

Preparing Clients for Court

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Introduction

How we help

We provide support for clients when they are feeling emotionally raw and are trying to understand how the legal system can help. Emotional issues often get in the way of the lawyer/client relationship, causing additional stress to all parties. Our work aims to reduce that stress, thereby improving that relationship, for the benefit of all.

Clients have an initial two hour face to face meeting with us. Part of this time can be spent visiting the court and part discussing personal issues. Subsequent contact is by telephone or email. We have found that our clients benefit from ongoing support and review of any exercises we may have suggested.

Engagement with clients focuses on:

- The court setting.
- Legal personnel and their roles.
- The role they themselves play in their case – e.g. tell their story, don't argue.
- What the law can and cannot do for them.
- How to present themselves, answer questions and say what they want to say, not just what the other side wants.
- Personal issues e.g. anger; not being believed; trying too hard to prove a point; coping with stress.

Outcomes for lawyers

- Most solicitors saw the difference in their client when giving evidence.
- Most found it easier to take instructions.

- One solicitor said it was the best testimony he had ever seen.
- One commented that his client was more pragmatic and more realistic.

Outcomes for clients

- In our pilot scheme 100% of our clients said they were satisfied.
- All who visited the court said the court visit was very helpful.
- Some who had not visited court said they wished they had done so.
- All clients said they had a better understanding of their case, the legal process, and felt better prepared.
- All said they felt well supported emotionally.
- Most said they found it easier to "leave it behind".
- Of those who gave evidence, all said they performed better, and did not get annoyed or upset.

Case Study

Catherine (not her real name), 35, wrote to us:

'I would be interested in taking part in your pilot. I have two cases coming up and am divorcing my husband because of domestic violence. My life is in great turmoil but I am trying to act as strong as I can for the lovely children I have. Any help I can get would be gratefully received.'

At a meeting between Catherine, Shelagh and Kirsten, Shelagh focused on explaining the court process and what potential outcomes might be. Catherine was helped to face her potential worst outcome (the judge orders the father can have the children to stay overnight) and to understand that for a court to keep a father from seeing his children is a big decision – one where Catherine will need very good evidence to support her case.

Shelagh asked Catherine how she will feel and how might she behave if this happened. They agreed to talk on the phone and put some strategies in place to help with these fears before the hearing. It was also underlined that regardless of the outcome, Catherine needs to feel she did the best she could.

Two weeks before the hearing Catherine and Kirsten spent one and a half hours on a court familiarisation visit. Catherine wrote:

"I now have a mental picture of getting into the building... I know how it looks, I feel more confident now. The lawyers are calm and polite – completely the opposite from what I expected. I know now to keep calm and to the point, like you told me in our first session. I can understand that now. I feel as if I have my dignity."

Endless proceedings followed, and Shelagh kept up the support calls. Catherine remained strong despite her husband's abusive behaviour. Catherine wrote:

"Thank you for your call. ...I feel emotionally and financially drained by the whole experience, but am trying to keep positive and forward facing (and not try to look down!!!) Thank you for all your support and for listening and caring."

Two months later Catherine managed to secure medical notes on her husband which were very damning and spoke again with Shelagh who prepared for her for the next hearing. She focused on helping Catherine separate the facts from the emotions of the case, and employed strategies to help Catherine present the facts of her case.

By the time she was back in court, Catherine had gathered sufficient credible evidence from the contact centre and social workers to support her domestic violence allegations. At the end of the case she sent a text message:

'He was found guilty on the threat to kill... Thank u all your help. Judge commented on my ability to give evidence, which is down to u, so thank u!'

A few weeks later she wrote:

"Your service is truly valuable: it helped me enormously during the fact finding and I was able to put your good advice into practice. When I was in the court room, I tried to use your coping skills and advice about how I should speak; to ask for clarification; to repeat difficult questions and most importantly, how to present myself by keeping myself calm and my emotions suppressed during a highly emotive situation."

Many people might think that it is easy to keep calm, and eliminate their emotions but I found the experience of the court room really tested me. To listen to others discuss/question events that happened to me or Robert was extremely difficult, at times I could almost feel myself back in those situations (I guess a bit like flashbacks) and because of the nature of the discussions I would feel quite 'battered and bruised' every time I walked out of the court room. Luckily for me, I had good support with me at the court and my Solicitor and Barrister ensured that conversation about the proceedings were kept to a minimum (outside the court room) to allow time for more light-hearted conversation. I think that this also allowed me time to recover before going back into court."

I can see myself using some of your advice with future CAFCASS meetings. I really hope that the courts and lawyers see how valuable this service is."

Catherine's solicitor was Sylvia Parsonage of Parsonage and Co who wrote to us outlining her experience of working with a client using our divorce support service:

"Catherine had young children and the case involved domestic abuse -- she desperately needed support and help to face the

endless court hearings, and the emotional strain she was under. The help she needed was outside the confines of my role as her lawyer. I could advise her on the law, try to ensure she made the right decisions along the way, and represent her and support her through court proceedings. For matrimonial clients though, this is often not enough. They need emotional support. They often need more time than they can afford to pay for to ask questions of the system, to mull over their choices and to come to terms with what is happening to them. Shelagh and Kirsten provided this support. Catherine often mentioned them to me when we met. She seemed calmer, clearer in her thinking and more informed about the real choices she had to make. She also seemed less stressed about the "every day" issues she had to deal with as she was contacted regularly by Shelagh and Kirsten who helped her work through children issues, house selling difficulties and how to cope generally. This made my job with Catherine easier, as she did not look to me for additional emotional support, rather she looked to me as her lawyer which in turn reduced her costs."

I was particularly impressed when Catherine gave evidence and was cross examined. She stuck to her story, was clear with her answers, unemotional and focussed. Catherine told me she had coaching from Shelagh and Kirsten about how to handle the court experience; she had notes and exercises to practice which would keep her focused on the facts rather than the emotion of the case. This clearly had a very positive effect."

The work Shelagh and Kirsten did with Catherine saved her a significant amount of money in my fees. If I had spent more time with her explaining the system, offering support, or handling her tears, she would have incurred more costs. However it also worked for me as it saved time on this case, allowing me to move on to the next fee earning work."

Shelagh and Kirsten's work is an excellent addition to our legal service. It does not compete, not does it offer legal advice. It offers the support we cannot give, which makes our work more effective, and the client happier with the outcome, which is, after all, what we all aim for."

Shelagh Goldie is an experienced lawyer and a Law Society accredited mediator who has practiced in family and criminal law. Shelagh is co-founder of itsMYdivorce offering support to people going through marriage breakdown to help them engage with and understand what family law can do for them and their families.

Kirsten Gronning is founder of The Divorce Coach and an accredited life and executive coach living in Richmond and co-founder of itsMYdivorce Kirsten's expertise comes from having to meet her own unusually challenging needs through a litigious divorce and she specialises in creating the services people need to save time, stress and money through divorce.

www.itsmydivorce.co.uk

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