

**Proposed District of Columbia
Practice Standards for Lawyers
Representing Children in Custody, Visitation,
and Other Domestic Relations Branch Cases**

Council for Court Excellence
July 2011



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and Other Domestic Relations Branch Cases**

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The standards that follow are the work product of a project committee convened by the Council for Court Excellence (CCE) in March 2010. The goal of the committee was to draft and propose practice standards to guide children's attorneys in custody cases in the Domestic Relations Branch of the Family Court of the Superior Court of the District of Columbia. The purpose of this proposal is to set standards for good practices and consistency in the performance of lawyers for children in custody cases.

Background

Under D.C. Code §§ 16-914(g) and 16-918(b), the court is permitted to appoint a "guardian *ad litem*, an attorney, or both," to represent the child's interest in a domestic relations proceeding. This discretionary system is distinct from the court's handling of cases involving child neglect or termination of parental rights, in which D.C. Code § 16-2304(b)(5) requires the court to appoint a guardian *ad litem*.

In contrast to neglect or abuse cases, where all parties and children are represented by attorneys, there is a general lack of legal representation in cases before the Domestic Relations court. The DC Access to Justice Commission reports that 77% of the litigants seeking custody of their children or a divorce in the Family Court are self-represented.

Self-represented parties may have difficulty presenting reliable evidence to the court about the best interests of the children during contentious custody litigation. The lack of reliable evidence presented by the parties impairs the court's ability to make good decisions in contested custody cases and places children at risk.

Thus, in some custody cases, Family Court judges use the discretion permitted by the D.C. Code and appoint attorneys to protect the children's interests. However, unlike court appointments in the child neglect and juvenile branches of the Family Court, there are no uniform procedures, practice standards, or qualifications for what are currently called guardians *ad litem* in contested custody cases. Section 4(a) of the District of Columbia Family Court Act of 2001 (D.C. Code §11-1103) directs the Superior Court to adopt practice standards for all court-appointed attorneys in the Family Court.

CCE undertook this project after hosting a public forum for domestic relations practitioners in November 2009, at which the participants addressed two questions:

- (1) What are the pros and cons of having more uniform standards and procedures for judicial appointment and use of custody guardians *ad litem* in District of Columbia domestic relations cases? and
- (2) If more uniformity were desirable, what might such standards and procedures look like?

The consensus of that public forum was that uniform practice standards are desirable and that Family Court practitioners should develop guidelines and then propose their adoption by the Family Court.

Methodology

The Council for Court Excellence offered to convene a project committee for that purpose and invited all the November 2009 public forum participants and others to join that project committee. The members of the committee are listed at the end of this introduction.

Between the November 2009 public forum and the first meeting of the project committee, the Children's Law Center (CLC) and the Legal Aid Society of the District of Columbia (LAS) jointly prepared a set of draft standards, guided by the American Bar Association Family Law Section's "Standards for Lawyers Representing Children in Custody Cases," issued in 2003.

The CCE project committee began its work in March 2010. The Committee decided at its first meeting to use the CLC/LAS draft standards as the primary basis for discussion in its subsequent monthly meetings.

The project committee did extensive research to inform its discussions and decisions. In addition to studying the 2003 American Bar Association standards, the committee comprehensively reviewed and catalogued approaches to guardians *ad litem* in custody cases from all the states. The committee applied particular emphasis to the neighboring states of Maryland and Virginia. The research on Maryland proved especially useful, as the Maryland court system adopted in 2007 its own "Guidelines for Practice for Court-Appointed Lawyers Representing Children in Cases Involving Child Custody or Child Access." The Committee also researched District of Columbia case law involving guardians *ad litem* and due process issues.

The members of the project committee reached agreement on all but two issues in the proposed practice standards:

First, whether it is appropriate for court-appointed attorneys for children in custody cases to submit written reports to the court. The majority of the project committee believes it is inappropriate, and the proposed standards reflect that position.

