed past moderate to heavy reliance on alcohol, with one speaking at length about the painful toll a previous cycle of job unhappiness and overreliance on alcohol had taken on his professional and personal life. Said David:

DCF got to be too much – basically every case was a tough case. I liked that job [representing DCF in cases related to termination of parental rights], and I was good at it, and then I hated it. It was kind of killing me. In [those] days I was drinking way too much. I would leave court at lunchtime and head to the liquor store, [then] go home and just drink steadily through the evening. It got to the point that my kids saw me either hung over in the morning or drunk in the evening. Then it started to get even worse – [the drinking] escalated. That’s when work started to suffer. Nothing awful or unethical, but work was miserable. Every case felt heavy and hopeless. Eventually I took a leave of absence and went to rehab. I was transparent about it with the state bar and they supported me. It wasn’t a perfect trajectory, and I relapsed several times, but at this point I’ve been sober for a long time.

Family attorneys reported that their colleagues utilize a broad range of strategies, both healthy and potentially harmful, for stress reduction, including running and other physical exercise, being outdoors, use of alcohol or other mood-altering substances occasionally or



habitually, and AA meetings for those in recovery. “Some [colleagues] seem to manage so well, and there are some who have hit a lot of problems with alcohol, weed, [or] their own marriage challenges,” said Carole. Elliott reflected:

There’s healthy de-stressing, but also some self-destructive stuff. Lawyers can be big drinkers, no secret there. There are angry lawyers, sad lawyers, people in recovery and people who should probably consider recovery, you know? And then there are also people who seem to have it figured out pretty well, like they found the right balance for them.

Attorneys reported a range of boundaries when asked if they confide in family or friends to help process work-related stress. “I can’t talk about my work too much because some of it is confidential, so it can be hard to let go of it,” said Annie. Said Elliott, “I try to keep those feelings [of stress] at work. I don’t bring work home too much, and I don’t really want to talk about it when I’m home.” David reported a very different scenario: “[Family and friends] kind of watch me like a hawk, to be honest. My wife first got to know me when I wasn’t coping very well.” Carole revealed:

I don’t talk about [work stress] much. Sometimes I do get stressed out when I’ve just been hearing so many stories or when I’m worried about a client’s safety. We hear so much, and it can be heartbreaking and upsetting.”

Barbara, who self-described as being in a supportive second marriage said, “I talk to my spouse. And listen to his day, his stressful day.”

### ***Experiences with Therapy***

Each of the attorneys interviewed expressed their support for client therapy, though no one reported actually making the referrals. There was a general consensus that complicated emotions

are best left to therapists and can get in the way of the legal process, though Barbara explained her belief that emotional content can sometimes provide an important strategic edge:

[T]his is a perennial issue that family lawyers have. Because, this is the tension: on the one hand, you don't want them to run up their bill, and also start using your time when [they] should be with a therapist. On the other hand, sometimes, often, there are nuggets that you get from someone who is in crisis, who is so emotional, that are very important and can be used strategically in litigation.

There was a general curiosity among respondents about exactly what family therapists do, and David noted that court-mandated therapy for parties in DCF-involved cases often appears to be less than successful, perhaps because of minimal client motivation or the scheduling complexity involved in a structure of individual sessions for all family members with additional couples therapy and parenting support, as is often required in a DCF service plan.

Family attorneys were less united in their openness to their own therapy. Potential visibility was one concern: "It would be hard to picture going to a therapist's office. No offense! Sitting in the waiting room. I would be a little concerned about who might see me there," said Elliott. Barbara saw therapy as a way to separate client emotions from her own: "I try very hard to keep the emotions in their place, because people will start using me as their therapist and I have to – you know -- box them off. As my own therapist says, 'Stay in your lane!'" David credited his therapist with helping him to remain in the profession: "She has basically diagnosed me with PTSD and is there to touch base if things feel triggered, but it doesn't happen as much now, not nearly as much, because my work is so much lower-stress." Barbara and David, currently in therapy, reported ongoing, helpful therapeutic conversations that touched on issues of vicarious trauma, compassion fatigue, mood challenges, burnout, and substance reliance.

Others, however, expressed doubts about the process. Said Carole, “I think about it [working with a therapist] sometimes, but it feels kind of complicated and I worry about confidentiality and boundaries with my work and my clients.” Said Annie, “I have gone to a couple therapists in the past to talk about my own stressful stuff, but I’ve ended up feeling like the therapist didn’t really understand my job or what I was feeling. Maybe I just went to the wrong people.”

### ***Small-Town Family Law: Benefits and Challenges***

Discussing their experiences practicing family law in a small community, attorneys pointed to some consistent benefits, such as good quality of life, ease in accessing new clients via word of mouth, and congenial relationships with fellow attorneys and court personnel. Said Barbara:

In this particular community it’s a very tight circle. And, frankly, we know who’s good and who’s not, because we sit in court and we see them. It’s this rich network that we have, partly by virtue of numbers and by living in a small, tightly knit community.

Said Carole:

I live in a beautiful place. My office is an easy walk from my house. Lots of my clients share my values, I think, and they are usually appreciative of the work I do for them. I work alone, so it’s entirely up to me what cases I take. The pace is pretty good, as long as I’m paying attention and not overbooking or overscheduling. My dog comes to the office with me. I like it.

Said Elliott, “It’s easy to get your name out in a small town. Almost always I know the opposing attorney and usually I have a good relationship with them. I know the judges and have a good idea of how they will respond.”

Attorneys reported, however, that small-town practice can be a mixed blessing. Said David, “Everyone knows where you live! They know your wife and your kids. Sometimes that’s nice, but a lot of the time it feels way too close.” Annie reported, “[In a small town] you sure run into people a lot. Usually that’s okay, but it can be hard to live your life and send your kids to school and have so much overlap between work and family life.” Feeling isolated was also reported by Carole: “It can feel kind of solitary sometimes. I work by myself, no office staff. I have a virtual billing system and some other virtual supports. And I’m definitely not earning as much as [family attorneys in larger communities].”

### *Issues of Safety*

Most of the attorneys interviewed pointed to safety concerns as a significant, ongoing issue in their practices, potentially impacting choice of cases, public and court interactions, and routine daily procedures. Said Annie:

I tend to be super-careful [with safety measures]. I always lock my car, at home, at the office. I don’t like to work late alone in the office. If there’s a party I have concerns about, I try to always walk to and from the courthouse with another person. Sometimes I avoid the courthouse restroom because it is shared with clients and there may be someone I don’t want to risk running into.

Said Elliott, “[Opposing parties] can feel that you’re out to get them. I’ve been called a few pretty lousy things.” Said Carole:

Everyone has heard negative stories about encounters with opposing parties. I try to screen prospective clients for domestic violence situations or angry, vengeful spouses. I have been threatened, called a [expletive] or a [expletive], blamed for people losing custody of their children. Not a lot, but it’s happened. I don’t publish the address of my

office, because I don't want people dropping by. People have left me nasty messages. I think usually they don't intend to act on the threats, at least I assume so, but you never know and I want to be safe. There have been times that I've asked the court officer to walk me to my car, and they will always do that. Being female in this field can feel a little vulnerable, because of my appearance, how I'm perceived, I think. I've spoken to the police and asked them, just as a precaution, if I ever called and asked them to come, because I'm in a remote place, to take it very seriously. I have an alarm system. I don't want to be paranoid, but I've heard some stories that definitely got my attention.

In their interviews, attorneys appeared open and conversational about issues pertaining to small-town safety. Said Elliott:

Everybody knows everybody. I see clients around town. Sometimes there is an ex-spouse who doesn't like me, I guess because they blame me for what's happening. I live a little bit out of town and it's kind of remote, and it feels good to go home at the end of the day. I've never been threatened, but have gotten looks sometimes from people I've run into, maybe on Main Street, you know? Sometimes people feel like I have caused their problems.

Said David, "[When] someone is calling you a terrible person, if they think you are damaging their life – you worry about that, right?" Said Annie:

In court you can get some pretty harsh looks from the opposing party, but I just take reasonable precautions and don't worry too much about that. There have been times when I've encountered someone in public or they have come to the office to drop something off and been nasty to the administrative staff, and that feels more worrying.

Being proactive with safety protocols appeared ingrained in the work structure of the attorneys surveyed. Said Carole, “When I have a DCF case I don’t meet the client in my office because I probably don’t know them very well and I want a level of safety, so we meet in public. That helps things stay calmer and I feel safer.” Annie, also reflecting on the challenges inherent in DCF-involved cases, explained, “I don’t hang out in town on court day. I bring my lunch and eat in a conference room. Too public otherwise.” Said David, the former DCF attorney:

I was in court every week with parents who were in grave danger of losing parental rights. These were not people who always made great decisions, and they were probably angry, often at me. I was threatened, actually quite a lot. When people who sometimes have a whole world of challenges are told that the state wants to take away their parental rights they can get pretty angry and take it as a personal attack. As the person speaking on behalf of the state, I was the bad guy. I get it! But it was threats in court, voicemails ... unpleasant. Big time. When people threaten and target you, when they see you as the bad guy, you have to be careful. It’s easy to find out where pretty much anyone lives. I worried about my kids. I’m a big guy and no one ever tried to physically harm me, but I would come out of court and find dents or scratches on my car, stuff like that. Maybe they were intentional, maybe just accidental, but I don’t recall others at the court reporting that their cars were getting damaged.

Attorneys reported awareness of their powerful role in a larger system and the potential impact of their actions. “Family attorneys can cause damage – [this is] important to remember in a small community,” said Annie. Said Barbara, “[A common belief] is that family law attorneys, because they are billing on an hourly basis, have incentive to blow up cases and ruin people’s lives. I’ve not encountered that personally, although I’ve heard some people say things about my

colleagues.” There was also a perspective that aspects of family law might actually feel safer in a small community. Said Barbara:

In court I’ve actually physically put myself between – there’s not a restraining order, but the opposing party is so hostile, I feel that my client is unsafe. And all I have to do, because we know each other so well, is give a look to the court officer and he’ll get in the middle. And he will also watch me. He’ll say, ‘I’m gonna watch you go out to your car.’ I would feel less safe in the big city because I wouldn’t have a court officer watching me go down the stairs, out to my car. I feel like, in [this town], everyone – they have my back. They really do.

Potential safety issues were reported as a factor in decisions regarding whom to take on as a client, with attorneys explaining that they screen carefully and often rely on instinct to steer away from some cases. “History of violence, high-conflict situations, unrealistic goals, not wanting to listen, just a squishy feeling – those are some things I’m not comfortable with. I’ll refer,” said Carole. “No more DCF cases -- absolutely not,” said David. “I try hard now to handle relatively low-stress cases. DCF got to be too much – basically every case was a tough case. Now I try to avoid very emotional clients.” “Sometimes clients want vengeance,” said Elliott. “A few clients have been out to ruin the ex-spouse, to retaliate for an affair or something like that. Some people use their kids as tools to manipulate or punish the other parent. I really hate that.” The possibility of intimate partner violence impacting their clients was referenced by most of the attorneys interviewed, who framed the issue as one of significant safety concerns to clients, their families, and the attorneys themselves. “When there has been domestic violence I get really concerned,” said Annie. “Sometimes a client is afraid that their ex has the power to

take everything away from them, money, house, kids,” said Elliott. “They may have heard awful stories, or it might be the result of their history with that partner.” Said Carole:

I try to avoid taking on cases that have involved domestic violence. I’ve done cases like that, and it is so traumatic and painful, and I am really sympathetic and outraged, but honestly I don’t feel like I am the best attorney for those cases. I’ve heard so many stories about the lawyer not feeling safe, needing to get a no-trespass order, be on guard, things like that – I do not want to go there.

### *Sources of Support*

In interview after interview, the value of collaborations with other professionals was stressed. “I like to bounce ideas off of colleagues,” said Carole. “I don’t work in a vacuum very well.” “My colleagues in the practice are good for running things past,” said Annie. “They do the same kind of work – they get it.” Said Barbara:

[I rely] mainly on the other attorneys and their having the attitude to disagree, but not be disagreeable. People who have maturity and who don’t get so enmeshed with their clients, and who will argue from a position of facts and case law, and from a sense of what is going to be best for the life of the family and the life of the children -- the attorneys who can come from that place and combine all those elements are the best, and we are blessed to have people who can do that. But the problem is, on any given day, one of those elements can be weak, or like a cylinder not firing. And that is what can bring down the whole machine.

Barbara stressed the value of being proactive and taking steps to nurture mutually supportive relationships with other attorneys:



I ... use humor a lot. I do favors for colleagues. I [build] up that social capital. It's all about time that you put in with your colleagues. You can work more collaboratively if you've developed that sense of trust and you've exchanged value with the other attorneys. It's almost like there has to be some kind of transactional goodwill in place for the collaborative stuff to happen. Otherwise there's no trust.

The attorneys interviewed all identified DCF-involved cases as relying on intense collaboration with other professionals. Said Carole:

DCF cases can involve a whole team of lawyers, caseworkers, school officials, therapists, parenting coaches, foster parents, court people like GALs [guardians *ad litem*], sometimes law enforcement or probation, doctors, psychiatrists, recovery supports ... some of the meetings are really big. It is helpful when we can all collaborate to support a client's progress.

Said David, "DCF work was very collaborative. Everything was strategized and decided by the team." Attorneys also pointed to the value of collaborations with mediators: "I have never worked with somebody in high-conflict situations who was so smooth, was so good. I [felt like I was] getting an education from being a part of this," said Barbara.

The majority of the attorneys interviewed expressed professional interest in alternative dispute resolution, such as collaborative approaches, as ways to lower the stress of divorce and other emotion-filled family interactions. Said Elliott:

I've been interested in bringing a collaborative divorce model to our practice. It's hard in this state because it involves collaborating with an attorney from another practice, and there aren't too many practices regionally that do this. It also can be pretty expensive. [It's a] full-service model – a CPA for financial issues, a counselor for emotional support, and attorneys to

do what we do best in hopefully a harmonious environment. I like the idea of people working together, not working against each other.

Said Carole:

Clients sometimes have magical thinking and they can get attached to an outcome that just isn't going to happen. For years I've wanted to provide collaborative divorce. I really love that model of practice. It's more realistic and transparent. For a lot of reasons I don't really do it, but it's a goal.

In her interview, Barbara explained that she has completed training as a mediator and that she often serves as an impromptu coach for her clients:

[I told my client] 'Look. You're a man. You're going to be seen as the aggressor. You just are. When it comes to DCF, [client's ex-wife] starts off on second base, you're at home plate. You just have to accept that. I'm going to help you manage that problem. You're going to take the anger out of your voice, you're going to put honey in your voice, and you're always going to tell the truth.' And he thought it was ... the best thing I had ever told him."

### ***What to Expect/How to Prepare***

Asked what they thought prospective family attorneys should know as they prepare to enter the field, the five lawyers interviewed offered a wide range of advice, reiterating that the work is complicated, intense, and stressful. Suggestions offered included being proactive in scheduling, maintaining goodwill with colleagues, maintaining boundaries between home and work, and not romanticizing or underestimating the nature of the work. "You need to be realistic and not on some kind of a mission," said Annie. "Law school doesn't help teach students [to] manage emotions," said Elliott. Carole agreed: "Law school doesn't help too much with learning

to handle the awful stories you can hear at work from clients.” “Getting emotionally involved makes an attorney less effective,” said Annie. “[I would have liked to know that] if I get emotionally involved in a client’s life I’m probably going to be less helpful than if I stay more emotionally removed,” said Carole.

