



The NLS Press

Things Looking Up for Pro Bono Family Law in Pittsburgh

By *Natalie Mihalek, Leo Bouwers, and Adam Samons*

Allegheny County now has three groundbreaking family law pro bono projects on the horizon. These programs, which are designed to use non-family law attorneys as volunteers to represent clients in family law cases, will put the county in the forefront of family law pro bono nationwide.



Traditionally, lower income families in Allegheny County have had few options for legal assistance when they were faced with problems in the area of family law. Because of staff reductions over the years, NLSA is currently only able to provide full representation for plaintiffs in Protection from Abuse actions and for primary caretakers in child snatch or full custody proceedings. In addition, we provide advice and reduced fee referrals at our family law clinics or through our Helpline. Unfortunately, for many of our clients even the reduced fee rates are beyond their means.

There are few other programs currently providing free legal assistance in family law cases. Two that do are the Divorce Law Project, which represents low income clients seeking no-fault divorces that have no custody, support, or property issues, and the County Solicitor's office, which provides free representation for

Plaintiffs attempting to enforce support obligations of a non-custodial parent. Attorneys at the Solicitor's office evaluate requests for representation on a case by case basis to determine if the office will provide representation. In addition to these programs, at some of the community clinics which have been established in recent years the attorney interviewing the client at the clinic may on occasion follow through with representation at court.

In June, the "100 Lawyers Project," a collaboration between the YWCA Legal Resources for Women and the Allegheny County Bar Foundation, was launched with a CLE seminar to train prospective non-family law volunteers. That seminar attracted 40 attorneys and 11 paralegals, who are now waiting for assignment to a divorce case. The cases which will be accepted by the project must have some economic issues, but no custody and support issues. If the latter exist, the client will have to agree to bifurcate the case and deal with the custody and support through other means.

Rosemary Crawford, director of the Legal Resources for Women program and developer of the "100 Lawyers" concept, has said that one of her biggest motivations in starting the program was the ability to reach out to a segment of society that had previously been shut out from legal help because of how much money they made. While programs for families and individuals at or slightly above the federal poverty guidelines have provided help to some, many individuals who were just above those income or asset limits have found themselves excluded from pro bono help while at the same time being unable to pay for an

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NLSA to offer Protection from Abuse and Unemployment Compensation CLE courses

NLSA will present its third Protection from Abuse training for 2006 in late October or early November. Buchanan Ingersoll P.C. will host the seminar, which will provide 3 substantive and 1 ethics credit. Please consult the NLSA website at www.nlsa.us in September for details about date and time.

We are also planning a CLE training in Unemployment Compensation law, specifically the referee hearing process, to be held in October.

in the spotlight

NLSA Welcomes Beth Thomas



Although NLSA is sorry to say good bye to Amelia Joiner, our Lawyer on Loan since January, we are glad to welcome Beth Thomas as Amelia's replacement.

If Amelia's schedule is any indication, Beth has an active six months ahead of her. From January through June, Amelia handled over 130 cases, including representation of 32 PFA plaintiffs. She was also an ardent advocate for tenants in a variety landlord/tenant and Section 8 cases. Amelia and Beth have both joined us from the law firm of Reed Smith, each serving six months as staff attorneys at NLSA under the Lawyers on Loan program.

Originally from Harrisburg, Beth Thomas did her undergraduate work at James Madison University in Virginia and earned her law degree from Vanderbilt University in Tennessee. Beth came to Pittsburgh after law school graduation to work for Reed Smith, where she is a second year associate in the litigation group. She handles a wide variety of cases, including those dealing with intellectual property and financial services.

Beth has also been very involved in the pro bono program at Reed Smith, most recently working on a prisoner's rights case. She is looking forward to the next six months at NLSA, and we have guaranteed her that they will be busy and interesting ones.

This is the second year of the Lawyers on Loan program—a program which has provided invaluable assistance to NLSA by increasing our staff by two additional experienced attorneys in the first year (from Dickie McCamey & Chilcote and Thorp-Reed & Armstrong) and one in the current year.

NLSA has joined with the Pittsburgh Pro Bono Partnership in our efforts to expand the project by recruiting at least two additional firms, thus providing an ongoing 5 year rotation cycle. Any firm interested in the program should contact Attorney Jeffrey Heeter of Alcoa, chair of the Partnership Administrative Board, at 412-553-4747.

Family Law Projects

Continued from Page 1

attorney. Because the “100 Lawyers” Project has slightly higher income and asset guidelines than organizations such as NLSA, it will be able to step in to help not only the indigent but also the working poor.

While Ms. Crawford admits that it is sometimes challenging to get lawyers who are not familiar with family law to volunteer in family law matters, she feels that the initial response bodes well for the program. Those attorneys who have received training will soon be contacted by the YWCA to accept their first cases. Agencies such as NLSA, North Hills Community Outreach, community clinics, and other non-profit groups can now refer clients with this type of divorce to the program through the YWCA.