Second, whether the role of mentor or supervisor of a court-appointed attorney for children must be described with specificity in the standards. The majority of the project committee believes such description is unnecessary, and the proposed standards reflect that position.

The majority's and minority's explanations of their respective positions on both issues, together with a listing of the committee members who support each position, follow the text of the proposed standards in an Appendix.

The Members of the Project Committee (Affiliations listed for identification purposes only)

Arabella Teal – Chair, CCE Children in the Courts Committee and its Custody Attorney Project

Lise Adams – Children's Law Center

Eric Angel – Legal Aid Society of DC

Margaret Martin Barry – Columbus Community Legal Services

Vanessa Batters – George Washington University Law School

Evelyn Becker – Children's Law Center

Monica Bell – Legal Aid Society of DC

Bruce Berger – Hollingsworth LLP and CCE Executive Committee

Jenny Brody – DC Volunteer Lawyers Project

Linda Delaney – Delaney McKinney, L.L.P.

Amanda Faerber* (until May 31, 2011) – Children's Law Center

Rebecca Goldfrank – Children's Law Center

Valerie Grab* (until June 4, 2010) – Legal Aid Society of DC

Christopher Herrling* – WilmerHale LLP

Mark Herzog – D.C. Bar Pro Bono Program

Susan Hoffman – Crowell & Moring

Barbara Kagan – Steptoe & Johnson and CCE Board of Directors

Karen Barker Marcou – DC Volunteer Lawyers Project

Margaret McKinney – Delaney McKinney, L.L.P.

Robin Murphy* (until July 15, 2010) – Legal Aid Society of DC

Eleanor "Susie" Nace – Nace Family Law Firm and CCE Board of Directors

Adrienne Noti* (until May 18, 2011) – DC Bar Pro Bono Program

Judith Sandalow – Children's Law Center

Wendy Schwartz – Wendy H. Schwartz and Associates, PLLC

Rebecca Segal – Hollingsworth LLP

Marla Spindel – DC Volunteer Lawyers Project

Joan Strand – George Washington University Law School and CCE Board of Directors

Stephanie Troyer – Legal Aid Society of DC

Robert Weinberg – Delaney McKinney, L.L.P.

Diane Weinroth – Children's Law Center

*These committee members take no position on the final committee report.

The Project Committee thanks the following individuals who provided valuable research assistance to the Committee during its deliberations:

Darla Woodring – Children’s Law Center

Sowande Brown-Lawson – Council for Court Excellence

Monica Bell – Legal Aid Society of DC

Proposed District of Columbia Practice Standards for Lawyers Representing Children in Custody, Visitation, and Other Domestic Relations Cases

I. Scope and Definitions

A. Scope

These Standards apply to lawyers representing children or their interests in any case in which legal custody, physical custody, parenting plans, parenting time, access, or visitation are adjudicated on a temporary or permanent basis, including but not limited to divorce, parentage, and private adoptions. These Standards do not apply to attorneys representing children in neglect proceedings pursuant to D.C. Code Title 16, Chapter 23.

B. Definitions

1. Best Interests Attorney

“Best Interests Attorney” means a lawyer who provides independent legal services to represent a child’s best interests, without being bound by the child’s directives or objectives.

2. Child’s Attorney

“Child’s Attorney” means a lawyer who provides independent legal counsel for a child. A Child’s Attorney owes the child the same duties of undivided loyalty, confidentiality, and competent representation as are due an adult client.

3. Unless otherwise specified, all references in the Standards apply to both the Best Interests Attorney and the Child’s Attorney.

II. Duties of all Lawyers for Children

A. Lawyer’s Roles

1. A lawyer appointed as a Best Interests Attorney or a Child’s Attorney shall not play any other role in the case, and shall not testify as a witness, file reports, or make recommendations to the court, but shall offer traditional evidence-based legal arguments, exhibits, and properly qualified witnesses. The lawyer shall make appropriate motions, including motions in limine and evidentiary objections, file briefs, and preserve issues for appeal.
2. A lawyer is not a mandatory reporter of child abuse or neglect.

