

# LAW WEEK

## COLORADO

## Carving Out A Solo Niche in LGBTQ Family Law

*Rachel Catt's plans for new firm include focusing on passions and bringing new attorneys on board*

**JESSICA FOLKER**  
LAW WEEK COLORADO

Rachel Catt's two-decade legal career has included some pretty big "returns" in recent years. About six years ago, after years of practicing family law in San Francisco, she returned to Colorado to raise her kids in the state where she grew up. And now she's coming home to solo practice after several years at Harrington Brewster Mahoney Smits in Denver.

"It's sort of going back to something familiar," said Catt, who had her own practice in California for eight years. But her plans for her Denver firm, the Law Office of Rachel Catt, are bigger than what she had done in the Bay Area, presenting new challenges and an opportunity to focus even more on her area of expertise: LGBTQ family law.

### CARVING OUT A NICHE

"The background I have with LGBTQ family law, it was always a constant driver and something that I wanted to be able to put at the forefront in my practice," Catt said.

Part of serving LGBTQ clients boils down to trust and cultural competency. As a member of the community herself, Catt said, she's able to pick up on and be sensitive to cultural nuances and concerns that other attorneys might not be aware of.

But there are also legal needs unique to these clients, and LGBTQ family law has changed dramatically over the past 20 years. Before domestic partnerships were introduced in California, Catt said, "family relationships were all done in a creative manner." Attorneys serving LGBTQ clients had to create legal frameworks for everything from parental rights to health insurance coverage.

Domestic partnerships eventually accrued most of the rights of marriage in California, at least on the state level, but not for things like filing federal income taxes or immigration. With the added rights and responsibilities came new considerations if a couple decided to dissolve the relationship. The constant changes meant Catt had to learn to be creative in her approach to the law.

She recalled another attorney asking her how they were supposed to handle the patchwork of inequalities and rights of that era. "I said, we're going to make this up. We're on

the cutting edge of this. And we're going to figure out how to make this best for families and as fair as we can under the legal framework that we have," Catt said.

This experience finding creative solutions in family matters is helpful even now that same-sex marriage is legal in every state, she said, adding that with the current U.S. Supreme Court, "marriage equality may not be as permanent as we had thought."

There are still plenty of situations where her experience, knowledge and nationwide network of LGBTQ family law experts come in handy. She cited a recent divorce case in which a pregnant client was divorcing her wife, but the matter was complicated by the fact that the baby's parentage was in question.

Catt also worked on the appeal in *Marriage of Hogsett*, a case now before the Colorado Supreme Court, and organized an amicus brief in the case on behalf of the LGBT Bar Association. The case deals with the question of whether a same-sex couple intended to be married at a time when that right was legally denied to them and if the U.S. Supreme Court's 2015 *Obergefell* decision can apply retroactively to find a common-law marriage between same-sex partners. Her experience with the case has made Catt a frequent speaker on the topic of retroactive same-sex common law marriage.

### BUILDING A BUSINESS

Catt expects word-of-mouth to play a big role in business development. In addition to giving presentations, her term as president of the LGBT Bar Association last year has helped raise her profile on LGBTQ legal matters. Other family law attorneys consult her when they have questions she can help with, and she's now a go-to expert on LGBTQ family law in Colorado.

This isn't her first go as a solo attorney, but this time around, she has new challenges and things to think about, like what functions to outsource and how to make more of an effort in marketing. She has paid someone to design a logo and fix up her website, and she uses Ruby Receptionist, a virtual receptionist service, to answer her phone calls.

She has also gotten a bookkeeper. "We have decided it is best that I personally stay away from that and I'm on a need-to-know basis, so she does all the bookkeeping," Catt



**RACHEL CATT**

said, adding that tech tools like QuickBooks and Clio, the legal and trust accounting software, help with the task.

Catt has plans to expand the firm beyond just herself and her paralegal. She's hoping to hire two associates in the next year or so. To help with recruitment, she has signed up with the externship program at the University of Denver Sturm College of Law to hire a student for the summer. If the externship results in a good fit, she said, it could potentially develop into a full-time position.

In addition to expertise in LGBTQ issues, the firm will emphasize mediation and collaborative law. But services will run the gamut from mediation to litigation and appellate work. While the firm is starting off with traditional hourly billing, Catt said she hopes to introduce low-cost or flat-fee packages for alternative dispute resolution services in the next five years. "What I'd like to do in my one-year plan is to get those associates

on board, get me moved to more of an ADR practice and get the associates moving more on the litigation piece," Catt said.

For attorneys thinking of flying solo, she recommends the resources available from the Colorado Bar Association's Solo Small Firm Practice section, which range from CLEs to information on accounting and small business models. Catt said the Women Owned Law Firms Facebook group, which hosts meetings and activities, has also been helpful.

Her biggest piece of advice for future solo practitioners: "You've got to take that hour for self-care." Whether that means praying, meditating, going to the gym or taking a bath, she said, "that one hour is just critical because it is so much giving — giving to clients, to my kids, for the various volunteer activities that I do. Being rejuvenated in that way is absolutely essential." •

— Jessica Folker, [JFolker@circuitmedia.com](mailto:JFolker@circuitmedia.com)