



THE BULLPEN: BRINGING IN YOUR PARALEGAL

Navigating Your Paralegal's Influence in a Collaborative Case from Start to Finish

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Part 2

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INTRODUCTION

Knowing how to properly utilize your paralegal as your secret weapon online and offline during the course of a collaborative case can guarantee seamless and productive collaborative case management, as well as satisfied clients.

III. FACILITATING THE COMMITMENT TO THE PROCESS

Another way paralegals can be a key part of the collaborative team is by helping to facilitate the commitment of the clients and the team to the collaborative process. Two ways to assist and support this commitment are by serving as the collaborative process' personalized communicators and established recordkeepers. These roles can help create an opportunity to bring greater efficiency and cost-effectiveness to the process by taking various administrative and logistical duties off the attorneys' plates, while also delivering to the clients a superior customer service experience.

In the role of the collaborative process' personalized communicator, paralegals can shoulder the responsibility of efficiently scheduling calls and meetings while navigating and coordinating the complexities of multiple professionals' and clients' schedules. Coordinating six busy schedules in search of agreeable dates and times for calls and meetings can sometimes be one of the more daunting obstacles to moving a collaborative case from inception to conclusion.

In addition to facing the challenges of efficiently coordinating multiple calendars, skilled collaborative paralegals will also need to be knowledgeable and mindful of the differences between team communications, joint communications, and attorney-client communications in order to support efficient, honest, and trustworthy communication, while ensuring the preservation of confidences appropriate to each type of communication.

An all-too-common client complaint expressed about attorneys is a lack of timely acknowledgment and response to client communications. Making paralegals an active part of the collaborative team is an opportunity to provide white glove service to the clients. The paralegals can often be a resource for the attorneys and for the team to ensure professional, attentive, timely responses to client communications and to convey a sense of empathy and awareness of client needs, questions, and concerns when their attorney is not immediately available. Paired with the right bedside manner, a paralegal in the collaborative process can help ensure a client knows their communications have been received and can reassure them their attorney is hearing them and will respond in a timely way.

As the collaborative process' personalized communicators, paralegals can help foster the clients' confidence in the collaborative process and create cost efficiency without sacrificing, and often-times even enhancing, the clients' customer service experience related to the logistics and administration of their collaborative case.

In the role of the established recordkeepers of the collaborative process, paralegals whose experience and skill sets include general family law, civil procedure, and a nuanced understanding of the collaborative process can deliver a level of professional service to the clients that the whole team can be proud of. In the beginning of a new collaborative case, the paralegals can take the lead with preparing draft introductory letters to new clients, drafting pleadings (including suitable and appropriate customized language tailored to support the spirit of collaboration), and drafting emails or letters to the other spouse or partner, inviting them to consider using the collaborative process. A thorough familiarity with the proper forms, and with the resources to ensure the most up-to-date forms are being used, is a must. Collaborative paralegals can also assist with drafting initial documents to begin the collaborative process, circulating those documents with the team and clients, and assisting with technology and applications to help with reviewing and executing those documents. Lastly, paralegals should have a good understanding of the significance and relevance of documents commonly used in the collaborative process (*e.g.* understanding the difference between a Confidentiality Agreement and a Participation Agreement as it pertains to communications, expectations, and confidentiality when beginning a new case).

Paralegals can also be of considerable assistance in the role of the established recordkeepers of the process by having a good understanding of how to properly and timely communicate with courts, including e-filings, to advise that the case is off the trial docket (*e.g.* filing of a Notice of Collaborative Law Procedures), ensure pleadings or another suitable agreed filing includes an abatement of the initial disclosures requirement, identify and track court deadlines for filing of status reports in accordance with local rules, and coordinate the procedures for the prove up (*e.g.* in person, by Zoom, by electronic submission, etc.) to conclude a collaborative divorce.

Paralegals can also provide enhanced efficiency for the process by preparing drafts of introductory emails to the clients and the team related to logistics and getting organized to begin a new collaborative process and by preparing documents for the first joint session (*e.g.* Road Map to Resolution, Expectations of Conduct, Agenda). In circumstances where there is only one paralegal available to both attorneys, while that paralegal may be employed by only one of the attorneys, they can still be viewed as a more broadly available resource by building a good rapport with both the attorneys and clients. Paralegals can also be helpful assisting, as needed, with the collection and secured transmission of documents in order to prepare joint inventories and budgets when the clients have decided not to include a financial professional as a part of their collaborative team.

Paralegals who have good knowledge of family law procedures and the collaborative process are a powerful resource to assist with keeping the process organized, logistically on track, and private. They can help deliver a high-quality customer service experience for the clients.