3. A lawyer shall respect parental autonomy without imposing his or her personal belief systems on the parties.
4. A lawyer shall be sensitive to cultural, racial, ethnic, economic or other differences among the attorney, parties, and the child.
5. A lawyer shall not prejudge the case.
6. A lawyer shall meet with the child immediately upon appointment.
7. If developmentally appropriate, a lawyer shall:
 - (a) meet or communicate with the child before court hearings, when apprised of emergencies or significant events affecting the child, and at other times as needed;
 - (b) advise the child of the scope of the representation;
 - (c) explain to the child what is expected to happen before, during and after each hearing;
 - (d) discuss each substantive order, and its consequences, with the child;
 - (e) advise the child and provide guidance, communicating in a manner that maximizes the child's ability to understand the proceedings.

B. Independence

The lawyer should be independent from the court and other participants in the litigation and unprejudiced and uncompromised in his or her independent action. The lawyer has the right and responsibility to exercise independent professional judgment and to participate in the case as fully and freely as a lawyer for a party.

C. Ethics

Lawyers are bound by the District of Columbia Rules of Professional Conduct. Nothing contained in these standards is intended to modify, amend, or alter a lawyer's duties pursuant to the District of Columbia Rules of Professional Conduct.

D. Accepting Appointment

The lawyer should accept an appointment only with an understanding of these Practice Standards.

E. Initial Tasks

Immediately after being appointed, the lawyer shall review the case file. The lawyer shall inform other parties or counsel of the appointment, and that as counsel of record for the child he or she should be served with copies of all pleadings filed in the case and any discovery exchanges, and is entitled to notice of and to fully participate in all hearings related to this appointment.

F. Meeting with the Child

1. When the lawyer meets with the child, he or she should adapt all communications to the child's age, level of education, cognitive development, cultural background and degree of language acquisition, using an interpreter if necessary.
2. The lawyer should inform the child, in a developmentally appropriate manner, about the court system, the proceedings, and the lawyer's role and responsibilities as a Best Interests Attorney or a Child's Attorney, including whether the attorney will be advocating for the child's best interests or stated interests.
3. The lawyer should consider meeting with the child in an environment familiar to the child.

G. Investigations

The lawyer shall conduct thorough, continuing, and independent investigations with an awareness of and sensitivity to how his or her actions may impact the child's social, emotional, and educational well-being, including:

1. reviewing any court files of the child, and if relevant of siblings, relevant court files of parties to the case and of household members, and case-related records of any social service agency and other service providers;
2. reviewing the child's medical, social, educational, psychiatric and psychological evaluations and/or records to which the attorney will be granted access provided by a court order issued at the time of the appointment;
3. contacting lawyers for the parties;
4. contacting and meeting with the parties, with permission of their lawyers if the parties are represented by counsel;
5. interviewing individuals who are significantly involved with the child;

6. reviewing the relevant evidence directly, rather than relying principally on other descriptions and characterizations from parties, counsel, or other individuals;
7. ascertaining and assessing the child's views;
8. staying apprised of other relevant court proceedings affecting the child.

H. Pretrial Responsibilities

The lawyer shall:

1. conduct thorough, continuing, and independent investigations as set forth more fully in Part G above;
2. conduct discovery when appropriate;
3. develop a theory and strategy of the case to implement at hearings, including presentation of factual and legal issues;
4. stay apprised of any other court proceedings affecting the child, the parties and other household members;
5. attend meetings involving issues within the scope of the appointment;
6. take action to expedite the proceedings when appropriate;
7. participate in, and when appropriate initiate, negotiations and mediation. When necessary, the lawyer should clarify that she or he is not acting as a mediator; and a lawyer who participates in a mediation should be bound by the confidentiality and privilege rules governing the mediation;
8. participate in depositions, pretrial conferences, and hearings;
9. file or make petitions, motions, responses or objections when necessary.

