

Ethics, Malpractice, and Professional Liability in Family Law Cases: An Annotated Bibliography, 2013-2018

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This bibliography covers law review articles published since 2013. For an earlier annotated bibliography on ethical issues in the divorce or child custody context, see Barbara Glesner Fines & Nancy Levit, *Ethics and Matrimonial Representation Annotated Bibliography*, 27 J. AM. ACAD. MATRIM. LAW. 499 (2015).

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Assisted reproduction and ethical issues for attorneys

Susan L. Crockin & Gary A. Debele, *Ethical Issues in Assisted Reproduction: A Primer for Family Law Attorneys*, 27 J. AM. ACAD. MATRIM. LAW. 289 (2015) (advising family law attorneys about ethical issues underlying assisted reproduction technologies).

Jordan Stirling Davis, Note, *Regulating Surrogacy Agencies Through Value-Based Compliance*, 43 J. CORP. LAW 663 (2018) (considering ethical issues in the surrogacy market).

Gary A. Debele & Susan L. Crockin, *Legal Issues Surrounding Embryos and Gametes: What Family Law Practitioners Need to Know*, 31 J. AM. ACAD. MATRIM. LAW. 55 (2018) (discussing ethical issues relating to disputes over disposition of embryos).

Karen K. Greenberg, *Traps for the Unwary: Ethical Considerations*, in NAVIGATING ADOPTION AND SURROGACY LAWS: LEADING LAWYERS ON RECENT TRENDS AND BEST PRACTICES FOR NONTRADITIONAL FAMILY-BUILDING CASES, ASPATORE, Apr. 2014 (discussing ethical challenges for attorneys handling adoption and assisted reproductive technology matters).

Dana E. Prescott & Gary A. Debele, *Shifting Ethical and Social Conundrums and “Stunningly Anachronistic” Laws: What Lawyers in Adoption and Assisted Reproduction May Want to Consider*, 30 J. AM. ACAD. MATRIM. LAW. 127 (2017) (providing an overview of ethical and legal issues for family law attorneys dealing with assisted reproduction matters).

Noel K. Tucker, *As ART Technologies Evolve, Watch for Hidden Malpractice Pitfalls*, FAM. ADVOC., Fall 2017, at 46 (explaining how to reduce malpractice risk in handling assisted reproduction issues, particularly how to ensure competent representation for

clients and how to avoid conflicts with representation of multiple parties with different interests).

Andrew Vorzimer, *Mishaps, Mistakes, and Malfeasance: Ethical Approaches to Problems in Assisted Reproduction*, 15 WHITTIER J. CHILD & FAM. ADVOC. 165 (2016) (transcript of speech on ethical issues for attorneys handling assisted reproduction issues).

Deborah Zalesne, *The Intersection of Contract Law, Reproductive Technology, and the Market: Families in the Age of ART*, 51 U. RICHMOND L. REV. 419 (2017) (considering ethical issues arising from the advent of assisted reproductive technologies).

Attorney fees

Erika Holmes, *Modern Representation: A Win-Win for Clients and Lawyers*, 46 COLO. LAW. 77 (Mar. 2017) (looking at fundamental components for creating sustainable law practice serving populations that generally cannot afford lawyers).

Robert G. Spector & Carolyn S. Thompson, *The Law of Attorney Fees in Family Law Cases*, 69 OKLA. L. REV. 663 (2017) (discussing legal and ethical rules and issues concerning attorney fees in family law cases, including grounds for fee awards, procedures for obtaining an award, methods of calculating an award, a lawyer's interest in attorney fees, and ethical considerations in obtaining contingency fees in family law cases).

Thad F. Woody, *Get Clients Actively Engaged in Cost Containment by Focusing Their Efforts on Fact Gathering and the Future*, FAM. ADVOC., Fall 2013, at 14 (explaining how to advise clients to avoid "sticker-shock" over fees).

Child abuse and neglect cases

Samson Habte, *Rule Limits When Attorneys May Report Child Abuse*, 34 CHILD L. PRAC. 169 (2015) (discussing Indiana bar opinion concluding that a lawyer's obligation to report suspected child abuse or neglect is limited by the lawyer's duty to protect client confidentiality).

