

# *JDC: Leveling the Playing Field in Family Law*

**Mairi McKeever**

**I**magine a self-represented litigant appearing in court on a custody matter; no one is beside her as she nervously gazes up at the judge. Across the aisle stands a seasoned attorney with her client calmly seated beside her.

That is not a level playing field.

“Ana,” a thirty-six-year-old Spanish-speaking woman, came to the Justice & Diversity Center (JDC) of The Bar Association of San Francisco (BASF) for assistance with her divorce. Ana supports herself through a patchwork of jobs as a housekeeper, daycare assistant, and restaurant kitchen assistant.

Ana and her husband of three years immigrated together to the United States from Peru but eventually grew apart. They have been separated for over a year; he now lives in New Jersey. Ana didn't file for divorce in the intervening year because she was working long hours and was overwhelmed by the prospect of doing this on her own. Stephanie Bilinski, JDC's Family Law Project supervising attorney, assigned Ana's case to Meredith Gittings, a solo practitioner, who had recently completed JDC's family law volunteer training.



*JDC's Family Law Project team, from left, Surbhee Mehta, social services advocate; Lilly Dagdigian, legal projects coordinator; Luz Mayberg, staff attorney; Javier Bastidas, supervising attorney; Carly Wakshlag, client advocate; Stephanie Bilinski, supervising attorney; Allsyn Overton, staff attorney; Antonia More, staff attorney; Hannah Noll-Wilensky, client advocate; Shannon Altamirano, bilingual client advocate*

Gittings represented Ana full scope, obtaining the final judgment for Ana's dissolution of marriage with the help of a volunteer interpreter. Without representation, navigating the legal system to obtain the necessary court orders without speaking English is nearly impossible.

Although Gittings had no prior experience in family law, her lawyering skills, matched with JDC's mentoring, were instrumental in helping Ana move forward with her life.

## **FORTY YEARS OF HELPING FAMILY LAW CLIENTS**

The need for legal assistance in family law matters is daunting; each year in California more than two hundred thousand petitions for dissolution of marriage are filed. When the dissolutions have reached the final judgment stage, more than 80 percent of the cases involve at least one self-represented party. In San Francisco, during fiscal year 2014–2015, San Francisco Superior Court processed close to six thousand filings concerning family law matters.

Over the past forty years, JDC has taken a multidimensional approach in providing legal assistance to low-income family law litigants by fostering relationships with the legal community, including the courts, and fellow nonprofit organizations.

With a glimmer in his eye, Christopher Emley, Emley Law Office, remembers the early years of JDC, back when it was named the Volunteer Legal Services Program. "We held monthly clinics at the Salvation Army, providing services in divorce, custody, and domestic violence restraining order matters. The monthly evening clinics included family law attorney mentors and seven or so new volunteer attorneys."

Ten clients were served at each clinic; those who needed more than advice were matched with volunteers, each of whom had a mentor to call upon for the duration of the case. Emley, an active BASF member since 1975, a board member in the late 1970s, and a former VLSP board member, is a family law practitioner who joined Tanya Neiman, VLSP's executive director from 1982 until her death in 2006, in expanding VLSP's family law services.

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## FAMILY LAW PROJECT HELPS PRO SE LITIGANTS

Today, JDC’s Family Law Project team includes four full-time and one part-time attorney, a part-time social worker, as well as a legal assistant and three bilingual client advocates, who also conduct client intakes and coordinate placement with volunteer attorneys and interpreters for JDC’s eviction defense and consumer projects.

The project serves eleven hundred litigants each year with staff stationed in San Francisco Superior Court, JDC’s 301 Battery Street office, and two social service organizations where monthly on-site consultations are conducted.

“We seek to reach as many low-income litigants as possible, through collaborations with the court and other nonprofits. We bring our services to potential clients, rather than waiting for referrals,” explains Bilinski.

JDC also focuses on assisting San Franciscans that other legal services organizations cannot help because of funding restrictions that prohibit them from providing service to undocumented immigrants or because their limited resources cause them to restrict services, for example, only to survivors of recent domestic violence. JDC is one of the few organizations that represent divorce and custody

litigants who are non-English speaking, like Ana, who do not have underlying domestic violence issues.

## PARTNERSHIP WITH THE COURT PAVES THE WAY FOR PRO BONO

Judge Donna Hitchens (Ret.) served on the bench of San Francisco Superior Court from 1990 through 2010 and during that time she established the Unified Family Court. Working together, Hitchens and Neiman endeavored to increase the number of attorneys that take pro bono family law matters. While JDC staff offered trainings to new volunteers and recruited BASF and Barristers Club Family Law Section members to accept pro bono cases, judges then began thanking pro bono attorneys for their service during their court appearances. Judges also started calling the attorneys’ cases first during calendars, while acknowledging to the courtroom when attorneys were donating their time to represent a client pro bono. Other attorneys in the courtroom began to take notice and JDC saw an uptick in people joining JDC’s pro bono panels.

JDC’s partnerships with the court and BASF’s Family Law Sections were instrumental in providing low-income people with legal services in family law.

Judge Hitchens was also influential in bringing JDC’s staff into the court’s Self-Help Center. In 2001, the Family Law

Assisted Self-Help project (FLASH) was launched with funding from the State Bar of California and the project began encouraging partnerships between courts and local legal services organizations. Those services continue to this day with a FLASH staff attorney holding one-on-one legal informational appointments with low-income litigants who speak Spanish, Russian, and English.

Summing up the value of JDC’s services, Judge Hitchens noted, “JDC programs have always been instrumental in delivering justice to the community.”

## SASH AIMS TO LEVEL THE PLAYING FIELD

JDC’s innovative Sargent Shriver Custody Project (SASH), another partnership with the court, seeks to level the playing field for family law pro se litigants. Launched in 2011, SASH was one of ten pilot projects in California funded by the Judicial Council of California to assess whether providing counsel in certain civil cases improves court efficiencies and increases the quality of justice obtained by the parties.

Through SASH, JDC staff based in the courthouse and expert family law volunteers provide representation in custody actions in which a parent is seeking sole legal or physical custody of a child, and the opposing side is represented.

This SASH client’s story confirms that indeed access to justice is obtained when a low-income person is represented in court.

“Susie,” a young mother with two children, one of whom has special needs, was involved in a high-conflict custody case where the father had reported the mother’s family to Child Protective Services (CPS). Following the report, the father attempted to put restrictions on the mother’s time with the children.



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—Stephanie Bilinski

Susie, who was severely intimidated by her ex-husband and his attorney, turned to SASH Supervising Attorney Javier Bastidas for assistance. With his help, Susie presented information to the CPS caseworker that showed the true dynamics of the parents’ emotionally and psychologically abusive relationship. It also became clear that the father was involving the children in the custody conflict in inappropriate ways.

With the assistance of a SASH social worker, Susie was placed with a domestic violence counselor, a safety plan was created, and she obtained full control over the timeshare with the children. In the end, the parents and their attorneys came together during a four-way conference to create a comprehensive parenting plan that helped ensure the children’s overall welfare.

Without the representation the SASH project provided, it is unlikely that such a fair and just stipulation could have ever been reached.

## FORTY YEARS AND INTO THE FUTURE

For forty years, JDC has worked to fulfill the vision of its founders by providing high quality legal representation, while fostering partnerships with sister agencies, volunteer social services professionals, and the courts to address the full spectrum of clients' needs.

Not only do our clients benefit, but attorneys who participate in JDC's pro bono services receive the tremendous satisfaction that comes from helping others in life-

changing ways, while receiving substantial professional experience, mentoring, and invaluable networking opportunities with their peers.

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