I. Hearings

The lawyer shall participate actively in all hearings and conferences with the court on issues within the scope of the appointment. Specifically, the lawyer shall:

1. identify herself or himself as the Best Interests Attorney or the Child's Attorney at the beginning of any court hearing;
2. make appropriate motions, file briefs, and preserve issues for appeal as appropriate;

3. present and cross-examine witnesses and offer exhibits as necessary;
4. if a child is to meet with the judge or testify, prepare the child, familiarizing the child with the places, people, procedures, and questioning to which the child will be exposed and seek to minimize any harm to the child from the process;
5. make a closing argument, proposing specific findings of fact and conclusions of law;
6. advocate for a written order that conforms to the court's oral rulings and includes all statutorily required findings and notices.

J. Implementation of Interim Court Orders

The lawyer should monitor the implementation of the court's interim orders and address any non-compliance prior to a final order and the end of representation.

K. Termination of Representation

The lawyer's representation shall terminate upon completion of the case ending in a judgment, adjudication, decree, or final order from which no appeal has been taken when the time allowed for an appeal expires. If notice of appeal has been entered and the lawyer's appointment does not include representation on appeal, the lawyer should seek an appointment on appeal or seek appointment of other appellate counsel.

III. Best Interests Attorneys

In addition to the role described in Section II, the Best Interests Attorney shall adhere to the following guidelines:

A. Lawyer's Role: Advocating for the Child's Best Interests

1. If physical custody is an issue in the case, the Best Interests Attorney shall conduct at least one home visit of each of the possible physical custody placements for the child.
2. All assessments of, or arguments regarding, the child's best interests should be based on objective criteria as set forth in the relevant law.
3. At hearings, if no Child's Attorney is present, the Best Interests Attorney shall present the child's expressed desires (if any) to the court, if different from the position the Best Interests Attorney is taking, except for those that the child expressly does not want presented.

4. The Best Interests Attorney shall make arguments and proffer evidence to the court against any arguments or settlement or consent agreements being considered which are in the attorney's view contrary to the child's best interest.

B. Child's Interview or Testimony

The Best Interests Attorney shall take a position based on the child's best interests regarding whether or not the child should be interviewed by the judge or testify and shall file any necessary motions to further that position. The Best Interests Attorney should seek to minimize any adverse consequences that may arise from a child being interviewed by a judge or called as a witness by seeking all appropriate accommodations permitted by law. The child should be told in advance that in-chambers or court testimony will be shared with the parties.

IV. Child's Attorneys

In addition to the role described in Section II, the Child's Attorney shall adhere to the following guidelines:

A. Lawyer's Role

In a developmentally appropriate manner, the Child's Attorney shall advise the child and provide guidance, communicating in a way that maximizes the child's ability to direct the representation.

B. Client Decisions

1. The Child's Attorney shall abide by the client's decisions about the objectives of the representation with respect to each issue on which the child is competent to direct the lawyer, and does so. The Child's Attorney should pursue the child's expressed objectives, unless the child requests otherwise, and follow the child's direction throughout the case.
2. The Child's Attorney shall discuss with the child whether to ask the judge to meet with the child, and whether to call the child as a witness. The decision should include consideration of the child's needs and desires to do either of these, any potential consequences of such a decision or harm to the child from testifying or being involved in the case, the necessity of the child's direct testimony, the availability of other evidence or hearsay exceptions which may substitute for direct testimony by the child, and the child's developmental ability to provide direct testimony and withstand cross-examination. Ultimately, the Child's Attorney is bound by the child's direction concerning testifying.