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David L. Hudson Jr., *Conflicted over Confidentiality: Indiana Ethics Opinion Says Lawyers Not Always Obligated to Report Child Abuse*, 35 CHILD L. PRAC. 42 (2016) (discussing Indiana bar opinion).

Suparna Malempati, *Ethics, Advocacy, and the Child Client*, 12 CARDOZO PUB. L., POL'Y & ETHICS J. 633 (2014) (discussing how lawyers can ethically and effectively represent children in child abuse and neglect proceedings).

Thomas E. Spahn, *Elder Abuse and Child Abuse: Ethics Rules in Common*, EXPERIENCE, Summer 2015, at 47 (discussing ethical obligations of attorneys dealing with elder abuse or child abuse issues).

Derelle Watson-Duvall, Carey Haley Wong & Katherine Meger Kelsey, *Lawyers for Children on a Lawyer's Duty to Report Child Abuse and Neglect*, 59 RES GESTAE 18 (May 2016) (discussing Indiana bar opinion).

Clients with special vulnerabilities or needs

Bruce A. Boyer, *Representing Child-Clients with "Diminished Capacity": Navigating an Ethical Minefield*, 24 PROF. LAW. 36 (2016) (providing advice for advocating as a guardian ad litem and/or attorney for a child with diminished capacity).

Robert B. Fleming, *Representing the Elderly Client or the Client with Diminished Capacity*, 50 FAM. L.Q. 27 (2016) (discussing practical, ethical, and strategic considerations in dealing with aging clients with diminished mental capacity).

Lynda E. Frost & Connie J. A. Beck, *Meeting the Increasing Demands on Family Attorneys Representing Clients with Mental Health Challenges*, 54 FAM. CT. REV. 39 (2016) (discussing ethical and legal standards for representing family law clients with mental health challenges).

Paula G. Kirby, *Introduction*, 50 FAM. L.Q. 1 (2016) (introducing a symposium on ethical dilemmas for family law attorneys in "gray divorce" and "silver separation" matters involving an older spouse or a vulnerable spouse with diminished capacity).

Paula G. Kirby & Laura S. Leopardi, *The Challenging Phenomenon of Gray Divorces*, 50 FAM. L.Q. 3 (2016) (discussing ethical issues for family law attorneys in divorces cases with older spouses).

Jamie Rosen, Note, *The Child's Attorney and the Alienated Child: Approaches to Resolving the Ethical Dilemma of Diminished Capacity*, 51 FAM. CT. REV. 330 (2013) (examining ethical issues where a child is alienated from a parent due to "brainwashing" or other actions by the other parent meant to damage the alienated parent's relationship with the child).

Thomas E. Spahn, *Aging Clients and Lawyers: Ethics Implications*, EXPERIENCE, Fall 2013-Winter 2014, at 47 (discussing ethical considerations for lawyers dealing with aging clients and aging partners).

Collaborative and interdisciplinary practice

Forrest S. Mosten & Lara Traum, *Interdisciplinary Teamwork in Family Law Practice*, 56 FAM. CT. REV. 56 (2018) (exploring new approaches to matrimonial practice that utilize interdisciplinary teams rather than just an individual lawyer's work).

Johannah O'Connell, Note, *Don't Settle for "The Devil You Know": The Benefits of Using Collaborative Law Rather than Litigation to Resolve Employment Disputes*, 49 IND. L. REV. 533 (2016) (encouraging the use of collaborative law in employment disputes, and discussing how ethical concerns about collaborative approaches have been handled in family law settings).

Confidentiality and privacy issues

Reginald A. Hirsch, *Privacy Rights in a Public Society: Protecting Your Client and Yourself from Invasions of Privacy*, 57 S. TEX. L. REV. 579 (2016) (advising family law attorneys about legal and ethical duties to protect privacy rights of clients and others, how to protect confidential information, and how to avoid liability for breaches of privacy).

