**Family Law – An emotional licence to practice**

On paper, the family law course has given me 6 credit points towards the “official” licence to practice; the degree, then the grad job, and eventually (hopefully) the corner office.

The course also gave me legal knowledge, the “skills” licence to practice. I divided assets under simulated property settlement, made a parliamentary submission, and contemplated the value of precedent in family law in reflection 2.

To leave it there, however, does not fully value the deeper learning I’ve achieved in family law.

Looking back at the course and my previous reflections, I can see this course has helped me immeasurably in developing a less commonly recognised part of legal practice, namely, the “emotional” licence, which complements a degree and legal skills. Particularly, this course has reinforced the need for empathy and support in good lawyering.

Empathy. In the first few weeks, I honestly didn’t think I was qualified to have opinions on family law. I don’t have divorced parents, have never been abused, and haven’t been exposed to family law proceedings. Moreover, I was told explicitly by another student in an early tute, when arguing hypothetically about the benefits of the friendly parent provision, that “I wouldn’t understand” as I had never experienced one of my parents abused, manipulated and traumatised by another. I also felt isolated when discussing female-centric issues, such as the feminisation of poverty. As a right-leaning male, I didn’t feel I offered much.

Apparently I was pretty out of step with my peers.

But that was then. Clearly some developmental process occurred, because after revisiting my week 1 quiz, it’s clear many of my values changed across the course.

Why?

I believe I experienced a natural reaction the family law “shock therapy” factor. Put simply, family law is the most personally confronting area of law I’ve studied. Property disputes? Broken families? Abused children? Some days I didn’t want to open the textbook. In reflection 3 I mused over the incongruity of representing drug addicted clients in parenting disputes, where practitioners could feel like they have failed the child in any outcome. Aristotle said “to perceive is to suffer,” and I think through passive exposure to people’s experiences of family law in the course through caselaw and shared experiences of my peers, this is the first course where I’ve ever really confronted the human aspect of the law. As I contemplated in reflection 3, what if separation happened in my own family? I think that being challenged to personalise issues, and not treating them as academic and abstract was what inspired my change. In this mindset, I saw wisdom in areas where I hadn’t seen it before, like the merit of homemaker contributions, the legitimacy of non-traditional parents, and, as explored in reflection 4, children’s rights to media privacy in proceedings. These changing values are hallmarks of my real learning in this course; understanding value of compassion and empathy, and connecting with the law beyond the superficiality of case names and statutes and seeing its effects on real people. By the end of the course, I was comfortable asserting myself in tutes, because even if “I didn’t understand” personally, I was equipped to at least try, which I think is a great starting point for legal practice.

Support. The pastoral nature of this course helped me understand good lawyering requires contact and support. Anne, Liz and Matt conducted the course as would any good lawyer support a vulnerable client. You welcomed me, made me feel comfortable, listened, told me your expectations, challenged me, and assisted me to good outcomes. […]Your “advocacy” for us as lecturers has made me feel supported and safe to be able to ask those deeper questions of myself in the course.

I recognise these reflections as vital to the support process. In reflection 1, I dismissed reflections as being part of the “touchy-feely” culture of family law and I worried about the disingenuousness of forcing emotion for a graded journal. However, looking back I can see this apprehension was based in a lack of experience with reflecting, and deep insecurity that my reflection wouldn’t be any good or make sense. This is my 5th reflection, I’ve had more practice, and now I’m grateful for the freedom of the reflections, which have allowed candid thought and fertile ground for re-examining my developing beliefs. I’m actually disappointed no other courses focus on emotional development in assessment, and I’ve had little reason to demonstrate emotional understanding in the past, despite law necessarily involving support and empathy. It doesn’t make sense!

Group work was also part of the course’s support program. I was surprised at the ease of the Parliamentary submission exercise, on my self-evaluation I wrote “least painful group exercise I’ve participated in”, which is high praise for group work! I like the course’s focus on group work, it felt like a microcosm of actual legal practice where there is always a team supporting you. This experience has made me less opposed to law courses asking us to develop group skills.

To conclude: Whilst I’m not sure I’m cut out to be a family lawyer, my emotional development, my learning about the role of empathy and support in this course will be an invaluable tool in my toolbox of legal practice.