The family attorneys suggested that emerging family lawyers make a plan for dealing effectively with the challenges of vicarious trauma and compassion fatigue. “[Students should] be very realistic about how people behave – how they react – when they are under a lot of stress. They should have a plan for managing their own stress,” said Barbara. David affirmed, “[It would have been good to know] how really complicated and intense this work is, how you can be impacted by your clients’ experiences.” Said Barbara:

Pace yourself! Get a good therapist sooner, not later. Keep caring for people, but try to leave them in the office, so to speak. Don’t bring work home. Watch out for unhealthy coping behaviors like drinking. Don’t think you’re a superhero and that client trauma won’t attach itself to you.

Annie concurred: “People can burn out. Clients can be demanding and very emotional and erratic. The stories you hear can be a real lot. It can really wear on you.”

Despite the challenges, attorneys expressed overall satisfaction with the work they do. “I like the feeling of someone ending up on more solid ground,” said Elliott. “Divorces and custody issues impact clients in a very personal way, and when the process works well I feel like I have helped the client put their life together in a way that will support them going forward,” said Carole. Said Barbara:

What I discovered is that [family law is] what really speaks to me. It involves so much more than law, because law is such a crude tool to use in these situations, and what you have to do is be creative, and educate, and persuade opposing counsel and your clients. [I would tell prospective family therapists] that it could be some of the most fulfilling work they'll ever do in their lives, because they actually have the opportunity to shape lives for the better and help people for years and years to come. You also have the ability to do ill. It's an awesome, awe-filled task, guiding families through the worst times in their lives, because they're making decisions that are going to set themselves up for the future, and [the futures of] their children, and their children's children. And to that extent, you're dealing with people's most precious assets, far beyond their bankruptcy assets or their contracts or whatever. That's what I would tell them.

### ***Addressing Issues of Researcher Bias***

Researcher expectations that female attorneys might report more security or privacy concerns than their male counterparts were not validated by the results of this study. A related expectation that female attorneys might be more liable to take on high-stress divorce cases was not supported, although with the limited respondent sample the results are far from decisive. It appears generally true that family attorneys, at least those that were interviewed, report earning less than their counterparts in other legal specialties, though one attorney reported that her family practice is much more lucrative than the corporate and government work in which she previously specialized. An assumption that family attorneys would not be inclined to seek therapy for themselves was affirmed by some of the respondents but not others; in fact, attorneys appeared to hold strong opinions either way regarding the applicability and value of therapy to themselves in their professional and personal contexts.

A prevailing assumption held by the researcher involved the willingness of busy family attorneys to agree to a lengthy, unpaid, potentially revealing interview. This concern turned out to be unfounded, as each attorney contacted expressed interest in and enthusiasm for the project as well as willingness to proceed. Ultimately only scheduling conflicts kept each attorney that was contacted by the researcher from participating.

The effect of additional factors was difficult to gauge. In some aspects the family attorneys interviewed represented a demographic range, with three identified as female and two as male, while four reported they were heterosexual and one identified as queer. The age range of respondents was relatively broad, from 40s through 60s. It had been anticipated, however, that the sample of attorneys interviewed would be ethnically and culturally similar, reflecting the demographics of the region in which they practice; that supposition was borne out, as all interviewees were Caucasian.

## CHAPTER V

### DISCUSSION

#### *Introduction*

The purpose of this Husserl-based phenomenological study (Peoples, 2021) was to explore and understand aspects of the lived experiences of family attorneys practicing in small towns. The expectation was that this information would begin to address a gap in the legal and psychological research regarding stressors unique to small-town attorneys, and begin to illuminate how couple/family therapists might be well-situated to provide systemic support to attorneys and their clients. The study was informed and inspired by decades of research documenting significant rates of mood disorders and substance reliance in family attorneys, coupled with well-documented awareness that law schools do not provide in-depth curricula regarding the realities of understanding and managing client and attorney stress (Fines & Madsen, 2007). An extensive literature review revealed few studies documenting the lived experiences of family attorneys in small-town settings. This study was designed to capture their experiences and to begin to identify ways in which family attorneys and couple/family therapists, particularly those practicing in small communities, might collaborate to support their often complementary professional interactions with clients who are experiencing complicated and distressing personal circumstances, and the needs of family attorneys to manage their own symptoms of stress, vicarious trauma, compassion fatigue, and burnout.

Many aspects of the study affirmed previous literature. The small-town family attorneys in this study reported that they can feel highly visible and sometimes unsafe within their communities because of the intense and personal nature of their work. They frequently feel the emotional impact of their clients' trauma narratives, including compassion fatigue and vicarious

trauma, and may rely on a wide range of strategies both helpful and unhelpful to manage their resulting feelings. They reported a deep awareness of the impact of substance-related issues as coping mechanisms, referring to their own struggles or those of colleagues. They report making efforts to screen potential clients to avoid high-conflict or abusive scenarios. They may rely on collaborations with a range of professionals to manage the needs of their clients and expressed interest in providing unbundled services, limited scope representation, and/or collaborative models. The family attorneys interviewed in this study appeared realistic about the emotional struggles that were typical among their clients, and reported awareness that their job was not to be a counselor or quasi-parent. All advocated therapy for their clients in principle, though none reported actually making the referrals. Most expressed questions as to what couple/family therapists actually do, and how their work and theoretical orientation differs from other counseling professionals. While some attorneys reported currently engaging in therapy and benefiting from it, others expressed potential discomfort with being perceived as needing therapy or confusion around maintaining levels of confidentiality if discussing their professional lives with a therapist.

While these similarities with established literature were striking, also notable were ways in which the experience of these small-town lawyers was different than depicted in decades of studies. The small-town attorneys interviewed reported feeling both constrained and supported by their communities. They reflected on the potential pitfalls of unhealthy coping mechanisms but also reported awareness that local and state resources were available as nonjudgmental supports. They discussed the potential discomfort of negative encounters with opposing parties, but also applauded their local court personnel as having the awareness to notice and intervene as

appropriate. The five attorneys interviewed all reported maintaining fairly broad-based family practices as a necessity in small communities, but each expressed satisfaction with this structure.

### **Implications for the Field**

Attorney interviews indicated a strong reliance on professional collaborations with court personnel, educators, mediators, parenting coaches, DCF workers, and other human service workers, in addition to fellow family attorneys. The attorneys interviewed reported familiarity with collaborative divorce, though for reasons of complexity and cost none were currently providing this service. Each attorney interviewed by this researcher reflected on the emotional damage that the family law practice can have on co-parenting relationships and the needs of dependent children. Attorneys discussed in detail their concerns about their own safety and well-being, and the safety of those they love.

The family attorneys interviewed held varying opinions on the role of therapy, and therapists, in their personal and professional lives. While all stated that they supported therapy for clients who were experiencing emotional struggles, none appeared to make referrals. Two therapists reported utilizing long-term therapy to manage their own emotional reactions to client trauma and the stress of the work, while the remaining three had questions related to visibility, stigma, confidentiality, and utility. None of the respondents appeared to have a working knowledge of the theoretical orientations of different types of therapists, and some asked specifically what makes couple/family therapists distinct from other practitioners.

Family attorneys and couple/family therapists operate systemically, working towards goals that impact entire families, sometimes intergenerationally. As they work with highly stressed clients and situations, both may be susceptible to the effects of vicarious trauma, compassion fatigue, and burnout. When practicing in small towns, both must manage issues of



unwanted visibility, unplanned client contact, and physical and emotional safety. Often they may work with similar client situations, or even the same clients, though it appears rare that they would work in collaboration with each other.

Bricklin and Elliot's (2000) call for enhanced training to support the needs of attorney and client remains largely unanswered despite more than two decades that have passed. Their recommendation that professionals involved with moderate or high-conflict family issues be knowledgeable in:

... child development; functional and dysfunctional family dynamics; child psychopathology; adult psychopathology; effective parenting techniques and behaviors; the effects of divorce and remarriage on families; applicable methods of psychological assessment; applicable state statutes and common law; typical custody and visitation arrangements; ethical standards in child custody evaluations; life-span developmental psychology; mental retardation and developmental disabilities; child psychotherapy and behavior change; and parent, family, and school intervention (pp. 527-528)

can easily be written off as being beyond the reasonable ability of even the most determined family attorney. However, the combined skillsets of family attorneys and couple/family therapists are likely to encompass most or even all of these crucial facets of practice.

Options for collaborative, mutually supportive professional relationships between small-town family attorneys and couple/family therapists appear to be abundant. We work with the same challenging families and social systems. We hear the same trauma narratives, are aware of the same safety concerns, and may feel the same unwanted visibility at our homes, offices, and in the community. We work with clients who are actively making changes in their lives and wanting to do so without danger, disadvantage, or shame.

Methods of alternative dispute resolution such as collaborative divorce offer possible avenues towards collaboration between family attorneys and couple/family therapists, but this is just a beginning. Especially in small towns and small states, the model of collaborative divorce can be written off as too complicated, impractical, and expensive. Unbundled legal services such as mediation and parent coordination have proven invaluable in resolving the financial and custodial challenges of complicated family transitions; however a missing piece can be helping clients – and potentially the attorneys themselves – navigate the complex emotional content of these negotiations. Couple/family therapists, trained in and experienced with complicated family dynamics, are well-situated to work in tandem with family attorneys to help manage client emotions, assess for intimate partner violence, help prioritize the well-being of children, and work towards de-escalating high-conflict disputes. It is also likely that couple/family therapists would benefit from attorney input regarding the legal logistics of their clients' family transitions so that they could fully understand the impact on the clients' lives. Couple/family therapists also, because of their grounding in complex systems, are likely to be reliable choices as individual therapists for family attorneys. Systemic approaches permitting collaboration between attorneys and CFTs throughout the process of divorce and custody discussions would enable legal and emotional considerations to be equally prioritized, potential repairs to occur in a meaningful time frame, and family relationships to be redefined productively. Such a collaboration would also permit a CFT to identify stress or transference between attorneys and their clients or the opposing clients, or between the attorneys themselves, and to help process and minimize those unhelpful dynamics.

### **Recommendations for Further Research**

It appears likely that family attorneys would be enriched both professionally and personally, especially in small towns offering strong familiarity with colleagues, by supportive relationships with couple/family therapists. The legal and counseling fields would both benefit from continued attention to strategies of alternative dispute resolution to avoid high-conflict negotiations that impart a significant financial and emotional toll on clients and their families. Collaborative divorce, while generally well-regarded by the lawyers interviewed in this study, is negatively impacted by issues of cost, complexity, and availability, which leaves the field open to further discussions of how client needs can be met thoroughly, respectfully, collaboratively, and economically. Research focused on mutually supportive, purposeful partnerships between attorneys and therapists to support clients with their legal and emotional struggles would be a welcome addition to the literature and protocols of both professions. Practitioners in small towns, who have community visibility, are well-known to colleagues, and rely on mutual collaborations for professional and personal support, would be well-situated to explore emerging collaborative strategies and practices, including new models of practice.

### References

- Adams, R. E., Boscarino, J. A., & Figley, C. R. (2006). Compassion fatigue and psychological distress among social workers: A validation study. *American Journal of Orthopsychiatry*, 76(1), 103-108.  
<https://doi.org/10.1037/0002-9432.76.1.103>
- Adams, R. E., Figley, C. R., & Boscarino, J. A. (2008). The compassion fatigue scale: Its use with social workers following urban disaster. *Research on Social Work Practice*, 18(3), 238–250.  
<https://doi.org/10.1177/1049731507310190>
- Adams, S. A., & Riggs, S., A. (2008). An exploratory study of vicarious trauma among therapist trainees. *Training and Education in Professional Psychology*, 2, 26-34.  
<https://doi.org/10.1037/1931-3918.2.1.26>
- Allen, B., Nunley, J. M., & Seals, A. (2011). The effect of joint-child-custody legislation on the child-support receipt of single mothers. *Journal of Family and Economic Issues*, 32(1), 124-139.
- Allen, R. B. (1997). Alcoholism, drug abuse and lawyers: Are we ready to address the denial? *Creighton Law Review*, 31(265), 1-53.  
<https://doi.org/10.1007/s10834-010-9193-4>
- American Bar Association (2020). *Survey of law student well-being*. Retrieved from [https://www.americanbar.org/groups/lawyer\\_assistance/research/law\\_student\\_survey/](https://www.americanbar.org/groups/lawyer_assistance/research/law_student_survey/)
- Appleby, M. (2016). Annual mental health lecture: A good lawyer is a well lawyer. *Ethos*, 242, 16-20.
- Arditti, J. A., & Keith, T. Z. (1993). Visitation frequency, child support payment, and the father-

child relationship post-divorce. *Journal of Marriage and Family*, 55(3), 699-712.

<https://doi.org/10.2307/353350>

Armbruster, D., Pieper, L., Klotsche, J., & Hoyer, J. (2015). Predictions get tougher in older individuals: A longitudinal study of optimism, pessimism and depression. *Social Psychiatry and Psychiatric Epidemiology*, 50(1), 153–163.

<https://doi.org/10.1007/s00127-014-0959-0>

Ary, D., Jacobs, L. C., Sorenson, C. K., & Walker, D. (2019). *Introduction to research in education* (9<sup>th</sup> ed.). Wadsworth Cengage Learning.

Bass, H. (2017). December 2017 President’s message: ABA works to address attorney substance use and mental health disorders. Retrieved from

<https://www.abajournal.com/magazine/article/>

[attorney\\_substance\\_use\\_mental\\_health\\_disorders](https://www.abajournal.com/magazine/article/attorney_substance_use_mental_health_disorders)

Beck, C. J., Sales, B. D., & Benjamin, A. H. (1995). Lawyer distress: Alcohol-related problems and other psychological concerns among a sample of practicing lawyers. *Journal of Law and Health*, 10(1), 1-63.

Benjamin, A. H., Darling, E. J., & Sales, B. D. (1990). The prevalence of depression, alcohol abuse, and cocaine abuse among United States lawyers. *International Journal of Law and Psychiatry*, 13, 233-246.

[https://doi.org/10.1016/0160-2527\(90\)90019-Y](https://doi.org/10.1016/0160-2527(90)90019-Y)

Benjamin, A. H., Kaszniak, A., Sales, B., & Shanfield, S. B. (1986). The role of legal education in producing psychological distress among law students and lawyers. *American Bar Foundation Research Journal*, 11(2), 225-252.

