

## Crafting Effective Strategies for Family Law Cases: What's Your ASK?

Elisa Reiter and Daniel Pollack | June 13, 2024



The primary objective of family law practitioners is to secure the best possible outcome for their clients, whether it is in matters of child support, custody, or property division. To achieve this, cases must be meticulously prepared, anticipating every potential scenario and by crafting a compelling narrative that resonates with the court.

At the heart of this preparation lies a fundamental question: “What’s your ASK?”

## **Child Support: Ensuring Financial Stability**

When it comes to child support, the ASK should revolve around securing a fair and reasonable amount that ensures the child's well-being and financial stability, giving clients a reality check as to what statutory guidelines would provide. To build a strong case, comprehensive evidence of the parties' incomes, expenses and financial obligations must be gathered. This evidence should be presented in a clear and concise manner, highlighting the child's needs and the parents' ability to contribute.

As renowned attorney Gerry Spence said, "The key to winning any case is to make the truth understandable." In the context of child support, the ASK should be framed in a way that makes the truth about the child's needs and the parents' financial circumstances undeniable.

## **Custody: Prioritizing the Child's Best Interests**

In custody battles, the ASK should center on securing an arrangement for parenting time that paints a comprehensive picture of the child's life and of the parents' respective roles. This may include testimony from a variety of witnesses, including teachers, counselors, or other professionals who have interacted with the child and the family.

Gerry Spence said, "The courtroom is a battlefield, and the trial is a war." In the context of custody battles, the ASK should be framed as a battle for the child's wellbeing, where attorneys present a compelling case that leaves little doubt as to the most suitable custodial arrangement.

## **Property Division: Achieving Equitable Distribution**

In matters of property division, the ASK should focus on securing an equitable distribution of assets and liabilities. This involves a thorough evaluation of the marital estate, including any characterization and tracing issues as to separate property claims where applicable, as well as solid valuations of real estate, investments, retirement accounts and debts.

As the case is prepared, attorneys must gather comprehensive financial records and documentation, ensuring that every asset and liability is accounted for. Additionally, attorneys must be prepared to address any potential disputes or challenges regarding the characterization or valuation of assets.

Gerry Spence said, “The truth is the most powerful weapon in the courtroom.” In the context of property division, the ASK should be grounded in the truth – a fair and equitable distribution of the marital estate based on the facts and evidence presented.

## **Preparation: The Key to Success**

Regardless of the specific issue at hand, effective preparation is the key to success in family law cases. This preparation should involve a thorough understanding of the applicable law and precedents, as well as meticulous gathering and organization of evidence.

As the preparation proceeds, attorneys must anticipate potential challenges and objections from the opposing party, crafting the ASK in a way that addresses and overcomes such obstacles. This may involve conducting mock hearings, depositions, or cross-examinations to refine

strategies and to prepare witnesses in order to verify that the ASK is presented in the most compelling and persuasive manner possible.

## **Conclusion**

In the dynamic and often emotionally charged realm of family law, the ability to clearly articulate the ASK is paramount. By focusing our efforts on crafting a compelling narrative that resonates with the court and that aligns with our clients' best interests, we increase our chances of achieving a favorable outcome.

Remember, the ASK is not merely a request. Nor is it a demand. It is a carefully crafted strategy that connects every action, from the initial consultation to the final ruling. As Jean-Paul Sartre said, "Commitment is an act, not a word." By keeping the ASK at the forefront of our preparation and presentation, we can navigate the complexities of family law with confidence and professionalism, ultimately securing the best possible outcome for our clients.

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