IV. BEHIND THE SCENES PREPARATION, ATTENDANCE FOR JOINT MEETINGS, AND CASE FOUNDATION

One of the most effective ways to ensure a productive collaborative practice is by having your paralegal heavily involved in the behind-the-scenes preparation. From the start of your case, have your paralegal draft the joint meeting agenda for each joint meeting and circulate it timely before the day of the meeting. Your paralegal should understand that an effective joint meeting agenda will set your client's expectations, prepare the client, and allow the client to offer input regarding topics that might require more focus. In addition to drafting the joint meeting agenda, have your paralegal take and prepare the minutes for each joint meeting. Attending and paying close attention to the discussions of each joint meeting will give your paralegal a better understanding of the upcoming focus topics. More importantly, your paralegal will be able to productively customize the agenda to fit the specific goals of each joint meeting.

Moreover, designating a paralegal as the assigned minute-taker allows the attorneys to be more engaged in each joint meeting. By eliminating the pressure of having to note each agreement and concession, attorneys can properly focus on what they were actually hired to do: advocate for their client. Unlike an attorney who is expected to participate throughout the entire meeting, a paralegal's only focus during a joint meeting can be to take the minutes. Thus, as a silent participant, your paralegal has the potential to take comprehensive notes regarding important details, such as compromises between clients, proposals that may need to be discussed in the future, or assignments for the next meeting.

Additionally, keeping your paralegal as the sole minute-taker for each joint meeting ensures an efficient turnaround time for minutes, as well as a better foundation for drafting potentially complex documents, such as the Collaborative Law Settlement Agreement or the Agreed Final Decree of Divorce. As the designated minute-taker, your paralegal will organize and keep track of all documents drafted by the neutral professionals (i.e. Estate Spreadsheet, Parenting Plan, etc.) that are essential to drafting the final settlement agreements. The paralegal will also know to include any documents reviewed during the joint meeting as exhibits to the joint meeting minutes. Continuous attendance at joint meetings also allows your paralegal to be constantly updated about the case's status and, therefore, be in tune with the client's values and needs. Thus, your paralegal can offer additional perspective or catch anything the other team members may have missed during joint meetings, such as body language or subtle comments between clients.

Although you may want your paralegal to assist with certain specialized tasks, you must proceed with caution. For example, though you may ask your paralegal to create the bones of the estate spreadsheet, he or she may not map estate division proposals or otherwise provide advice on behalf of the neutral financial planner. Similarly, your paralegal may not outline or draft a Parenting Plan that is required to be composed and produced by the neutral mental health professional. This task requires the strategic facilitation and expertise of the mental health professional, as he or she will ensure the clients' agreements are accurately listed. Your paralegal can and should be utilized to assist in a variety of helpful tasks, but it is vital that you and your paralegal understand the roles and responsibilities of each member of the team, including the neutral professionals, and assign the responsibilities accordingly.



Jill Spytman is a paralegal who graduated with her BA in English in 2013 from Daemen College. She interned with the Office of the Attorney General in Washington, D.C. She started off in family law. She joined the Fullenweider Willhite law firm in 2016. Jill received a certificate from the University of Houston's Advanced Paralegal Program. She became a collaborative divorce paralegal when she joined Goranson Bain Ausley, PLLC in 2020. Jill is a member of the Dallas Area Paralegal Association. She has been the Vice President of Programs on the Board of Directors since 2019. She is a devoted foster mom for stray dogs with Dallas DogRRR.



Sarah Aminzadeh Milinsky is a law clerk who studied family law because it aligned with her values and built on her undergraduate major in psychology. Helping clients act with logic rather than emotion to achieve their goals is a primary emphasis in her practice. Sarah graduated cum laude from the University of North Texas at Dallas College of Law. She served as a law clerk at Goranson Bain Ausley, PLLC before becoming an associate. While in law school, Sarah founded and served as president of the Student Animal Legal Defense Fund, which explores the link between domestic violence and cruelty to animals.



Julian Schwartz is an attorney whose practice's primary focus is representing clients in collaborative family law matters, divorces, modifications of prior court orders affecting children, and premarital and postmarital agreements. He is a Credentialed Collaborative Professional with Collaborative Divorce Texas, a fellow with the Texas Bar Foundation, and a fellow of the College of the State Bar of Texas. He served on the Board of Trustees for Collaborative Divorce Texas from 2007 to 2015. He was President in 2012. In 2006, Julian helped found, and was the first president of, Collaborative Divorce San Antonio. He has been recognized in San Antonio Scene magazine's S.A. Best Lawyers in both family and collaborative law.