<https://doi.org/10.1111/j.1747-4469.1986.tb00240.x>

- Benjamin, G. A. H., Beck, C. J., Shaw, M., & Geffner, R. A. (2018). *Family evaluation in custody litigation: Promoting optimal outcomes and reducing ethical risks* (2<sup>nd</sup> ed.). American Psychological Association.  
<https://doi.org/10.1037/0000071-000>
- Berenson, S. K. (2012). The Elkins legislation: Will California change family law again? *Chapman Law Review*, 15, 443. Retrieved from <http://ssrn.com/abstract=2022369>
- Bianchi, R., Schonfeld, I. S., & Laurent, E. (2015). Is it time to consider the “burnout syndrome” a distinct illness? *Frontiers in Public Health*, 3, 158.  
<https://doi.org/10.3389/fpubh.2015.00158>
- Bonifacio, P. (2013). *The psychological effects of police work: A psychodynamic approach*. Springer.
- Bow, J. N., Gottlieb, M. C., & Gould-Saltman, D. J. (2015). Risks from clients and opposing parties for family law attorneys. *Family Court Review*, 53, 317-323.  
<https://doi.org/10.1111/fcre.12139>
- Bricklin, B., & Elliot, G. (2000). Qualifications and techniques to be used by judges, attorneys, and mental health professionals who deal with children in high conflict divorce cases. *University of Arkansas at Little Rock Law Review*, 22(3), 501-528.
- Bride, B. E. (2004). The impact of providing psychosocial services to traumatized populations. *Stress, Trauma, & Crisis*, 7, 29-46.  
<https://doi.org/10.1080/15434610490281101>
- Bride, B. E., Radey, M., & Figley, C. R. (2007). Measuring compassion fatigue. *Clinical Social Work Journal*, 35, 155-163.  
<https://doi.org/10.1007/s10615-007-0091-7>

- Brobst, J. (2014). The impact of secondary traumatic stress among family attorneys working with trauma-exposed clients: Implications for practice and professional responsibility. *Journal of Health & Biomedical Law*, 1-54.
- Bryan, P. E. (1999). Collaborative divorce: Meaningful reform or another quick fix? *Psychology, Public Policy, and Law*, 5(4), 1001-1017.  
<https://doi.org/10.1037/1076-8971.5.4.1001>
- Budd, E. C. (2011). The impact of a parent's personality disorder on the family law attorney, staff, evaluators, and other professionals. *Family Advocate*, 34, 34-41.
- Buel, S. M. (1999). Domestic violence and the law: An impassioned exploration for family peace. *Family Law Quarterly*, 33(3), 719-744.
- Campbell, I., & Charlesworth, S. (2012). Salaried lawyers and billable hours: A new perspective from the sociology of work. *International Journal of the Legal Profession*, 19(1).  
<https://doi.org/10.1080/09695958.2012.752151>
- Canady, V. A. (2018). Campaign seeks to improve attorney MH, substance use issues. *Mental Health Weekly*, 28(35), 3-4.  
<https://doi.org/10.1002/mhw.31591>
- Carter, R. (2022). Predicting and protecting yourself against violence: Interview with Craig Gundry. *Attorney at Work*. Retrieved from <https://www.attorneyatwork.com/personal-safety-for-lawyers/>
- Cepeda-Benito, A., & Short, P. (1998). Self-concealment, avoidance of psychological services, and perceived likelihood of seeking professional help. *Journal of Counseling Psychology*, 45(1), 58.  
<https://doi.org/10.1037/0022-0167.45.1.58>

- Childers, R. I. (2008). Stressed out? Depressed? Drink too much? Lawyer assistance programs can help. *American Bar Association Newsletter*. Retrieved from [http://www.americanbar.org/content/dam/aba/publications/pass\\_it\\_on/rlc\\_fall08.authcheckdam.pdf](http://www.americanbar.org/content/dam/aba/publications/pass_it_on/rlc_fall08.authcheckdam.pdf)
- Cho, J. (2019). Attorney suicide: What every lawyer needs to know. *ABA Journal*. Retrieved from [https://www.abajournal.com/magazine/article/attorney\\_suicide\\_what\\_every\\_lawyer\\_needs\\_to\\_know?fbclid=IwAR0Ty-2FmxG6zHS-HYSFrQJUgQ4sZaBCyWmwJAt-P-SL1\\_FfeTIf21aTpA](https://www.abajournal.com/magazine/article/attorney_suicide_what_every_lawyer_needs_to_know?fbclid=IwAR0Ty-2FmxG6zHS-HYSFrQJUgQ4sZaBCyWmwJAt-P-SL1_FfeTIf21aTpA)
- Cohen, D. (2006). Making alternative dispute resolution (ADR) less alternative: The need for ADR as both a mandatory continuing legal education requirement and a bar examination topic. *Family Court Review*, 44(4), 640-657.  
<https://doi.org/10.1111/j.1744-1617.2006.00116.x>
- Cohen, M. J. (2002). The impaired lawyer: Problems and solutions. *Experience*, 12, 6.
- Cohen, M. Z., Kahn, D. L., & Steeves, R. H. (2000). *Hermeneutic Phenomenological Research: A Practical Guide for Nurse Researchers*. Sage.  
<https://doi.org/10.4135/9781452232768>
- Cohen, K., & Collens, P. (2013). The impact of trauma work: A meta-synthesis on vicarious trauma and vicarious trauma growth. *Psychological Trauma: Theory, Research, Practice and Policy*, 5(6), 570-580.  
<https://doi.org/10.1037/a0030388>
- Corrigan, P. (2004). How stigma interferes with mental health care. *American Psychologist*, 59(7), 614-625.



<https://doi.org/10.1037/0003-066X.59.7.614>

Corrigan, P. W., & Penn, D. L. (1999). Lessons from social psychology on discrediting psychiatric stigma. *American Psychologist, 54*(9), 765-776.

<https://doi.org/10.1037/0003-066X.54.9.765>

Creswell, J. W. (2013). *Qualitative inquiry & research design* (3<sup>rd</sup> Ed.). Sage.

Creswell, J. W. & Miller, D. L. (2000). Determining validity in qualitative inquiry. *Theory Into Practice, 39*(3), 124-130.

[https://doi.org/10.1207/s15430421tip3903\\_2](https://doi.org/10.1207/s15430421tip3903_2)

Creswell, J. W., & Poth, C. N. (2018). *Qualitative inquiry & research design: Choosing among five approaches* (4<sup>th</sup> ed.) Sage.

Cummins, P. N., Massey, L., & Jones, A. (2007). Keeping ourselves well: Strategies for promoting and maintaining counselor wellness. *Humanistic Counseling, Education and Development, 46*, 35-49.

<https://doi.org/10.1002/j.2161-1939.2007.tb00024.x>

Currall, N. S. (1999). The cirrhosis of the legal profession – alcoholism as an ethical violation or disease within the profession. *Georgetown Journal of Legal Ethics, 12*, 739.

Daicoff, S. (2004). *Lawyer know thyself: A psychological analysis of personality strengths and weaknesses*. American Psychological Association.

<https://doi.org/10.1037/10751-000>

Denzin, N. K. (2001). *Interpretive interactionism* (2<sup>nd</sup> ed.). Sage.

<https://doi.org/10.4135/9781412984591>

Dillon, P. A., & Emery, R. E. (1996). Divorce mediation and resolution of child custody disputes: Long-term effects. *American Journal of Orthopsychiatry, 66*(1), 131-140.

<https://doi.org/10.1037/h0080163>

Dir, A., Karyadi, K., & Cyders, M. A. (2013). The uniqueness of negative urgency as a common risk factor for self-harm behaviors, alcohol consumption, and eating problems. *Addictive Behaviors, 38*(5), 2158-2162.

<https://doi.org/10.1016/j.addbeh.2013.01.025>

Dodge, D. D. (2017). Legal ethics and the impaired lawyer. *Arizona Attorney*. Retrieved from [https://www.myazbar.org/AZAttorney/PDF\\_Articles/0117EthicsWEB.pdf](https://www.myazbar.org/AZAttorney/PDF_Articles/0117EthicsWEB.pdf)

Dowling, M. (2007). From Husserl to van Manen. A review of different phenomenological approaches. *International Journal of Nursing Studies, 44*(1), 131-142.

<https://doi.org/10.1016/j.ijnurstu.2005.11.026>

Eber, M., & O'Brien, J. M. (1982). Psychotherapy in the movies. *Psychotherapy: Theory, Research & Practice, 19*(1), 116.

<https://doi.org/10.1037/h0088410>

Edwards, C. P., & Miller, M. K. (2019). An assessment of judges' self-reported experiences of secondary traumatic stress. *Juvenile and Family Court Journal, 70*(2), 7-29.

<https://doi.org/10.1111/jfcj.12134>

Eekelaar, J. (2011). "Not of the highest importance": Family justice under threat. *Journal of Social Welfare and Family Law, 33*(4), 311-317.

<https://doi.org/10.1080/09649069.2011.632883>

Elwork, A. (2007). *Stress management for lawyers: How to increase personal & professional satisfaction in the law* (3<sup>rd</sup> ed.). Vorkell Group.

Elwork, A., Andrew, G., & Benjamin, H. (1995). Lawyers in distress. *Journal of Psychiatry and Law, 23*(2), 205-229.

<https://doi.org/10.1177/009318539502300201>

- Emery, R. E. (2012). *Renegotiating family relationships: Divorce, child custody, and mediation* (2<sup>nd</sup> ed.). Guilford Press.
- Everall, R. D., & Paulson, B. L. (2004). Counsellor self care: Ethical issues. *Canadian Journal of Counselling, 38*, 25-35.
- Figley, C. R. (1995). Compassion fatigue as secondary traumatic stress disorder. In C. R. Figley (Ed.), *Compassion fatigue: Coping with secondary traumatic stress disorder in those who treat the traumatized* (pp. 1-20). Brunner/Mazel.
- Figley, C. R. (1992). *Traumatic stress reactions and disorders: Reconfiguring PTSD*. Paper presented to a special panel on DSM-IV at the International Society of Traumatic Stress World Conference, Amsterdam, the Netherlands.
- Fines, B. G., & Madsen, C. (2007). Caring too little, caring too much: Competence in the family law attorney. *University of Missouri Law Review, 75*, 965.
- Flanagan, R. (2007). Lucifer goes to law school: Towards explaining and minimizing law student peer-to-peer harassment and intimidation. *Washburn Law Journal, 47*, 453.
- Fortney, S. (2000). Soul for sale: An empirical study of associate satisfaction, law firm culture, and the effects of billable hour requirements. *University of Missouri – Kansas City Law Review, 69*(2), 239-309.
- Fortney, S. S. (2002). I don't have time to be ethical: Addressing the effects of billable hour pressure. *Idaho Law Review, 39*, 305-318.
- Fortney, S. S. (2005). The billable hours derby: Empirical data on the problems and pressure points. *Fordham Urban Law Journal, 33*(1), 171-192.
- Frost, L. E., & Beck, C. J. A. (2016). Meeting the increasing demands on family attorneys representing clients with mental health challenges. *Family Court Review, 54*(1), 39-50.

<https://doi.org/10.1111/fcre.12202>

Gächter, M., Savage, D. A., & Torgler, B. (2011). The relationship between stress, strain, and social capital. *Policing: An International Journal*, 34(3), 515-540.

<https://doi.org/10.1108/13639511111157546>

Galanter, M. (2002). Changing legal consciousness in America: The view from the joke corpus. *Cardozo Law Review*, 23, 2223.

Garfield, F. R. (2002). Unbundling legal services in mediation: Reflections of a family lawyer. *Family Court Review*, 40(1), 76-86.

<https://doi.org/10.1111/j.174-1617.2002.tb00820.x>

Gentry, J. (2002). Compassion fatigue: A crucible of transformation. *Journal of Trauma Practice*, 1(3/4), 37-61.

[https://doi.org/10.1300/J189v01n03\\_03](https://doi.org/10.1300/J189v01n03_03)

Gonzalez, J. M., Tinsley, H. E. A., & Kreuder, K. R. (2002). Effects of psychoeducational interventions on opinions of mental illness, attitudes towards help seeking, and expectations about psychotherapy in college students. *Journal of College Student Development*, 43(1), 51-63.

Goodliff, J. (1994). Alcohol and depression in English and American lawyer disciplinary proceedings. *Addiction*, 89, 1237-1244.

<https://doi.org/10.1111/j.1360-0443.1994.tb03302.x>

Granello, D. H., & Pauley, P. S. (2000). Television viewing habits and their relationship to tolerance for people with mental illness. *Journal of Mental Health Counseling*, 22(2), 162-175.

Harr, C. R., Brice, T. S., Riley, K., & Moore, B. (2014). The impact of compassion fatigue and

compassion satisfaction on social work students. *Journal for the Society for Social Work and Research*, 5(2).

<https://doi.org/10.1086/676518>

Hernandez, P., Engstrom, D., & Gangsei, D. (2007). Vicarious resilience: A new concept in work with those who survive trauma. *Family Process*, 46(2), 229–241.

<https://doi.org/10.1111/j.1545-5300.2007.00206.x>

Hinshaw, J. A., & Stier, A. (2008). Stigma as related to mental disorders. *Annual Review of Clinical Psychology*, 4(1), 367-393.

<https://doi.org/10.1146/annurev.clinpsy.4.022007.141245>

Hu, I. (2015). The average lawyer is 90% more skeptical than everyone else: What this means for your clients, your colleagues, and your firm. *Slaw: Canada's Online Legal Magazine*, Retrieved from <http://www.slaw.ca/2015/04/13/the-average-lawyer-is-90-more-skeptical-than-everyone-else-what-this-means-for-your-clients-your-colleagues-and-your-firm/>

Huang, P. H., & Felder, C. R. (2015). The zombie lawyer apocalypse. *Pepperdine Law Review*, 42, 727.

Huntington, C. (2008). Repairing family law. *Duke Law Journal*, 57(5).

Jackson, S. E., Turner, J. A., & Brief, A. P. (2007). Correlates of burnout among public service lawyers. *Journal of Occupational Behavior*, 8, 339-349.

<https://doi.org/10.1002/job.4030080406>

Jaffe, P. G., Crooks, C. V., Dunsford-Jackson, B. L., & Town, J. M. (2009). Vicarious trauma in judges: The personal challenge of dispensing justice. *Juvenile and Family Court Journal*, 54, 1-9.

