

# STAY CALM

## Ten Tips to Success in Family Court Practice

**Family Court can be an emotional experience for anyone.** It is important to know that no one is more stressed out than your client. Sitting as a judge in the Eighth Judicial District, Family Court Division, Department J, has allowed me to identify some tips that lawyers may find helpful.

**10. What the QDRO?** A QDRO is a Qualified Domestic Relations Order – an order issued in a divorce proceeding for a retirement plan to pay a spouse or former spouse his or her community property rights in a retirement plan. A QDRO can also order the plan to pay child support and/or alimony to a spouse, former spouse, child or other dependent of the plan participant. If retirement is at issue, consult with a QDRO expert and file the QDRO only when it is correct. Very early on, I learned that attorneys and litigants will likely face a challenge via *Davidson* where the other side tries to invalidate the non-employee spouse’s entitlement to a retirement benefit because the QDRO (although referenced in the divorce decree) was never filed. File the QDRO timely and be aware that some employers require a review of the QDRO before it is filed in court for it to be enforceable many years later.

- 9. Be respectful to court staff.** Yes, we talk.
- 8. Have the difficult conversation, BEFORE the hearing.** Own the bad facts and discuss them before your court hearing. A live hearing is a terrible time to learn that your client absconded with the child because you did not speak to them prior to court. Most often local rules require attorneys to meet and confer before coming to court, so try to do so.
- 7. Settlement Conferences are GOLDEN.** In Clark County, there are three options for settlement conferences in family court. Additionally, litigants may participate in the UNLV Mediation Program. Settlement conferences are far less expensive than trial regardless of Nevada county. The conferences are informal, and are a great way to mediate difficult matters with a judicial officer present without the pressures and stress of trial. Settlement conferences have a high rate of successful resolution. Oftentimes it is great for all parties to have a different judicial officer’s input.
- 6. Listen.** Then be prepared and flexible to address points made by the opposing side.
- 5. Best Interest of the Child.** When arguing, put the child’s needs first. Far too often litigants’ and attorneys’ arguments are based on what is in the best interest of the parties and fees, fees, fees. The children should not be an afterthought.
- 4. File the Financial Disclosure Form (FDF) timely.** It is impossible to determine the appropriate amount of child support, spousal support, etc. without your FDF. The hearing may have to be continued or vacated. Remember your FDF is a sworn statement—be truthful.

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**3. Reach Out to the Department.** Confused about how to file a document, what form to use, why an order was rejected—believe it was rejected in error, hearing set too far out? Contact the judicial department immediately. Judicial staff *cannot* give legal advice but may assist with procedural matters. Additionally, as many attorneys know, trials and matters set for hearing often resolve at the last minute. Reach out to the department and you may be able to have your matter moved up and heard earlier. Please be respectful and patient. Calling 20 times back-to-back in five minutes is pointless. Leave a message or shoot a quick email.

- 2. Be professional and remember decorum.** Yes, family court hearings may get intense, but do not lose sight of your purpose because you are exchanging insults with the other side. No one is heard, and you are wasting your precious court time. Additionally, although most hearings are held via BlueJeans audiovisual application, be aware that you are in court, and everyone can see and hear you. Please be fully and appropriately dressed. Brush your hair. Please put dogs, guns, alcoholic beverages, and other inappropriate items away until after the hearing. Please pull over and park your vehicle before your hearing. Please reserve your golf tee time after your court hearing.
- 1. BE KIND.** “Kindness. What a simple way to tell another struggling soul that there is love to be found in this world.” - Alison Malee. Nevadans have all been through so much the past two years, especially those in the legal profession who may be working remote and/or from home. Now more than ever, work life has been comingled with personal life. As a result, work-life balance may have been altered for some or drastically different than what most are accustomed to, so be kind to yourself and others. Allow yourself some grace. Be sensitive. Be empathetic. Be someone’s smile for the day. Do not mistake kindness for weakness. It takes incredible strength to look past your own challenges and reach out to help someone—with a smile. Never underestimate the power of kindness.

*Please note: These are the personal views of Judge Dee Smart Butler and do not reflect the thoughts and/or opinions of either Clark County or the Nevada judiciary.*

**DEDREE ‘DEE’ SMART BUTLER** started her legal career as a law clerk and then an associate attorney at Schuetze & McGaha law firm where she primarily practiced family law and insurance defense. After participating in the UNLV Boyd Juvenile Justice clinic, she worked as a deputy public defender in the juvenile delinquency division of family court, representing children. She then served as a track attorney in the adult division of the public defender’s office. She served as the team chief of the domestic violence unit for about four years, with a total of over 10 years employed by Clark County. She received her undergraduate degree from Howard University and her juris doctorate from the University of Nevada William S. Boyd School of Law.

