

All Around the Campfire

How a College Experience Fostered the Care and Keeping of Clients

By David C. Hamilton

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It's safe to assume that no one is interested in hiring an attorney who only can argue for or understand the male or female position. While men will probably always better understand the male perspective and vice versa with women, if we as attorneys invest no work to better understand the experience, emotions and realities of the opposite gender, we will fail to represent them successfully. As a husband, father, brother, son and family law attorney, I can naturally understand the perspective of my clients who have experiences similar to mine, but it's critical that I put energy toward better understanding those whose shoes I have not walked in, those of wives, mothers, sisters and daughters, so that I can effectively advocate on their behalf as well. Though it's a daunting task, I've learned that the best

way to gain insight into this unique experience is simply to listen, be intentional when asking questions and exhibit a willingness to do what it takes to understand my client's perspective.

It's always been clear to me that while I have a lot of experience with how men think, feel and engage with the world, I have to work hard to better understand those who have had a different experience. I grew up in a household with all boys and, while my mother was an influential figure in my upbringing, she wasn't sharing her thoughts, emotions and experiences as a wife and a mother with me. It didn't help that I then attended an all-boys high school. I didn't witness girls in their adolescence stage and therefore had no insight into what they were going through or how they were feeling. While my undergraduate and graduate schooling was



co-ed, I rarely strayed from my comfort zone, maintained friendships with men and didn't have significant exposure to women and the novel experiences they had until I began forming romantic relationships.

The first time I recognized just how different the female experience is from the male experience was when I became a counselor at an all-girls camp for three summers in a lakeside town in Maine. Why I decided I was equipped for that role, I do not know, but I am thankful I found myself in the position. The campers ranged in ages between 8 and 15, and they spent just over two months canoeing, hiking and tying knots. Growing up in an all-male environment reinforced what I had only ever known: I knew the problems that most boys those ages faced. However, it was during this camp that I witnessed firsthand the problems that young girls

encounter during their formative years. For that, I found the summers in camp to be an invaluable experience.

In addition, my fellow counselors ranged in age from 18 to 75, and most were women. It was during these summers that I had the opportunity to acknowledge new perspectives, listen to experiences I would not encounter and implement a new set of ideas about how people should be treated. I'll be the first to admit I wasn't the best person for this job at the beginning of my first summer at the camp. I was uncomfortable. In addition, when you are a new person in a place full of people already familiar with each other, they stereotype you. At the first meeting, I wasn't David the counselor, but a male counselor — a stand-in for my gender. All sorts of assumptions about what men do and think were placed on me. Serving

as a "representation" of men and seeing how problematic such a role was made me all the more aware of and admiring of the camp's goal to cultivate strong, independent individuals.

By the end of the summer, listening to my fellow counselors, asking questions and hearing experiences told from their perspectives significantly helped me look at the outliers and differences in my own life. Creating a diverse, tolerant community requires more than putting different people together; one must be willing to acknowledge and step out of the prejudices or assumptions one holds and develop real relationships. For me, that meant not only a better understanding of the female perspective, but it also reinforced just how different it can be from the male, and how important it is to recognize the reality of both.



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When I sat for the bar with a plan to practice family law, almost a decade had passed since those summers as a camp counselor. By that time, I had a better understanding of myself and the person I wanted to be. Most importantly, I knew I still had a lot to learn when it came to the experiences of those whose shoes I never walked in, particularly, wives and mothers. The experiences of husband and father were more familiar, but it wasn't until I stepped into those roles myself that I developed a deeper understanding of them. Interestingly enough, my first day as a practicing family law attorney was 10 days after I took on the new role of husband. It was sometimes unsettling to begin my marriage as I helped other people settle the end of theirs, but working on my marriage allowed me to gain insight into the complexities of the union, the different roles that partners play and the different emotions and complexities involved. Being a husband gave me a window into one experience, and watching my wife navigate her own experience and the emotions involved helped me gain a better understanding of that unique role as well. More than anything, it reinforced how important it is for me to ask questions and never assume that I know what a person is going through. I have found that the more personal experience I have with the roles my clients hold, the more successful I have become at my craft. While there is no substitute for personal experience, I cannot wait for years to toll for me



to properly represent my clients. With that, I understand the importance of investing and expending energy to understand my clients' perspectives and the logic behind what they are fighting for.