Lynda C. Shely, *Confidentiality in the IT Age: Loose Lips—and Lax Passwords—Sink Ships*, FAM. ADVOC., Spring 2015, at 38

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(discussing an attorney's duty to maintain confidentiality of all information about a representation).

Thomas J. Watson, *E-File Storage: How to Make It Safe*, *FAM. ADVOC.*, Spring 2015, at 43 (discussing how proper e-file storage practices can reduce malpractice risks and aid in defense of malpractice claims).

Conflicts of interest

Alexa B. Lutchen, *Conflicts of Interest in Representing Siblings in Child Protection Cases: Problems and Solutions*, 14 *WHITTIER J. CHILD & FAM. ADVOC.* 54 (2015) (arguing for changes that would mitigate harms associated with conflict of interests in representing children in abuse and neglect proceedings).

Amanda Tamayo, Comment, *A State Survey—Dual Representation in Adoption*, 27 *J. AM. ACAD. MATRIM. LAW.* 481 (2015) (discussing potential conflicts with representing birth parents as well as potential adoptive parents in an adoption).

Cross-cultural lawyering

Andrew L. Milne, *Sharia and Anti-Sharia: Ethical Challenges for the Cross-Cultural Lawyer Representing Muslim Women*, 57 *S. TEX. L. REV.* 449 (2016) (discussing ethical issues for cross-cultural lawyers, particularly non-Muslim attorneys representing Muslim women in divorce cases).

Casey Schutte, *Mandating Cultural Competency Training for Dependency Attorneys*, 52 *FAM. CT. REV.* 564 (2014) (arguing that cultural competency training should be mandatory for all dependency attorneys representing children in abuse and neglect proceedings).

Discipline of attorneys

Elizabeth Fessler, Comment, *Unethical Accusations: Maintaining Ethical Integrity in the Profession Through the Proper Use of Mandatory Reporting Rules*, 27 *J. AM. ACAD. MATRIM. LAW.* 463 (2015) (discussing a lawyer's duty to report ethical violations by

another attorney, the inappropriate use of ethical complaints, and best practices for handling reporting dilemmas).

Barbara Glesner Fines, *The Changing Landscape of Disciplinary Risks in Family Law Practice*, 50 *FAM. L.Q.* 367 (2016) (noting that family law attorneys face high rates of disciplinary complaints and malpractice suits, and discussing the impact of changing ethical standards with respect to aspects of practice such as collecting evidence, civility, and communications with opposing parties and counsel).

Divorce and child custody matters

Rebecca Aviel, *Counsel for the Divorce*, 55 *B.C. L. REV.* 1099 (2014) (arguing against the legal profession's foundational assumption that legal services must be provided in an adversarial posture, particularly in divorce cases).

Meridith J. Bronson, *Ethical Challenges in Complex Matrimonial Cases*, in *ETHICS IN FAMILY LAW, LEADING LAWYERS ON GUIDING CLIENTS THROUGH DOMESTIC DISPUTES IN A PRINCIPLED MANNER*, ASPATORE, Dec. 2013 (assessing ethical dilemmas in complex divorce and child custody cases).

Frank R. Ezzo, *Child Custody and Three Case Studies of Mortality: When Child Custody Litigation Should Involve Risk Assessment*, 56 *FAM. CT. REV.* 572 (2018) (discussing the importance of evidence-based risk assessment in child custody cases, and discussing case studies involving infant death or a parent committing suicide during or shortly after custody litigation).

Jonathan W. Gould & James J. Nolletti, *Preparing Clients for Custody Evaluations: A Call for Critical Examination*, 27 *J. AM. ACAD. MATRIM. LAW.* 359 (2015) (discussing appropriate and inappropriate practices for attorneys preparing clients for child custody evaluations).

Amy E. Halbrook, *Kentucky's Guardian Ad Litem Litigation: A Model for Seeking Role Clarity*, 37 *CHILD. LEGAL RTS. J.* 81 (2017) (discussing ethical responsibilities for attorneys representing children and the difficulties of role confusion that can arise when a child's attorney performs varying roles in custody matters).