“100 Lawyers” is not alone as a new pro bono family law program. In fact, Ms. Crawford noted that she believes there will be something of a synergy between the new initiatives, as each may refer clients who could be better served by one of the others.

One such program is the Pro Bono Custody Conciliation Project, which has scheduled its initial training session for August 29. At its May 12 annual breakfast meeting the Pittsburgh Pro Bono Project announced the development of this effort as one of its New Signature Projects. Although Signature Projects traditionally have involved the partnering of two law firms or a law firm and a corporate legal department, the Custody Conciliation Project introduces a new twist to the concept. Because of the large number of attorneys who will be required to handle these cases, this Project will involve attorneys and paralegals from any of the Partnership members who want to contribute. Prior to the August training, representatives of the firms with the largest number of volunteers will be meeting with court personnel to complete plans for the operation of the project.

The Custody Conciliation Project offers non-family law attorneys an opportunity for a pro bono experience which enables them to use their negotiating skills outside the bounds of

their current area of practice. The court will permit attorneys to enter a limited appearance for the custody conciliation hearing, and it is estimated that total time devoted to one volunteer experience will be less than four hours, including both preparation and hearing time. No followup will be required. All those who have been involved in the planning of this project agree that having the parties represented by counsel will provide for a more effective resolution of these custody disputes.

The second Signature Project introduced on May 12 is the Guardian Ad Litem Project. Currently in custody cases in Allegheny County, no attorney is appointed for the child unless very extenuating circumstances are present. The GAL project will enable more children in these types of circumstances to be represented. It will give a voice to children who would otherwise have no opportunity or means of being heard in the midst of a custody case.

Attorney Lorrie Albert, Pro Bono Coordinator for the Allegheny County Bar Foundation and a member of the Partnership Administrative Board, believes that a more holistic approach will be needed to take on these cases. The attorney who volunteers for this program will follow the case from the beginning to completion. Ms. Albert said that while it does require a bigger commitment from the attorneys, it will also provide them with a very fulfilling experience. Training for the project is scheduled for sometime in the early fall.

Attorney David Pollock, incoming chair of the Family Law Section, confirmed at the May 12 Partnership breakfast that family law attorneys will be available as mentors for all of these projects.

Individual attorneys who would like to volunteer for the “100 Lawyers” Program should contact **Attorney Rosemary Crawford at 412-281-4942 or rcrawford@ywcapgh.org**. Pro Bono Coordinators of Partnership member firms who have attorneys who might be interested in the GAL or Custody Conciliation Projects should contact **Lorrie Albert at 412-402-6677 or lalbert@acba.org**.

Staff Profile: Shelby Scheeler

Shelby Scheeler remembers her first day of work at NLSA in October of 1974 with some laughter. When she arrived at the office in the morning, she saw a telephone and an appointment book on the floor - and nothing else! She remembers sitting on the floor, answering the phone and making appointments, (and probably wondering what life was going to be like working for this organization). Fortunately, some of the furniture arrived later that day - and she's never been without a desk since.

In 1977 NLSA opened an office in Beaver Falls and Shelby transferred there, remaining until 1980, when the office had to be closed because of budget cuts. She eventually wound up in Aliquippa, where she has remained until today.

Shelby has been a secretary since she first started with NLSA. Her duties have always included a little bit of everything and on any given day she can be seen opening new client files, answering phones, typing, preparing various reports each month, entering data into the case management system, doing the bookkeeping, and making reduced fee referrals for clients. She says that the variety of her work in a small office is one of the aspects of her job that she most enjoys. "I loved my job from the very beginning. So many new things to learn and people to meet."

In her 32 years with NLSA Shelby has witnessed many changes in the organization. In the earliest days each attorney spent much of his or her day interviewing clients coming into the office with "every type of case imaginable." She says, "I can still see clients standing against the wall because there weren't enough chairs to accommodate everyone."

Today, because of funding cuts and the corresponding decrease in staff numbers, each office now provides a great deal more phone advice and less full service representation. This creates a certain change in the dynamics of the office day. But Shelby realizes that "times change; clients change."



When she is "off duty," Shelby keeps busy with her three daughters and four grandsons. She also enjoys reading mystery and romance novels and playing cards.

The loyalty of NLSA's support staff has long been one of the strengths of the organization, and we thank Shelby Scheeler for her contribution to that strength.

NLSA Staff Attorney Honored

On July 13, Attorney Mark Krachka, from our New Castle office received notice from the Crisis Shelter of Lawrence County that he had been chosen as a "Crisis Shelter Hero."

In celebration of the agency's 25th anniversary, the Shelter chose to honor a diverse group of people who have made significant contributions toward responding to and ending domestic violence and sexual assault in Lawrence County.