<https://doi.org/10.1111/j.1755-6988.2003.tb00083.x>

- James, C. (2020). Towards trauma-informed legal practice: A review. *Psychiatry, Psychology and Law*, 27(2), 275-296.  
<https://doi.org/10.1080/13218719.2020.1719377>
- Jolly-Ryan, J. (2010). Promoting mental health in law school: What law schools can do for law students to help them become happy, mentally healthy lawyers. *University of Louisville Law Review*, 95.
- Joyce, A. N. (2016). High-conflict divorce: A form of child neglect. *Family Court Review*, 54(4), 642-656.  
<https://doi.org/10.1111/fcre.12249>
- Kelson, S. D. (2018). New Hampshire attorneys surveyed on threats and violence against the legal profession. *New Hampshire Bar News*, June 2018.
- Kim, H., & Ji, J. (2008). Factor structure and longitudinal invariance of the Maslach Burnout Inventory. *Research on Social Work Practice*, 325-339.  
<https://doi.org/10.1177/1049731508318550>
- Kobasa, S. C. (1982). Commitment and coping in stress resistance among lawyers. *Journal of Personality and Social Psychology*, 42(4), 707-715.  
<https://doi.org/10.1037/0022-3514.42.4.707>
- Kreiger, L. S. (1998). What we're not telling law students – and lawyers – that they really need to know: Some thoughts-in-action toward revitalizing the profession from its roots. *Cleveland State University Journal of Law and Health*, 13(1).
- Krill, P. R., Johnson, R., & Albert, L. (2016). The prevalence of substance use and other mental health concerns among American attorneys. *Journal of Addiction Medicine*, 10(1), 46-52.  
<https://doi.org/10.1097/ADM.0000000000000182>

- Kruml, S. M., & Geddes, D. (2000). Exploring the dimensions of emotional labor: The heart of Hothschild's work. *Management Communication Quarterly, 14*(8).  
<https://doi.org/10.1177/0893318900141002>
- Kuo, B. C., Kwantes, C. T., Towson, S., & Nanson, K. M. (2006). Social beliefs as determinants of attitudes toward seeking professional psychological help among ethnically diverse University students. *Canadian Journal of Counselling, 40*(4), 224-241.
- Laird, L. (2018). The job is killing them: Family lawyers experience threats, violence. *ABA Journal*. Retrieved from  
[https://www.abajournal.com/magazine/article/the\\_job\\_is\\_killing\\_them\\_family\\_lawyers\\_experience\\_threats\\_violence](https://www.abajournal.com/magazine/article/the_job_is_killing_them_family_lawyers_experience_threats_violence)
- Laird, L. (2017). A Utah lawyer has quietly studied violence against attorneys for two decades. *ABA Journal*. Retrieved from [https://www.abajournal.com/magazine/article/problem\\_clients\\_violence\\_against\\_attorneys](https://www.abajournal.com/magazine/article/problem_clients_violence_against_attorneys)
- Lande, J. (2003). Possibilities for collaborative law: Ethics and practice of lawyer disqualification and process control in a new model of lawyering. *Ohio State Law Journal, 64*, 1315.
- Langballe, E. M., Falkum, E., Innstrand, S. T., & Aasland, O. G. (2006). The factorial validity of the Maslach Burnout Inventory – General survey in representative samples of eight different occupational groups. *Journal of Career Assessment, 14*, 370-384.  
<https://doi.org/10.1177/1069072706286497>
- Law Practice Editorial Board (2013). The small-firm lawyer considers big ideas. *Law Practice, 76*, 39-44.
- Lee, C. M., Beauregard, C. P., & Hunsley, J. (1998). Lawyers' opinions regarding child custody

- mediation and assessment services: Implications for psychological practice. *Professional Psychology: Research and Practice*, 29(2), 115-120.  
<https://doi.org/10.1037/0735-7028.29.2.115>
- Le Mire, S. (2015). Addressing bullying in the Australian legal profession. *Legal Ethics*, 18(1), 69–72.  
<https://doi.org/10.1080/1460728x.2015.1084784>
- Levin, A.P., Albert, L., Besser, A., Smith, D., Zelenski, A., Rosenkranz, S., & Neria, Y. (2011). Secondary traumatic stress in attorneys and their administrative support staff working with trauma-exposed clients. *Journal of Nervous and Mental Disease*, 119(12), 946-955.  
<https://doi.org/10.1097/NMD.0b013e3182392c26>
- Levin, M., & MacEwen, B. (2014). *Assessing lawyer traits & finding a fit for success (White paper)*. J.D. Match and the Right Profile.
- Lewis, M. L., & King, D. M. (2019). Teaching self-care: The utilization of self-care in social work practicum to prevent compassion fatigue, burnout, and vicarious trauma. *Journal of Human Behavior in the Social Environment*, 29(1), 96-106.  
<https://doi.org/10.1080/10911359.2018.1482482>
- Lincoln, Y., & Guba, E. G. (1985). *Naturalistic inquiry*. Sage.  
[https://doi.org/10.1016/0147-1767\(85\)90062-8](https://doi.org/10.1016/0147-1767(85)90062-8)
- Linley, P. A., & Joseph, S. (2007). Therapy work and clinician's positive and negative well-being. *Journal of Social and Clinical Psychology*, 26, 385–403.  
<https://doi.org/10.1521/jscp.2007.26.3.385>
- Lively, K. J. (2002). Client contact and emotional labor: Upsetting the balance and evening the field. *Work and Occupations*, 29, 198-225.



<https://doi.org/10.1177/0730888402029002004>

Maguire, G., & Byrne, M. K. (2017). The law is not as blind as it seems: Relative rates of vicarious trauma among lawyers and mental health professionals. *Psychiatry, Psychology and Law*, 24(2), 233-343.

<https://doi.org/10.1080/13218719.2016.1220037>

Maslach, C. (2001). What have we learned about burnout and health? *Psychology and Health*, 16, 607-611.

<https://doi.org/10.1080/08870440108405530>

Maslach, C., & Jackson, S. E. (1986). *Maslach Burnout Inventory manual* (2<sup>nd</sup> ed.). Palo Alto, CA: Consulting Psychologists Press.

Maslach, C., Jackson, S. E., & Leiter, M. P. (1996). Maslach Burnout Inventory [Manual and Non-Reproducible Instrument and Scoring Guides. Published instrument. Retrieved from [www.mindgarden.com](http://www.mindgarden.com)

Massachusetts Bar Association. (2021). The path to lawyer well-being: A toolkit for bar associations in Massachusetts. Retrieved from <https://www.massbar.org/docs/default-source/wellbeing/mbawellbeingtoolkit.pdf>

Miller, M. K., & Bornstein, B. H. (2013). *Stress, trauma, and wellbeing in the legal system*. Oxford University Press.

<https://doi.org/10.1093/acprof:oso/9780199829996.001.0001>

Mines, R. A., & Braun, J. G. (2001). The Colorado attorney assistance program: Help for impaired attorneys. *The Colorado Lawyer*, 30(10), 99-100.

Mitcham-Smith, M., & Henry, W. (2007). High-conflict divorce solutions: Parenting coordination as an innovative co-parenting intervention. *The Family Journal*, 15(4), 368-

373.

<https://doi.org/10.1177/1066480707303751>

Mojtabai, R. (2007). Americans' attitudes towards mental health treatment seeking: 1990-2003.

*Psychiatric Services*, 58(5), 642-651.

<https://doi.org/10.1176/ps.2007.58.5.642>

Morgillo, L. (2015). Do not make their trauma your trauma: Coping with burnout as a family law attorney. *Family Court Review*, July 2015, 456-473.

<https://doi.org/10.1111/fcre.12167>

Mosten, F. S. (2009). *Collaborative divorce handbook: Helping families without going to court*. Jossey-Bass.

Mosten, F. S. (2015). Unbundled services to enhance peacemaking for divorcing families.

*Family Court Review*, 53(3), 439-448.

<https://doi.org/10.1111/fcre.12165>

Moustakas, C. (1994). *Phenomenological research methods*. Sage.

<https://doi.org/10.4135/9781412995658>

Mucalov, J. (2011). Lawyers as gatekeepers for psychological issues. Retrieved from

[http://www.cba.org/cba/practicelink/careerbuilders\\_clients/psych.aspx](http://www.cba.org/cba/practicelink/careerbuilders_clients/psych.aspx)

Nelson-Gardell, D., & Harris, D. (2003). Childhood abuse history, secondary traumatic stress, and child welfare workers. *Child Welfare: Journal of Policy, Practice, and Program*, 82(1), 5-26.

Newell, J. M., & MacNeil, G. A. (2010). Professional burnout, vicarious trauma, secondary traumatic stress, and compassion fatigue. *Best Practices in Mental Health*, 2, 57-68.

O'Grady, C. G. (2006). Cognitive optimism and professional pessimism in the large-firm

- practice of law: The optimistic associate. *Law and Psychology Review*, 30(23), 1-29.
- Omari, M., & Paull, M. (2013). "Shut up and bill": Workplace bullying challenges for the legal profession. *International Journal for the Legal Profession*, 20(2), 141-160.  
<https://doi.org/10.1080/09695958.2013.874350>
- Orb, A., Eisenhauer, L., & Wynaden, D. (2000). Ethics in qualitative research. *Journal of Nursing Scholarship*, 33(1), 93-96.  
<https://doi.org/10.1111/j.1547-5069.2001.00093.x>
- Orchowski, L. M., Spickard, B. A., & McNamara, J. R. (2006). Cinema and the valuing of psychotherapy: Implications for clinical practice. *Professional Psychology: Research and Practice*, 37(5), 506-514.  
<https://doi.org/10.1037/0735-7028.37.5.506>
- Ordway, A. M., Moore, R. O., Casanovas, A. F., & Asplund, N. R. (2020). Understanding vicarious trauma, burnout, and compassion fatigue in high-conflict divorce. *The Family Journal: Counseling and Therapy for Couples and Families*, 28(2), 187-193.  
<https://doi.org/10.1177/1066480720904028>
- Osofsky, J., Putnam, F., & Lederman, C. (2008). How to maintain emotional health when working with trauma. *Juvenile and Family Court Journal*, 59, 91-102.  
<https://doi.org/10.1111/j.1755-6988.2008.00023.x>
- The Other Bar. (2021). Success begins here: Help for alcoholism, drug abuse, and related personal problems. Retrieved from otherbar.org
- Parker, C., & Ruschena, D. (2011). The pressures of billable hours: Lessons from a survey of billing practices inside law firms. *University of St. Thomas Law Journal*, 9, 619.  
<https://doi.org/10.2139/ssrn.1790082>

- Pellman, A. M., Jacobs, R. N., & Reiner, D. K. (2012). A child-centered response to the Elkins Family Law Task Force. *William and Mary Bill of Rights Journal*, 20, 81-85.
- Peoples, K. (2021). *How to write a phenomenological dissertation*. Sage.
- Phillips, M. L., Medford, N., Senior, C., Bullmore, E. T., Suckling, J., Brammer, M. J., Andrew, C., Sierra, M., Williams, S. C. R., & David, A. S. (2001). Depersonalization disorder: Thinking without feeling. *Psychiatric Research: Neuroimaging*, 108(3), 146-160.  
[https://doi.org/10.1016/S0925-4927\(01\)00119-6](https://doi.org/10.1016/S0925-4927(01)00119-6)
- Pirelli, G., Formon, D. L., & Maloney, K. (2020). Preventing vicarious trauma (VT), compassion fatigue (CF), and burnout (BO) in forensic mental health: Forensic psychology as exemplar. *Professional Psychology: Research and Practice*, 51(5), 454–466.  
<https://doi.org/10.1037/pro0000293>
- Pulliam, P. T. (2008). Lawyer depression: Taking a closer look at first-time ethics offenders. *The Journal of the Legal Profession*, 32, 289.
- Rabionet, S. E. (2011). How I learned to design and conduct semi-structured interviews: An ongoing and continuous journey. *The Qualitative Report*, 16(2), 563-566.
- Ratanawongsa, N., Roter, D., Beach, M. C., Laird, S. L., Larson, S. M., Carson, K. A., & Cooper, L. A. (2008 ). Physician burnout and patient-physician communication during primary care encounters. *Journal of General Internal Medicine*, 23(10), 1581-1588.  
<https://doi.org/10.1007/s11606-008-0702-1>
- Rauvola, R.S., Vega, D.M., & Lavigne, K.N. (2019). Compassion fatigue, secondary traumatic stress, and vicarious traumatization: A qualitative review and research agenda. *Occupational Health Science*, 3, 297 – 336.  
<https://doi.org/10.1007/s41542-019-00045-1>

- Reed, K., & Bornstein, B. H. (2013). A stressful profession: The experience of attorneys. In M. K. Miller & B. H. Bornstein (Eds.), *Stress, trauma, and wellbeing in the legal system* (pp. 217-246). Oxford University Press.  
<https://doi.org/10.1093/acprof:oso/9780199829996.003.0010>
- Reed, K., Bornstein, B. H., Jeon, A. B., & Wylie, L. E. (2016). Problem signs in law school: Fostering attorney well-being early in professional training. *International Journal of Law and Psychiatry*, 47, 148-156.  
<https://doi.org/10.1016/j.ijlp.2016.02.019>
- Richard, L. (1994). *Psychological type and job satisfaction among practicing lawyers in the United States* (unpublished doctoral dissertation). Temple University, Philadelphia, PA.
- Rothstein, L. (2008). Law students and lawyers with mental health and substance abuse problems: Protecting the public and the individual. *University of Pittsburgh Law Review*, 69, 531.  
<https://doi.org/10.5195/lawreview.2008.106>
- Rüsch, N., Evans-Lacko, S. E., Henderson, C., Flach, C., & Thornicroft, G. (2011). Knowledge and attitudes as predictors of intentions to seek help for and disclose a mental illness. *Psychiatric Services*, 62(6), 675-678.  
[https://doi.org/10.1176/ps.62.6.pss6206\\_0675](https://doi.org/10.1176/ps.62.6.pss6206_0675)
- Sabo, B. (2011). Reflecting on the concept of compassion fatigue. *Online Journal of Issues in Nursing*, 16, 1.  
<https://doi.org/10.3912/OJIN.Vol16No01Man01>
- Salava, L. (2014). Collaborative divorce: The unexpectedly underwhelming advance of a promising solution in marriage dissolution. *Family Law Quarterly*, 48(1), 179-196.

Seligman, M. E. P., Verkuil, P. R., & Kang, T. H. (2005). Why lawyers are unhappy. *Deakin Law Review*, 10(49).

<https://doi.org/10.21153/dlr2005vol10no1art268>

Shirvington, V. (2004). A certain pessimism can be a good thing. *Law Society Journal*, 42(5).

Siemens, C. (2004). *Emotional trials: The moral dilemmas of women criminal defense attorneys*. Boston, MA: Northeastern University Press.

Silver, M. A. (1999). Love, hate, and other emotional interference in the lawyer/client relationship. *Clinical Law Review*, 6(259), 1-47.

Stevenson, D. (2019). Ethical issues with lawyers openly carrying firearms. *St. Mary's Journal on Legal Malpractice and Ethics*, 10, 290-295.

Town, M. (2003). Vicarious trauma in judges: The personal challenge of dispensing justice. *Juvenile and Family Court Journal*, 54, 1-12.

<https://doi.org/10.1111/j.1755-6988.2003.tb00083.x>

Town, M. (2004). Is compassion fatigue an issue for judges? Retrieved from <http://www.judgemiketown.com/judicial-compassion-fatigue>

Trabsky, M., & Baron, P. (2016). Negotiating grief and trauma in the coronial jurisdiction. *Journal of Law and Medicine*, 23(3), 582-594.

Tufford, L., & Newman, P. (2010). Bracketing in qualitative research. *Families in Society*, 11(1). <https://doi.org/10.1177/1473325010368316>

Tuuli, P., & Karisalmi, S. (1999). Impact of working life quality on burnout. *Experimental Aging Research*, 25(4), 441-449.

<https://doi.org/10.1080/036107399243922>

United States Census Bureau (2020). America: A nation of small towns. Retrieved from

<https://www.census.gov/library/stories/2020/05/america-a-nation-of-small-towns.html>

Van Dierendonck, D., Schaufeli, W. B., & Buunk, B. P. (2001). Toward a process model of burnout: Results from a secondary analysis. *European Journal of Work and Organizational Psychology, 10*(1), 41-52.

<https://doi.org/10.1080/13594320042000025>

Vermont Bar Association. (2022). Attorney well being. Retrieved from

<https://www.vtbar.org/attorney-well-being/>

Vogel, D. L., Gentile, D. A., & Kaplan, S. A. (2008). The influence of television on willingness to seek therapy. *Journal of Clinical Psychology, 64*(3), 276-295.

<https://doi.org/10.1002/jclp.20446>

Vogel, D. L., Wade, N. G., & Haake, S. (2006). Measuring the self-stigma associated with seeking psychological help. *Journal of Counseling Psychology, 53*(3), 325-337.