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Donald R. Lundberg, *Should Lawyers Be Responsible for Protecting Public Policy?*, 57 *RES GESTAE* 25 (Aug. 2013) (discussing ethical implications of Indiana case where a court held that it violates public policy to let a parent escape child support obligations in exchange for having reduced parenting time rights).

Leta S. Parks, *In re Lee: How the Parental Right to Self-Determination Came to Trump Judicial Authority*, 57 *S. TEX. L. REV.* 483 (2016) (analyzing the diminished role of judges, the increasing importance placed on parental decision-making through mediation, and the ethical duties of mediators in family law cases).

Hiroharu Saito, *Do Professional Ethics Make Negotiators Unethical? An Empirical Study with Scenarios of Divorce Settlement*, 22 *HARV. NEGOT. L. REV.* 325 (2017) (reporting results of an empirical study of divorce settlement negotiations, and finding that American legal ethics rules and legal education diminish attorneys' truthfulness and concern for public interest while enhancing loyalty to clients).

Jordon P. Steinberg, *Integrity and Advocacy in the Family Law Practice*, in *STRATEGIES FOR FAMILY LAW IN CALIFORNIA*, 2015 EDITION, LEADING LAWYERS ON UNDERSTANDING DEVELOPMENTS IN CALIFORNIA FAMILY LAW, ASPATORE, Apr. 2015 (discussing ethical and disciplinary pitfalls for family law attorneys, particularly in divorce and child custody cases).

Donald G. Tye, *The Preferences and Voices of Children in Massachusetts and Beyond*, 50 *FAM. L.Q.* 471 (2016) (discussing issues raised by use of judicial interviews and guardians ad litem in child custody determinations).

Jenifer M. Wharton, *Overcoming Potential Landmines in a Divorce Proceeding*, in *STRATEGIES FOR FAMILY LAW IN NEW YORK*, 2014 EDITION, LEADING LAWYERS ON NAVIGATING CHANGING FAMILY LAW TRENDS, DEVELOPING EFFECTIVE STRATEGIES, AND BUILDING CLIENT RELATIONSHIPS, ASPATORE, Mar. 2014 (advising general practice attorneys and new attorneys about how to avoid programs that can produce malpractice claims).

Domestic violence

John Hamel, *In the Best Interests of Children: What Family Law Attorneys Should Know About Domestic Violence*, 28 J. AM. ACAD. MATRIM. LAW. 427 (2016) (explaining what lawyers need to know in order to provide ethical and competent representation on domestic violence issues).

Julie Saffren, *Professional Responsibility in Civil Domestic Violence Matters*, 24 HASTINGS WOMEN'S L.J. 3 (2013) (exploring ethical duties implicated in civil domestic violence practice).

Education and training on ethics and professionalism for family law attorneys

Barbara A. Babb, *Another Look at the Need for Family Law Education Reform: One Law School's Innovations*, 55 FAM. CT. REV. 59 (2017) (describing new approaches to family law education at the University of Baltimore School of Law, including enhancement of training on ethical issues).

Bruce L. Beverly, *A Strategy for Teaching Objectivity to the Domestic Relations Student: Utilizing Psychodrama to Explore Attorney Empathy Toward Improving Family Law Outcomes*, 40 OHIO N.U. L. REV. 371 (2014) (exploring ways to teach law students studying family law to reach the necessary equilibrium of objectivity needed to represent clients while holding conflicting attitudes about the client's position).

Natalie A. Knowlton, *The Family Law Bar: Stewards of the System, Leaders of Change*, 55 FAM. CT. REV. 12 (2017) (covering a wide range of issues discussed at the Family Bar Summit at the University of Denver, including potential reforms of regulatory and professional ethics rules and potential improvements to law school programs and continuing legal education programs on family law).

Mary E. O'Connell & J. Herbie DiFonzo, *The Family Law Education Reform Project Final Report*, 56 FAM. CT. REV. 18 (2018) (reprinting a report on proposed reforms to family law education, including how to improve training on ethical issues in family law practice).

