

COMMUNICATION[Clearinghouse Review](#)**[Advocacy Stories](#)**[Federal Practice Manual](#)[Interviews](#)[Webinars and Dialogues](#)**School-Based Clinics: Partnerships to Assist Families and Children**

The hum of the industrial-sized refrigerators muffled the welcoming hellos of the clinic lawyers as parents of the school's children hesitantly filed in and found seats at the cafeteria tables in the warm lunchroom. A volunteer lawyer approached each parent with intake form in hand and a translator standing by if needed. The school's Director of Family Engagement, Emily Parkey, walked around the room as parents settled in, and with reassuring words she made introductions—lawyer to client and client to lawyer. Ms. Rosa slid into the picnic-style bench seat and calmly began to tell her story. (Client names have been changed.)

Volunteers of Legal Service (VOLS) was founded in 1984 in an effort to encourage New York City's best law firms to commit to pro bono work to bridge the expanding justice gap. VOLS develops legal projects that leverage the tremendous resources of scores of New York City law firms. The VOLS project model allows volunteers to assist New Yorkers in need of civil legal assistance with issues related to housing, life planning, family law, immigration, government benefits, and small businesses.

With a keen eye for identifying areas of need and the expertise to do something about it, VOLS focused on looking at the legal problems of low-income families that interfere with their children's ability to learn and stay in school. The School-Based Children's Project emerged and now is in its eighth year of connecting law firms and public schools to create interdisciplinary teams that include volunteer lawyers, school administrators, teachers, social workers, and parents. Skadden is one of those law firms, and **DREAM Charter School** is one of those schools; connected by VOLS in 2011, a partnership has developed between the two that has already made a positive difference in the lives of many DREAM Charter School families.

Over the course of an hour, Ms. Rosa told her clinic lawyer of her loving relationship with her partner, Ms. Diaz. Together, the long-time partners had raised Ms. Diaz's grandson, Tony, who was a student at the DREAM Charter School. With poise and confidence, Ms. Rosa spoke of how she and Ms. Diaz had raised Tony since early childhood when his biological mother, Ms. Diaz's daughter, and his biological father struggled with drug addiction and the ability to provide a stable home for their son. Tony's biological father was also a known perpetrator of violent acts in the community. Joyfully, Ms. Rosa spoke of Tony's successes at DREAM Charter School and how important she thought it was for Tony to remain at the school after troubling experiences at other New York City public schools.

DREAM Charter School opened its doors in 2008 after **Harlem RBI**, a nonprofit organization that uses play to encourage learning, realized its own dream of creating a school in East Harlem that would serve the community's need for a school that had high expectations of its students and would provide a place for students to learn positive life skills and be supported in their successes. Harlem RBI had a decades-long track record of using a team approach to coach kids to realize their potential. In establishing a school, Harlem RBI deepened its relationship with the East Harlem community and today remains an institutional and fiscal partner with DREAM Charter School. DREAM Charter School currently welcomes 350 scholars from kindergarten through sixth grade. Growing each year with the addition of another grade, the school will reach an enrollment of 450 scholars and become a kindergarten through eighth grade institution by 2015.

The volunteer lawyer looked down at the intake form that Ms. Rosa had completed prior to the day of the clinic and then prompted Ms. Rosa with a question about her request for assistance with child custody. Ms. Rosa hastily wiped away an escaped tear and with a brave breath told her lawyer that her partner, Ms. Diaz, had terminal cancer, not



long to live at all, and asked quietly what she was to do about Tony. It was Ms. Rosa's hope and Ms. Diaz's wish that Tony would stay with Ms. Rosa, would continue to be raised by her, and would remain at DREAM Charter School. The volunteer lawyer began explaining to Ms. Rosa what was involved in a custody petition and the difference between custody and guardianship and walked Ms. Rosa through a more detailed intake to make sure that all of the legal issues involved were identified. Mindful that the situation was complicated and time sensitive, the volunteer lawyer determined that Ms. Rosa's situation could not be resolved in a limited-scope clinical setting and that a referral to a legal services organization might take too long given Ms. Diaz's rapidly declining health.

Establishing a school-based partnership is no small task and is more of a marathon than a sprint. After VOLS approached the pro bono leadership at Skadden to determine the firm's interest in working together on the project, months were invested in setting up the collaboration for success. The first step was to identify an appropriate school for the Skadden lawyers to adopt. DREAM Charter School was a natural fit because of Skadden's former executive partner Robert Sheehan's long-time commitment to the Harlem RBI organization. Sheehan also serves on the board of directors of VOLS. Importantly, the school itself was enthusiastic about the prospect of having lawyers on hand to assist the school families. The Head of School, Eve Colavito, and Parkey quickly stepped up to pave the way for integration of Skadden's lawyers into the interdisciplinary team that cares for DREAM scholars and their families.

Real energy was put toward building a team of lawyers at Skadden who would own the project: volunteer lawyers who were committed to being trained on multiple areas of the law, who would see the clinic through from month to month, and who would take on the staffing and administrative aspects of the project. The volunteers were not obligated to take on a client that was seen at the clinic for more extensive representation, but Skadden agreed to do its best as an institution to make sure that clinic clients with ongoing needs would be represented by lawyers at Skadden or would be carefully referred directly to contacts at other legal services organizations. VOLS agreed that if clients needed further representation, it would play an integral role in finding mentors with expertise in the necessary areas of law for the Skadden associates or would assist with finding legal services organizations with the capacity to handle the representations.

