

# LAW WEEK

## COLORADO

# Walking The Line

Raw emotions and straight talk Contested incomes and emails at 10 p.m. It’s all part of the job for family law attorneys who struggle between being a lawyer and a therapist, work and sanity.

By **James Carlson**  
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IT’S 9:30 A.M. in Boulder and Tanya Akins is wading through a sea of numbers.

Her client, a man going through a divorce, sits with her at the table in a nondescript office waiting for the mediator to return from a room not 15 feet away where his soon-to-be ex-wife sits with her attorney. Akins, 42, wears thick-rimmed black glasses and carries an air of assuring confidence. Figures roll off her tongue like they were her phone number. She fingers a 4-inch-thick folder of papers. Before them are a slew of bank statements, financial disclosures and a chart that breaks down the couple’s entire relationship into dollar amounts. A trust account worth \$177,000. A retirement account estimated at \$358,000. A car with \$8,000 of equity.

Then there’s the number representing his wife’s new Mercedes.

“My lovely wife bought a \$38,000 car four days before asking for divorce,” he says, chomping on his gum. “It was an excellent FU move by her.”

Akins looks up from the file. “Remember,” she says. “That goes in her column.” She means that the car is counted as one of the wife’s assets, and because the couple is seeking a 50–50 split, the cost will be balanced out in the end. He just stares at her, pushing the gum to the front of his mouth and pursing his lips. He nods once.

Sometimes, as a family law attorney, you’ve got to shoot straight.

### Always available

The attorneys of Denver family law firm Sherr Puttmann Akins Lamb, like many family law attorneys, know how to walk the line. Between being a tough-love parent and a consoling friend, between being a no-nonsense legal adviser and a therapist.

It’s not a 9-to-5 job, that’s for sure. Before morning exercise, you tackle your inbox. Before your head hits the pillow, you dispose of remaining emails. For Megan Sherr, a founding shareholder of the firm, that’s to ensure her clients feel safe in her legal hands. It’s not like she could just let it go, even if she wanted to. She’s a self-described workaholic, for one, but there’s also the bond she forms as the listening ear and the helping mind.

“It’s kind of how this family law thing goes,” she said. “You can’t be in these intimate experiences and not want to help.”

Up in Boulder, the pain is apparent in the heart of Akins’ client. His wife’s request for a divorce was a jolt out of nowhere to him. They officially filed on March 26 — “a date you don’t forget” — and they first tried to come to an agreement themselves. It didn’t work. Now here they are, just feet from each other, yet so far apart, working out the final details through a middlewoman.

It’s 10:15 a.m., and although the husband has resigned himself to reality, the weight still presses on him. When the mediator re-enters the room after nearly an hour with his wife, she tells him what his wife is seeking. He chews his gum and stares dead at the mediator, unblinking as if the shock of that first divorce request still lingers.

He wants to be fair. He might question some of his wife’s requests, but he concedes on others. Still, every once in awhile, bitterness seeps out. “Big dollar signs in her eyes,” he says at one point, even though they’ve agreed the financial split will be equal.

“The problem with divorce cases,” Akins said, “is helping your client put emotions aside. We need to get this done. This is essentially a business transaction.”

The sticking point in this transaction is the husband’s retirement plan. The wife is asking for a lump sum payment of half. He won’t budge. He wants to pay her half of what he has accumulated to this date, not at the time of his retirement when he can actually pull from the account.

The problem is he can’t name a beneficiary until he actually retires, leaving his wife exposed to him dying and her getting nothing. A phone call to the retirement service center doesn’t provide easy answers. The husband, staring at the phone, takes a deep breath and lets it out slowly. There are a lot of sighs in mediation.

And this case, Akins says, “This is an amicable one.”

### Letting emotions run their course

It’s 2:30 p.m. and in the firm’s Denver office Megan Sherr is doing her best to put out a smoldering fire.

Her client, a 48-year-old divorcee, is standing behind a cherry table rhythmically squeezing an empty plastic water bottle like a stress ball.

Despite Sherr’s repeated assurances that her ex-husband has no legal basis to do so, the woman worries that he will try



Megan Sherr of Sherr Puttmann Akins Lamb, like many family law attorneys, knows how to walk the line. | LAW WEEK PHOTO MATTHEW MEIER



One of the firm’s clients, a 48-year-old divorcee, sits behind a table in the firm’s office rhythmically squeezing an empty plastic water bottle like a stress ball as Sherr comforts and guides her toward a mediation. | LAW WEEK PHOTO MATTHEW MEIER

to get out of his maintenance payments — payments that amount to the woman’s salary as she struggles to find a job.

Sherr, 38, might have just returned from a vacation in Brazil, but when she looks at her client with her brown eyes, they are zeroed in, seeking a solution to the present problem. She and her client veer off to other topics and after 15 minutes, the woman again raises the issue of the maintenance payments.