V. Training

Training for all attorneys shall include:

1. relevant local and federal laws, treaties, agency regulations, court decisions and court rules;
2. the applicable legal standards;
3. information regarding the court process and key personnel in child-related litigation;
4. information regarding children's development, needs and abilities at different ages, including developmentally appropriate communication;
5. information regarding communicating the lawyer's role to parties and others with whom the lawyer comes in contact;
6. information regarding preparing and presenting a child's viewpoints, whether through child testimony or alternatives to direct testimony, and relevant evidentiary considerations including competency, memory and suggestibility;
7. information pertaining to recognizing, evaluating and understanding evidence of child neglect and abuse;
8. information regarding family dynamics and dysfunction, domestic violence and substance abuse;
9. information pertaining to the role of professionals who can provide evaluations, consultation, and/or testimony;
10. information on available services to address family preservation, medical, mental health, educational, and special needs, including evaluation/diagnostic and therapeutic services, and provisions and constraints related to payment for services;
11. information on competence with regard to cultural, racial, ethnic, economic, or other differences among the attorney, parties, and the child;

VI. Qualifications

An attorney appointed as a Best Interests Attorney or a Child's Attorney should, at a minimum:

1. be a member of the District of Columbia Bar in good standing or be eligible to practice in the District of Columbia under the rules of the District of Columbia Court of Appeals;
2. have three years' experience handling cases involving family law, or served as a Best Interests Attorney in three or more cases, or have a mentor or supervisor with experience in handling cases in this area; and
3. have received training consistent with these standards.

Appendix

Majority Position on Reports (Practice Standards Section II.A.1.)

The majority recognizes that the current practice of many Judges confronted with a disputed custody matter is to ask for a written report from the attorney the court has appointed to assist the court in making the custody decision, particularly when the disputing parents are self-represented. However, the majority believes that there are several reasons why a report of this kind is inappropriate in a disputed custody case. While it is true that there is no consistent practice among the states, the majority's view is consistent with the American Bar Association Standards of Practice for Lawyers Representing Children in Custody Cases and the Maryland Guidelines for Practice for Court-Appointed Lawyers Representing Children in Cases Involving Child Custody or Child Access, which specifically prohibit the submission of written reports by a Best Interests Attorney or a Child's Attorney.

The first reason why reports are inappropriate is that submission of reports by a court-appointed attorney, especially reports containing "investigative" findings, recommendations on *pendente lite* or permanent custody, or recommendations for "additional services" for the family, raises a number of significant due process issues. The statutory standards for determining custody consistent with the best interests of the child are objective, and are therefore amenable to presentation of evidence in a trial-type proceeding. Allowing what amounts to evidence to be presented in the form of unsworn reports which are themselves hearsay and also contain multiple hearsay and/or opinions that are not subject to evidentiary standards does not allow parties with opposing views to present their own evidence or to confront witnesses in accordance with the rules of evidence and civil procedure. Merely providing the reports ahead of time to the parties, especially if they are self-represented, does not cure the due process defects. Reliance on such reports does not create a record from which a fact-finder can make the most sound decision based upon reliable and probative evidence. Submission of a report also does not clearly designate what role an attorney is playing in the proceeding, since it essentially cloaks the report-writer with an expertise in family dynamics, psychology, and other areas in which attorneys are not experts, and therefore cannot legitimately offer expert opinion. Moreover, the filing of a report potentially positions the attorney as a witness, which risks the attorney's removal from the case pursuant to D.C. Rule of Professional Conduct 3.7.

Second, reports modeled on those in cases in which there is abuse, neglect, or serious intra-family violence issues are not appropriate in cases in which the dispute is not necessarily an indication of any family dysfunction. Positioning a court-appointed attorney as an investigator charged with reporting findings to the court (as opposed to an attorney investigating facts necessary to present evidence at trial on behalf of a client) unnecessarily stigmatizes all the parties, and may be contrary to the child's interests by prematurely stating a position while *pendente lite* hearings or settlement discussions are on-going.

The Following Members of the Project Committee Support the Majority Position on Reports:

Lise Adams
Eric Angel
Margaret Martin Barry
Vanessa Batters
Evelyn Becker
Monica Bell
Linda Delaney
Amanda Faerber
Rebecca Goldfrank
Mark Herzog
Barbara Kagan
Margaret McKinney
Susie Nace
Judith Sandalow
Joan Strand
Arabella Teal
Stephanie Troyer
Robert Weinberg
Diane Weinroth

Minority Position on Reports (Practice Standards Section II.A.1.)

