

When the Attorney Calls

A Risk-Mitigation Playbook for Independent Schools

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It usually starts quietly. An email arrives on law-firm letterhead requesting “all records and communications” related to a student. A teacher mentions that a parent has been asking oddly specific questions at pickup. A re-enrollment conversation takes a sharp turn, and suddenly a family is talking about “consulting our attorney.”

Independent schools operate in an increasingly litigious environment, and family law attorneys across the country have become adept at pulling schools into disputes that have nothing to do with education. In separation and custody proceedings especially, the school is a tempting resource: it holds attendance records, observes daily routines, and employs warm, helpful people who answer questions instinctively. A skilled attorney knows all of this, and knows that an unprepared school can become an unwitting witness for one parent against the other.

Most schools have crisis plans for weather, facilities, and safety. Far fewer have a clear, practiced protocol for legal contact. The good news is that the playbook is not complicated. It rests on a handful of principles that every Head of School can implement, and train their people on, before the first letter ever arrives.

1. One door: all legal contact goes to the Head of School

The foundational rule is simple: **no school employee should ever respond to outreach from an attorney.** Not a friendly phone call, not a “quick question,” not a request that seems routine. Every attorney inquiry, records request, and subpoena should be walked to the Head of School’s office immediately, the same day it arrives.

This is not about hiding anything. It is about ensuring that the school responds through one informed channel rather than a dozen well-meaning ones. A teacher or division assistant who answers an attorney’s question, even accurately and kindly, may be creating a record the school cannot take back, in a dispute the school does not understand. When there is one door, the school can respond deliberately, with counsel’s guidance, and in a way that protects students, families, and employees alike.

Make this rule explicit in your employee handbook, rehearse it in opening faculty meetings, and repeat it every year. The protocol only works if the newest hire knows it as well as the veteran administrator.

2. Take every threat seriously, and make three calls

When a lawsuit is filed or merely threatened, the temptation is to categorize: this one is real, that one is just an angry parent blowing off steam. Resist that instinct. Parents threaten legal action far more often than

they follow through, but that does not mean any threat can be dismissed. The wise posture is this: don't panic, but take it seriously, and document everything.

Once the Head of School becomes aware of a lawsuit, or a credible threat of one, three notifications should follow promptly: the **Board Chair**, the school's **general counsel**, and the school's **insurance carrier**.

The insurance call is the one schools most often delay, and it is the one that most rewards speed. Carriers can complicate or contest coverage when they are brought in late. Conversely, they can be enormously helpful, with guidance, resources, and experienced counsel, when they are looped in early. There is no such thing as notifying your carrier too soon; there is very much such a thing as notifying them too late.

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3. Protect your teachers from the middle

Here is where custody disputes get subtle. No attorney needs to depose a kindergarten teacher when a parent can simply ask her questions at dismissal.

“What did Johnny bring for lunch yesterday?” “What time was he dropped off this morning?” “Did he have a coat with him?” Each question sounds harmless, even caring. But strung together, they are evidence-gathering. A parent (or the attorney behind the questions) may be building a record that the other parent is neglectful, chronically late, or unprepared. The teacher, wanting only to be helpful, becomes a conduit passing information about one parent to the other, and potentially a named witness in a proceeding she never saw coming.

Teachers need to be trained to recognize this pattern, because deflecting it runs against every instinct they have. The response that serves everyone best is warm, brief, and consistent:

“We really encourage parents to communicate directly with each other, so we can keep our focus on the progress of the students.”

That single sentence keeps the teacher neutral, keeps the school out of the dispute, and keeps the relationship intact. Give your faculty the exact words. In the moment, a script is a gift.

4. Recognize pressure tactics and slow down

Watch for a particular signature in parent or attorney communications: elevated or threatening language, ultimatums, and demands for an immediate response. “*If I don't hear back by 5:00 p.m. today, I will have no choice but to...*” These are, more often than not, bullying or fishing tactics. They are engineered to trigger emotion, to get the recipient to respond before thinking it through.

The counter-move is time. No email must be answered within the hour. Read it, set it down, and talk it through with your supervisor or Head of School before any reply goes out. And when the reply does go out, remember that less is more. Long, detailed, defensive responses hand the other side material; short, gracious ones hand them nothing. Often the best possible response is simply:

“Thank you for sharing your concern. When would you be available to come in and meet?”

That reply concedes nothing, escalates nothing, and moves the conversation off the written record, where lawyers live, and into a human conversation, where schools do their best work. It also reflects a truth experienced administrators return to again and again: when parents feel heard and respected, a lawsuit is rarely the end result.

5. You don’t have to be perfect. You have to be honest.

One more thing worth saying plainly to every educator: no one is perfect, and no reasonable supervisor expects perfection. You can be doing everything in your power to serve a student, a parent, a colleague, and the school, and still come up short. That’s okay.

When a mistake has been made, the defensive crouch is the most natural posture and the least productive one. Owning an error, clearly and without excessive self-criticism, very often diffuses the angry party and allows everyone to move on. Defensiveness, by contrast, is an accelerant. Parents escalate when they feel stonewalled; they de-escalate when they feel leveled with.

6. The real playbook is trust, built early

Everything above is defense. The best risk mitigation, though, happens months before any conflict, because the surest way to avoid adversarial relationships with parents is to build trust with their child, and with them, early and often.

Reach out proactively before school starts. Invite parents to share what they want you to know about their child. Ask what their hopes are for the school year, and whether there is anything they are nervous about. Ask them to share something that is important to them as a family, or something significant that happened over the summer.

These conversations do two things. They surface hopes and fears while they are still hopes and fears, before they harden into grievances, and they create authentic touchpoints you can return to all year long. The partnership you build in September is what makes the difficult conversation in February go smoothly.

“A school that has invested in trust rarely needs the rest of this playbook. But every school should have it ready.”

Key takeaways

- 1. One door.** No employee responds to attorney outreach; every inquiry and subpoena goes to the Head of School immediately.
- 2. Three calls.** Any lawsuit or credible threat triggers prompt notification of the Board Chair, general counsel, and the insurance carrier. Insurance companies do not like surprises, so earlier is always better.
- 3. Script the sideline.** Train teachers to recognize custody-driven questions and to redirect warmly: “We encourage parents to communicate directly with each other.”
- 4. Time defeats pressure.** Ultimatums and threats are designed to provoke fast, emotional replies. Pause, consult, and respond with less: “Thank you for sharing your concern. When would you be available to come in and meet?”
- 5. Own mistakes; build trust early.** Honesty diffuses conflict, and proactive relationships with families, begun before school starts, are the best risk mitigation a school will ever have.