

# Words from the Wise

by Angela Dunne

I have been practicing law for over 20 years, and some days I feel like all I accomplished was learning what I haven't yet learned. As Issue Editor of this year's Family Law Issue, I immediately and selfishly wanted to ask our veteran divorce lawyers for advice and to share their mentorship for the greater good of our family law bar. However, upon completing the interviews, I suspect their advice rings true for any lawyer.

## Our Panel

This distinguished panel has collectively over 131 years of divorce experience:

**John Ballew** was admitted to the Nebraska bar in 1979 and began private practice in Scottsbluff, NE. John now practices in Lincoln. Over the past 30 years, John has concentrated his trial practice in complex and high asset divorce cases. He is one of only 11 Nebraska lawyers admitted to the



American Academy of Matrimonial Lawyers (AAML) and is one of only two lawyers in Nebraska who is both a Fellow in the AAML and Board Certified as a Family Law Trial Lawyer by the National Board of Trial Advocacy. In his spare time, John enjoys scuba diving, as well as singing and playing guitar in his band The Wheezetones.

**Susan Ann Koenig** started practicing law in 1981. Susan authored *Divorce in Nebraska: The Legal Process, Your Rights, and What to Expect* (Addicus Publishing). Susan is a former adjunct professor at Creighton University School of Law, and she now teaches at the Nebraska State Bar Association Leadership Academy. She was awarded the Outstanding Contributor to Women and the Law Award from the Women and Law Section of the NSBA and was inducted as a Fellow in the Nebraska State Bar Foundation for her exemplary service to the law.



**John Slowiaczek** has 47 years of family law experience. In 2017, John had the privilege of leading the national organization of family law lawyers known as the American Academy of Matrimonial Lawyers (AAML). John has been an AAML Fellow for many years and was elected President by his peers. The AAML promotes professionalism and excellence in the practice of family law.



What follows is our esteemed panelists' advice they received that bears repeating and each of them paying forward to newer generations of family law attorneys what they have learned. ➔

## Angela Dunne



**Angela Dunne** is the managing partner at Koenig|Dunne and she has practiced divorce and family law for over two decades. She is the author of *Patched Up Parenting: A Guide to Co-Parenting* and her weekly blog *Doing Divorce: A Thoughtful Discussion About Divorce*. Angela received her juris doctorate from the University of Nebraska College of Law.

## WORDS FROM THE WISE

### **What was the best advice you received as a family law attorney?**

*Ballew:* It came from my deceased physician father: “Illegitimi non Carborundum”. Latin for “Don’t Let the Bastards Grind You Down.”

*Koenig:* You did not create the facts, write the law, or choose your judge. You cannot control the actions of your client, the opposing party, or opposing counsel. Your focus must be on what is within your influence, understanding that the outcome of any matter is affected by more than you. This means you must focus your attention on what is within your control: doing your best. If you have done your very best for your client, you will feel greater satisfaction and peace no matter what the outcome of any settlement, trial, or appeal.

*Slowiaczek:* Do not believe your own BS.

### **What advice would you give to a family law attorney starting their career?**

*Ballew:* Family law is like playing the guitar: it’s easy to do poorly and very difficult to do well. If you want to practice in this arena, you need to devote your career to becoming the best you can be. That means not only understanding all the state and federal law that feeds into family law (retirement, real estate, tax, child psychology, bankruptcy, business formation, etc.) but recognizing national trends.

*Koenig:* Call forth both your courage and your humility. Courage is needed for all your “firsts” that can feel both terrifying and overwhelming. You have plenty of courage as evidenced by your choice to enter this profession. Call it forth with each new experience, trusting that with preparation you will perform more than competently.

Humility is helpful because there will always be disappointing outcomes that you could never have predicted, no matter how well you have done your job. You play a role in the outcome, but you do not determine it.

*Slowiaczek:* Be serious about your representation of your client but do not take yourself too seriously. AND, most important, never lie.