<https://doi.org/10.1037/0022-0167.53.3.325>

Webb, S., & Ousky, R. (2006). *The collaborative way to divorce: The revolutionary method that results in less stress, lower costs, and happier kids – without going to court.*

Penguin Group Ltd.

Weinstein, J., & Weinstein, R. (2005). “I know better than that”: The role of emotions and the brain in family law disputes. *Journal of Law and Family Studies, 7*, 351.

Weiss, D. C. (2009). Lawyer personalities may lead to increased suicide risk. *American Bar Association Journal*. Retrieved from

[http://www.abajournal.com/news/article/lawyer\\_personalities\\_may\\_contribute\\_to\\_increased\\_suicide\\_risk](http://www.abajournal.com/news/article/lawyer_personalities_may_contribute_to_increased_suicide_risk)

World Population Review (2021). Retrieved from [www.worldpopulationreview.com](http://www.worldpopulationreview.com)

- Yakren, S. (2008). Lawyer as emotional laborer. *University of Michigan Journal of Law Reform*, 42, 141.
- Yamada, D.C. (2018). The American legal landscape: Potential redress and liability for workplace bullying and mobbing. In Duffy M. & Yamada D. C. (Eds.), *Workplace bullying and mobbing in the United States*. Praeger.
- Yingling, L. C., & Hance, L. (2001). Collaboration for divorcing families: Family therapy and family law. *Journal of the Texas Association for Marriage and Family Therapy*, 6(1), 41-56.
- Zelon, L. (2010). The Elkins Task Force: Meeting the challenges of family law in California's courts. *California Law Review Online*. Retrieved from <https://www.californialawreview.org/wp-content/uploads-2014-10-04-01-25-zelon-corrected-2020-pdf>



## APPENDIX A

**Informed Consent to Participate in Study**

To the Prospective Participant:

Thank you for your interest in this study. Participation in this study is voluntary and you may choose to withdraw your participation at any time. This consent form will describe the research process. Please read the form carefully before choosing whether to participate, and feel free to reach out to me with any questions. If you elect to participate please initial the first page where indicated and sign and date the second page.

**Purpose of Research:** This study will explore issues of emotional health, safety, and privacy challenges for attorneys practicing family law in New England.

**Interviews:** I will conduct an interview with each participant, asking questions about the scope of your practice, the benefits of working in family law, and any professional or personal challenges that may accompany the job. My goal is to learn as much as possible about your experiences as a family attorney in this community. Each interview will be audio-recorded and transcribed, with transcriptions provided to each participant to ensure accuracy. While I have a list of general questions to ask each participant, it can be expected that additional questions will emerge from the conversation. You may decline to answer any question, and I encourage you to address any questions you may have about the study or the interview process either before, during, or after the interview. Interviews can take place in my office, at your office, or at a public place of your choosing. The interview can also be conducted via secure video. Each interview will be approximately 45-60 minutes.

**Documentation Protocol:** Documentation from each interview, including transcripts, audio files, informed consent forms, and any notes will be stored and double-locked in my office or on my personal computer, which is password-protected. All transcriptions and manuscripts will include no identifying information. Transcriptions will be completed by a third party who will sign a nondisclosure agreement. Following completion of this study, all files will be shredded and computer files deleted.

I have read this page \_\_\_\_\_ (initials)

**Financial Considerations:** No payment is being offered for participation in this study, and there is no cost to participants.

**Benefits to the Participant:** There is no direct benefit from participation in this study. It is hoped that the interview process will be a pleasant and informative opportunity to focus on the challenges of working in family law.

**Possible Risks:** There are no foreseen physical risks associated with participation in this study. It is possible that discussing challenging work experiences may lead to feelings of stress or emotionality; should this occur you are encouraged to communicate this to the researcher, who is a licensed therapist. As a mandated reporter, the researcher is obligated to report any issues of neglect or abuse to a child or vulnerable adult that may arise from the conversation.

**Confidentiality:** Identities of all participants will be kept confidential throughout the study and through completion of the manuscript. Any demographic descriptions will be vague and non-identifiable. If necessary, pseudonyms will be utilized.

**Termination:** Participation in this study is entirely voluntary. You may withdraw from the study at any time.

**Consent:** I have read this Informed Consent form in its entirety and agree to participate. My choice to participate is voluntary.

**Participant Name** \_\_\_\_\_

**Participant Signature** \_\_\_\_\_

**Date** \_\_\_\_\_

**Researcher Name** \_\_\_\_\_

**Researcher Signature** \_\_\_\_\_

**Date** \_\_\_\_\_

APPENDIX B

INSTITUTIONAL REVIEW BOARD (IRB) APPROVAL

8/20/2021 Antioch.edu Mail - Online IRB Application Approved:Emotional Health, Safety, and Privacy Challenges for Small-Town Family Attorneys August 20, ...



Wendy McClary <[redacted]>

**Online IRB Application Approved:Emotional Health, Safety, and Privacy Challenges for Small-Town Family Attorneys August 20, 2021, 1:43 pm**

2 messages

[redacted]

Fri, Aug 20, 2021 at 9:43 AM

Dear Wendy L McClary ,

As Chair of the Institutional Review Board (IRB) for 'Antioch University , I am letting you know that the committee has reviewed your Ethics Application. Based on the information presented in your Ethics Application, your study has been approved.

Your study has been approved for Exempt status by the IRB following a Limited Review. As an exempt study, there is no requirement for continuing review. Your protocol will remain on file with the IRB as a matter of record. While your project does not require continuing review, it is your responsibility to inform the IRB if the procedures presented in this protocol are to be modified or if problems related to human research participants arise in connection with this project. Any procedural modifications must be evaluated by the IRB before being implemented, as some modifications may change the review status of this project. Please be reminded that even though your study is exempt from the relevant federal regulations of the Common Rule (45 CFR 46, subpart A), you and your research team are not exempt from ethical research practices and should therefore employ all protections for your participants and their data which are appropriate to your project.

Sincerely,  
Kevin Lyness

[redacted]

## APPENDIX C

## INTERVIEW PROTOCOL

- Interviews will be guided by two key themes:
  - (a) the overall nature of each participant's family law practice, including scope of practice, specialties, and geographic client reach, and
  - (b) overall recollections and reflections on professional identity and ethics, including successes and challenges.
- Interviews will be conducted in-person or via live video link by this researcher, depending on participant choice, and will be audio-recorded, transcribed, and inductively coded for thematic results.
- The goal of this research will be to collect thick, rich descriptions of participant experience.
- Results of this study may illuminate ways in which family attorneys and couple/family therapists can collaborate to effectively and comprehensively meet the needs of clients who are experiencing challenging life transitions, and to support the ongoing emotional health needs of lawyers.

---

**Introduction:**

Thank you very much for taking the time to meet with me today. I would like to talk with you for approximately one hour, and our interview will be audio recorded in full to allow

for future transcription. I will provide you with a copy of the transcript when it is available and will invite your feedback as to content and accuracy.

As we discussed earlier, your participation in this study will be known only to me. You can decide to withdraw from the study at any time and for any reason. In the transcript, any related notes, and the final manuscript, a pseudonym will be used instead of your actual name, and any demographic information that is included will be vague enough to preclude your identification.

I am a licensed couple/family therapist and a doctoral student at Antioch University. The clients I typically work with may exhibit similar characteristics and be experiencing similar issues as the clients in your family law practice. I will maintain the strictest level of confidentiality in regards to any client information or situations that may be discussed in this interview. However, as a mandated reporter it will be my professional responsibility to report to the appropriate authorities any suspicions of neglect or abuse to a child or vulnerable adult.

I will be asking questions about your family law practice, including background information, and would like to learn about some of the positive aspects of your work as well as any challenges and demands you experience.

Do you have any questions before we begin the interview?

**Professional Background:**

What factors influenced your choice of family law as your specialty/one of your specialties?

Have you ever practiced another area of law? If so, what? Have you ever considered switching specialties? If so, why?

Describe areas of personal satisfaction you may derive from your profession.

Are you married? Have you ever gone through a divorce? Do you have children?

How do you obtain clients?

Do you have any contractual work with the family court, such as DCF-related cases?

**Subsequent Discussion:**

How are family attorneys such as yourself regarded by attorneys who practice other specialties?

What are some of the benefits and challenges of practicing family law in a small town?

What do you find most rewarding about your profession?

What feels less rewarding about your profession?

What do clients tend to expect of you in your professional role? Do clients ever expect more of you professionally than legal advocacy? What requests might they make?

What type(s) of clients or cases do you enjoy representing? What clients or cases do you enjoy less? What might be reasons for refusing to represent a client?

How do you manage situations in which a client might expect you to take a position that you may think is not beneficial for your client or their family members? How do you manage this with the client and in court?

Have you ever felt challenged by an opposing spouse or other family member or interested party?

What collaborations, such as with other members of the legal community or other related providers, do you utilize to discuss case dynamics and obtain support?

How aware are your friends and family members of any feelings of stress you may have from your work?

Have you ever been threatened by a party to a case?

Have you had concerns about your personal or professional safety?

Do you consider yourself to be well-known as a member of the local community?

What safety precautions do you follow in your personal and professional life?

What might you do to de-stress after a particularly challenging day?

How do your colleagues manage their own stress?

Are there places, situations, or services you might choose to avoid because of your occupation?

How should law students prepare for a practice such as yours?

What professional collaborations might be important to explore to support providers and clients?

What would you have liked to know when starting out?

**End of Interview:**

Is there anything else that feels important to include in this conversation?

What feedback do you have regarding my role as the interviewer and the content and direction of the interview?

Do you have any questions for me?



## APPENDIX D

## INTERVIEW WITH ANNIE – EXAMPLE OF THEMATIC CODING PROCESS

1 Interview with A

2 Female, 50s

3 Via Zoom

4 3/19/2022

5 Interviewer in *itals*; interviewee in **bold**.

---

6 *I appreciate so much your taking the time to meet with me today.*

7 **It's my pleasure.**

8 *As I explained in our emails, I would like to talk with you for approximately one hour, and our*  
9 *interview will be audio recorded in full to allow for future transcription. I will provide you with a*  
10 *copy of the transcript when it is available and will invite your feedback as to content and*  
11 *accuracy. Do I have your permission to record the interview?*

12 **Yes. Definitely.**

13 *As we discussed earlier, your participation in this study will be known only to me. You can*  
14 *decide to withdraw from the study at any time and for any reason. In the transcript, any related*  
15 *notes, and the final manuscript, a pseudonym will be used instead of your actual name, and any*  
16 *demographic information that is included will be vague enough so that you cannot be identified.*

17 *Is all of that acceptable?*

18 **Sounds good!**

19 *Okay, thanks. Some background – I am a licensed couple/family therapist and a doctoral student*  
20 *at Antioch University. The clients I typically work with may exhibit similar characteristics and*  
21 *be experiencing similar issues as the clients in your family law practice. It's possible that we*  
22 *might even work with the same people.*

23 **I wish more of my clients reached out to therapists!**

Commented [MOU1]: Supports tx for clients

24 *I'd be interested in hearing more about that – can we bookmark it for later in the interview?*

25 **Sure.**

26 *I will maintain the strictest level of confidentiality in regards to any client information or*  
27 *situations that may be discussed in this interview, just as I would in the therapy room. However,*  
28 *as a mandated reporter it will be my professional responsibility to report to the appropriate*  
29 *authorities any suspicions of neglect or abuse to a child or vulnerable adult. Is that agreeable to*  
30 *you?*

31 **Of course.**

32 *I will be asking questions about your family law practice, including background information,*  
33 *and would like to learn about some of the positive aspects of your work as well as any challenges*  
34 *and demands you experience. I'll be working from a script of prepared questions, as I'm doing*  
35 *now, but we may want to go into greater detail about a topic.*

36 *Do you have any questions before we begin the interview?*

37 **No – it all makes sense. The project sounds interesting and I'm happy to help.**

38 *Thank you!*

39 *So to start.... What factors influenced your interest in family law as one of your specialties?*

40 Family law has always felt like **important work**. I liked the idea of **helping people in a very**  
 41 **direct way, I think**. Divorces and custody issues impact clients in a very personal way and  
 42 **when the process works well I feel like I have helped the client put their life together in a**  
 43 **way that will support them going forward. I wanted to help queer clients because I could**  
 44 **see that there was a need, especially as civil unions and then marriage became part of the**  
 45 **law for queer people. It seemed like we worked so hard to permit same-sex marriages but**  
 46 **forgot that there would also be divorces, and some of the issues involved can be kind of**  
 47 **unique.**

Commented [MOU2]: Family law is important work

Commented [MOU3]: Help people directly

Commented [MOU4]: Need for queer-friendly services

Commented [MOU5]: Some issues unique to queer couples

48 *Have you ever practiced another area of law or considered switching specialties?*

49 My firm's work covers a range of specialties. Civil cases, family law. Over the years I have  
 50 **kind of settled into primarily family law. It used to be more broad-based, more kind of**  
 51 **eclectic.**

Commented [MOU6]: Evolution from several specialties to mostly family law

52 *Can you describe feelings of personal satisfaction you may derive from your profession?*

53 Clients sometimes come in **scared and confused**. Probably no one ever really expects to find  
 54 **themselves in a lawyer's office to help resolve a domestic situation and they may not know**  
 55 **what to do, which can help explain the fear. Sometimes a client is afraid that their ex has**  
 56 **the power to take everything away from them, money, house, kids. They may have heard**  
 57 **awful stories. Just explaining how the state laws work and some of what they should be**

Commented [MOU7]: Clients scared, confused

Commented [MOU8]: Clients don't know what to do

Commented [MOU9]: Client afraid of losing everything

Commented [MOU10]: Heard awful stories

- 58 able to expect, and what they have the right to ask for, can be empowering for a client and
- 59 help them relax at least a little.
- 60 *Are you married?*
- 61 **I am.**
- 62 *Have you ever gone through a divorce? Do you have children?*
- 63 I have adult children. I've never been divorced and never want to be!
- 64 *Wow, you said that so emphatically!*
- 65 It came out kind of strong! Sorry about that! I guess if I needed to get a divorce I would
- 66 move forward and make it happen, but I'm glad it doesn't seem to be on the agenda.
- 67 *Do you do any contractual work with the family court, any DCF-related cases?*
- 68 A lot, actually. For a long time now. Those can be tough cases because of what these kids
- 69 and their families are going through. Lots of times it's hard to find an outcome that feels
- 70 good. And the cases are getting more complex, and there are more of them.
- 71 *How generally do you obtain clients, other than the court-mandated ones?*
- 72 Mostly they find me. It's a small community and there aren't that many family attorneys.
- 73 Often someone might be hoping for a female attorney, or someone who is queer-friendly,
- 74 and that's where word-of-mouth comes in. People are often referred by past clients. Our
- 75 firm does some community outreach to be visible, but mostly clients are motivated to find
- 76 us.

