
Of Counsel Interview ...

Family Law Attorney Brings Both a Steady Demeanor and Steadfast Advocacy to His Clients' Matters

Lawyers who practice family law draw on a combination of attributes to best serve their clients in this dynamic yet delicate area of the law. On one hand, they must employ an assertive, tactical approach in often very contentious disputes. Yet, they must also handle client matters with genuine empathy and compassion, using a soft touch.

David Steerman, a partner and chair of the family law practice group at Philadelphia-based Klehr Harrison Harvey Branzburg, seems to be adept at applying both of these skill sets: zealous advocacy and counseling with a high emotional IQ.

Consider what a former client said about Steerman: "He is aggressive enough to get you what you need and calm enough to hold your hand."

Steerman handles the full spectrum of family law issues, including divorce, child custody,

support, same-sex dissolution, and pre-/post-nuptial agreements, among others. According to his bio on the firm's website, he counsels a wide array of clients:

"His scope of representation includes individuals and families of every background, ranging from working families to high-net-worth individuals, including, but not limited to, individuals in the business, medical, legal, accounting, and educational communities, as well as high-profile athletes, celebrities, and politicians. His clients also include dependent spouses and/or individuals with limited to no work experience."

Recently, *Of Counsel* talked with Steerman about his practice, trends in the family law arena, his likes and dislikes about this practice

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area, and other topics. The following is an edited transcript of that interview.

Of Counsel: David, when you think about the matters that you handle, is there one that particularly stands out, or maybe a set of them?

David Steerman: I think some of the high-conflict custody cases are the most interesting and challenging for me. I never shied away from a challenging matter. It's nice to balance it out with some easy, amicable divorces and things like that, or even custody matters when everybody does what's truly in the best interest of their children and work things out cooperatively. But I've dealt with a lot of high-conflict cases. Two or three in particular stand out, where it took a tremendous amount of persistence and required me to really work all different systems.

One case involved a child with a father who lived in France. The father had lived in the United States and had moved back to France, which is where he was from originally. He had a young child, and the mother was here in the United States. She completely disregarded this child's father as having any rights to be in a relationship with the child and did everything possible to interfere with him having a healthy relationship.

Over the course of a year or a year and a half, I was able to get primary custody of that child for my client, the father, in France. And even though she was horrible to him, he always did the right thing and continued to do that, and that child remains in his primary custody.

In another, similar case that came to me earlier in my career, I represented another father,

not that I don't represent an equal number of fathers and mothers, men and women. This father had a spouse who had made numerous false allegations of abuse, trying to keep him from having a relationship with the child. The father lived more than two hours, away, in the same state, in Pennsylvania, but the mother of the child, who originally had primary custody, had custody here in Philadelphia. He would make all kinds of Herculean efforts to exercise his limited custody. Finally the mother, after a year or more of ongoing litigation, took the child underground, which was really frightening. Ultimately, we were able to track that child down and my client got primary physical custody of the child, who grew up in his primary care. The mother, surprisingly, didn't do a whole lot to get more than the limited custody she was allowed for the rest of that child's life.

An Array of Attributes

OC: How would you characterize the knowledge base that you bring to your practice? It seems like successful family law lawyers have an interesting confluence of strengths that come together to serve their clients. Another way to ask the question: If you were hiring someone to join your practice group, what attributes would you want that candidate to have?

DS: You don't have to be an expert in everything, obviously, but I think it's very important if you want to practice family law to be comfortable reviewing balance sheets, tax returns, profit and loss statements, being able to work with forensic accountants and understand their language. Similarly, you have to be familiar with real estate transactions, because often there is a parcel or multiple parcels of real estate involved, sometimes residential, sometimes commercial. Clearly you need to know what the tax-related issues are.

One of the things I really like about my current firm, and my last firm for that matter, but even more so here at Klehr, is that there

are people in each of those areas that I can go to if I don't have the level of sophistication in the matter I'm handling. I don't hesitate to reach out to people in my firm or even go beyond my firm if I need that.

But I think a competent family law attorney should be well versed in tax and real estate issues. You have to deal with trust and estates matters because there are often complicated trusts, or trusts that are divested over the course of a divorce or separation period.

So, there are quite a few areas in which you need to be knowledgeable, in addition to the basics, which are knowing the laws of division of assets and liabilities, equitable distribution, support issues, custody issues, the laws relating to protection from abuse, and so forth.

And then one of the [attributes] that I came to the area of family law with was my interest in mental health and dealing with emotional challenges. When you have complicated custody cases, there are often mental health professionals involved who you must work with regarding your client. And there are some mental health professionals who do what are called custody evaluations where they administer testing, and you have to review reports that help all of that. I would say those are the big areas that I can think of off the top of my head.

OC: And you certainly have to navigate the difficult terrain of family dynamics. Is that where your psychology degree comes into play, and, if so, to what extent and how?

DS: Well, I do have a degree in psychology, but I think it's my interest in human relationships that originally drew me to that major as an undergraduate at Penn. While my psychology education was helpful to understand certain things, what really helps is just going through life and being respectful of people, even in awful situations, and understanding and being willing to understand that sometimes there may be things that are out

of people's control that causes them to do the things they do. It doesn't mean that I'm condoning that, but I have an understanding about it, and I can help my clients better understand how to deal with that, both when they're the person afflicted with a mental health issue or when they're dealing with someone on the other side who has mental health issues.

