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Student/Parent Lawyer: Top 10 Things to Know

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Student/Parent Lawyer: Top Ten Things to Know

1. Know Who Your Client Is

It may sound basic, but one thing an attorney must always stay focused on is who the attorney's client is when representing a student. Ultimately, the student is the client. But it would be naive to begin representing a student not knowing that the parents/guardians of the child are going to want to be included and treated just as much clients as the student/child. This issue can present unique challenges especially when it comes to the attorney-client privilege and advising the client under circumstances that require knowledge of the truth. The best way to approach this situation is to meet with the parents/guardians and the child together first and go over as much procedural information as possible, answer questions and talk about the broader subjects involving representation of the student. My practice is to talk about the attorney-client privilege and emphasize the importance of the confidentiality that exists between the attorney and client (student) and then have the parents/guardians step out to meet with the student one-on-one for a more confidential conversation covered by the attorney-client privilege. It is imperative too, that from the onset you inform the parents that even though they may be paying for the representation, the client is ultimately the student and whom the attorney owes his/her loyalty to first and foremost.

The client is always the student, and an attorney must always keep that in mind while maintaining trust and transparency (as much as possible) with the parents as well. You will have to find a good balance of maintaining open communication with the student's parents/guardians while also maintaining absolute confidentiality with the student.

2. Know Your Client (and Their Parents/Guardians)

It's essential that you get to know your client and his/her parents/guardians as much as possible. It's ideal to have a good conversation before diving into the potential matter of representation first to gauge who you are dealing with. Often, a parent will call in to my office seeking representation and sometimes even come in

to meet with me without the child even being involved. Parents tend to want to be in complete control of the situation without giving the child much of a voice in the matter. As a parent myself, I understand this mindset (even moreso with younger children). But, as an attorney, it's well worth the time to have that meeting or those conversations with the parent(s) on the front-end of representation to talk them through the dynamics of an attorney representing a juvenile while keeping the parents as informed as possible. Again, the best way to do this is to take the time to get to know the parents/guardians and child. You should learn as much as possible about the family dynamic. I suggest also getting to know as much about the background of the family as possible. Take time to have the parent(s) explain to you the child's background but also their background as parents. Not only will this establish a rapport of trust, but it could give you as the attorney very valuable information that could greatly help from a strategic standpoint.

In addition to getting to know the parents and the family dynamic, when you meet one-on-one with the child, develop rapport by getting to know the child as well and work to have the child open up to you about their relationship with his/her parents. You should also talk to the child about their interests, hobbies, and friendships. This will generally show the child that you are genuinely interested in them personally and that you are here to help them through a difficult situation and on their "team".

3. Know Your Environment

As you know, each school district is unique and has its own personality. I practice in the Dallas-Fort Worth area. There are 17 districts in Dallas County and 20 in Tarrant County. The contiguous counties surrounding Dallas and Tarrant also have numerous school districts each with their own unique environments. It is essential that you use whatever tools at your disposal to get to know the administrations that you are dealing with and the nuisances that may exist between the districts. The best way to do this is to practice in as many districts as geographically possible and get to know the people involved in those districts. This is an easier task with districts that you practice regularly in, but for those that you're unfamiliar with, it's worth the time to make calls to local colleagues and even the attorney for the district to get some heads-up as to what to expect in dealing with that district.

The most valuable resource, in my opinion, is the school district's attorney. Typically, the attorney will be more than happy to speak with you about what to expect with the district's processes. While the procedures are generally the same

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