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# THE PROFESSIONAL RESPONSIBILITY OF THE LAWYER IN DIVORCE

ALLAN N. ZACHER\*

## INTRODUCTION

Everyone who has any part to play in the phenomenon of modern American divorce should keep two facts in mind:

1. *The United States has the highest divorce rate in the civilized world: one divorce for every four marriage licenses issued each year.<sup>1</sup>*
2. *Marital discord and divorce always retard and often reverse the process of personality fulfillment in husband and wife and always impose hazards upon the healthy development of children.<sup>2</sup>*

These two facts have an important bearing on the attorney's role in divorce. Yet, can attorneys do anything to lower the divorce rate or modify the ill effects of divorce upon the families involved? Courts, lawyers and legal processes have not created this American tragedy. One hundred years ago the United States had a stable agricultural economy with prescribed roles for all members of society, and frontiers for those who had difficulty conforming. People with emotional problems in their lives and unhappy marriages were freed by premature death or disappearance into our frontiers. Today, with lower death rates, fewer frontiers and urban living, divorce is accepted by the majority of our citizens as the solution to marital discord. Emotional factors cause disharmony in marriage and have a tendency to remain constant year after year, while certain social, cultural and economic factors now dictate divorce as the solution to marital difficulty.

### *Can the Law Lower the Divorce Rate?*

Many competent observers feel that making divorce more difficult to obtain would have no effect upon the rate of divorce and family breakup

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1. 1958 UNITED NATIONS DEPT OF ECONOMIC & SOCIAL AFFAIRS, DEMOGRAPHIC YEARBOOK 464-71 (1958). For statistics on the divorce rate in the United States and Missouri, see Weinstein, *Proposed Changes in the Law of Divorce*, 27 Mo. L. REV. 307 (1962).

2. Bridgman, *Marital Discord, Divorce, and Reconciliation*, 9 Pastoral Psychology, Sept. 1958, p. 16.

in the nation. Our laws certainly do not create the disharmony found in a majority of marriages. It has been estimated that the number of spouses who are deserted annually equals or exceeds the number of divorces that are granted.<sup>3</sup> This means that we are currently averaging one divorce for every four marriages and one desertion for every four marriages, making a total marriage termination rate of one-half of the marriages contracted every year. We must also assume that there is significant marital difficulty in many marriages where there is no marriage termination. Yet our laws cannot compel people to be emotionally healthy nor can they create sound marriages.

Can the law do more than bury marriages which have died? Certainly our laws should accomplish this burial in as humane and realistic a way as possible. The requirement that one party in a divorce be "an innocent and injured party" is an example of an unrealistic divorce law. In almost every case each party has injured the other and has been defensive over past mistakes. The fact that the only procedure available to the plaintiff is to assert that he is innocent and that his spouse is guilty of misconduct, involves the parties in undue pain. The insistence of the law on this fiction promotes collusion between the parties and their attorneys and brings discredit upon the law.

Society should be concerned enough about the stability of family life to investigate every marriage presented to the courts to see if, in fact, the marriage is "dead." A trained and competent specialist in marriage counseling,<sup>4</sup> interviewing every couple coming into the divorce court, will find that many couples voluntarily assent to marriage counseling to determine if their marriages are in fact dead, or only sick but curable.

Experience indicates that about one-half of those who are referred to marriage counselors discover ways to live together permanently with as much personal fulfillment as they can find.

These and other modifications in our divorce procedures are highly desirable. Certainly it is one of the professional responsibilities of attorneys to become concerned about the establishment of realistic and humane divorce procedures.

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3. *Id.* at 18.

4. The term "marriage counselor" is used in this paper to apply to the specialists trained in the diagnosis and treatment of the emotional problems manifesting themselves in marital discord. This group of specialists would include psychiatrists, social case workers, pastoral counselors, and marriage counselors. These specialists are listed and described in the last section of this paper.

