

## **Exploring the Challenges and Creative Solutions: Providing Family Law Pro Bono Services**

Cheryl Zalenski  
ABA Center for Pro Bono  
312 988 5770  
[zalenskc@staff.abanet.org](mailto:zalenskc@staff.abanet.org)

Earlette Toomer  
Law Foundation of Prince George's County  
301 864 4907  
[toomer@lawfoundationpg.org](mailto:toomer@lawfoundationpg.org)

Margaret Klaw  
Berner & Klaw  
215 790 8800  
MKLAW@BERNERKLAW.COM

**Brief Description:** Recruiting sufficient family law volunteers is a continual challenge for pro bono programs. This workshop will examine creative approaches to providing pro bono family law services. Additionally, this session will address the effects of disasters, such as Hurricane Katrina, on demand and supply for assistance in family law matters.

### **Topical Outline:**

- I. Background: "The Impact of Family Law Cases on Pro Bono Programs"
  - a. Issues impacting attorneys' willingness to handle pro bono cases
    - i. Complexity of cases
    - ii. "Burnout" factor
    - iii. Family law not a part of attorney's private practice
    - iv. Inefficiencies in court procedures
    - v. Attorneys lack sufficient resources for family law cases
  - b. Issues impacting programs' ability to handle family law cases
    - i. Volume of family law cases
    - ii. Staff burnout
    - iii. Tensions between staffed legal services unit and pro bono staff
    - iv. Effect of domestic violence funding on program priorities
    - v. Limited attorney pool in rural areas
    - vi. Lack of organized system to deal with pro se litigants
    - vii. Client circumstances
  - c. Recommendations
  - d. Examine and restructure program priorities
  - e. Plan with other providers

- f. Educate the public
- g. Educate attorneys
- h. Provide support for volunteers
- i. Provide mentoring
- j. Involve retired attorneys
- k. Involve the courts and judiciary
- l. Pro se assistance
- m. Telephone counsel
- n. Kiosks
- o. Unbundling
- p. Reduced fee cases
- q. Conflict waivers
- r. Involve paralegals
- s. Tap into bar associations' family law sections

II. Law Foundation of Prince George's County: program description of the Contested Custody Representation Project

- a. Attorneys paid \$50/hour in contested custody cases.
  - i. Limit \$1,000 per case.
  - ii. Must accept one pro bono case for each reduced fee case.
- b. How the program started.
- c. How the program can increase family law services.

III. Family law cases from the volunteer's perspective.

- a. Why do family law pro bono cases.
  - i. Family law is the area with the greatest need for pro bono services.
  - ii. Many family law practitioners handle pro bono cases on a regular basis, both those specifically referred to them and those that just come their way: helping friends, family, friends of friends, or clients who simply run out of money during the course of the representation to whom the lawyer feels a sense of loyalty and/or has an ethical duty.
- b. What law firms can do to help.
  - i. There are only so many experienced practitioners to go around, so it is key to train, motivate and support non-family law attorneys in handling these cases.
  - ii. Young associates at large firms are a great source of talent and energy.
  - iii. Young associates can get good experience through handling, for example, a custody case.
    - 1. Direct client contact.
    - 2. Negotiation.
    - 3. Litigation experience.
  - iv. Give associates credit for hours billed to pro bono work, so they have the ability to handle these cases without any direct negative effect on their pocketbooks.
- c. What bar associations can do to help.

- i. One model which seems to work well is for bar association pro bono programs to set up relationships with large firms and arrange for experienced family law practitioners to provide training to associates for which they receive CLE credit; in exchange, the associates commit to taking a pro bono case.
- ii. Critical to the success of this is good written materials and ongoing mentoring by experienced practitioners.

IV. Your challenges? Your solutions?

V. Interactive discussion.

**Notes:**

**Bibliography & Website Links:**

1. "The Impact of Family Law Cases on Pro Bono Programs" (available at <http://www.abanet.org/legalservices/probono/familylawsurvey.html>)