

# BAR JOURNAL

OF THE CLEVELAND METROPOLITAN BAR ASSOCIATION  
VOL. I NO. 13 | APRIL 2009

## Women in the Law

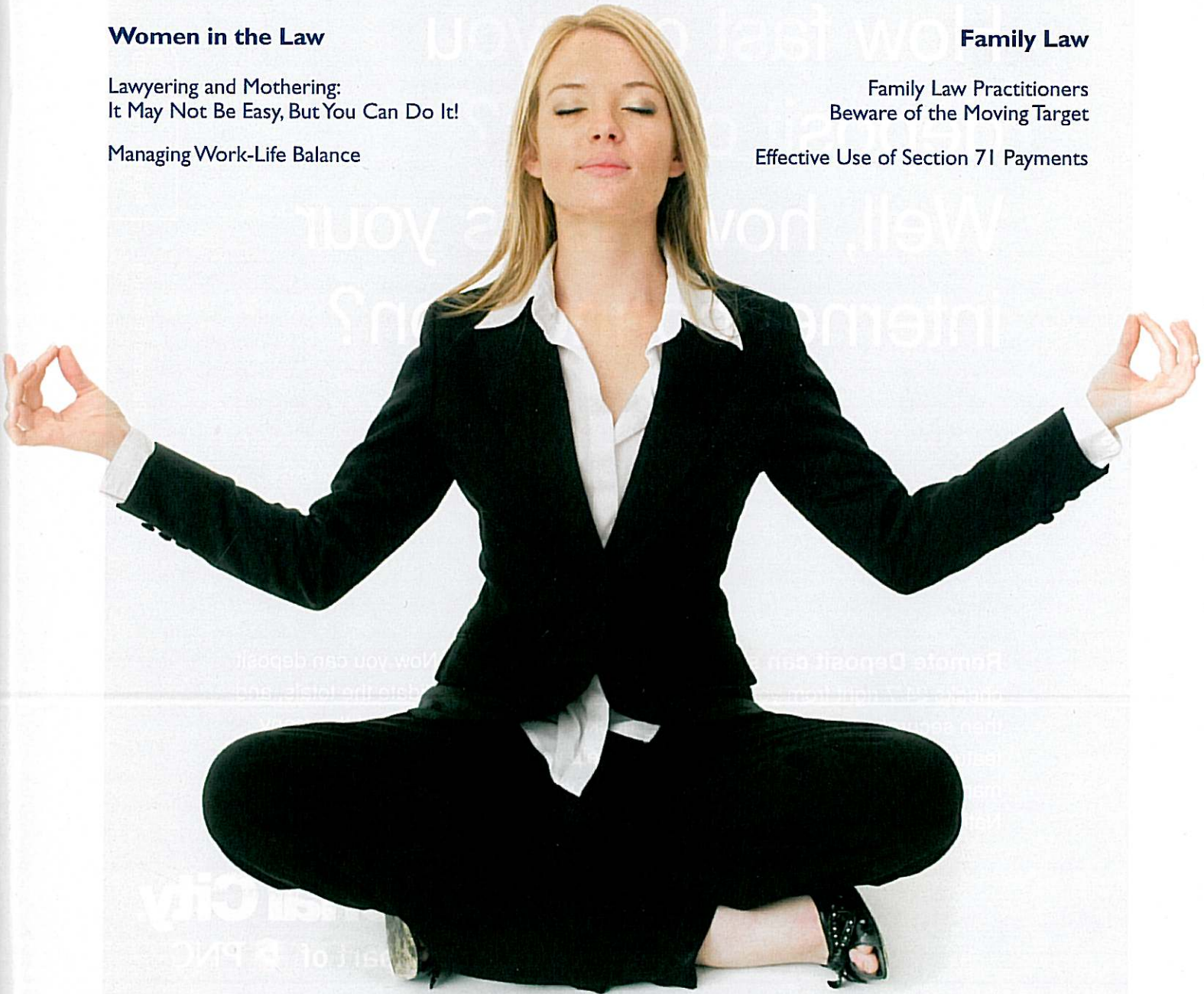
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Remembering David Webster

# The Long and Short of It



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In explaining why they do not participate in pro bono legal services programs, numerous attorneys have explained that they are uncomfortable because they aren't certain that the people receiving the help truly need it. Relax. The two programs I discuss this month are looking for your assistance, and they give it to people who indisputably need it:

## The children.

It is pretty hard to argue with the fact that the children who find themselves in the legal system often have the greatest need for legal assistance and the fewest resources to get it. Two programs – the Guardian Ad Litem Project and the private custody pro bono program – seek to address these needs. The GAL Project has been around for 30 years; the private custody program is a pilot program – just barely getting off the ground. But both share a common and commendable goal: to help the children.

In 1975, Ohio law and Rules of Juvenile Procedure were amended to require that a child in certain kinds of cases be represented by a disinterested adult who could speak for the child. The law and the rules did not require that person to be an attorney – but the Cuyahoga County Juvenile Court did, and still does.