THE PROFESSIONAL RESPONSIBILITY OF THE LAWYER TO  
UNDERSTAND THE NATURE OF MARITAL CONFLICT AND ITS CURE

To understand what effect the lawyer can have in curing the causes of divorce, it is necessary to have a clear understanding of the nature of marital disharmony. People coming to an attorney for a divorce frequently believe that the difficulty in their lives will be cured if they are separated from their spouse. They believe that most of the trouble in their marriage is caused by problems within their mate, or that they made an unfortunate choice in the selection of a marriage partner. This is a fallacious concept which contributes greatly to our high divorce rate. *Individuals with trouble in their marriage are usually individuals with internal emotional problems of crippling proportion.* In some cases an individual may have insight into the spouse's problems, but he usually has little insight into his own internal problems. The husband drinks, the wife is frigid, the wife is controlling or depressed, the husband loses his temper or is stingy with money. These are the complaints which are made to the lawyer about the spouse. In most cases the individual in the lawyer's office describes conditions which do exist in the mate, but the complaining spouse does not or cannot discuss his own internal conflict which is also leading to the difficulty in the marriage. A typical case may reveal the nature of marital disharmony.

*Problem:*

Mary and Bob are in their late twenties; they have been married five years and have two children. Soon after marriage Bob began to complain that his wife was not an efficient homemaker. She was not a good cook. She often failed to have his shirts ironed and put away. Later she was harassed by the demands small children made upon her and had very little time left for Bob. He felt that Mary rejected him. He had certain needs for affection and sexual contact but Mary seemed cold and indifferent. It was impossible for them to recapture the closeness which they experienced in the early months of marriage. Bob thought he was less efficient in his business because of the excessive demands and frustrations in his marriage. He realized that he was an indifferent father, but he did not receive satisfaction out of playing with the children. He resented Mary's demands on him to be a better father. He did not feel able to satisfy his wife's excessive demands on him.

Mary felt that her husband failed to give her the closeness and sense of worth she had looked forward to in marriage. She felt that Bob was

domineering. He often complained about the way she handled money. Instead of defending her position and trying to work out a solution, she gave in quickly and then became depressed, feeling trapped in the marriage, trapped with a husband who could not understand her. Mary got even by denying Bob the affection he needed, not realizing that she was hurting herself because she was also denying herself the closeness and affection which could be found in marriage. They developed a tendency to argue. Bob often lost his temper and on several occasions hit Mary. They had a tendency to retreat from one another; Bob would often sleep on the couch and Mary went home to live. At this point they were close to unfaithfulness. When there is this kind of tension in marriage, the partners are attracted to other persons who seem to offer the closeness and love they are missing.

Mary sought legal counsel. Her attorney asked, "Have you seen your minister and tried to work out your differences?" Almost every couple seeking divorce believes they have tried everything in their power to make their marriage work. They have often made promises, only to find the promises broken. They have consulted family and friends. There is a good chance they have already been to their minister, but in all their efforts they have found themselves defeated. It looks to them as though they are mis-mated and there is no solution except a divorce.

#### *Diagnosis:*

Each partner has emotional difficulties in his life which rub against the neurotic difficulties of the spouse. The proper treatment is to diagnose the problem, find its source and then go about curing the emotional problem in each so that they can live together in greater harmony. This is not an easy process. When the internal emotional problems have taken years to develop they take months and even years to untangle. But experience has indicated over and over again that emotional problems can be successfully treated.

What are some of the difficulties in the lives of these people? Bob's mother was not an affectionate woman; she was unable to give her son much love. There were several other children in the family and since there was not enough love to go around, the children became very competitive for the affection of their mother. Bob competed for his mother's love with his younger brothers and with his father. Often he felt he was left out. Bob's father was busy trying to make a success of his small business. He was anxious to get ahead in the world or at least to keep a roof over the

family's head. The father's anxiety about providing for his family shaped Bob's view of himself. As a consequence, Bob grew up feeling that it was difficult for a man to make his way in the world. When Bob married, he hoped to find a good mother—or at least a wife who was able to mother him, to take care of him, to put his shirts in the drawer, to take care of his children and to make life comfortable. He expected to find some of the satisfactions in marriage that he had missed as a child. He was jealous of his own children, feeling that they often took the largest part of his wife's attention.