Commented [MOU11]: Learning realities of law can be empowering for client

Commented [MOU12]: Information helps reduce client anxiety

Commented [MOU13]: Married

Commented [MOU14]: Has children (adult)

Commented [MOU15]: Never divorced

Commented [MOU16]: Wouldn't want divorce

Commented [MOU17]: Does DCF cases

Commented [MOU18]: DCF cases are tough

Commented [MOU19]: Can be hard to find a satisfactory outcome

Commented [MOU20]: DCF cases getting more complex

Commented [MOU21]: More DCF cases than before

Commented [MOU22]: Clients find the attorney

Commented [MOU23]: Effect of small community

Commented [MOU24]: Not many local family attorneys

Commented [MOU25]: Preference for female attorney

Commented [MOU26]: Preference for queer-friendly attorney

Commented [MOU27]: Past client recommendations

77 *How are family attorneys such as yourself and your colleagues regarded by attorneys who*  
78 *practice other specialties?*

79 **Oh boy. It can be a little tricky. I get a lot of put-downs that don't really sound like put-**  
80 **downs, but they are, right? A lot of 'oh, I could never do that kind of work.' Kind of**  
81 **superior. I remember someone at a conference calling family attorneys 'social workers' in a**  
82 **put-down kind of way. But there are also other attorneys who admire my being able to do**  
83 **this work for so many years. Lots of attorneys are former family attorneys, but it got too**  
84 **intense or complicated, you know?**

Commented [MOU28]: Put-downs from attorneys in other specialties

Commented [MOU29]: Some admiration from other attorneys

Commented [MOU30]: Some attorneys leave family practice

85 *That's interesting. Why have some of them gone to other specialties?*

86 **People can burn out. Clients can be demanding and very emotional and erratic. Lots of**  
87 **times clients will listen to what their friends or family tell them and want to do that, even if**  
88 **the attorney explains why that might not be the best strategy. And the stories you hear can**  
89 **be a real lot. It can really wear on you.**

Commented [MOU31]: Burn out

Commented [MOU32]: Demanding clients

Commented [MOU33]: Emotional clients

Commented [MOU34]: Clients may take advice from family, friends

Commented [MOU35]: Trauma narratives from client

90 *Are there any dynamics you experience practicing family law in a small town?*

91 **You mean compared to a larger city?**

92 *Yes, exactly.*

93 **You sure run into people a lot! Usually that's okay, but it can be hard to live your life and**  
94 **send your kids to school and have so much overlap between work and family life. I wonder**  
95 **sometimes about the ex-partners of my clients, especially the ones I haven't seen and can't**  
96 **recognize, because I hear from my clients a lot that they might blame me for what's**

Commented [MOU36]: Run into colleagues and clients in small town

Commented [MOU37]: Overlap between home and work

- 97 happening in their lives, if they are losing custody or don't like the way a settlement is  
 98 going.
- 99 *Have you ever felt challenged directly by an opposing spouse or other family member or  
 100 interested party?*
- 101 It has happened a few times. In court you can get some pretty harsh looks from the  
 102 opposing party, but I just take reasonable precautions and don't worry too much about  
 103 that. There have been times when I've encountered someone in public or they have come to  
 104 the office to drop something off and been nasty to the administrative staff, and that feels  
 105 more worrying.
- 106 *What do you find most rewarding about your profession?*
- 107 Oh definitely helping clients who need support and direction. I like the feeling of someone  
 108 ending up on more solid ground.
- 109 *What feels less rewarding about your profession?*
- 110 Sometimes clients are unrealistic about what their goals are. Sometimes they want  
 111 vengeance. A few clients really have been out to ruin the ex-spouse, to retaliate for an affair  
 112 or something like that. Some people use their kids as tools to manipulate or punish the  
 113 other parent. I really hate that. When there has been domestic violence I get really  
 114 concerned. It can be so traumatic and sad and scary. And usually I know the opposing  
 115 attorney and have a good working relationship, but sometimes there can be a lot of friction.  
 116 It feels almost like I'm my client and the other attorney is the opposing client and we are
- Commented [MOU38]: Safety worries regarding opposing parties
- Commented [MOU39]: Attorney reports challenging behavior from opposing party
- Commented [MOU40]: Harsh looks in court
- Commented [MOU41]: Opposing party in office or in public is more worrying
- Commented [MOU42]: Helping clients is a major reward
- Commented [MOU43]: Clients goals can be unrealistic
- Commented [MOU44]: Some clients want vengeance
- Commented [MOU45]: Using kids as tools to punish or manipulate
- Commented [MOU46]: Domestic violence is major concern
- Commented [MOU47]: Most attorney work is collegial
- Commented [MOU48]: Sometimes transference between attorneys

117 **having the same dynamic they are! It can be bizarre. There are just so many ways that this**  
 118 **work can be stressful.**

Commented [MOU49]: Stressful work

119 *What do clients tend to expect of you in your professional role? Do clients ever expect more of*  
 120 *you professionally than legal advocacy?*

121 **Sure – sometimes I feel like a mommy, and sometimes I think the client might want me to**  
 122 **be a therapist. You know, clients come here and lots of times they can't eat, can't sleep, are**  
 123 **so stressed out lots of the time, maybe lose a lot of weight, maybe drink too much,**  
 124 **whatever. I can help them legally, but I can't help with the emotional stuff, except to help**  
 125 **them get it all resolved so that they can move on.**

Commented [MOU50]: Attorney as mommy

Commented [MOU51]: Attorney as therapist

Commented [MOU52]: Clients experience extreme emotions but attorney can't really help

126 *What type(s) of clients or cases do you enjoy representing, and what clients or cases do you*  
 127 *enjoy less?*

128 **I hate, hate, hate divorces that go on forever. Some go on for years. It destroys everybody,**  
 129 **especially the kids. Of course you don't know at the outset that you're still going to be there**  
 130 **maybe years later! Clients who don't listen, keep changing their minds, who are not**  
 131 **cooperative with parenting, those are hard. People who let their egos get in the way of what**  
 132 **might be best for everyone. People who just want to win at all costs.**

Commented [MOU53]: Dislikes high-conflict, drawn-out divorces

Commented [MOU54]: Dislikes working with uncooperative clients

Commented [MOU55]: Dislikes ego-driven clients who just want to win

133 *Who do you enjoy representing?*

134 **People who want to be reasonable. Who put their kids' interests first. Who can meet,**  
 135 **mediate, talk about what's to everyone's benefit.**

Commented [MOU56]: Likes working with reasonable, collaborative clients

136 *What might be reasons for refusing to represent a client?*

138 have involved **domestic violence**. I've done cases like that, and it is so traumatic and  
 139 painful, and I am really sympathetic and outraged, but honestly I don't feel like I am the  
 140 best attorney for those cases. I've **heard so many stories** about the lawyer not feeling safe,  
 141 needing to get a no trespass order, be on guard, things like that – I do not want to go there.  
 142 But saying that, the DCF work I do often involves child abuse and I take those cases, but –  
 143 it **takes a toll sometimes**.

Commented [MOU57]: Attorney tries to avoid domestic violence-impacted cases

Commented [MOU58]: Heard negative stories

Commented [MOU59]: DCF cases take an emotional toll

144 *How do you manage situations in which a client might expect you to take a position that you may*  
 145 *think is not beneficial for your client or their family members? How do you manage this with the*  
 146 *client and in court?*

147 **It happens all the time**. I can't make anybody do anything, and often there are lots of  
 148 people giving the client advice. I explain how the issue looks from my perspective and we go  
 149 from there.

Commented [MOU60]: Often clients don't take attorney advice

150 *What collaborations, such as with other members of the legal community or other related*  
 151 *providers, do you utilize to discuss case dynamics and obtain support?*

152 My **colleagues in the practice** are good for running things past. They do the same kind of  
 153 work – they get it. Some of the **court personnel** have become friends. The **administrative**  
 154 **staff, sometimes**. It depends. But there is a lot that I need to keep to myself to protect my  
 155 client.

Commented [MOU61]: Collaboration with colleagues

Commented [MOU62]: Some support from court personnel

Commented [MOU63]: Some emotional support from admin staff

156 *How aware are your friends and family members of any feelings of stress you may have from*  
 157 *your work?*



158 **Sometimes I think they can tell I'm stressed, but I try to keep those feelings at work. I don't**  
 159 **bring work home too much, and I don't really want to talk about it when I'm home.**

Commented [MOU64]: Attorney tries to maintain boundaries between work and home

160 *Have you ever been threatened by a party to a case?*

161 **I have. Divorces and custody issues can be mean and people can feel that you're out to get**  
 162 **them. I've been called a few pretty lousy things.**

Commented [MOU65]: Verbal abuse from opposing parties

163 *Have you had concerns about your personal or professional safety?*

164 **Nothing has ever happened, if that's what you mean. But when someone is calling you a**  
 165 **terrible person, if they think you are damaging their life – you worry about that, right?**

Commented [MOU66]: Ongoing safety worries but no occurrences

166 *Do you consider yourself to be well-known as a member of the local community?*

167 **I try to fly under the radar! At home I'm not very social. I do things with my spouse and**  
 168 **my kids, and a few friends. But I'm not the kind of person who is all over town, you know?**

Commented [MOU67]: Not visible in community

169 *What safety precautions do you follow in your personal and professional life?*

170 **I tend to be super-careful. I always lock my car, at home, at the office. I don't like to work**  
 171 **late alone in the office. If there's a party I have concerns about I try to always walk to and**

Commented [MOU68]: Many safety procedures in place

172 **from the courthouse with another person. Sometimes I avoid the courthouse restroom**

173 **because it is shared with clients and there may be someone I don't want to risk running**

174 **into.**

175 *What might you do to de-stress after a particularly challenging day?*

176 **If it's nice out I like to take the dog for a long walk. It's such a stereotype, but I like to have**  
 177 **a drink. I watch dumb TV sometimes. I like to cook.**

Commented [MOU69]: Walk the dog to destress

Commented [MOU70]: Alcohol to destress

Commented [MOU71]: TV to destress

Commented [MOU72]: Cook to destress

178 *How do your colleagues manage their own stress?*

179 **It's all over the place. Some seem to manage so well, and there are some who have hit a lot**  
 180 **of problems with alcohol, weed, their own marriage challenges.... Some lawyers seem**  
 181 **happy, positive, funny and others are so unhappy and just not coping well.**

Commented [MOU73]: Some colleagues manage stress well

Commented [MOU74]: Problem drinking

Commented [MOU75]: Other substances

Commented [MOU76]: Personal challenges

182 *Are there places, situations, or services you might choose to avoid because of your occupation?*

183 **Like I said before, I'm not a social butterfly. If I go to a restaurant or even going to the**  
 184 **grocery store I kind of look around to see if there are clients or other parties, just so I'm**  
 185 **prepared. When my kids were younger and I was out with them I was very vigilant, but**  
 186 **now that's not really an issue.**

Commented [MOU77]: Was protective in public of kids when small

187 *How should law students prepare for a practice such as yours?*

188 **They have to be very realistic about how people behave – how they react – when they are**  
 189 **under a lot of stress. They should have a plan for managing their own stress, because it will**  
 190 **be there.**

Commented [MOU78]: Students need to be realistic

Commented [MOU79]: Students should make a plan for managing stress

191 *What professional collaborations might be important to explore to support providers and*  
 192 *clients?*

193 **I am in favor of anything that makes the process smoother and more humane. I like it when**  
 194 **clients go to therapy, but I've never actually made a referral. I have gone to a couple**  
 195 **therapists in the past to talk about my own stressful stuff, but I've ended up feeling like the**  
 196 **therapist didn't really understand my job or what I was feeling. Maybe I just went to thee**

Commented [MOU80]: Supports therapy for clients

197 **wrong people, I don't know. It would be good to have a place to take the emotions that**  
198 **come up, the clients' and sometimes mine.**

Commented [MOU81]: Sees value of therapy for attorneys

199 *What would you have liked to know when starting out?*

200 **I guess how really complicated and intense this work is. How you can be impacted by your**  
201 **clients' experiences.**

Commented [MOU82]: This work is complicated and intense.

Commented [MOU83]: This work takes a toll

202 *Is there anything else that feels important to include in this conversation?*

203 **Wow, I feel like we have covered it. This is a lot to think about.**

204 *What feedback do you have regarding my role as the interviewer and the content and direction of*  
205 *the interview?*

206 **I appreciate how organized and prepared you are. You asked some great questions. This**  
207 **was interesting.**

208 *Do you have any questions for me?*

209 **I can't think of any. Thank you so much!**

210 *Thank you very much for participating!*

211

212 **\*\* End of Interview \*\***

## APPENDIX E

**Preliminary Meaning Units**

Supports therapy for clients

Family law is important work

This can be very fulfilling work

Help people directly

Can really help people

Likes helping people

Great sense of accomplishment from the work

Family attorneys can also cause damage

Need for queer-friendly services

Some issues are unique to queer couples

Personal values reinforced by work

Evolution from several specialties to mostly family law

Has practiced many specialties

Some experience in larger city, large firm

Many specialties in past

General practice is disappearing

Initial training was in family law

First exposed to family law in law school

Began as DCF caseworker

Has done GAL work

Was long-time DCF attorney

Ideas re different methods in negotiations

Clients scared, confused

Clients are emotional, scared, angry, confused

Attorneys are working with a family's most precious assets – their future, their children, their children's children

Worst time in a family's life

Clients don't know what to do

Clients don't know what to expect

Client afraid of losing everything

Cases are complicated

Cases can be unpleasant

Clients have heard awful stories

Learning realities of law can be empowering for client

Attorney stance: No judgment, just the facts

Information helps reduce client anxiety

Uses past experiences to guide clients

Satisfying work

Hard work

Went from loving to hating the work

Was very unhappy doing court work

Private practice was an alternative to working for state

Married

Married

Married

Not married

Has children (adult)

Grown children

Grown stepchildren

No children

Never divorced

Never divorced

Never divorced

Has been divorced

Has been divorced

Wouldn't want divorce

Own divorce taught importance of getting divorced well

Value of humane, matter-of-fact divorce

Mediation was very helpful in attorney's divorce

Supportive friend who was psychotherapist really helped in attorney's divorce

Does DCF cases

DCF cases

DCF cases

No DCF work.