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Expert witnesses and consultants

Gemma B. Allen, *The Changing Role of Consultants in Family Law*, *FAM. ADVOC.*, Winter 2014, at 10 (advising family law attorneys on the proper use of expert consultants on subjects like business valuation, employment, tax, intellectual property, trusts and estates, libel, and medical diagnoses).

Milfred D. Dale & Jonathan W. Gould, *Science, Mental Health Consultants, and Attorney-Expert Relationships in Child Custody*, 48 *FAM. L.Q.* 1 (2014) (considering ethical and other issues implicated by the increasing use of expert mental health consultants in family law cases).

Dana E. Prescott, *Forensic Experts and Family Courts: Science or Privilege-by-License?*, 28 *J. AM. ACAD. MATRIM. LAW.* 521 (2016) (discussing the role of forensic experts in family courts).

Frederic G. Reamer, *Social Workers as Expert Witnesses: Ethical Considerations*, 30 *J. AM. ACAD. MATRIM. LAW.* 437 (2018) (addressing ethical issues that can arise when family law attorneys retain social workers as expert witnesses).

Ethical issues in the general practice of family law

Stephen J. Conover, *Separating from a Firm*, *FAM. ADVOC.*, Winter 2016, at 12 (discussing fiduciary and ethical obligations for lawyers leaving a law firm).

Pamela E. George, *Foreword*, 57 *S. TEX. L. REV.* xiii (2016) (introducing a symposium on ethical issues in family law practice).

Carl W. Gilmore, *Practicing Family Law in the Cloud*, *FAM. ADVOC.*, Spring 2015, at 14 (explaining ethical concerns raised by the use of cloud computing for family law attorneys).

Diane M. Guariglia & Benjamin Ritz, *Dirty Deeds Done Not Dirt Cheap*, 57 *S. TEX. L. REV.* 503 (2016) (covering a variety of misdeeds committed by attorneys and clients in family law cases, including discovery abuses, court order violations, and procedural misdeeds).

Craig Haston, *Successful Strategies for Today's Challenging Family Law Cases*, in STRATEGIES FOR FAMILY LAW IN TEXAS, 2013 EDITION, LEADING LAWYERS ON HANDLING NEGOTIATIONS, MANAGING CLIENT EXPECTATIONS, AND NAVIGATING RECENT TRENDS, ASPATORE, Sept. 2013 (providing advice for competent, ethical handling of family law matters).

John D. Hodson, *Overcoming New Challenges and Adapting to New Trends Affecting Family Law Practitioners and Their Clients*, in STRATEGIES FOR FAMILY LAW IN CALIFORNIA, 2014 EDITION, LEADING LAWYERS ON UNDERSTANDING DEVELOPMENTS IN CALIFORNIA FAMILY LAW, ASPATORE, July 2014 (advising family law attorneys about new trends affecting family law in California, including increasing numbers of self-represented litigants, and explaining ways to work effectively with family law clients and avoid mistakes that generate ethical and disciplinary problems).

Norma Izzo Milner, *Ethical Practices and Strategies for Today's Family Law Attorneys*, in ETHICS IN FAMILY LAW, LEADING LAWYERS ON GUIDING CLIENTS THROUGH DOMESTIC DISPUTES IN A PRINCIPLED MANNER, ASPATORE, Dec. 2013 (discussing various ethical issues that can arise for family law attorneys).

Sheryl A. Moore, *Strategies for Handling Current Ethics Issues and Trends in Family Law*, in ETHICS IN FAMILY LAW, LEADING LAWYERS ON GUIDING CLIENTS THROUGH DOMESTIC DISPUTES IN A PRINCIPLED MANNER, ASPATORE, Dec. 2013 (covering new ethical issues arising in family law practice, such as the impact of social media, the use of technological products like spyware and nanny cameras, use of safe deposit boxes to hide valuables, and misuse of petitions for protection against domestic violence).

Rebecca A. Provder, *Current Ethics Issues and Trends in Family Law*, in ETHICS IN FAMILY LAW, LEADING LAWYERS ON GUIDING CLIENTS THROUGH DOMESTIC DISPUTES IN A PRINCIPLED MANNER, ASPATORE, Dec. 2013 (discussing new ethical issues for family law attorneys, such as issues raised by social media and professional networking websites, issues arising from use of alternative dispute resolution, and issues relating to prenuptial agreements).

