

Encouraging Pro Bono and Limited Scope Representation

Justice Laurie Zelon

Judge Mark Juhas

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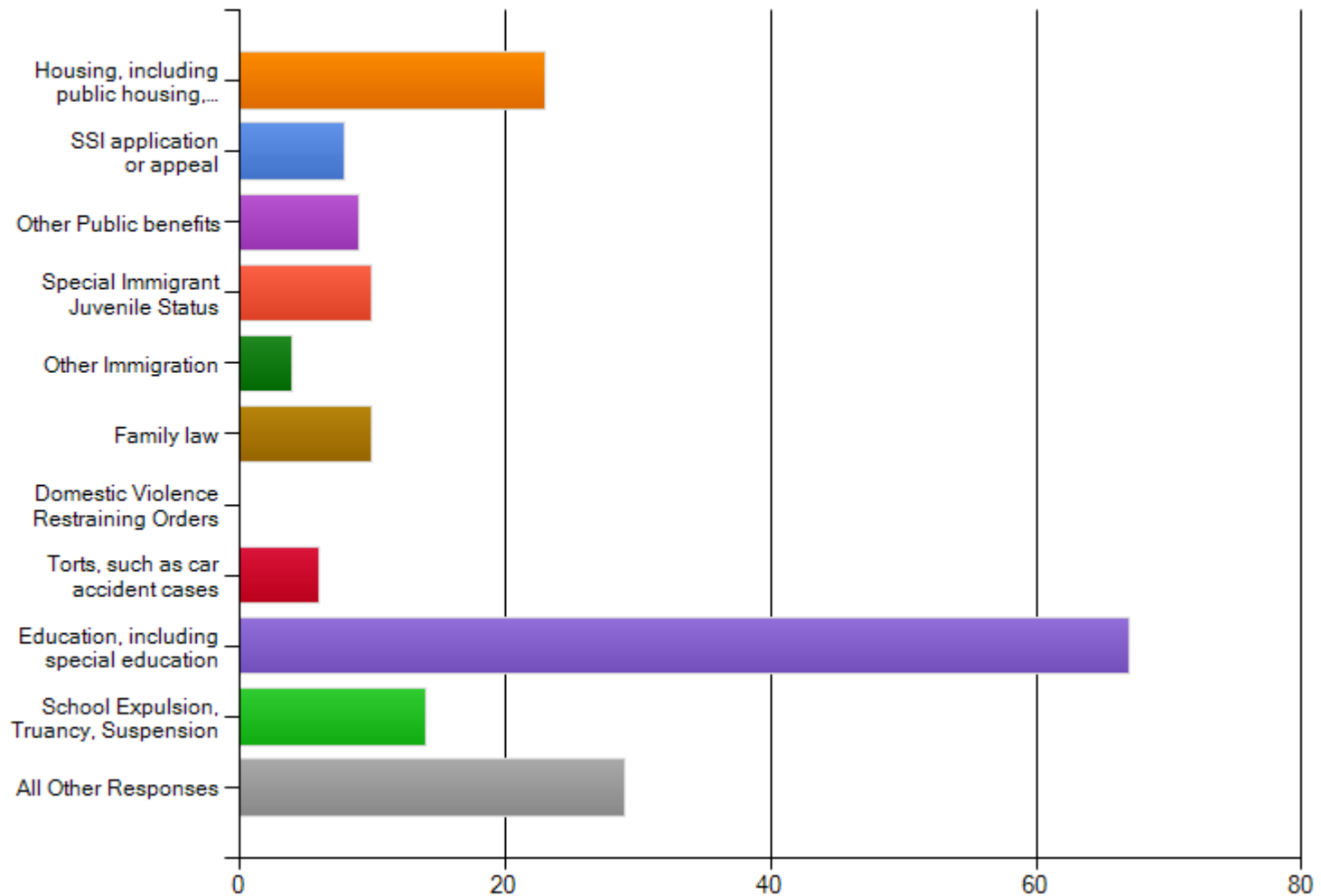
Why are we here?

80% of family law litigants
unrepresented

No right to representation for
many legal issues that affect
children and parents in juvenile
court and collaborative courts



What do you see as the most important area or areas to focus on, in addressing the unmet legal needs of dependent CHILDREN?



Family Law Issues

- Contested Custody Case, including move-away cases
- Litigants with mental health issues
- Long term marriage (marriage of 10 years or more)
- Significant community property interest in spouse's pension
- Significant community property interest in equity in home
- Significant community property interest in family business



Family Law Issues (cont)

- Domestic Violence
- Complex procedural issue
- Complicated discovery
- Limited use of English language, written and/or verbal
- Characterization of mixed community property assets
- Valuation of pensions, stocks, etc.
- Qualified Domestic Relations Order needed



Impact

- In self help centers
- In the trial courtroom
- In the appellate courts



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OF THE COURTS

Continuum of Services



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Limited Scope Representation

- Attorneys take on a portion of the case
- Must be reasonable
- Should be in writing
- Approved by California State Bar in 2001



Limited scope services

- Write a persuasive declaration that focuses on relevant facts
- Subpoena records and introduce as evidence
- Represent themselves at a hearing after being coached by an attorney
- Decide which QDRO option is best for them and prepare the QDRO if necessary
- Develop strategy in their case
- Answer questions about what is best for them in their case



Limited scope in courtroom

- California Rules of Court and forms allow representation at limited number of hearings or limited number of issues
- Forms set out scope of representation



The Judge's Role

- Let attorneys out of the case when they have finished the scope of their representation
- Make sure attorneys know that judges will do that and publicize importance



Informing Clients

- Legal Resource List includes local Lawyer Referral Service and in the description of services they provide we list “limited scope.”
- A Client’s Guide to Limited Legal Services by Sue Talia is available for customers to read in our Self-Help Centers.
- Limited Scope Representation in Family Law Cases, a local bar association brochure
- How Can I Find and Hire the Right Lawyer?, a State Bar of California pamphlet



Private lawyers

- Huge market of people who can afford representation for a portion – although not all – of their case
- Sample agreements, forms, materials, training for free on-line



Limited Scope in Legal Aid

- Retainer agreement (model from Harriet Buhai Center)
- Allows recruitment of pro bono attorneys for family law cases



Pro Bono – Judges Role

- Pro Bono Toolkit with speeches, ethics information, resources
- Recognize volunteers



Legal Aid Resources

- Screening and on-going support
- Training
- Malpractice Insurance
- Recognition



Innovations in Pro Bono

- New delivery methods
- New roles for young lawyers
- Court innovations



Some Resources

www.courts.ca.gov/partners/equalaccess.htm

www.californiaprobono.org



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