No DCF cases

Has worked as a GAL

No DCF cases were involved in GAL work

DCF cases are tough

Can be hard to find a satisfactory outcome

Tries to keep caseload low-stress

DCF cases getting more complex

DCF – every case was a tough case

More DCF cases than before

Clients find the attorney

Clients seek out the attorneys

Finds clients through word of mouth

Clients via word of mouth, referrals

Effect of small community – only so many family attorneys

Maintains low online profile

Small town – value of good reputation

Family therapy is a good fit for small-town practice

Not many local family attorneys

Not many family attorneys in town

Client. preference for female attorney

Preference for queer-friendly attorney

Past client recommendations

Clients value word of mouth

Referrals

Put-downs from attorneys in other specialties

Some highly emotional cases are intimidating for attorneys in other specialties

“I can’t do what you do”

Family law perceived as touchy-feely, not really law

Too much drama for many attorneys

Perception that family law is too messy

Perception that family attorneys profit on human misery

Family law seen negatively by law school colleagues

Family law looked down on

Looked down on family law

Sometimes feels looked down on by other attorneys

Perception that it’s messy work

Perception that it’s unimportant work

Less lucrative, per family attorney

Perception that it’s not lucrative

This work is always in big demand, no economic downturns

Income much lower than law school colleagues

The work is lucrative

Assumption that this is women’s work

Some admiration from other attorneys

Some attorneys leave family practice

Very complicated work

Similarities between family law and contractual law

Sees divorces as a business deal

Drafting laws is similar to separation agreements



Tiring work

Burnout

Unmotivated clients

Feeling of hopelessness is very challenging

Demanding clients

Emotional clients

Tries to avoid emotional clients

Clients feel helpless

Clients in worst time of their lives

People get mad at attorney

Clients can be emotional

Clients may take advice from family, friends

Understands client autonomy but hopes it's not due to coercion or fear

Trauma narratives from client

Run into colleagues and clients in small town

Lack of privacy in small town

Everyone knows your family

Can feel too close

Overlap between home and work

Safety worries regarding opposing parties

Attorney reports challenging behavior from opposing party

'You can disagree but you don't need to be disagreeable'

Verbal harassment from opposing party

Harsh looks in court

Nasty looks in public

Opposing parties may blame me

Opposing party in office or in public is more worrying

Helping clients is a major reward

Helping people is a reward

The work helps people

Helping children as well as parents

Helping clients through worst times of their lives

Much personal satisfaction from the work

Family law really speaks to me

Clients goals can be unrealistic

Clients can be petty

Divorces can get mean and petty

Clients can be angry

Some clients want vengeance

Client may seek revenge against former spouse

Using kids as tools to punish or manipulate

Doesn't like using kids to manipulate

Sometimes good to let go of contentious issues

Importance of maintaining goodwill

Importance of building social capital

Helps to be creative

Value of humor

It's important how things are presented to a client

Process takes an emotional toll on kids

Domestic violence is major concern

Worries about domestic violence

Turns down dv cases

Only low-stress cases

Significant client fears

Most attorney work is collegial

Sees value in not disparaging opposing attorney

Attorneys can get enmeshed with their clients

Sometimes transference between attorneys

Attorneys can be drawn in and feel personal investment

Battles with other attorneys – can take it personally

Transference – opposing parties may see attorney as the problem

Stressful work

Attorney as mommy

Attorney as therapist

Attorney as therapist

Attorney as therapist

Clients experience extreme emotions but attorney can't really help

Divorce process not helpful in supporting children's needs

Dislikes high-conflict, drawn-out divorces

Doesn't like high-conflict divorce

Avoids adversarial cases

Does not like high-conflict cases

Turns down high-conflict cases

Dislikes working with uncooperative clients

Turns down if goals not realistic

Appreciates clients who can be rational and reasonable

Value of mediation

Importance of good GAL in complicated cases

Appreciates clients who can listen, cooperate

Appreciates thoughtful, reasonable clients

Dislikes ego-driven clients who just want to win

Some clients seek vengeance

Relies on instinct to steer away from some cases

Likes working with reasonable, collaborative clients

Might turn down case if client won't listen

Careful screening to avoid problematic situations

Some clients don't listen

Might turn down client based on instinct

Sad when clients can't act in their own best interest

Previously afraid to offer opinion to client

Now I'll tell client something is a bad idea

Coaches clients in adversarial cases

No real winners in court

Would like to practice collaborative divorce

Collab divorce allows people to work together, not as adversaries

Challenges for collaborative divorce are daunting in this state

Attorney tries to avoid domestic violence-impacted cases

Everyone has heard negative stories about encounters with opposing parties

DCF cases take an emotional toll

Reports vicarious trauma

Often clients don't take attorney advice

Collaboration with colleagues

Very tight circle of family attorneys in town

We know who's good and who's not

Much collaboration, especially with DCF cases

DCF work was very collaborative

Visitation supervisor as support

Familiarity between opposing attorneys

Values colleagues

Appreciates support from colleagues

Other attorneys as supports

Some support from court personnel

Familiarity with court personnel

Some emotional support from office staff

Attorney tries to maintain boundaries between work and home

Verbal abuse from opposing parties

Past verbal harassment

Many threats when doing DCF work

Negative encounters with opposing parties

Frequently blamed by opposing party

Some annoying harassment

Probable vandalism

Nasty voicemails

Has been blamed by clients

Recipient of threats because attorney represented the state in highly emotional cases

Has asked court officer to escort her to her car

Court officer there to support safety

Court officer will accompany atty out of the building

Being female makes you more vulnerable

Has heard about others who have received threats

Has not been threatened by opposing party

Some concerns about client being unsafe in court

Many safety protocols in place

Visibility led to safety concerns

Might actually feel less safe in a larger community because lack of personal supports

In small towns they have your back

Safety concerns mean sometimes meeting in public places

Office location confidential

Not visible in community

Is not visible in community

Tries to be private in community

Privacy as safety measure

Importance of community visibility

Value of small community

Small-town visibility can be good for business

Sometimes feels solitary

Values being prominent member of community

Sometimes too visible

Worried about safety of kids

Good quality of life in small town

Values working in small town

Works alone

Attorney has control over scheduling, pace, choice of clients

Lower-stress work has been helpful

Dog comes to work

Lives out of town

Lives at a distance from work

House is somewhat hard to find

Family is aware of attorney's stress

Wife is supportive and understanding

Talks with spouse to de-stress

Family is very vigilant about attorney's stress level

Can't talk about work problems at home

Doesn't talk about work stress

Boundaries between work and home

Many safety procedures in place

Safety protocols at court

Is cautious in public

Safety protocols in public

Walk the dog to de-stress

Walks dog to de-stress

Dog was helpful to de-stress

Colleagues use physical exercise to de-stress

Colleagues utilize outdoors to de-stress

Run to de-stress

Attorneys using running to de-stress

Spends time outside to de-stress

Gardening to de-stress

Gardening to de-stress

Has used Legos to de-stress

Swimming to de-stress

Kayak

Kayak to de-stress

Podcasts to de-stress



Alcohol to de-stress

Previous alcohol to relieve stress

Careful with alcohol

Past reliance on alcohol to de-stress

Alcohol became a major problem

Alcohol use escalated

TV to destress

Socialize to de-stress

Cook to de-stress

Other attorneys de-stress in many ways, positive and negative

Some colleagues manage stress well, others not so well

Some colleagues manage stress well

Some attorneys seem to have found a good work/home balance

Stress levels were overwhelming when doing court work.

Past rehab

State bar was supportive and helpful

Now is sober

Problem drinking (other attorneys)

Lots of alcohol use in colleagues

Some major alcohol problems

Colleagues may drink

Other substances (other attorneys)

Colleagues use other substances

Colleagues utilize AA

AA

AA is a support

Some attorneys in recovery

Many lawyers, court personnel at AA

Attends AA meetings in different town

Personal/relationship challenges (other attorneys)

Mood challenges in attorneys

Was diagnosed with PTSD

‘Therapist labeled it vicarious trauma’

Students need to be realistic

Students should not be idealistic

Important to be realistic about this work

Students should intern in family law office

Students should make a plan for managing stress

Knowing how to manage stress is important

Students should immerse themselves in the work

Supports therapy for clients

Therapy for client

Court-mandated client therapy often doesn’t help

Value of therapy for clients and attorneys

Complicated emotions best left to family therapists

Sometimes emotional content can provide an edge in litigation

Curiosity about what family therapists do

Sees value of therapy for attorneys

Goes to therapy

In therapy

Therapist is a support

Therapists as supports

Sees therapist for vicarious trauma

Has conversations about compassion fatigue

Therapy is very helpful

Therapy before it's a crisis

Going to a therapist's office feels too visible

Not confident about working with a therapist

Strong interest in collaborative divorce – supportive for attorney

Likes collaborative divorce model

Doesn't do collaborative divorce but would like to

This work is complicated and intense.

Has taken time and work to structure a practice that is lower-stress

Be proactive in scheduling

Build up social capital with other attorneys

Be collaborative and exchange value with other attorneys

Transactional goodwill leads to trust between attorneys

Time blocking helps reduce stress

Maintain boundaries between home and work

Getting emotionally involved make an attorney less effective

Boundaries around emotionality

Law school doesn't help manage emotions

Be aware of vicarious trauma

Vicarious trauma is real

Cautious with alcohol

This work takes a toll

This work takes a toll

The work still feels good

## APPENDIX F

## Final Meaning Units

**Demographics:**

5 participants

3 female, 2 male

2 in 40s, 2 in 50s, 1 in 60s

**(Duplicate/similar responses are indicated with /)****What factors influenced your choice of family law as your specialty/one of your specialties?**

Family law is important work

Helps people directly / Can really help people / Likes helping people

Great sense of accomplishment from the work / This can be very fulfilling work

Personal values reinforced by work

Need for queer-friendly services

Some issues are unique to queer couples

**Have you ever practiced another area of law? If so, what?**

Evolution from several specialties to mostly family law / Has practiced many specialties / Many specialties in past

Some experience in larger city, large firm

General practice is disappearing

Initial training was in family law / First exposed to family law in law school

Began as DCF caseworker

Has done GAL work

**Have you ever considered switching specialties? If so, why?**

Was long-time DCF attorney / Private practice was an alternative to working for state

Went from loving to hating the work when worked for state

Was very unhappy doing DCF/court work

**Describe areas of personal satisfaction you may derive from your profession.**

Clients scared, confused / Clients are emotional, scared, angry, confused

Attorneys are working with a family's most precious assets – their future, their children, their children's children

Worst time in a family's life

Clients don't know what to do / Clients don't know what to expect

Client afraid of losing everything / Clients have heard awful stories

Cases are complicated

Cases can be unpleasant

Learning realities of law can be empowering for client / Information helps reduce client anxiety

Attorney stance: No judgment, just the facts

Uses past experiences to guide clients

Satisfying work

Hard work

**Are you married?**

In first marriage – 2

In second marriage - 2

Never married – 1

**Have you ever gone through a divorce?**

Been divorced – 2 (both remarried, report happiness)

Wouldn't want divorce

Own divorce taught importance of getting divorced well

Value of humane, matter-of-fact divorce

Mediation was very helpful in attorney's divorce

Supportive friend who was psychotherapist really helped in attorney's divorce

Divorce accompanied professional struggles

**Do you have children?**

Has children (adult) – 3 attorneys

Grown stepchildren – 1 attorney

No children – 1 attorney

Has non-adult children. – 1 attorney

**How do you obtain clients?**

Clients find the attorney / Clients seek out the attorneys

Finds clients through word of mouth / Clients via word of mouth, referrals / Past client recommendations / Clients value word of mouth / Referrals

Effect of small community – only so many family attorneys / Not many local family attorneys /

Not many family attorneys in town

Client preference for female attorney

Preference for queer-friendly attorney

**Do you have any contractual work with the family court, such as DCF-related cases?**

Does DCF cases – 3 attorneys

No DCF work – 2 attorneys

Was long-time DCF attorney but no longer

Has worked as a GAL, but not with DCF cases

DCF cases are tough / DCF – every case was a tough case

Can be hard to find a satisfactory outcome

Tries to keep caseload low-stress

DCF cases getting more complex

More DCF cases than before

**How are family attorneys such as yourself regarded by attorneys who practice other specialties?**

Put-downs from attorneys in other specialties

Some highly emotional cases are intimidating for attorneys in other specialties / Too much drama for many attorneys / Perception that family law is too messy / Perception that it's messy work

Family law perceived as touchy-feely, not really law

Perception that family attorneys profit on human misery

Family law seen negatively by law school colleagues / Family law looked down on / Looked down on family law / Sometimes feels looked down on by other attorneys

Perception that it's unimportant work

Assumption that this is women's work



Less lucrative, per family attorney / Perception that it's not lucrative / Income much lower than law school colleagues

The work is lucrative

Some admiration from other attorneys / "I can't do what you do" / "I can't do what you do"

**What are some of the benefits and challenges of practicing family law in a small town?**

Benefits:

In small towns they have your back

Value of small community / Values working in small town / Good quality of life in small town

Small-town visibility can be good for business

Works alone and likes it

Small town – value of good reputation

Family therapy is a good fit for small-town practice

Might actually feel less safe in a larger community because lack of personal supports

Challenges:

Some attorneys leave family practice because they feel too visible / Sometimes too visible

Sometimes feels solitary

Lack of privacy in small town / Can feel too close

Everyone knows your family

Overlap between home and work

Safety worries regarding opposing parties

Worried about safety of kids

Family attorneys can also cause damage – important to remember in small community

**What do you find most rewarding about your profession?**

This work is always in big demand, no economic downturns

Helping clients is a major reward / Helping people is a reward / The work helps people / Helping clients through worst times of their lives

Helping children as well as parents

Much personal satisfaction from the work

Family law really speaks to me

**What feels less rewarding about your profession?**

Tiring work

Burnout

Unmotivated clients

Feeling of hopelessness is very challenging

Demanding clients

Emotional clients / Tries to avoid emotional clients / Clients can be emotional / Clients experience extreme emotions but attorney can't really help

Clients feel helpless

Clients in worst time of their lives

People get mad at attorney / Clients can be angry\

Trauma narratives from client

Clients goals can be unrealistic

Clients can be petty / Divorces can get mean and petty

Some clients want vengeance / Client may seek revenge against former spouse

Using kids as tools to punish or manipulate / Doesn't like using kids to manipulate

Sometimes good to let go of contentious issues

Divorce process not helpful in supporting children's needs

No real winners in court

**What do clients tend to expect of you in your professional role? Do clients ever expect more of you professionally than legal advocacy? What requests might they make?**

Attorney as mommy

Attorney as therapist / Attorney as therapist / Attorney as therapist

**What type(s) of clients or cases do you enjoy representing? What clients or cases do you enjoy less? What might be reasons for refusing to represent a client?**

Enjoy:

Appreciates clients who can listen, cooperate / Appreciates thoughtful, reasonable clients / Likes working with reasonable, collaborative clients / Appreciates clients who can be rational and reasonable

Enjoy Less:

Dislikes ego-driven clients who just want to win

Some clients seek vengeance

Significant client fears can block legal progress

Dislikes working with uncooperative clients

Reasons to Refuse:

Relies on instinct to steer away from some cases / Might turn down client based on instinct

Might turn down case if client won't listen / Some clients don't listen

Careful screening to avoid problematic situations

Domestic violence is major concern / Worries about domestic violence / Turns down dv cases

Only low-stress cases / Dislikes high-conflict, drawn-out divorces / Doesn't like high-conflict divorce / Avoids adversarial cases / Does not like high-conflict cases / Turns down high-conflict cases

Turns down if goals not realistic

**How do you manage situations in which a client might expect you to take a position that you may think is not beneficial for your client or their family members? How do you manage this with the client and in court?**

Often clients don't take attorney advice

Clients may take advice from family, friends instead of attorney

Understands client autonomy but hopes it's not due to coercion or fear

Sad when clients can't act in their own best interest

Previously afraid to offer opinion to client but now I'll tell client something is a bad idea

**Have you ever felt challenged by an opposing spouse or other family member or interested party?**

Attorney tries to avoid domestic violence-impacted cases because of safety concerns

Everyone has heard negative stories about encounters with opposing parties

**What collaborations, such as with other members of the legal community or other related providers, do you utilize to discuss case dynamics and obtain support?**

Collaboration with colleagues / Very tight circle of family attorneys in town / We know who's good and who's not / Familiarity between opposing attorneys / Values colleagues / Appreciates support from colleagues / Other attorneys as supports