Mr. Krachka was among 25 individuals chosen for this honor. He is being recognized not only for the work he does in representing Protection from Abuse Plaintiffs in court, but also for his work in training Shelter personnel in this area.

Case Study

*By Adam Samons
Legal Intern*

Rarely is an attorney able to see such an immediate and beneficial impact on a client's life as attorney Joseph Olimpi did when he negotiated a settlement of a property dispute between neighbors that allowed his terminally ill client's medical attendants access to her home to care for her in her final days.

Ms. X's neighbors had long threatened to erect a fence along what they claimed to be the correct property line. These threats finally came to fruition when Ms. X was hospitalized for a few days to receive medical treatment. She returned home to find her neighbors had spray painted what they felt was the correct boundary line between the two properties, including part of an awning that was attached to her home. They had then erected a fence along the newly marked property line. That fence ran so close to the side of Ms. X's home that it blocked off the side entrance as well as part of the winding front walkway.

Olimpi knew that attempting to litigate the issue would be as cumbersome as the barrier which the fence had created. Ms. X's terminal illness made it impossible for her to testify on the matter should she need to. This left Olimpi with the option of having the client's protec-

tive service caseworker testify under hearsay exception 804 A, which allows hearsay testimony when a witness is not able to testify because of death or an existing physical or mental infirmity.

While he felt the court would likely allow this procedure, Olimpi instead decided that, given his client's condition, he should seek more immediate relief. He therefore filed a motion for special relief, requesting an order that the fence be removed. Although the judge granted the order, a legally mandated preliminary injunction hearing had to be scheduled within three days to decide whether or not the fence could be put back up. Just before this injunction hearing was to begin Olimpi was able to get the neighbors to agree to a settlement which stipulated that the fence would remain down for the remainder of Ms. X's life.

While his client lived only three more weeks after the fence was removed, the settlement allowed her caretakers to reach her when they needed to, and it also removed the burden of her neighbor's complaints during her final days.



2006 NLSA Central Office Summer Interns

James Gabello, Leo Bouwers,
Adam Samons, Natalie Mihalek,
Tahira Bland, and Kerry O'Donnell

See Pro Bono Corner p. 7 for names
of additional summer volunteers.

IN NEED OF AN EDUCATION – one student's impressions

by Leo Bouwers
Certified Legal Intern

As a law student, I know that one of the most frustrating situations that law students face arises when a family member or friend asks for legal advice. The basic assumption is that a law student learns the law and thereafter is able to definitively answer any legal question. The truth is that law students must learn not only how to decipher the law, but how to apply it to a specific situation as well. In other words, being a lawyer involves both the theoretical and the practical.

In days gone by, many an aspiring attorney “read the law”, often working in an apprenticeship role within the law office of an established attorney. Thus, learning the law was both a theoretical and practical process, much like the apprenticeship served by a carpenter.

Today, however, education in the legal field tends to separate the theoretical and analytical from its practical application. Consequently, a law school education does not, by itself, teach what it is to be a lawyer. Even the bar exam, which marks the point at which a law student in our society is able to work as a lawyer, has begun to recognize this fact and is becoming more practical to varying degrees throughout the United States.

Increasingly our law schools are incorporating into the structure of their legal education the idea that students should spend some time during their years at law school gaining practical legal experience. This experience allows the law student to bring his theoretical and hypothetical knowledge to the workplace, where he can apply that training to the practice of law.

The law students, including myself, who have spent this past summer at NLSA have benefitted tremendously from the experience.

Although we all had our own reasons for coming here, we were informed right away why NLSA brought us in for the summer: first and foremost, to help clients; second, to teach us and provide us with practical experience.

I can say from the vantage point of my 10 weeks here that the staff at NLSA has accomplished their goals. We certainly were able to help many clients—whether it was through the advice we gave them on the Helpline; by our representation at District Justice hearings on landlord tenant cases, Housing Authority grievance hearings, or unemployment compensation referee hearings; or by our work at the clinics and ELP centers.

In the process, we gained an immense amount of practical experience, both by working with clients ourselves and by observing NLSA's gifted staff and attorneys in action. For example, sitting in on interviews at the clinics has enabled us to observe different attorney interviewing techniques and styles and to understand that no one style works for everyone. Similarly, we've seen the tremendous importance of preparation in the representation of clients at any kind of hearing—and we've learned what is involved in preparing adequately.

I could not have asked for a more beneficial learning experience than I received at NLSA this summer. I feel that, as interns, we were able to improve and develop skills that every lawyer needs in order to be effective. Now, if friends and family or even future clients ask me questions, I have greater confidence that I will be able not only to discover what their legal problem is, but also to translate that knowledge into effective advocacy. In other words, how to be a lawyer.