Mary's problems also began when she was a child. She felt dominated and controlled by her father. She wanted a closer relationship with him, but although she tried very hard, she often found that she could not please her father. She was unable to feel close to him. Mary believed that she was not enough of a person to assert her rights or to get the things she wanted from a man. When Bob shouted at her, she collapsed. She felt fated to live forever controlled by a dominating man. Sometimes she tried to please, but since Bob was not able to reward her with the closeness she felt she deserved, she tried to punish him by withholding the affection that she would naturally give, shortchanging herself in the process.

*Treatment:*

Mary's attorney, sensing that she had emotional problems that would not be cured by divorce, suggested that she go with her husband to a marriage counseling service.<sup>5</sup> After three interviews with Bob and three separate interviews with Mary, the counselor was able to diagnose the couple's difficulty and help them to see something of the nature of their internal problems. In the process both became motivated enough to undertake the treatment necessary to cure their individual difficulties. Mary was referred to a second therapist. Often this is done to help each individual.

Bob and Mary were gradually able to develop the courage and objectivity to face themselves. Bob saw that he no longer needed a mother. He is a man and it is possible for him to enjoy the rewards and satisfactions of being a man. He gained an increasing sense of accomplishment from his work, and found that he had a greater and greater capacity to

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5. The attorney who urges divorce clients to try harder to live together may "reconcile" a considerable number of couples if he is a respected authority whose advice the couple is willing to take. In every case where the emotional problems are real these reconciliations cannot last. The internal pressures will mount again and the parties will again seek a permanent solution to their problems.

give, both to his job and to his wife and children. Mary discovered that Bob was not a domineering "father," but a husband. She has her vote in the family and together they can arrive at mutual decisions. He may shout louder, but she can modify the family situation. She feels more and more a partner in the marriage; consequently not trapped. She also discovered the satisfactions which come from being a woman and responding sexually to her husband.

Both Bob and Mary went into counseling to try to work out their own individual problems for their own sake. If each had entered into counseling so that the counselor would do something for the spouse, the problem would not have been resolved. Therefore, it is often successful if one partner in a marriage attempts marriage counseling. If that one person is receiving a great deal of help in becoming happier and better adjusted, often the other person will sense there is something he is missing and will then go into counseling also.

#### THE PROFESSIONAL RESPONSIBILITY OF THE LAWYER TO REFER INDIVIDUALS WITH EMOTIONAL PROBLEMS TO TREATMENT

The lawyer is often the first professional person his client consults concerning his marital problem. When this is the case the lawyer has a great professional responsibility to assist in the proper diagnosis and treatment of his client's problem. Legal authorities agree about the lawyer's duty to attempt to help the parties work through their marital difficulties, before divorce is set in motion. The attorney who has a clear understanding of the nature and cure of marital disharmony has a firm foundation for his services to his client. The lawyer's position is exactly that of a doctor or any other professional person who in the course of practicing his profession finds conditions that he is not equipped to handle. The doctor, for example, refers people who need surgery to a surgeon, people who need dental care to a dentist, and those who need psychiatric help to a psychiatrist.

