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**Project volunteer Sherry Myers (second from left) reviews client forms and mediation tips with clinic students, Shadawn Deas, Ashley Sheetz and Allyson Bloom.**

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In the difficult sphere that is family law, mediation continues to emerge as a positive trend, one where often disenfranchised parents can feel empowered and part of a process that helps plot a better-crafted course for co-parenting. Approaching its tenth year, participants in the Pro Bono Family Mediation Project are helping prove this over and over again. It is able to do so because of a dedicated cadre of volunteers like Sherry Myers.

"Mediation is much more diplomatic," said Myers, an attorney and Project volunteer since 2011 who recently launched her own law firm after working for Summerfield, Willen, Silverberg, Limsky, LLC. "I've seen families ripped apart by litigation. It can be traumatic, expensive and can badly damage relationships. In most cases, there really is a shot at a positive solution through mediation."

The Family Mediation Project — a collaboration between the Pro Bono Resource Center of Maryland (PBRC), Family Division of the

# A BRIGHTER FUTURE

## Court-based family mediation project helps families in strife

Circuit Court for Baltimore City and University of Baltimore School of Law Mediation Clinic for Families — partners local law students with child access mediators and barred attorneys who volunteer to work as case mediators or legal counsel for low-income pro se litigants in contested custody mediations.

"Through this unique model, parents otherwise unable to afford legal representation gain access to both pro bono counsel and mediation services as they work together to make significant decisions about their chil-

dren," states Annie Brinkmann, PBRC's Director of Programming.

One day per week during the school semester, court magistrates review cases for parties that appear appropriate for such a process and assign them to these teams. The need is often obvious.

"In most urban jurisdictions in the country, 50 to 90 percent of low-income litigants are in court without lawyers," said Jane Murphy, the Laurence M. Katz Professor of Law & co-director of the mediation clinic. "Family law can be complicated. They need someone to

explain what's happened, legal norms for their type of case, and that they can still go to trial."

Program participants noted that these mediations provide estranged parents what often is the first serious conversation about co-parenting expectations, styles and so on.

"Even when parties can't come out of mediation with an agreement, you often see them surprised that they were at least able to communicate. 'Maybe we can sit and talk about this,'" Myers said. "I love that the Family Mediation Project is giving people that opportunity."

Beyond previous communication problems, many of the parties don't know in advance that there are alternatives to litigation, which are often better suited to a quick court judgment.

"Judges have crowded dockets and stacks of cases," said Lydia Nussbaum, former clinical fellow for the mediation clinic. "If a judge hears about, for example, an addiction issue, they will probably limit that parent's access to the kid or set a one-page ruling. In mediation, the parents might have an opportunity to set up something like an incremental process, with repeated check-ins that can yield increased access or create a more closely tailored agreement than a trial decision would have ever offered."

"If PBRC and this Project did not exist, experienced attorneys would not have the opportunity to perform pro bono services for such an important purpose, ... and the Court would not have the opportunity to witness litigants who, after participating in the Project, arrive at thorough agreements with composure and confident of their success," claimed Magistrate Theresa Furnari who has arguably the most experience with the project. Murphy agreed. Without the project, "these families would likely ... cause harm as they have to go on co-parenting. It is a great service to the community," Murphy said.

Nussbaum, like Myers and Murphy, noted that the culture of family law is changing dramatically toward these collaborative, instead of adversarial, proceedings. Simply put: attorneys in family law cases likely will need to play a significantly different role than 10 or 20 years ago. PBRC's Executive Director, Sharon E. Goldsmith, envisioned this service more than a decade ago and is gratified that it seems to be more of a trend.

Beyond providing critical assistance to pro se litigants, attorneys and mediators in the program obtain a tangible benefit that can be

hard to find elsewhere: mediation experience.

"There are not a lot of ways to develop your mediation skills. This is one," Murphy said. "And it comes with a very manageable, usually one-day, time commitment." Brinkmann noted, "The volunteers are clearly motivated by the incredible need for assistance in these cases, but some are initially attracted by the opportunity to gain practical mediation experience. The project offers a discrete, short-term opportunity to hone their skills while "doing good" in the community, and PBRC highlights these features when recruiting new volunteers."

Brinkmann is quick to add, however, that the project requires a certain level of expertise to get involved - volunteer attorneys must have two years of family law experience and volunteer mediators must have completed the 40-hour basic civil mediation training, 20-hour child access training, and eight (8) hours of mediation observation or co-mediation of child access cases in Maryland Circuit Courts. This allows them to fully participate in a court-based program and highlights the quality of services.

Many keep coming back, however, because they enjoy trying to make a difference for people who need the assistance most. Myers, who started working with the project while a University of Baltimore law student earlier this decade, has become a bit of a go-to participant, often filling in when others have a conflict arise. Since the fall of 2011, Myers has accepted fifteen (15) volunteer dates in the Project and has served as the mediator or limited representation attorney in ten (10) contested custody cases. She has donated over 50 hours of her time volunteering in this unique Project.

"I know a lot about acrimonious family situations," said Myers, who watched her parents fight for custody of a younger sibling while she was in her late teens. "I feel like it helps to understand what they're going through, how people can become so frustrated and how to get to the underlying issues. I feel like doing this is helping people. I feel like it's my true calling."

The magistrates with experience in the project concur. As Magistrate Furnari explains, "Often participants tell the court that they felt better knowing that they had someone there who they could talk to and as a result, they were in a better position to work with the other party to arrive at a thorough agreement. It allows the parents to come up with thorough agreements that will stand the test of time."

## "The Pro Bono Family Mediation Project allows parents to come up with thorough agreements that will stand the test of time."

Magistrate Theresa Furnari

2005 - Convenes Mid-Shore Regional Pro Bono meeting with Standing Committee to discuss improving pro bono delivery on Eastern Shore resulting in first regional pro bono Coordinator

- Creates Children's Education Project to represent juveniles in disciplinary proceedings and children with special needs in educational settings

### 2006-2010

2006 - Organizes new Pro Bono Family Mediation Project with University of Baltimore School of Law in Baltimore City Circuit Court offering volunteer mediation and legal representation to pro se litigants

2007 - Completes statewide survey of legal

services providers to evaluate delivery of pro bono legal services. Shares county specific data with Local Pro Bono Committees

2008 - Spearheads creation of Maryland Foreclosure Prevention Pro Bono Project at behest of state and Chief Judge Robert M. Bell

- Partners with Homeless Persons

Representation Project and others to develop Veterans' Benefits Pro Bono Project representing homeless veterans in claims for pension and service-connected disability benefits

2009 - Receives Weinberg ABA for Excellence award for its response to the foreclosure crisis

- Partners with U.S. Bankruptcy Court on