The Minority believes that, in order to best serve his/her child client and the court, it is essential for the Best Interests (“BI”) or Child’s Attorney to produce a written report after completing his/her investigation. This report should contain: (a) the procedural history of the case; (b) a summary of the Attorney’s investigation, including a description of all persons contacted concerning the case; (c) a discussion of the legal factors relevant to custody; (d) recommendations regarding *pendente lite* or permanent custody and visitation, and the reasons for same; and (e) recommendations regarding additional services for the child and/or the parties. The BI or Child’s Attorney should transmit this report to the court, and serve it on the parties, at least five days prior to a status hearing in the case. The Attorney should file additional reports as necessary or as required by the Court.

There is only one written decision in DC Superior Court addressing the role of the Guardian Ad Litem (“GAL”) in custody cases -- *Meekins v Corbett*, No. DR-143-98c (D.C. Super. Ct., Feb. 17, 2000). The Minority’s position is consistent with the *Meekins* decision, which provides that the BI or Child’s Attorney should participate as a party in the case, not testify as a witness, and be permitted to submit written reports and recommendations regarding custody, which shall not constitute evidence in the case. *See Meekins* at pp. 20-23.

The Minority's position also is supported by the DC Superior Court Family Court Rules Governing Neglect and Abuse Proceedings. As in custody cases, a GAL is appointed in neglect and abuse cases to represent the child's best interests. *See* DC Code Section 16-2304(b)(5). The Rules provide that the GAL "may submit a written report setting forth the factual results of the guardian's or counsel's independent investigation and conclusions as to what action should be taken in the child's best interests." *See* Rules 21(b), 28(c) and 32(d). Because the GAL has the same role in neglect and abuse proceedings as a BI Attorney in custody proceedings, these Rules should be considered applicable to custody cases.

The Minority disagrees with the Majority's view that BI or Child's Attorneys are not "experts," and therefore should not offer "opinion evidence." If the BI or Child's Attorney is not able to offer an opinion, or recommendation, as to the child's best interests or express wishes, then s/he has no function. The Minority believes that a BI or Child's Attorney can most effectively represent a child's best interests and/or express wishes by setting forth a recommendation as to custody and visitation in a written report, supported by an analysis of the facts, including the opinions of experts, if applicable, as well as the law. It is the role of the judge to make decisions regarding custody and visitation based on admissible evidence.

Additionally, the Minority believes that written reports, served on parties before a hearing, are essential to ensure fairness to the parties, especially to the large number of unrepresented parties in Family Court. Reviewing the report in advance gives the parties a chance to prepare for the hearing and to respond to the BI or Child's Attorney's recommendations.

Finally, the Minority references a 50-state survey conducted by the Children's Law Center of the practice standards for BI and Child's Attorneys in custody cases, which confirms that there is no standard "best practice" for filing reports. Indeed, 22 states require or permit reports, 19 states neither specifically permit nor proscribe them, and only 10 states specifically proscribe reports.

The Following Members of the Project Committee Support the Minority Position on Reports:

Bruce Berger
Jenny Brody
Karen Barker Marcou
Susan Hoffman
Rebecca Segal
Marla Spindel

Majority Position on Supervision (Practice Standards Section VI.2.)

Most Best Interests Attorneys in custody cases provide services on a pro bono basis through one of the local legal services organizations. The majority proposal reflects the long-standing and successful model of mentorship used widely in the pro bono legal community. Under the mentorship model, the referring legal services organization assigns an experienced attorney to the pro bono Best Interests Attorney for regular consultation on matters of law, strategy, and local practice. The mentor does not serve as the pro bono attorney's supervisor or co-counsel, and does not accompany the pro bono attorney to court or routinely review every pleading that is filed. In addition, the level of supervision suggested by the minority draws arbitrary distinctions between particular lawyering activities.