It is not within the scope of the lawyer's profession to treat the emotional difficulties causing sickness in marriage.<sup>6</sup> Nor is it the lawyer's re-

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6. "Marriage counseling is not to be learned in any law school, and the lawyer cannot acquire it in general practice. And society expects the impossible if it expects him to mend marriages with pious platitudes or homespun homilies. Remember, he is a lawyer, not a behavioral diagnostician." Alexander, *The Lawyer in the Family Court*, 5 NAT'L PROBATION & PAROLE ASS'N J. 172, 175 (1959).

sponsibility to persuade individuals to stay married. If his client has certain emotional problems causing marital difficulty, the lawyer's encouragement to stay married may postpone the day of separation, but does nothing to alleviate the emotional causes of the difficulty.<sup>7</sup> It is proper, however, to encourage the client to seek counseling before any divorce action is undertaken. It is impossible to make a wise decision about terminating a marriage until an individual knows what part of his difficulties are internal and what part are in the spouse; which problems are curable and which are not. It is helpful if the attorney strongly advises a client to postpone trying to work out the puzzle of what to do until the client understands the nature of the difficulty.

*Helping Clients See the Problem:*

Most lawyers will probably decide to listen to their client's description of the marital conflict and make a referral in the first interview. It is important for the client to talk long enough to feel that the attorney understands his problem. At this point the lawyer, in most cases, will make the referral. It is important for the attorney to allow the client to discuss feelings about being referred to counseling. Does the client understand and accept the referral? It is helpful if the attorney telephones for the client's first appointment, or at least gives the client the name and telephone number and then contacts the referral resource about his client.

Many lawyers have the ability to do more to help their clients understand the nature of their difficulty. In some cases a referral is impossible unless the attorney is able to help the client understand the specific nature of his problem. When this is true, the lawyer should plan an

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7. Alexander, *supra* note 6, at 177:

Now, while most lawyers are skilled at diagnosing business failures and all manner of legal problems, marriage failures fall into a different category. Lawyers are not trained in behavioral diagnosis, and know little of clinical psychology and less of psychiatry. Hence they are prone to see only symptoms. So they are apt to figuratively bump the parties' heads together, give them a stereotyped lecture, moralize and dogmatize a little, and send them home "reconciled." And these lawyers are to be commended, not condemned. We all know lawyers who claim to have reconciled more divorce-seekers than they have divorced. Even if their claims be slightly optimistic, they have done something praiseworthy.

However, the trouble with this amateur routine is that the lawyer has sent the two parties back home the same as they were. He has changed nothing fundamental any more than the doctor who "cured" a fever patient by locking him in a refrigerator. The same underlying causal factor, the same infection, is still lurking there, ready to get in its deadly work at the first opportunity. Attitudes are not changed by platitudes!

interview of a full hour of uninterrupted time. First, the client should describe in as full detail as possible the nature of the problem (the difficulty in the marriage as the client sees it). Then the lawyer should gather the background facts, letting the client elaborate on these in as great detail as he will. Background information should include client's age; age of parents at the time of client's birth; number of brothers and sisters in the family; a description of the relationship between the client's parents (was there separation, serious illness or death in the family?); the client's relation to brothers and sisters, to others in school; his friendships; important facts in his life as he grew up; a description of his dating and pre-marital experiences; a description of the reason he married, what he looked forward to in marriage; a description of the client's relation to parents and in-laws after the marriage, the client's relation to his children and his spouse. At this point the lawyer can ask more direct questions about the nature of the marital conflicts, clarifying the client's participation in the disharmony, focusing attention on the internal problems of the client. The lawyer who has fair insight will begin to perceive some of his client's emotional problems and may begin to ask questions to substantiate his feelings about the difficulty of the client and of the spouse. It is generally best for the lawyer not to attempt to diagnose the client's emotional problems, although his perceptions of the client's difficulties are probably fairly accurate. The client should have gained some insight into the nature of his difficulties in this process. If the client can use this insight he will be more willing to accept the thought that divorce will not cure these internal problems. A client generally accepts the referral of a lawyer who can gather all the facts and make an appropriate referral. Clients who are deeply unhappy about the discord in their marriages and who have tried "home cures" without success are generally relieved to understand the true nature of their difficulties and the availability of a cure.

