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Business As Usual... And Unusual

By Penny Martin

COMPLICATIONS IN LIFE, both personal and professional in nature, can and do occur. In fact, it's a given that at some point, most of us realize when a situation is too complex to handle on our own and we need the help of a legal expert.

If there's a contract to negotiate, trusts or wills to be written or a divorce to be filed, an attorney is the first person we look to for assistance. But what about other situations where we might feel lost or overwhelmed? Can a lawyer help?

A CALL FOR HELP

Deborah Mackoy, Lisa Hernandez and Christine Qualls, of Mackoy, Hernandez and Qualls in Frisco, limit their practice to family law in courts of Collin, Denton and Dallas counties, and together they have more than 26 years experience. "We have a 'boutique' family law firm. One of the things that we believe makes our law practice unique is that we take

a very team-oriented approach," Ms. Mackoy explains. "On any particular case, it's not unusual for all three partners to brainstorm theories, strategies and ideas for presenting our client's case."

Mackoy, Hernandez and Qualls have extensive knowledge in all areas of family law from divorce and child custody and support, to adoption and termination of parenthood. In addition to their comprehensive family law services, they also provide estate planning and assistance with wills, trusts, special needs trusts, powers of attorney and guardianships.

According to Lisa Hernandez, it's common for at least two partners to appear together in a complex or heavily contested case. "Two heads and that second pair of eyes, ears and hands can be helpful beyond belief. One at lead position with the other as 'second chair' providing advice is a strategy that has proven to be effective for our clients

that need this level of service," says Ms. Hernandez.

Ms. Mackoy has had her share of usual type cases, but she has helped resolve many unusual cases as well. "Once a couple sought out my assistance to try and relieve themselves of the responsibility of their wayward teenage daughter. Since they had been completely helpless in trying to control her behavior they wanted to 'emancipate' her so they would not be responsible for any damages resulting from her criminal mischief."

Another uncommon case of Ms. Mackoy's involved a recording company and a child star. "I was asked to assist in having a recording contract for a child star approved by a district judge, since a child under the age of 18 cannot legally enter into a binding contract and the recording company needed to protect their interests by having the contract judicially ratified."

Ms. Mackoy was once asked to help children after they suddenly lost both parents and relatives had taken everything they owned, including the lone remaining survivor of their family, their dog. Her clients requested the elderly dog personally be driven back (not flown, since he was too sick to survive the flight) from another southern state on the eastern seaboard. "This was actually one of the highlights of my career," admits Ms. Mackoy. "The judge could not believe that I was setting the matter for hearing because I could not, by way of negotiation, get the relatives to return the dog. The judge was hesitant to set the hearing but in the end, he was persuaded."

ASSISTANCE WITH SPECIAL NEEDS

Christine Qualls has represented

several parents of special needs children regarding their rights as well as the school district's responsibilities regarding their education. Her role has included reviewing paperwork from the school district and attending Admission, Review and Dismissal (ARD) meetings. "As a parent of a special needs child, I have personal knowledge of the challenges experienced by families in this situation," Ms. Qualls explains.

One such case involved a 15-year-old with Asperger's disorder, a variant of Autism, who was serviced by the school district as a student in the special education department for several years. "The student started exhibiting some behaviors that are normal for a person with Asperger's, but not the 'norm' for society. The school district performed a re-evaluation and determined the student no longer had Asperger's and recommended the student be placed in a Behavioral Support Classroom offsite. The parent disagreed with the placement and independent evaluations were performed. It was found that the student did, in fact, require a diagnosis of Asperger's and that the Behavioral Support Classroom was not the proper placement in this situation."

Passionate about providing advice and assistance to parents of children with Autism or an autism spectrum disorder, mental retardation or learning disabilities, Ms. Qualls helps the parents understand the law as it pertains to the school district's obligation to provide a meaningful education in an environment that is not restrictive and provides the services necessary to facilitate learning.

"Most parents I have assisted have

been surprised to learn they do not have to agree with everything the school district proposes," states Ms. Qualls. "The Special Education Process can be a web of acronyms and terminology that can be very confusing. Conflict between parents of a special needs child and a

concern to the school regarding their child's progress and requested a meeting. Only then were they informed that their child had regressed. The parents requested that the school district provide and pay for summer tutoring. After a second meeting the school district agreed to the parents' request.



