

No shark zone: defusing high-conflict family law cases

By AdvocateDaily.com Staff



Multi-team and collaborative approaches are often the best way to resolve family law disputes, even high-conflict divorces, Markham family lawyer [Cheryl Suann Williams](#) tells [AdvocateDaily.com](#).

Williams, principal of [Williams Family Lawyers](#), says when family law clients are referred to her because of her reputation as a litigator of contentious family law disputes, they will be surprised to find that she embraces many non-litigious tools.

“People often ask, ‘Are you going to be really aggressive with the other side?’” she says. “They want to use the legal system as the avenue to deal with their personal hurt or revenge. I tell them I’m not going to be a shark. That’s not the reputation I have or want.”

Williams says she offers a referral to clients looking for an aggressive advocate but warns them they need to set aside a \$50,000 retainer and be prepared to spend \$100,000 to resolve the matter.

“Then you will get a shark, but you may not get the result you want,” she says.

Williams acknowledges she is well known as a litigator but says this is not by choice.

“Early in my career I worked with some very high-profile lawyers and I’ve built up a reputation for dealing with many high-conflict cases, however, that doesn’t necessarily speak to who I am,” she says. “I did my master’s degree in Alternative Dispute Resolution (ADR), so while I have experience with very high-conflict cases,

my training, background, and practice are still very much focused on being conciliatory.”

When people are driven by their emotions rather than focusing on the needs of the family, their finances often take the hit, Williams says.

“People use avenues to deal with their woes about separation that are not logical. They will spend hundreds of thousands of dollars in legal fees, and then say that their lawyer ripped them off. Meanwhile, their lawyer is asking for their instructions to resolve the matter,” she says.

With separating couples, Williams says one party typically initiates the split while the other is sometimes caught off guard.

“The initiator is usually the person who has known probably months or years before the separation actually occurs, and they have put things in place emotionally and maybe even financially,” she says. “The non-initiator may or may not see the writing on the wall when the marriage is over. That person often has to catch up emotionally to be on the same page.”

There are strategies Williams employs to assist parties in that process.

“When a client retains me I tell them I work as part of a team,” she says. “They will work with me, a law clerk and most likely an associate lawyer. That’s my legal team.

“But often, the team is expanded. Sometimes I retain a counsellor who works with my client at a much cheaper hourly rate than I charge. Or I hire a third-party professional to help carve out custody or parenting agreements that work for the family. I also have arrangements with financial professionals who help people who have never handled finances in the past. That leaves the legal stuff to me.”

Williams stresses that it’s important for lawyers to set a tone that encourages constructive negotiations.

“Wherever possible, we should bring civility between these two people by demonstrating through example how to behave. Because even when the case is over, they will often have to be part of each other’s lives — if there are children involved. If counsel is going to be nasty with each other, you’re really doing a disservice to your client,” she says.

Williams says she is often pleasantly surprised by the eventual change in tone in cases that start out very litigious and emotionally charged.

“Typically, by the time the parties are in high-conflict litigation, they’re not receptive to the collaborative law approach or mediation, but the goal is to try and steer them before they get there.

“When you deal with the relevant issues, emotions calm down, and you often find that parties who were very antagonistic are suddenly having pleasant conversations. They get to the point where they recognize they are the parents of these children, and possibly grandparents one day, and say, 'Let’s put this animosity behind us and move forward.’”