



Ethical Issues in Family Representation

Barbara Glesner Fines

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Attorneys representing families and children face ethical dilemmas that are largely unaddressed by the rules of professional conduct. Where rules do address ethical issues in this context, they tend to appear as exceptions to the general rule. From the business aspects of crafting fee agreements for divorcing couples to the heart wrenching counseling dilemmas when an attorney faces family violence issues, the rules of conduct recognize that representing families and children is different than representation in many other areas. Family law attorneys serve in a variety of roles that have unique ethical demand: whether acting as a mediator, collaborator or guardian ad litem, attorneys must craft a set of standards for themselves out of a patchwork of ethics opinions, voluntary guidelines and occasional court decisions or rules. In *Ethical Issues in Family Representation*, Professor Barbara Glesner Fines provides an important resource to fill the regulatory gaps and resolve the ethical dilemmas. Through a combination of problems, readings, and primary source materials, the text examines the most common dilemmas of family law practice. The text is divided into seven topic areas: Practicing Family Law Good Ethics is Good Business (fees, unbundling & working with other paralegals); Competency (dealing with emotion, interdisciplinary practice); Clients and Conflicts (identifying the client, resolving common conflicts issues); Confidentiality (client capacity, dangerous clients, the client in danger); Special Issues in the Representation of Children (Resolving ambiguities in models of representation); Dispute Resolution Advocacy (litigation ethics, the special problem of the pro se litigant); Dispute Resolution (Negotiation, Mediation and Collaborative law). An appendix contains specialized standards of practice for the field. The text is an excellent resource for family law teachers to use in their courses and clinics and for the development of specialized courses in this field. For the family law attorney, the text will make an excellent deskbook resource for answering common dilemmas.

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