In those cases where the emotional problems are being adequately treated, the lawyer finds that he is free to handle the legal aspects of the case. Clients do not call at odd hours to report, "Do you know what my husband just did?" Clients in treatment do not have to lean heavily for support and strength upon their attorney; but are more able to handle the everyday details of their lives. Then, if the divorce action is continued, it comes from a well-thought-through decision reached after hours of examining the difficulty in the client which led to the disharmony in the marriage, as well as a detailed examination of the spouse's personality defects. In

therapy the client has arrived at a decision independently and does not need the attorney's constant reassurance to continue with the divorce action.

The following case is somewhat typical of the service a marriage counselor can render a client, in a case where divorce is unavoidable:

A woman, married for fifteen years, with two children, was referred to counseling by her attorney. She complained that her husband drank excessively, often lost his temper and on occasion beat her. He became unstable in his job and she feared he might lose his position. She was unsure about proceeding with a divorce. Her husband said that he did not want a divorce and that he needed his wife. She felt that it was increasingly impossible to live with her husband, and yet she feared trying to live by herself with two children. She had gone to the lawyer in large measure to ask for advice. In counseling the husband and wife discovered that the husband was suffering from alcoholism and it also developed that he was unwilling to undergo further treatment for this condition. His wife began to investigate the factors in her personality which led to her selecting this particular man as a husband. Her father had died from alcoholism. She remembered her close attachment to her father and the guilt she had felt at the time of his death. She felt quite irrationally that if she had been older she could have prevented her father's death. Gradually she perceived that her marriage was an unconscious effort to relive successfully her relationship with her father and that she was constantly disappointed that this effort was not proving successful. Thus, she discovered the personality factors in her which aggravated the condition in her husband. She worked through her own childish needs to lean on her husband, and at the same time have him lean on her. She was able for the first time to secure a job and support herself and her children. She became well informed about the nature of alcohol addiction, and decided that she could not continue in the marriage to this man. She was able to make the decision about divorce herself in a responsible, independent way without relying on her family or attorney or counselor. She knew what she contributed to the failure of the marriage and was prepared to work these problems through before she would consider remarriage. (It is disturbing to note the number of cases in which similar difficulties are not discovered and cured. Consequently, women who have been divorced from one alcoholic often marry another man who is or becomes an alcoholic.) Her growth as a person enabled her to live by herself, support herself and take care of her children. Her husband realized that he had a physical and psychological problem, which his wife was unwilling to

accommodate, and which he was unwilling to try to cure. At this point divorce was relatively non-traumatic. There was a minimum of bitterness in everyone concerned. A legal solution to this family's problem was not possible when the problem was first presented to the attorney. The wife did not know the specific nature of her problem or that of her husband; she did not have the information at hand to decide whether she wanted to stay married or not; and she was not emotionally equipped to handle life on her own. She could not tolerate her marriage and yet she was not sure she wanted a divorce. Any advice to stay married or to get a divorce or even to wait until she made up her mind would have added to the family problem. She needed help to work out her emotional problems. This help equipped her to make up her own mind about the divorce, a divorce which she was able to carry through on her own with a minimum of hardship to the parties involved.

*Attorney's Continued Relationship With His Referred Client:*

In many cases a client who has been referred successfully to counseling may still require his lawyer's services. Some individuals may prefer to live alone during the period of treatment and the lawyer's help may be needed in making the financial arrangements. Often in the process of treatment a client will ask about his legal rights. Some people will continue the divorce action after they have completed therapy. It is important that the client's legal questions be referred back to his attorney so that their relationship is maintained.

