



## **CHILDREN'S PRO BONO PROGRAM**

### **The Children's Law Center Philosophy**

The Children's Law Center uses a coordinated and comprehensive approach to delivery of legal services. The Law Center is known within the child advocacy community for its "holistic" approach to legal assistance. This approach requires each staff attorney in the office, most of whom specialize in one area of child advocacy, to become familiar with all other areas of the law in which the Law Center provides services. This "holistic" practice allows each attorney to offer assistance to each child client in areas beyond those for which the Center is originally retained. A delinquency assignment, for example, can quickly turn into a special education matter or a CHINS. Attending to the full panoply of our clients' legal needs avoids unnecessary overlap of work among agencies, strengthens the attorney-client relationship and fosters the possibility of stabilizing and improving the clients' lives.

### **The Children's Pro Bono Program**

The Children's Law Center created the Children's Pro Bono Program in 1996. The Pro Bono Program was developed to expand the reach of the Law Center to assist those children who need legal representation in education matters and whose families cannot afford the high cost of legal services. The program meets this need by matching children throughout Massachusetts with private attorneys who are willing to provide legal representation and advice on a pro bono basis. The program is staffed entirely by volunteer professionals, and therefore it provides quality legal services at no cost to our clients and their families. Children's Law Center staff provides initial and ongoing training to support all Pro Bono members of the panel. Each Pro Bono member is also provided with a mentor from the Law Center staff. The Law Center also provides malpractice insurance coverage for cases referred to attorneys who participate in the program.

### **Nature of Pro Bono Representation**

The Children's Pro Bono Program is as unique as the Law Center. Because we serve only child clients there are special considerations attendant to the representation. For example, attorneys must recognize that it is the child's objectives, not the parents' that are paramount in the representation. The attorney must take special care to meet with the child outside the presence of the parents to independently determine the child's objectives. Because the child is the client, the attorney cannot pursue a course of action that is against the child's objectives even if the parent and the attorney believe that the child's best interest would be served. In addition, the attorneys must take special care in determining the wishes of very young or severely cognitively delayed children.

### **Areas of Pro Bono Representation**

The Pro Bono Program offers representation to children primarily in matters involving school expulsion and special education. Occasionally the program provides representation in other educational matters and in claims for Supplemental Security Income (SSI) for a disabled child. Each child client is matched up with a participating attorney who is responsible for handling that child's case. School expulsion matters generally require the attorney to represent a student who has been charged with a disciplinary offense at a school hearing. These cases are generally of an urgent nature and some litigation experience is recommended. Special

education matters are more administrative in nature and generally require participation in meetings and negotiation of educational plans. These matters may also ultimately require representation at a more formal hearing at the Bureau of Special Education Appeals or at mediation.

### **Professional Training**

New members of the Pro Bono Program panel are asked to attend an orientation program that includes substantive and procedural training on the laws governing special education and school exclusion matters. Law Center staff and other experts in the field of education law conduct the seminar. From time to time, the Law Center also offers specialized programs on topics related to education law and child development, and sessions to update the panel on changes in the law. These seminars offer an opportunity for volunteer attorneys to broaden their skills, to further develop their substantive knowledge, and to remain current on relevant issues.

### **Professional Mentoring**

The Law Center assigns a mentor to each client/attorney pairing. That mentor is available to the attorney for questions and strategy sessions. Pro Bono attorneys are also required, through submission of regular reports, to keep the Law Center up to date regarding the status of their assigned case and to discuss with their mentor any decision to take the case to a higher level, such as filing an appeal or a request for hearing. The Director of Pro Bono is also available to consult with participating attorneys on an as-needed basis.

### **Program Participation**

Because our clients are children, the Law Center requires that each member of the panel complete an application. The Law Center checks the applicant's references as well as their criminal background. Participating attorneys may specify the type of case that they would prefer to be assigned, and they may request assignment of a case from a specific geographic area. Because we cannot control the subject matter and locations of cases that come through our intake process, however, attorney choices cannot always be honored.

### **Case Assignment**

The Law Center obtains most of its education-related cases through its hotline. Members of the public call the hotline to request assistance in the form of representation, referrals, and advice. Requests for Assistance (RFAs) are reviewed by Law Center attorneys to assess potential clients' eligibility. All cases referred through the Pro Bono Program must meet the Law Center's income eligibility guidelines.

RFAs come to the Law Center at many different stages. When an RFA falls within the Law Center's mandate and eligibility criteria, staff will conduct an investigation prior to accepting the case for representation. In some cases Pro Bono attorneys may be asked to take a case at the investigation stage. In other cases, when a dispute is manifest, the attorney can assume representation immediately. The panel requests that participating attorneys commit to taking at least one case referral per year.

To volunteer or to obtain more information about how you or your law firm can become involved in the Children's ProBono Program, contact our Director of Pro Bono Programming at (781) 581-1977.

Representing children is a rewarding and unique experience. The Law Center is committed to providing comprehensive legal representation to its clients while also providing a fulfilling volunteer experience to participating attorneys. We welcome you and/or your law firm to join us in this endeavor.