MAKING THE RIGHT CHOICE

For both common and uncommon legal assistance, how does one go about finding the help they need? "Ask for referrals from as many people as you know who have either been through something similar or know someone who has," offers Ms. Hernandez. "Another good source is to ask an attorney you trust for their

school district usually arise when the district proposes an Individual Education Program (IEP) with goals and objectives or placement that may not be appropriate for the child."

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An important case example is a 16-year-old student beginning the school year at a certain level in reading, math and language arts. The student's IEP goals and objectives were designed to progress the student to a higher education level by the end of the academic year. At some point during the course of that year, the parents expressed

recommendation. Everyone should look for an attorney familiar with the courts and judges in the county where the case will be heard."

Hastings Hanshaw, of Hanshaw Kennedy, agrees that obtaining personal referrals is the best way to find good legal counsel. "Look for a successful track record, oral and written advocacy skills and an attorney willing to provide a candid assessment of a potential claim or defense." Hanshaw Kennedy, LLP specializes in business litigation, partnership disputes, entity structuring and has been in practice for eight years. "A good lawyer has the ability to competently blend listening, counseling and advocating to best achieve the client's objectives," Mr. Hanshaw adds.

How do you know what to look for in a lawyer? "That depends a great deal on the individual," says Ms. Hernandez. "Some people are looking for an attorney – someone experienced in a specific



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area of practice. Others are looking for a counselor – someone who can be a confidant and give guidance. A person's life can be significantly impacted by their case for years to come, so it is extremely important to choose an attorney that is both skilled and with whom you can have a comfortable working relationship."

"A good lawyer prepares judiciously for all their cases no matter how large or small because each case is of the utmost importance to the client. A good lawyer takes pride in their work product and reputation, both among the judges and their fellow attorneys," says Ms. Qualls.

Patrick Wright, of The Wright Firm in Frisco, is a family law specialist and has been practicing for 13 years. According to Mr. Wright, "A good lawyer is interested in continuing to learn about law and how it affects their clients."

When searching for legal help, it's important to know what to look for, but it's also important to know what to look out for. "A lawyer that does not require a written fee agreement or quotes only a flat fee for their services is something to watch out for," Mr. Wright advises. "A lawyer who does this for a simple will is one thing, but a divorce lawyer is something else. Remember you get what you pay for. Interview several lawyers practicing in the area where your problem exists. Not all individuals are a good fit. You do not have to love the person you select as your lawyer, but it helps if you can truly communicate with them."

"A red flag is a lawyer guaranteeing or over promising results even before the facts of the case are fully developed. Also, if you can't get an attorney to call you back to potentially win your business, that is a sure-fire sign that you may have communication problems with your lawyer during the case," says Mr. Hanshaw.

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According to Mackoy, Hernandez and Qualls, there are bad examples in every occupation, and unfortunately the legal profession is no exception. "If you make an effort to choose your lawyer carefully, you can avoid many of the pitfalls. Look for someone who meets your questions in a straightforward manner and doesn't make absolute guarantees or promises about the outcome of your case," says Ms. Hernandez. "As with every profession, there's no substitute for experience. Don't be afraid to meet with more than one attorney before

deciding. Don't be afraid to change attorneys if you become dissatisfied with the relationship."

Two good questions to ask any lawyer are how they chose their area of specialization and what made them want to become a lawyer? "Each of us here is driven by our own personal experiences and goals, but it's fair to say we were drawn both by the intellectual challenge of practicing law and the ability and desire to serve the people in our community," states Ms. Hernandez. "We chose family law because it allows us a lot of personal interaction with the client and the satisfaction of helping them through a stressful time in their lives."

"I really like people and enjoy trying to help them solve their problems," admits Mr. Wright. "I practice family law because it incorporates almost every area of law including trial skills, real estate, corporate and criminal law and issues concerning children."

Disputes involving family, business and even those concerning education may be common, but when they become issues too difficult for you to handle alone, seeking legal assistance may be the answer. When help from an attorney is needed, take your time searching. Asking good questions is the best way of truly understanding the attorney, their practice and how they can help you.

Penny Martin is a freelance writer living in Little Elm.