2006 Summer Intern Program

This summer NLSA had six students working full time in the Summer Intern Program—Tahira Bland, Leo Bouwers, James Gaballo, Kerry O'Donnell, and Adam Samons from the University of Pittsburgh School of Law and Natalie Mihalek from Appalachian School of Law in Virginia.

As of July 20 (with two weeks remaining in the program), these students had handled 186 housing calls on the NLSA Helpline, with several of those intakes resulting in negotiating agreements with landlords or representing clients at District Justice landlord tenant hearings, arbitration hearings, or grievance hearings with the Housing Authority of the City of Pittsburgh. In addition, the interns have been involved in 30 unemployment compensation cases, interviewing and preparing clients and at times representing them at referee hearings.

In addition, Angela Heverling worked with unemployment compensation cases here at NLSA, while also interning part time at the Community Justice Project.

Pro Bono Corner

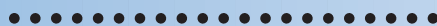
We would like to congratulate the recent Pennsylvania Bar Association award winners. **Attorney Marion Laffey-Ferry** was given the Louis J. Goffman award at the Bar Association’s annual meeting at Hershey in May. The Goffman award is presented to a lawyer “whose commitment to pro bono work has enhanced the delivery of legal services to Pennsylvania’s poor and disadvantaged.” Ms. Laffey-Ferry, whose practice is concentrated in the area of family law, was honored for her pro bono work in that area. She has been a loyal supporter of NLSA for nearly 20 years and accepts referrals from our Butler office.



Recipients of PBA pro bono awards include three attorneys who are volunteers for NLSA’s central office. They include **Attorney Sylvia Denys**, who accepts unemployment compensation referrals from our office; **Attorney Shawn Wright**, who has agreed to accept monthly Chapter 7 bankruptcy referrals; and **Attorney Melaine Rothery**, who accepts Protection from Abuse referrals and also volunteers at our family law clinic.

In addition, **Attorney Daniel Haller**, a managing attorney in our central office, was honored with the “Civil Legal Aid Attorney of the Year Award.” **The Honorable Livingstone M. Johnson**, senior judge on the Allegheny County Court of Common Pleas, was honored with the “Judges Award” for his outstanding contribution in fostering pro bono.

These two awards, as well as the pro bono awards, will be presented to their recipients at a special awards ceremony at the Allegheny County Bar Association.

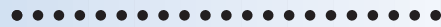


We would also like to recognize the dedication of volunteers at the various community clinics that have been opened in the county and city in the last few years. Most of the attorneys at these clinics are from large law firms or corporate legal departments and have very little, if any, experience in the areas of law in which their participation at the clinics involves them. Yet not only are they willing to do the research to enable them to give advice on these matters; they are frequently willing to undertake representation in court proceedings. This month **Attorney Nicholas Oliver** of Alcoa’s legal department successfully represented a tenant being evicted because her adult son was convicted of a criminal offense, despite the fact that the client herself has been a model tenant for many years and that the son no longer lived

with her. Mr. Oliver researched the law, consulted one of the landlord tenant mentors, and then litigated his client’s case at arbitration.

Two other Alcoa attorneys, **Barbara Cole** and **Aman Bhullar**, have entered the troubled waters of family law and represented their McKees Rocks Clinic clients at a custody conciliation and a support hearing.

None of these three attorneys is involved in a litigation practice, nor do they practice in the areas of landlord tenant or family law. Their willingness to see these cases through to the hearing level is just one illustration of the dedication of all those attorneys who volunteer at the various community clinics.



In addition to our summer interns at the central office (see article p. 6), **Joshua Horton** in Aliquippa, and **James Murdock** in New Castle, the NLSA offices were filled with helpful hands this summer.

In its efforts to provide a more holistic approach to serving its clients, NLSA has contacted Slippery Rock University’s social work program to obtain the services of four social work students, who have been involved in a variety of tasks at our four offices this summer. Those students are **Lannea Adamson** at the New Castle office, **Kari DeMaria** at the Central office, **Joseph Fritz** at the Aliquippa office, and **Daryl Ann Milcic** at the Butler office.

Our family law attorneys have also been assisted by three able law students, who have been interviewing, preparing, and representing clients in Protection from Abuse cases. **Jennedy Santolla** and **Jennifer White** have been working in our central office, while **Christopher Johnson** assists at the Butler office.

In addition, **Joshua Hall** from Duquesne University’s School of Law, who has been working part time on our Helpline since September, 2005, continued full time over the summer and will return shortly after the start of the 2006 school year on a part time basis.

Our front desk personnel have welcomed the assistance of **Alicia Robertson**, a SPOC student, and **Desra Gresham**, a high school student from the ACBA Minority Summer Internship Program.

Finally, we have enjoyed the presence of **Attorney Katharina Hastenrath** from Germany, who has been working with **Attorney Edward van Stevenson** in our central office over the summer.



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