A common occurrence today is very high-functioning people who have substance abuse issues, whether it's drugs, alcohol, compulsive behavior with gambling or sex, things like that. This often comes into play in the family setting and has an impact on how you divide up assets and liabilities, as well as dealing with custody issues that might come up when children are involved.

New Developments

OC: Is there anything different that you need to keep in mind when dealing with same-sex dissolutions, as opposed to heterosexual marriages, or are they pretty much the same?

DS: When I first started out more than 35 years ago, there were few same-sex matters, because clearly, we didn't have marriage equality until more recently. But the number of same-sex couples who went through the court system—perhaps out of concern that they wouldn't be treated well by the court system—was very low. And now I'm starting to see more and more same-sex dissolutions in both Pennsylvania and New Jersey, both jurisdictions in which I practice. The courts treat people equally. I mean you could come across a judge in any jurisdiction who could have an axe to grind with a certain type of person, but generally speaking, I don't find it to be an issue.

As a bridge to that topic though, I'm seeing more and more [situations that involve] gender identification issues that arise when people are parenting a child who is born with

male or female genitalia but decides that they do not match their sex organs. Sometimes parents are in sync with that and sometimes they're not, and I think those issues are really the challenging ones in the LGBTQ community today, within the family law context.

OC: It just goes to show that you really have to evolve with societal change. As a lawyer, you really need to stay on top of these issues, because sometimes they're delicate and very nuanced. Sometimes there is absolutely no case history, and you have to forge your own path. Right?

DS: That is right on. And even when you take the time to learn about those topics and communities and try to stay current, you have to be very careful about how you say things. For example, it used to be that if a woman called, I would ask "What's your husband's name?" And if a man called, I would ask, "What's your wife's name?" But I haven't done that for years. I always ask, "What's your spouse's name?" In recent years, "spouse" is the word I use because you never know. [The people] may be a same-sex couple or a heterosexual couple where one person is now changing gender.

It's very complicated, and I think the thing that worries me the most ... when you're an adult and make those decisions, you're better equipped to handle them. But in a custody setting, when you have children who are experiencing gender-identity issues, and they don't have two parents who see eye to eye on that, and it gets taken up in a court setting, that's very, very concerning to me. I'm not sure how that's going to go. I hope I'm wrong, but I think that's something we're going to see more and more of.

OC: And using language like "spouse" is such a simple change to make; it's an easy fix. But you have to get used to doing it, and it makes a big difference, especially if you were to get it wrong with someone on the phone.

DS: Right. If that were your first contact, and they didn't know you, they might

be offended by the fact that you assumed that they're married to a man or a woman. I was just speaking with another lawyer about this yesterday, and I was talking about what I just discussed with you, that I use "spouse" instead of "husband" or "wife." And, it occurred to me ... I periodically update my new client information worksheet, but I have not taken the step—and I know that a lot of my friends who are in business have—to ask what pronouns they want to use. It also becomes necessary when drafting pleadings. But it's going to be interesting to see.

Inadequate Time & Money

OC: If you could change one or two things about the legal profession and practicing law in the United States, what would it or they be?

DS: In the jurisdiction that I'm in—and in fact I know because I am a member of the American Academy of Matrimonial Lawyers which is a national organization for top-tier family law attorneys in the country, and I see what's going on in other parts of the country—the courts don't put a lot of money into the family court system and don't give a sufficient amount of time. To me it's a very sad statement.

Now, I appreciate that they're on overload, and it's high volume and everything like that, but I don't think they give cases the time that they really deserve, on what are very important issues. And, with these custody issues, the children who are damaged as a result of their parents' divorce or break-up or even if they've never been married but have parents who don't get along, often end up in the criminal system. They seem to put far more money into that than they do early on in the family court system, and that to me is a tragedy, that the resources set aside for family courts are limited.

Also, the amount of time that a court is willing to allot for a hearing, particularly on

custody issues, is sometimes very concerning. The judges will really hurry you along, not always, but often, and don't give you the opportunity to present your client's case fully and allow them due process.

The other big area is this: There's so much substance and alcohol abuse today. With alcohol there are devices that can easily monitor parents' alcohol intake, so that when they have custody, they are testing, and if they don't test, or they are registering a non-compliant test, the other parent knows right away to come get the kids.

But with medical marijuana and recreational marijuana use, people can get really impaired and a lot of them, not everyone, but there are a lot of people who abuse their medical marijuana cards. But we don't have the same ability to test and prove that as easily, which can be very frustrating. I recognize the importance of somebody's right to use medical marijuana, and perhaps the need for that, but the balance between overuse or abuse of that and caring for children is a huge concern and frustration.

OC: Let's turn it around. What do you like about the legal profession and serving your clients?

DS: For me, that's an easy one. I chose an area of the law that wasn't necessarily the area that my parents would have chosen for me, but I knew that helping people was very important to me. I also I knew that having an opportunity to be in a courtroom was important to me because I like that aspect of the law, lawyering and litigating and presenting facts and evidence in the courtroom. So those are things that originally drew me to family law. They're the things that continue to make me feel good about what I do and rewarded by the help that I'm able to give to people.

I'm grateful that I have clients who are very affirming of that, even though they're going through some of the worst times of their lives. So, I think the human component, the helping and care component, and tying that together with an opportunity to be a litigator in court are what I find to be very rewarding. ■

—Steven T. Taylor