It is also important for the referring lawyer to charge a normal legal fee for the time he spends in making a referral if the client is to appreciate the importance of the service the attorney has rendered. In most cases an attorney will have exercised a higher degree of skill and insight in making a successful referral than in processing the normal uncontested divorce.<sup>8</sup>

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8. Crenshaw, *A Blueprint for Marriage: Psychology and the Law Join Forces*, 48 A.B.A.J. 125, 129 (1962):

As for lawyers, a high degree of co-operation is reported in the Conciliation Court project, since a large number of referrals—75 per cent of all cases—come directly or indirectly from attorneys. While there is no implication of a mercenary motive, the report continues: "Attorneys whose clients have been sent to the court are usually more promptly and fully paid than in the ordinary divorce case."

Again there is good, sound psychology behind this important increment: a husband who has signed a reconciliation agreement and is consequently in a much happier frame of mind, who does not now face the prospect of alimony and child support payments, who has released his

THE PROFESSIONAL RESPONSIBILITY OF THE LAWYER TO  
KNOW COMPETENT REFERRAL RESOURCES IN HIS COMMUNITY

Possibly the most crucial element in the making of a referral by a lawyer is his firsthand knowledge and confidence in referral resources. Experience has demonstrated that the attorneys who know a specific referral resource will refer their divorce clients to that resource.<sup>9</sup>

It is important for the attorney to have rudimentary knowledge of the specialists in this field.<sup>10</sup> The specialists include:

1. Psychoanalysts and psychiatrists who are analytically oriented. This group of physicians specializes in treating individuals with emotional problems of a type that often present themselves in marital conflict. In many cases there are psychiatric outpatient clinics connected to the local hospitals which offer low cost psychotherapy to individuals who cannot afford to pay for private care;
2. Social case workers, most of whom work for social casework agencies, although there are some social case workers and clinical psychologists in private practice;
3. Pastoral counselors. In most of the larger cities there are pastoral counseling centers where specially trained, qualified and supervised clergy are

bitterness and no longer faces the prospect of enduring tensions for a long time to come, must inevitably be more willing to pay a satisfactory fee than the one who continues on the hard road to divorce.

9. Bridgman, *Marital Discord, Divorce, and Reconciliation*, 9 *Pastoral Psychology*, Oct. 1958, p. 25. This article reports that most of the clients referred to the Family Court Center, Toledo, Ohio, for marriage counseling are referred by attorneys. The executive director, Ralph Bridgman, stated while in St. Louis this year that the most important reason for this is that he has made it his business to talk to lawyers, win their confidence, report accurately and quickly on the status of referred cases.

The four year experience of the Cathedral Counseling Center, St. Louis, Missouri, parallels that of the Toledo Court Center. More individuals are referred to the Center by attorneys than any other professional group. The director, the Reverend Allan Zacher, is active in the St. Louis, Missouri, and American Bar Association's Family Law Sections, and has close association with a number of attorneys in the St. Louis area.

See also FAMILY SERVICE ASS'N OF AMERICA, *THE LAWYER AND THE SOCIAL WORKER* 5 (1959), where Sol Morton Isaac, of the law firm of Isaac, Postlewaite, O'Brien and Oman of Columbus, Ohio, points out that lawyers who have been on the boards of Family Service Agencies have been staunch supporters of the social casework method of counseling families in trouble.

10. Alexander, *supra* note 6, at 179: "The lawyer will serve his divorce-seeking client best by acquainting himself with available resources—psychiatric, psychological, marriage counseling, family service, religious, educational, medical, social casework—and by inducing the client to seek the help of such agencies before and during court action."

equipped to aid individuals with emotional problems which have come to the surface in their marriages; and

4. Finally, there are some specialists in the new field of marriage counseling, trained to assist people with their marriage difficulties.

It is helpful if the lawyer knows and has confidence in working with specialists in several of these areas—medicine, social work, the ministry, and counseling. He should be in a position to discuss intelligently with the client the most appropriate referral source. Does his client prefer to see a psychiatrist, a social worker or a clergyman trained in this field? What are his financial resources? How much is he willing to pay for treatment? Is the client convinced he has received good advice? Is he happy with the referral or does he have doubts and misgivings with the referral that can be cleared up? In most cases it will be wise for the attorney to make the first appointment with the referral resource.