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Sara Rittman, *The Ethical Traps a Family Law Practitioner Must Avoid*, 32 GPSOLO 22 (July/Aug. 2015) (noting the high rate of disciplinary complaints about family law attorneys and recommending ways to reduce that risk).

Lynda C. Shely, *When There Are Problems With Your Lawyer*, FAM. ADVOC., Summer 2017, at 26 (providing advice to clients hiring and firing attorneys, based on the author's experience advising attorneys on lethal ethics issues).

Kirk C. Stange, *Being Competent, Communicative, and Diligent: Keys for Success as an Illinois Family Law Attorney*, in STRATEGIES FOR FAMILY LAW IN ILLINOIS, 2015-2016 EDITION, LEADING LAWYERS ON LEVERAGING ALTERNATIVE DISPUTE RESOLUTION, NEGOTIATING ALIMONY AND CHILD SUPPORT, AND MANAGING CLIENT EXPECTATIONS, ASPATORE, Sept. 2015 (providing advice to family law attorneys on fulfilling ethical and professional responsibilities).

Limited scope representation

Anne C. Adams, *Tips for Providing Limited-Scope Representation in Family Law Cases*, 32 GPSOLO 26 (July/Aug. 2015) (discussing ethical issues with limited scope representation in family law cases).

Michele N. Struffolino, *Limited Scope Not Limited Competence: Skills Needed to Provide Increased Access to Justice Through Unbundled Legal Services in Domestic-Relations Matters*, 56 S. TEX. L. REV. 159 (2014) (explaining competency requirements for family law attorneys and rules regarding limited representation, and discussing how attorneys can stay within the rules governing limited representation while furthering the goal of increased access to justice in family matters).

Malpractice liability

Jeffrey P. Aiken, *The Standard of Care for Attorneys: What's a Reasonably Prudent Lawyer to Do – Or Not Do?*, FAM. ADVOC., Fall 2017, at 16 (analyzing the standard of care applied to lawyers in malpractice cases).

James N. Bow, Michael C. Gottlieb & Dianna J. Gould-Saltman, *Risks from Clients and Opposing Parties for Family Law Attorneys*, 53 FAM. CT. REV. 317 (2015) (reporting the results of an internet survey of family law attorneys about their experiences with a variety of problematic behaviors by clients and opposing parties, including threats of lawsuits and bar complaints).

Carl W. Gilmore, *Avoiding Insult and Injury: Malpractice Defenses Based on Client Nonpayment*, FAM. ADVOC., Fall 2017, at 42 (discussing the extent to which a client's failure to pay attorney fees may be a defense to the client's legal malpractice claim).

Kathleen A. Hogan, *From the Editor in Chief*, FAM. ADVOC., Fall 2017, at 4 (introducing a collection of articles on avoiding malpractice liability in family law practice).

Thomas J. Kasper, *Risk Management for Your New Law Firm: A Sure-Footed Guide to Avoiding Malpractice and Other Disasters*, FAM. ADVOC., Winter 2016, at 26 (explaining basic safeguards to avoid liability issues).

Emily W. McBurney, *Avoiding Legal Malpractice: Retirement Benefits and Qualified Domestic Relations Orders*, FAM. ADVOC., Fall 2017, at 22 (describing common mistakes that can lead to malpractice claims concerning retirement benefit plans and qualified domestic relations orders).

Julianne Prisco, Note, *Insuring that Good Deeds Go Unpunished: Instituting State-Provided Malpractice Protection for Pro Bono Family Lawyers*, 52 FAM. CT. REV. 725 (2014) (arguing that states should provide free malpractice insurance for volunteer family lawyers).

Linda J. Ravdin, *How to Avoid Malpractice in the Negotiation and Drafting of Premarital and Postmarital Agreements*, FAM. ADVOC., Fall 2017, at 34 (explaining how to exceed the standard of care required for attorneys dealing with premarital and postmarital agreements).