“Why hasn’t he filed a motion to modify?” she wonders before quickly answering her own question. “Because he can’t.”

“Yes!” Sherr says. “So why don’t you know that he can’t?”

“I’m worried he’ll try anyway.”

“And he’ll lose.”

The interaction seems to ease the client’s worries. She sits quietly for a moment, a brief reprieve from the thick air. “You know what makes this so emotional,” she finally says, “he fought for that parenting plan, but he never sees them.”

Which is why she is so upset that when he actually did see the children recently, he told their boy that Mom was trying to put Dad in jail. It’s just not true. Sherr props her head up with her fingertips. Her eyebrows furrow as she thinks about the situation.

“During this,” the woman says, “you need an attorney and a therapist.”

Sherr smiles. “Well, we’re *counselors* at law.”



Wearing more than one hat

As any psychologist will tell you, the work doesn't slip off your back when you leave the office.

And if you have to absorb that emotional wallop and still remember the exact amount of child support each of your 40-something clients agreed to months ago, well, it can be heavy. Burnout is high among family law attorneys.

"There's no forgiveness," Sherr said. "You can't say, 'Wait, what's your husband's name?' It's a lot of stories coming at you fast, and when I start a new case, it can be hard."

For Akins, who recently recorded 205 billable hours in a month, the most in her career, the job can scramble her brain.

"You're not just managing the case legally; you often have to manage the case emotionally," she said. "I'm not sure on some days which hat I'm wearing. Some days I'm a lawyer, some days I'm a therapist."

Collaboration is key. The firm's four lawyers meet for lunch on Fridays and discuss cases, playing the same role for each other that they do for their clients — legal adviser, emotional supporter. Vacations also help. Sherr's recent trip was the first time during a break in nine years that she didn't answer her emails.

But she still read every one of them.

A timing game

It's 3:50 p.m., and Sherr is mapping out the chessboard.

She is helping another client, a 41-year-old divorcee who is also dealing with post-decree matters, decide whether to file a motion to modify the child-support payments. The problem, as with many cases, is discovering the financial situation of an ex-spouse can be like prying a sucker from a sugar-starved kid. Without that information, the motion to modify is a gamble.

If Sherr files it and the ex-husband's income has increased since the last agreement, then her client will get more money from the date of the motion. But if his income has gone down, then Sherr's client will owe money to him from the date of filing.

"It's strategy to know when to file certain motions," she said. "It's always about strategy."



Another of Sherr's clients is upset that her ex-husband won't provide contact information for the nanny he uses when their daughter visits him in California. | LAW WEEK PHOTO MATTHEW MEIER

Up in Boulder, Akins' client and his wife have reached an agreement. The issue of how to make the husband's retirement account available to the wife was settled by him taking out a life insurance policy that would pay the amount of his pension if he were to die before reaching retirement age. When he reaches retirement age, he'll name her as a beneficiary.

They started the process on their own but ended it with attorneys. While not a happy ending, it seems to satisfy both parties.

Back in Sherr's Denver office, the ex-wife's blood vessels pulse on her fingers as she thrusts her clinched hands into the air. She is upset that her ex-husband won't provide contact information for the nanny he uses when their daughter visits him in California.

"I want to be able to get a hold of *my child*," she says. She emphasizes the last two words as if they have the power to change the law, like they must unlock something in the system.

Sherr nods. "Of course," she says. Then she patiently explains how if they demand that, the ex-husband could retaliate by asking to be notified with contact information every time their daughter is at a different person's house in Denver.

No resolutions are imminent. They decide against filing the motion to modify child support. Instead Sherr will write a letter to opposing counsel. In it, she'll lay out what her side hopes to achieve in mediation, and she'll request income information so she can determine whether to file the motion to modify child support.

The ex-wife bites her lip, understanding it's the best move to make, yet not totally satisfied. Sherr puts down her pen for a moment.

"Yeah, it's a nightmare," she says. "It's a nightmare because there are so many unknowns."

But when the ex-wife gets up to leave, she smiles broadly.

"Thank you," she says in the earnest way you thank the person navigating you

through your darkest hours.

The full picture

It's 9 p.m., and at Sherr's home the workday rolls on.

After checking emails, she reviews letters and pleadings drafted by her paralegal and then sends them to clients for their review. She might not normally be working at this hour, but earlier, when she got home, she checked her phone at the door so that she could greet her boys. Now is her time with the kids. She knows the brutal divorce process firsthand.

So she ate with her two boys. (Her daughter is off at camp.) She asked about their days, watched TV with them and then tucked them into bed. And then it was back to work.

"I'm definitely better at what I do," she said, "definitely understand more because I've gone through it."

Not that she would recommend it. •  
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