At camp, the particular environment made honesty all the more possible. Phones were banished, and the internet was inaccessible. Everyone — male and female alike — wore the same uniform of navy shorts and a light blue T-shirt. In the place of typical teenage activities, we canoed or hiked. It was idyllic. For two months, the campers, counselors and I were closed off from the outside world and given the chance to scrutinize our thoughts and opinions on how we wanted to be treated and, in turn, foster a better community among each other.

As a family law attorney, I do my best to create an environment where my clients are comfortable such that they are willing to share their unfettered opinions. While that may not mean unplugging from the outside world or canoeing on a lake for two hours, it does mean leaving my cellphone in my office



or turning it off for the time we are talking. It also means maintaining eye contact and gently digging into areas of interest where my client might not be as open or willing to share. Once my clients realize how willing I am to listen, I have found that the lines of communication are much more open and effective. As a lawyer, I do my best to stay away from labeling anything as a “women’s issue” or “men’s problem.” Such terms and labels may seem harmless, but that line of thinking is where stereotypes or prejudices are most insidious.

My most recent learning experience came when my wife and I became parents in January. Once again, I found that stepping into the role gave me a more intimate understanding of what my clients were going through as parents. Feeling the intense emotions of a father, watching my wife take on the important role of a mother and recognizing the different relationships that form between a mother, father and newborn child helped reinforce just how important it is to appreciate the complex realities and emotions around a family structure when I



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am working through a divorce or custody battle with a client. Before fatherhood, I always thought I had sufficient understanding of the motives behind custody battles, but now I recognize there are often more layers to these stories that I need to break down.

From working with campers and counselors to now working with mothers and fathers or husbands and wives, I have learned that those titles should not define how I view a person or represent them. I try to leave the label at the door since I do not want to perpetuate any old bias. For instance, if I represent a mother in a custody battle, I believe the old archetype that a child needs his or her mother should not be the basis of my argument. However, I will argue that if the child has lived solely or primarily with the mother since birth, then every effort should be made to maintain the status quo. The basis of the argument has nothing to do

with the mother and the traditional role of the caregiver. Instead, I highlight the need for stability and continuity in the child's life. I convey that my client is more likely to maintain a loving, stable, consistent and nurturing relationship with the child. While the previous sentence may lean on the stereotypical gender roles that continue to plague mothers and wives, I cannot lose sight of what the client is fighting for. The time spent investing and expending energy into understanding my client's perspective pays dividends if and when the matter must be presented at trial.

Another example of the unfortunate use of stereotypes that are prevalent in the family law field surrounds fathers as primary caregivers. In my practice, I had a father who wanted to share physical custody of his adolescent daughter. In speaking with opposing counsel about the matter, a surprising trope was perpetuated. Opposing counsel indicated that my client was a 50-year-old man and he should not be living with his adolescent daughter. I was dumbfounded by this line of thinking. While my client may have lacked personal experience about girls' coming-of-age years, it does not mean such backward-thinking views should still exist.

As a counselor, my role was to accompany the campers on their journey and impart respect and dignity. As an attorney, my title has changed but my role remains the same. I safeguard the interests of children through assisting my clients unwind a marriage or

determine a fair custody arrangement. And though it always feels like there is never enough time to do anything, if we as attorneys can recognize that we might not know as much as we think we do, especially about those with whom we have little in common, and take the time to listen to and learn more about our client's experience rather than making assumptions, our arguments will be stronger and we can do a better job representing them.

As attorneys, we should aim to shatter the presumptions that we hold and, in their place, aim for an equal, just society that nurtures and dignifies each person. My months in camp those summers gave me a deeper understanding that a diverse, inclusive community isn't manufactured, but is a process unto itself where each person's experience and outlook must be acknowledged, examined and reevaluated in light of the whole. ¹



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