Richard J. VanSwol, *Key Issues in Professional Liability Insurance Coverage*, FAM. ADVOC., Fall 2017, at 12 (identifying malpractice risks arising from the increased use of assisted reproduction techniques).

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Thomas J. Watson, *Beware the Danger Signs: The Top Ten Family Law Malpractice Issues*, *FAM. ADVOC.*, Fall 2017, at 6 (listing the most common mistakes that attorneys make when it comes to family law malpractice claims).

Mediation, arbitration, and other alternative dispute resolution methods

Kristen M. Blankley, *The Ethics and Practice of Drafting Pre-Dispute Resolution Clauses*, 49 *CREIGHTON L. REV.* 743 (2016) (discussing practical and ethical considerations for transactional lawyers drafting clauses that provide for the use of dispute resolution mechanisms like mediation and arbitration).

Ashley Carleton, Comment, *An Ethics Analysis of Arbitrating Malpractice Claims*, 27 *J. AM. ACAD. MATRIM. LAW.* 445 (2015) (discussing a court decision validating a malpractice arbitration agreement and looking at the ethical implications surrounding such provisions).

Carrie Menkel-Meadow, *The Evolving Complexity of Dispute Resolution Ethics*, 30 *GEO. J. LEGAL ETHICS* 389 (2017) (arguing that legal and ethical rules have been shaped by assumptions about the adversarial nature of legal work, resulting in rules that are inadequate for lawyer roles in non-adversarial settings, such as mediator, arbitrator, or facilitator).

Caitlin Park Shin, Comment, *Drafting Agreements as an Attorney-Mediator: Revisiting Washington State Bar Association Advisory Opinion 2223*, 89 *WASH. L. REV.* 1035 (2014) (arguing for reconsideration of a Washington bar advisory opinion concluding that an attorney/mediator violates rules of professional conduct by drafting legal documents such as property settlement agreements, child support orders, or parenting plans for unrepresented parties).

Thomas E. Spahn, *Staying Active in ADR Proceedings After Retirement Raises Unique Issues*, *EXPERIENCE*, Fall/Winter 2015, at 47 (providing a checklist of ethical and other considerations for retired attorneys working as mediators or arbitrators or representing parties in those settings).

Military service members

Steven L. Hartley, *Special Considerations When Handling Military Family Law Issues*, in STRATEGIES FOR MILITARY FAMILY LAW, 2014 EDITION, LEADING LAWYERS ON NAVIGATING FAMILY LAW IN THE ARMED FORCES, ASPATORE, Sept. 2014 (providing advice for attorneys representing military service members in family law cases).

Mark E. Sullivan & Kaitlin S. Kober, *Malpractice and Military Divorce*, FAM. ADVOC., Fall 2017, at 38 (explaining how to reduce risks of malpractice liability in military family law).

Brentley Tanner, *The Battle for the Biggest Assets: Dissolution of the Military Marriage and Postdivorce Considerations for Aging Clients*, 50 FAM. L.Q. 49 (2016) (explaining special issues for divorces involving military retirement assets).

Nonlawyer legal professionals

Julie Aprile, Comment, *Limited License Legal Technicians: Non-Lawyers Get Access to the Legal Profession, but Clients Won't Get Access to Justice*, 40 SEATTLE U. L. REV. 217 (2016) (discussing ethical and professional issues surrounding Washington's creation of a new "limited license legal technicians" category of legal professionals).

Lori W. Nelson, *LLLT – Limited License Legal Technician: What It Is, What It Isn't, and the Grey Area in Between*, 50 FAM. L. Q. 447 (2016) (discussing ethical and other issues raised by the creation of new categories of legal professionals who are not attorneys, such as "limited license legal technicians" or "licensed paralegal practitioners").

Secondary traumatic stress

Jennifer Brobst, *The Impact of Secondary Traumatic Stress Among Family Attorneys Working with Trauma-Exposed Clients: Implications for Practice and Professional Responsibility*, 10 J. HEALTH & BIOMEDICAL L. 1 (2014) (discussing the impact of secondary traumatic stress on family law attorneys who work closely with clients who have experienced traumatic events).