The lawyer should know the community resources, but often the process of referral requires a specialist. If the lawyer finds it difficult to make a referral, he is advised to use the services of a referral agency immediately, suggesting to the client in the first few minutes that the first step in the process of divorce is to go to a recommended agency where the nature of the marital difficulty can be diagnosed. This agency can then refer the client to the treatment resource most appropriate.<sup>11</sup>

#### *Lawyer-Counselor Relationship:*

Good communication between lawyer and marriage counselor is often very helpful in the successful handling of problems presented in cases of marriage termination.<sup>12</sup> The attorney should be informed whether or not the client keeps the first appointment, about the progress of treatment, and the final disposition of the case. When a client asks about his legal rights the counselor should always refer the client back to the referring attorney so that the client's relationship with the attorney is maintained.

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11. The Family Court Center, Toledo, Ohio, and the Conciliation Court of the Superior Court of Los Angeles are two public agencies which specialize in short term treatment and referral. The Cathedral Counseling Center, St. Louis, Missouri, is a private agency specializing in short term treatment and referral.

12. The Cathedral Counseling Center, St. Louis, Missouri, is initiating a program in which referring attorneys are being invited to participate with the pastoral counselor, and the psychiatric consultant, in making a diagnosis of the emotional problems involved in referred clients' marriages. At this conference a treatment plan is also discussed. The attorney is later notified as treatment continues and at the termination of the case.

No matter how skillful the lawyer is in diagnosing the emotional problems or in making a referral, there are many clients (possibly half of the clients) who come to a lawyer seeking a divorce who will refuse to see a marriage counselor or will see a marriage counselor only once to satisfy the demand of the attorney.

There is no doubt that therapy for emotional problems requires a high degree of involvement and willingness to participate on the part of the client. If the marriage counselor cannot help the client develop a high degree of motivation to work the problem through, then the client will not be helped by treatment. For this reason, a significant number of individuals referred to a marriage counselor by an attorney are seen one or two times and then their relationship is terminated by the client or the counselor. Even if counseling is prematurely terminated there are beneficial results stemming from the attorney's referral. It has been found that in many cases individuals began treatment after their divorce. In some cases they returned for treatment in preparation for a second marriage, and in some cases individuals sought help several years later when they discovered that their emotional problems resulted in further complication in their lives, and they remembered that these difficulties were predicted by the counselor.

#### CONCLUSION

The moral and ethical responsibility resting upon the practitioner of any profession is to be as competent in the exercise of that profession as possible. Clients demand professional skill from a lawyer, doctor, clergyman, architect, etc. This competence in the practice of a profession involves more than an ability to use the skills and tools of the profession. Professional care connotes concern for the individual who has come to the professional. The professions are separated from other crafts or skills simply in this: that the professional sees his client as a whole human being and relates his services to the total human need of his client.

The architect in designing a home for a client hopes to do more than construct a sound building at a reasonable cost. His purpose is to plan a dwelling which fits the living needs of the client's family. A physician strives to understand and anticipate all of the health needs of his patient, referring him to special forms of care where indicated. Such referrals are considered part of the professional responsibility of the physician.

It is self-evident that an attorney should not use his legal knowledge

in such a manner that his client is left in a worse condition through a successful conclusion to his legal case. This is often the result in divorce actions as the emotional problems not only remain but many are aggravated by the divorce. The lawyer has a professional responsibility to observe his client's total human situation and to assist him to see the true nature of his difficulty, as well as to define his legal rights and remedies. In some cases the cure for marital difficulties may involve divorce as a part of the solution, but the complete answer in almost every case calls for therapy for emotional problems. Therefore the competent lawyer in divorce actions must know marriage counseling resources and the techniques necessary to help his client face internal problems and accept referral to indicated assistance.