Much collaboration, especially with DCF cases / DCF work was very collaborative

Visitation supervisor as support

Some support from court personnel / Familiarity with court personnel

Some emotional support from office staff

Value of mediation

Importance of good GAL in complicated cases

Coaches clients in adversarial cases

Would like to practice collaborative divorce / Collaborative divorce allows people to work together, not as adversaries / Logistical challenges for collaborative divorce are daunting in this state

**How aware are your friends and family members of any feelings of stress you may have from your work?**

Family is aware of attorney's stress / Family is very vigilant about attorney's stress level

Wife is supportive and understanding / Talks with spouse to de-stress

Can't talk about work problems at home / Doesn't talk about work stress / Boundaries between work and home

**Have you ever been threatened by a party to a case?**

Attorney reports challenging behavior from opposing party

'You can disagree but you don't need to be disagreeable'

Verbal harassment from opposing party

Harsh looks in court

Nasty looks in public

Opposing parties may blame me

Opposing party in office or in public is more worrying than in court

**Have you had concerns about your personal or professional safety?**

Verbal abuse from opposing parties / Past verbal harassment

Many threats when doing DCF work

Negative encounters with opposing parties

Frequently blamed by opposing party / Has been blamed by clients

Some annoying harassment / Probable vandalism / Nasty voicemails

Recipient of threats because attorney represented the state in highly emotional cases

Has asked court officer to escort her to her car / Court officer there to support safety / Court officer will accompany attorney out of the building

Being female makes you more vulnerable

Has heard about others who have received threats

Has not been threatened by opposing party

Some concerns about client being unsafe in court

**Do you consider yourself to be well-known as a member of the local community?**

Not visible in community / Is not visible in community / Tries to be private in community /

Privacy as safety measure

Importance of community visibility / Values being prominent member of community

**What safety precautions do you follow in your personal and professional life?**

Attorney tries to maintain boundaries between work and home

Attorney has control over scheduling, pace, choice of clients

Lower-stress work has been helpful

Dog comes to work

Lives out of town / Lives at a distance from work / House is somewhat hard to find

Many safety procedures in place / Many safety protocols in place / Safety protocols at court / Is cautious in public / Safety protocols in public

Maintains low online profile

Safety concerns mean sometimes meeting in public places

Office location confidential

**What might you do to de-stress after a particularly challenging day?**

Walk the dog to de-stress / Walks dog to de-stress / Dog was helpful to de-stress

Run to de-stress

Spends time outside to de-stress

Gardening to de-stress / Gardening to de-stress

Has used Legos to de-stress

Swimming to de-stress

Kayak / Kayak to de-stress

Podcasts to de-stress

Alcohol to de-stress / Previous alcohol to relieve stress

Careful with alcohol / Past reliance on alcohol to de-stress

Alcohol became a major problem / Alcohol use escalated

TV to destress

Socialize to de-stress

Cook to de-stress

Past rehab due to alcohol reliance / State bar was supportive and helpful / Now is sober

AA is a support for stress

**How do your colleagues manage their own stress?**

Colleagues use physical exercise to de-stress

Colleagues utilize outdoors to de-stress

Attorneys using running to de-stress

Other attorneys de-stress in many ways, positive and negative / Some colleagues manage stress well, others not so well / Some colleagues manage stress well / Some attorneys seem to have found a good work/home balance

Stress levels were overwhelming when doing court work for me and colleagues

Problem drinking (other attorneys) / Lots of alcohol use in colleagues / Some major alcohol problems / Colleagues may drink

Other substances (other attorneys) / Colleagues use other substances

Colleagues utilize AA / AA / Some attorneys in recovery / Many lawyers, court personnel at AA

Personal/relationship challenges (other attorneys)

**Are there places, situations, or services you might choose to avoid because of your occupation?**

Attends AA meetings in different town

Visibility led to safety concerns

Run into colleagues and clients in small town

Scan the room before entering public place

Office location is confidential

**How should law students prepare for a practice such as yours?**



This work is complicated and intense / Very complicated work / Stressful work

Has taken time and work to structure a practice that is lower-stress

Be proactive in scheduling

Build up social capital with other attorneys / Importance of maintaining goodwill / Importance of building social capital / Be collaborative and exchange value with other attorneys / Transactional goodwill leads to trust between attorneys / Most attorney work is collegial

Time blocking helps reduce stress

Maintain boundaries between home and work

Getting emotionally involved make an attorney less effective / Boundaries around emotionality

Law school doesn't help teach students to manage emotions

Be aware of vicarious trauma / Vicarious trauma is real

Cautious with alcohol

This work takes a toll / This work takes a toll

The work still feels good

Students need to be realistic / Students should not be idealistic / Important to be realistic about this work

Students should make a plan for managing stress / Knowing how to manage stress is important

Students should intern in family law office / Students should immerse themselves in the work to really understand the challenges

Helps to be creative

Value of humor

It's important how things are presented to a client

Process takes an emotional toll on kids

Similarities between family law and contractual law

Sees divorces as a business deal

Drafting laws is similar to separation agreements

**What professional collaborations might be important to explore to support providers and clients?**

Supports therapy for clients / Therapy for client / Supports therapy for clients

Court-mandated client therapy often doesn't help

Value of therapy for clients and attorneys

Complicated emotions best left to family therapists

Sometimes emotional content can provide an edge in litigation

Curiosity about what family therapists do

Sees value of therapy for attorneys

Goes to therapy / In therapy / Therapist is a support / Therapists as supports / Therapy is very helpful

Therapy before it's a crisis

Going to a therapist's office feels too visible

Not confident about working with a therapist

Sees therapist for vicarious trauma / Has conversations about compassion fatigue / Mood

challenges in attorneys / Was diagnosed with PTSD / 'Therapist labeled it vicarious trauma' /

Reports vicarious trauma

DCF cases take an emotional toll

Ideas re different methods in negotiations

Strong interest in collaborative divorce – supportive for attorney / Likes collaborative divorce model / Doesn't do collaborative divorce but would like to

**What would you have liked to know when starting out?**

Sees value in not disparaging opposing attorney

Attorneys can get enmeshed with their clients

Sometimes transference between attorneys / Attorneys can be drawn in and feel personal investment / Battles with other attorneys – can take it personally

Transference – opposing parties may see attorney as the problem

**Is there anything else that feels important to include in this conversation?**

No responses

## APPENDIX G

## Reflections from Journaling / Bracketing

The following expectations and assumptions were identified by the researcher as potential biases in the phenomenological research process:

**Expectation that female attorneys would report more security/privacy concerns than male attorneys.** Results showed that this didn't seem to matter. Two of three female attorneys reported moderate to significant attempts to be less visible, while one did not report this as a concern. Of the two male attorneys, one reported taking significant steps to maintain privacy, while the second reported only minor concerns.

**Expectation that there may be gendered differences in degree of comfort with high-stress divorces:** Perhaps this is true, but additional information would be useful. The two male respondents reported minimal to moderate comfort with high-stress cases. Of the three female respondents, one reported minimizing/avoiding these cases, and one was non-specific, while the third female respondent referenced a large number of current and past high-stress negotiations.

**Assumption that family law is less lucrative than other specialties:** This appears to be generally true, although one attorney stated specifically that her practice is very lucrative when compared to her previous work in other specialties.

**Expectation that local attorneys would have little familiarity with collaborative divorce and other non-adversarial approaches:** This assumption appeared to be false. Collaborative divorce was mentioned specifically by four of the five respondents, all favorably, though some

reported significant logistical and financial challenges involved in potentially instituting the process.

**Assumption that attorneys would be unlikely to seek therapy for themselves:** Two attorneys reported utilizing long-term therapy as a valued support, while others had not sought therapy. One respondent reported feeling uncomfortably visible at the thought of going to a therapist's office, while another had questions regarding potential disclosure of client information.

**Expectation that attorneys may be reluctant to be interviewed, or to provide personally vulnerable information:** This was not the case. While the five respondents exhibited different levels of conversation ranging from carefully answering each question to open, far-ranging conversation about their cases, careers, and personal lives, all appeared to find value in the questions and were cooperative with scheduling, logistics, and confidentiality measures as explained by the interviewer. Other attorneys were invited to participate but ultimately did not due to scheduling challenges.

## APPENDIX H

Interview with Barbara – Example of Situated Narrative

I've done everything except intensive criminal or real estate [law].

When I graduated from law school, I was a complete snob, and said "no way is [family law] really practicing law." I wanted to do impact litigation, and first amendment litigation, and really interesting, complex commercial litigation. ... I got burnt out on that.

... basically, when we do divorces, it's a business deal, I tell people. We are dividing property and taking into account the qualities of certain assets, and putting them down and trying to divide them fairly and in the end that's what the court wants to see. [My] earlier experience, drafting laws, is like drafting separation agreements. Or prenuptial agreements. It's all good, you know? It all comes together.

[Doing family law] the feeling that I had from that, the sense of accomplishment, was so profound, was so big, much more rewarding than anything else I had done in the law.

I help people through the worst times of their lives.

I just started doing [family law] exclusively, and frankly, started making a good deal of money.

I try very hard to keep the emotions in their place, because people will start using me as their therapist and I have to - y'know - box them off. As my own therapist says, "Stay in your lane!"

[T]his is a perennial issue that family lawyers have. Because, this is the tension: on the one hand, you don't want them to run up their bill, and also start using your time when I say that you should be with a therapist. On the other hand, sometimes, often, there are nuggets that you get from someone who is in crisis, who is so emotional, that are very important, and can be used strategically in litigation.

[In one case] I got [my client] sole legal and physical custody. And at the same time, we got [his] poor child, who's two years old and nonverbal, we got her all the kinds of services that she was gonna need. Speech therapy, autism assessments, everything that she needs because – I mean - it doesn't get better than that.

[My own divorce] underscored the importance of getting divorced well.

And doing it in a way that was most humane and matter-of-fact. One of my best friends, who is a very accomplished psychotherapist, when I was holding on – grasping onto, like, one of the final issues, she said “You're going to be fine! Let it go!” [That] bought so much goodwill from my ex-husband's family. And we are able to remain that way because of how the divorce was handled. And so that has enriched me so much. And my children. It has produced social capital, you know? For us. In spades.

In [County], there aren't too many of us [family attorneys]. So I would say [clients find me via] Google search. I also get referrals from former clients and from other attorneys. ... in this particular community, it's a very tight circle. And frankly, we know who's good and who's not, because we sit in court and we see them. ... it's really just this rich network that we have partly by virtue of numbers and by living in a small, tightly knit community.

I had one friend who told me “Oh, you're a family law attorney, you don't have to read case law.” In other words, the stereotypes are, it's all so touchy-feely. Okay? And therefore it's not really litigation.

The other thing I've gotten a lot – particularly from male attorneys – “I don't know. I could never do what you do. It's just too messy.” I said, “Hey – messy is my bailiwick.” You know? I couldn't do what you do. Frankly, it would bore me to tears. You know?

[A negative belief] is that family law attorneys profit on human misery, and have incentive to blow up cases, and ruin people's lives, because they are billing on an hourly basis. I've not encountered that personally, although I've heard some people say things about my colleagues in [TOWN] – “Oh yeah, she'll do all this work in a case, and then once they can't pay their retainer, boom! They're done.” So yeah, that is a negative thing that people say. And, I forget, the elephant in the room is that – the reason I was a snob in the beginning is I didn't think it was real law. But what I discovered is that it's what really speaks to me. And that it involves so much more than law, because law is such a crude tool to use in these situations, and what you have to do is be creative. You have to be creative, and educate, and persuade opposing counsel, and your clients.

I used to hesitate to tell clients what I think. Now I basically will tell them it's a bad idea. I know with my gut if it's gonna work or not. I feel much more confident now telling people “No, don't file that motion. It's gonna cost you x, it may result in y, and moreover, it can backfire.”

[Coaching]: [I.told my client] Look. You're a man. You're going to be seen as the aggressor. You just are. When it comes to DCF, she starts off on second base, you're at home plate. You just have to accept that. I'm going to help you manage that problem. You're going to take the anger out of your voice, you're going to keep your answers – this is me coaching him, how to deal with DCF – you're going to put honey in your voice, and you're always going to tell the truth. And he thought it was, like, the best thing I had ever told him.



[Transference] I have had people triangulate me into discussions with their spouses, and basically instead of arguing with the spouse, they argue with me as a bogey, like who they think I may be. It's very important as an attorney to tell your client "Look. Don't talk about me as much as possible, because this can happen." And I need to do a better job of that. "Don't trash-talk me or trash-talk the other person's attorney." So I have to be very careful of not trash-talking the opposing party's attorney.

[One Attorney] has reacted emotionally to [case dynamics] in ways that I've never seen and has been so inappropriate, and it's really sad. Now we have this meta-conflict occurring that prevents real [progress]. I have really turned down my temperature in the way I interact with [opposing attorney], and not react to him. Because he is a very articulate, smart attorney who I like, and that's the irony of it. When we get in such battles with other attorneys that we really do like, and then we're just so surprised when they turn around and they are complete -- not only, they start doing things that are so harmful to the divorce process and are counter-productive.

I've been in court with people, and I've actually physically put myself between -- there's not a restraining order, but the opposing party is so hostile, I feel that my client is unsafe. And all I have to do, because we know each other so [well,] is give a look to the court officer and he'll get in the middle. And he will also watch me. He said, "I'm gonna watch you go out to your car."

I would feel less safe in the big city because I wouldn't have a court officer watching me go out to my car. I feel like, in [CURRENT REGION], everyone -- they have my back. They really do.

The things that really help me [de-stress] are gardening, playing with dirt. And, swimming before the day begins. And time blocking. I try to use time blocking. When my kids were little, I would play with Legos. Literally. I talk to my spouse. And listen to his day, his stressful day.

I see a therapist for vicarious trauma. She has labeled it. And that's not -- that's not part of a diagnosis, but it's an understanding of why I am there and why I'm reacting these ways. And the treatment that we have structured for me helps a great deal... she and I talk about compassion fatigue, things like that.

[Supports]: Mediator -- I have never worked with somebody in high-conflict situations who was so smooth, was so good, I feel like I'm getting an education from being a part of this. So that's one thing.

[Other supports are] mainly the other attorneys and their having the attitude to disagree, but not be disagreeable. Finding people who have the maturity, and who don't get so enmeshed with their clients, and who will argue from a position of facts, and case law, and the law, and from a sense of what is going to be best for the life of the family and the life of the children. The attorneys who can come from that place, and combine all those elements, are the best. And we are blessed to have people who can do that. But the problem is, on any given day, you -- one of those elements can be weak, or like a cylinder not firing. And that is what can bring down the whole machine.

I ... use humor a lot. I [build] up that social capital with [colleagues]. It's about time that you put in with your colleagues. You can work more collaboratively, if you've developed that sense of trust and you've exchanged value with the other attorneys. It's almost like there has to be some kind of transactional goodwill in place for the collaborative stuff to happen. Otherwise there's no trust.

{I would tell prospective family therapists} That it could be some of the most fulfilling work they'll ever do in their lives, because they actually have the opportunity to shape lives for the better and help people for years and years to come. You also have the ability to do ill. It's an

awesome, awe-filled task, guiding families through the worst times in their lives, because they're making decisions that are going to set themselves up for the future, and their children, and their children's children. And to that extent, you're dealing with people's most precious assets, far beyond their bankruptcy assets or their contracts or whatever. That's what I would tell them.

---

---