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Lisa Morgillo, Note, *Do Not Make Their Trauma Your Trauma: Coping with Burnout as a Family Law Attorney*, 53 *FAM. CT. REV.* 456 (2015) (discussing secondary trauma and burnout as factors contributing to the risks of ethical lapses and disciplinary complaints for family law attorneys).

Self-represented parties

Amy G. Applegate & Connie J.A. Beck, *Self-Represented Parties in Mediation: Fifty Years Later It Remains the Elephant in the Room*, 51 *FAM. CT. REV.* 87 (2013) (discussing challenges for self-represented litigants and mediators working with them in family law cases).

Natalie A. Knowlton, *From Talk to Action: How the IAALS Summit Recommendations Can Reshape Family Justice*, 55 *FAM. CT. REV.* 97 (2017) (discussing recommendations produced by the Family Bar Summit at the University of Denver, with a focus on issues relating to the prevalence of self-represented litigants in family courts).

Yolanda F. Sonnier, *Approaching Your Case Against the Pro Se Litigant*, *FAM. ADVOC.*, Fall 2013, at 11 (discussing ethical considerations for family law attorneys in cases with pro se litigants).

Jessica Dixon Weaver, *Overstepping Ethical Boundaries? Limitations on State Efforts to Provide Access to Justice in Family Courts*, 82 *FORDHAM L. REV.* 2705 (2014) (considering whether state judges and agencies have overstepped ethical boundaries and caused harm by promulgating standard forms, such as divorce pleadings and paternity acknowledgements, to be used by people without lawyers for family law matters).

Victoria White & Thomas G. Wilkinson Jr., *Ethics Digest*, *PENN. LAW.*, Aug. 2016, at 54 (reporting on an ethics opinion about a situation where a family law attorney had a client who insisted on appearing pro se at custody conference without permitting the attorney to withdraw as counsel of record).

Social media

Vanessa S. Browne-Barbour, “*Why Can’t We Be ‘Friends’?*”: *Ethical Concerns in the Use of Social Media*, 57 S. TEX. L. REV. 551 (2016) (examining ethical concerns presented when lawyers use social media to research and investigate cases and to communicate with clients and non-clients).

Randi P. Glanz, *The Evolution of Family Law Cases*, in ETHICS IN FAMILY LAW, LEADING LAWYERS ON GUIDING CLIENTS THROUGH DOMESTIC DISPUTES IN A PRINCIPLED MANNER, ASPATORE, Dec. 2013 (considering ethical problems for family law attorneys created by the advent of social media).

Simon R. Goodfellow, *Social Media as Evidence: Navigating the Limits of Privacy*, FAM. ADVOC., Spring 2015, at 32 (explaining how basic rules of discovery, evidence, and ethics apply to social media evidence).

Thaddeus Hoffmeister, “*Liking*” *the Social Media Revolution*, 17 SMU SCI. & TECH. L. REV. 507 (2014) (discussing the legal significance of Facebook’s “like” button, including its evidentiary impact as a party admission).

Heather L. King, Jessica Hall Janicek & Paul M. Leopold, *When Evidentiary Matters Cross Ethical Boundaries*, 57 S. TEX. L. REV. 527 (2016) (discussing the use of social networking evidence, such as compromising information obtained via Facebook, in divorce cases).

Jennifer J. Riley, *High-Tech Cures for the Low-Budget Case*, FAM. ADVOC., Fall 2013, at 42 (discussing how to use social media and other technology to obtain evidence for family law cases while reducing legal costs and avoiding ethical violations).

Trust accounts

Mark Dubois & Pat King, *Avoiding the Ethical Traps of Client Trust Accounts*, FAM. ADVOC., Winter 2016, at 32 (discussing ethical rules governing client trust accounts).

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Wiretapping

Allison B. Adams, *Hidden Landmines for the Family Law Practitioner: Attorney Liability Under State and Federal Wiretap Statutes*, 27 J. AM. ACAD. MATRIM. LAW. 263 (2015) (warning family law attorneys about the potential for liability under state and federal wiretap statutes).