The mentorship model has served the pro bono community well, providing needed substantive expertise without overwhelming the legal services providers. The organizations simply do not have the resources to staff every referral with a "supervisor." Instead, the organizations rely on the Best Interests Attorney and assigned mentor to establish the level of support necessary to provide high quality legal services and comply with the D.C. Rules of Professional Conduct. This preexisting model should be followed under these standards for both Best Interests Attorneys and Child's Attorneys.

The Following Members of the Project Committee Support the Majority Position on Supervision:

Lise Adams
Eric Angel
Margaret Martin Barry
Vanessa Batters
Evelyn Becker
Monica Bell
Linda Delaney
Amanda Faerber
Rebecca Goldfrank
Mark Herzog
Susan Hoffman
Barbara Kagan
Margaret McKinney
Susie Nace
Judith Sandalow
Joan Strand
Arabella Teal
Stephanie Troyer
Robert Weinberg
Diane Weinroth

Minority Position on Supervision (Practice Standards Section VI.2.)

The Minority believes that an attorney practicing under a mentor or supervisor should be properly supervised, and that Section VI should provide that the attorney review the status of the case with the mentor/supervisor on a regular basis, but at least prior to each hearing; submit written filings to the mentor/supervisor prior to filing with the Court; and ensure the mentor/supervisor attend at least the attorney's first hearing. Serving as a Best Interests (BI) or Child's Attorney is an important undertaking with a potentially significant impact on a child's life. Further, the client in these cases, the child, is vulnerable in ways that an adult client typically is not. Thus, in the case of a relatively inexperienced attorney serving as a BI or Child's Attorney under the mentorship or supervision of an experienced attorney, it is important that "mentoring" and "supervision" encompass, at a minimum, certain defined tasks.

While the Majority asserts that a "mentorship model" involving limited supervision "has served the pro bono community well," the Minority believes this model has not necessarily served child clients well. Attorneys unfamiliar with family law may not "know what they don't know," and so may not realize they need to consult an experienced attorney about a particular issue. Requiring regular review of the case with a mentor/supervisor ensures important issues are not overlooked by an inexperienced attorney representing a child.

The Following Members of the Project Committee Support the Minority Position on Supervision:

Bruce Berger
Jenny Brody
Karen Barker Marcou
Rebecca Segal
Marla Spindel

Council for Court Excellence

Formed in Washington, DC, in January 1982, the Council for Court Excellence is a nonprofit, nonpartisan civic organization. The Council works to improve the administration of justice in the local and federal courts and related agencies in the Washington metropolitan area and in the nation. The Council accomplishes this goal by:

- Identifying and promoting justice system reforms,
- Improving public access to justice, and
- Increasing public understanding and support of our justice system.

The Council is governed by a volunteer Board of Directors composed of members of the legal, business, civic, and judicial communities. The Council is unique in bringing together all of those communities in common purpose to address justice system reform and access to justice needs. The Board accomplishes the work of the Council through direct participation in Council committees. The Council employs a small staff to assist the Board in meeting the objectives of the organization. Financial support comes from the members of the Board, businesses, law firms, individuals, foundations, and occasionally government.

The Council for Court Excellence has built a substantial record of success in the major justice system reform initiatives it has undertaken. The Council has been the moving force behind adoption of the one day/one trial jury system in the DC Superior Court, modernization of trial jury and grand jury systems, reform of the District of Columbia probate laws and procedures, reform of the DC administrative adjudication system, improvement in handling of child neglect and abuse cases, expansion of crime victim rights, adoption of criminal record sealing rights, proposing methods to speed resolution of criminal cases, and proposing methods to speed resolution of civil cases by the DC trial and appellate courts. To improve the public's access to justice and increase their understanding of our justice system, the Council over the years has published and distributed over 350,000 copies of plain-language booklets and other materials explaining a wide variety of court systems.

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