Judith Layne, current GAL Project Administrator, has been involved with the Project for more than 10 years; she has been the leader since 2001. She explains that the Project is one-of-a-kind within the state, and maybe the country. Over the years, courts from across the country have contacted the GAL Project for guidance in setting up a similar program.

To ensure effective representation for children, the essence of the GAL Project is training. Participating attorneys must participate in an initial two-day training seminar, and follow up with two half-day training sessions annually, to keep up with developments in relevant law. New court rules, effective last month, impose similar (although lesser) training requirements state-wide; Layne reports a sharp increase in calls seeking information about the GAL Project training seminars.

The training, while comprehensive, is not burdensome. One of the great concerns of attorneys considering pro bono service is whether they possess the necessary expertise to really help their pro bono clients. The training provided by the GAL Project is intended, in part, to address this concern. As well, of course, it is intended to aid GAL Project attorneys to do the work they have signed up to do. GAL attorneys fall into two primary groups: those who provide their services pro bono, and those who accept the fees paid by the court. Nobody is getting rich doing GAL work – the hourly rate is far below the median customary, hourly rate of attorneys practicing in Cuyahoga County. The cap – \$500 maximum, depending on the nature of the matter handled – would barely allow most of us to get started at the customary rates charged by attorneys in our community. But for the attorneys who accept the fee, it at least helps offset the sacrifice that necessarily is a part of this work.

Judith Layne's vision for the future of the GAL Project includes a closer partnership with non-lawyer volunteers. Lay volunteer programs involve non-lawyer volunteers who partner with attorney GALs in providing essential services to children and families, ensuring that necessary referrals and services are provided, freeing up the lawyers to do the work that requires their special training and expertise. Franklin County (which uses its public defenders as guardians ad litem) has a Court Appointed Special Advocate program, which also utilizes lay GALs. Such lay volunteer programs require a substantial administrative commitment, however, and may yet lie ahead for the GAL Project.

Although the up-front training commitment is a consideration, the GAL Project requires a manageable on-going commitment. Layne reports that her volunteer lawyers typically take only one or two representations per year. In the face of the need, the commitment seems very manageable, indeed. The GAL Project mission statement says it all: "To promote proficient and skillful representation of the interests of children and others before the juvenile court: To vindicate their rights, and achieve their best interests as valued members of our community."

In terms of longevity, we're now going to the opposite end of the spectrum. The GAL Project has recently celebrated its 30th anniversary; the new pro bono program for the Cuyahoga County Juvenile Court's private custody docket is so new it's still a "pilot program," and, to the best of my knowledge, does not yet have a name.

Judge Kristin Sweeney is actively involved in the creation of this pilot program, and she is passionate about it. She explains that it is solely through the accident (from the child's perspective) of the parents being unmarried that the custody and visitation issues for that child are being resolved in the Juvenile Court rather than in the Domestic Relations Court. But there is no difference, in terms of the legal and emotional issues that can arise, between the needs of a child in Juvenile Court and a child in Domestic Relations Court. The pilot program is intended to address those needs.

The Legal Aid Society of Greater Cleveland (LAS) and the Cuyahoga County Juvenile Court are working together to create a pilot pro bono program for the juvenile court's private custody docket. The private custody docket resolves custody and visitation cases for parents who were never married. These parents are not entitled by law or rule to court-appointed counsel if they are indigent, despite the fact that many of them are bewildered by the legal process and have no idea how to navigate the court's legal procedures or effectively present their case. LAS and the Juvenile Court are working toward the goal of providing parents with a pro bono attorney in cases where emergency, temporary orders have been requested by a parent. The specifics of the program are still in process; the committee charged with the work began addressing the nuts and bolts of this pilot program in January. Since it is a brand new program, it will start out small so that the committee can evaluate what is successful and what is not. The cases with pro bono attorneys will be heard by Magistrate Holley Madigan. This program not only will benefit the parents who receive counsel, it also will provide participating attorneys with valuable courtroom and trial experience. It also should help the court's docket to run more smoothly, and ultimately – and most importantly – it should benefit the children who are the subject of these custody and visitation disputes since their cases will be presented more accurately.

As details are resolved, I look forward to providing them to you in these pages, so that you may consider getting involved. Although many de-

tails remain to be ironed out – training? administration? accountability? – it is clear that the pilot program is headed down a road we all need to walk: providing free legal services to those in our community who most need to receive them.

Please consider participating in one of these programs to help our children. Contact us here at the Cleveland Metropolitan Bar Association for more information. ■

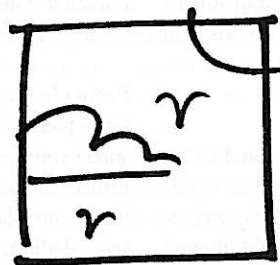
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