### **Did you ever feel like you had to fake it until you made it?**

*Ballew:* I think it was more of not knowing what I didn’t know. After getting embarrassed a few times by lawyers like Paul Galter, I decided I needed to really understand the intricacies of family law, including tax aspects, correct valuation of assets, dealing effectively with expert witnesses like CPAs and child psychologists and keeping up on past and present trial court and appellate court decisions.

*Koenig:* I was a solo practitioner in the early years of my career. There was a lot of faking going on. What we discover is that with continued “pretending,” we eventually get enough practice that the once stressful work becomes enjoyable. Everything

from a contested custody trial to arguing before the Nebraska Supreme Court is experienced with greater ease over time.

“Imposter syndrome”—doubting your abilities and feeling like a fraud—effects high-achieving people at higher levels. If you are reading this, you know what I mean. Surround yourself with people who value your contributions as a lawyer and your confidence will grow.

*Slowiaczek:* No. If you have to “fake it,” you should look for a different practice area.

### **What has contributed to the longevity of your career?**

*Ballew:* I have a sense of humor. I have had the opportunity to practice with some really excellent lawyers; I have been fortunate to have some really excellent legal assistants and paralegals; and I have interests outside of the practice of law, like music.

*Koenig:* Paying attention to what I loved most about the practice and what I liked least about it. By seeing what gave me the most joy and meaning, I was able to set goals to expand those aspects of my practice while reducing the parts that were not my strengths.

Early in my career, I felt called to represent the most vulnerable. I did a lot of court-appointed juvenile court work and created a safe place for people in the LGBTQ community to get legal services. Over time, I narrowed my practice area to family law, and our firm has gone on to handle landmark cases in the areas I cared most about.

Family law never got boring, because no two people or relationships are the same. The learning never ends nor does the possibility of helping people on their journey through life.

*Slowiaczek:* Hard work and luck.

### **What is a common mistake you see young family law practitioners make?**

*Ballew:* The client is not your friend. Problem clients will turn on you. If you are representing someone who won’t follow your advice, frequently complains about your representation, or won’t pay their bills when due, terminate the representation before you can’t do so without prejudice to the client’s case. Also, make sure you are equipped to handle a case from the standpoint of experience, office staffing, time commitment, and in a venue outside of where you normally practice.

*Koenig:* Newer lawyers are often very focused on making sure they’ve got all the details. This can be critical in a profession where the omission of a single word can change everything. The challenge is that this makes them vulnerable to losing sight of the big picture. It’s important to ask: *What matters most to the client and the court?*

*Slowiaczek:* The inability to understand basic math and finances. More importantly, many young practitioners are unnecessarily aggressive and adversarial.

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**Any stories you would like to share that are illustrative of a “do” or “don’t” in litigating family law cases?**

*Ballew:* In many of the more complex matters I have handled and settled, I dictate a summary memo to the file so I can remember why we did what we did. It helps when questions arise later on down the road. As for don’ts, I have on several occasions allowed the client to pick the expert witness without doing my homework and actually talking with the witness early on to determine if he or she will be convincing in court. After the second time that happened, which resulted in poor and vague testimony and inability to handle cross examination effectively, I learned to retain my own experts with a blessing from the client.

*Koenig:* There was a time when evidentiary hearings were allowed in every case. I represented a mother of six. She told me a compelling story of her role as a loving, stay-at-home care provider. I appeared at the hearing confident. So did opposing

counsel, accompanied by multiple witnesses ready to testify to my client’s chronic alcohol abuse.

The lesson: Don’t ever show up in the courtroom without having made a sincere effort to understand your opponent’s position.

*Słowiacek:* Be kind to the “opposing party.” Better yet, don’t think of your client’s spouse as an “opposing party” but just a person going through a divorce. Never attribute malice or bad motive when there is a reasonable alternative explanation.

I want to thank each of these experienced and demonstrably wise attorneys for taking the time to thoughtfully respond to these questions. They demonstrate why, if nothing else, as lawyers we need to find our mentors and remember that we are all in this practice together. 



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