The Skadden volunteers had to be trained. As the clinic was set up to meet the clients where they were as they walked through the lunchroom door, the volunteer lawyers had to be knowledgeable on a range of substantive areas of the law, including immigration, housing, family law, and public benefits. The volunteers needed to know how to manage culturally sensitive intake and be confident enough to issue-spot problems that the clients might not have identified themselves as legal issues. Critically, the volunteers had to be poised to know when they knew enough to give legal advice and when the smartest answer was to tell a client that they did not know the answer—and then to find someone who did.

Since the project's inception, VOLS and the school administrative team have helped the volunteer lawyers build relationships to support the clinic's success. These include relationships that the Associate Director of VOLS, Sara Effron, facilitated with experts on the areas of law that the clinic covers—"go to" people that the volunteer lawyers can call with questions. In the case of immigration law, the VOLS Immigration Project Director, Liz Markuci, agreed to make herself available to consult with attorneys and attend the clinic when necessary. For housing-related support, VOLS established a link between the Skadden team and the [South Brooklyn Legal Services Housing Unit](#). The school administrative team paved the way for the volunteer lawyers to connect with the families of DREAM Charter School by including the lawyers in school orientations and at school picnics and by allowing the lawyers to conduct know-your-rights workshops for parents at the school.

The details had to be arranged—and the importance of details cannot be overstated. Perhaps one of the most important details was determining the scope of the project and having all stakeholders come to an agreement on that scope. More specifically, the team put some limits on the types of matters that would be dealt with at the clinic or through fuller representation. Primarily, these limits centered on not providing advice related to controversies with DREAM Charter School and no engagement in family law matters where both parents are members of the school community. These matters were excluded from the project to preserve Skadden's relationship with the school and the members of the school community. The stakeholders also agreed that Skadden's commitment to the school community is to provide brief advice and referrals and where possible and necessary, to take on matters for longer-term representation. Another required detail was creating forms that would be used to facilitate the intake process and that would memorialize the limited scope of representation at the clinic and address the waiver of certain conflicts.

The final prelaunch step was publicizing the clinic in the school community. Publicity has taken many forms and includes posters, flyers in backpacks, and educating the school faculty about the availability of the clinic and how faculty might identify parents who would be well-served by a referral to the clinic.

As the clinic appointment came to an end, the volunteer lawyer assured Ms. Rosa that she would be in touch soon, first with more guidance about selecting a course of action and hopefully, with an offer of pro bono representation.

In the next few days, a team of lawyers at Skadden was assembled to handle the matter, and VOLS was called in to secure a mentoring attorney from a legal services organization that regularly handled end-of-life family matters. The Skadden team consulted with the firm's trusts and estates department to determine if any proactive steps could be taken to ensure that Tony would be allowed to remain with the woman he had called Mama all his life. Only a few days after the clinic, the Skadden team called Ms. Rosa to offer to assist her with a custody petition and learned that Ms. Diaz had passed away. It became necessary to file a custody petition immediately not only so that Ms. Rosa could continue to do things like take Tony to the doctor and sign school forms, but also to bring some comfort and certainty to a grieving family.



The DREAM Charter School clinic continues to work because of the dedication of the lawyers who staff the clinic, the Skadden associate who has taken on a leadership role in coordinating the clinic, the pro bono support structure at the firm, the partnership with Parkey and others at the school, and the indispensable oversight by Effron at VOLS. As a functional matter, the clinic works by having trained lawyers attend when they can and having a dedicated group of lawyers to draw from each month. The lawyers are assisted in preparing for the clinic by, when possible, receiving intake forms completed by the clients prior to a clinic so that they have some sense of the issues that they should be ready to handle. In those instances where the lawyers have personally identifying information about the clients prior to the clinic, conflicts are checked before the date of the clinic. The Skadden team tries to resolve as many issues as it can the day of the clinic and, if that is not possible, the team tries to place the case at the firm or find a legal services organization that is willing to look at the matter. In some instances, there is a follow-up phone call to the client where a bit of legal or nonlegal information resolves the issue. If a client did not bring to the clinic all of the information necessary, sometimes the lawyers ask

the client to come back or will arrange for other follow up. The clinic continues to work because the school community has come to know that the Skadden team is dedicated and available. Lawyers are accommodating of parents' schedules and handle intake over the phone if a parent is unable to attend the clinic in person.

Ms. Rosa smiled as she approached the two Skadden attorneys who met her on the steps outside the family court and apologized for being so nervous. Before walking in and lining up to pass through security, the volunteer attorneys explained to Ms. Rosa what might happen because of the uncertainty about whether Tony's biological father would make an appearance. Tony's biological mother had already agreed that she would not contest Mr. Rosa's petition for custody. Ms. Rosa spotted Tony's biological father in the waiting room as she anxiously questioned her attorneys about what would happen. When the matter was called, the judge immediately informed the biological father of his right to counsel, which he readily agreed to exercise, and the parties were adjourned back to the hallway to await appointed counsel for the biological father. Later in the day, when the case was called again, counsel for the biological father insisted that his client should be granted custody. Ms. Rosa's lawyers explained to the judge that Tony had lived all of his life with Ms. Rosa and had just experienced the loss of a woman who had acted as his parent and that there were serious concerns about whether living with the biological father was in Tony's best interests. The judge agreed that Tony should remain with Ms. Rosa at least temporarily and set the matter down for trial.

Enough cannot be said about the role of VOLS in the remarkable success of the School-Based Children's Project, not just at DREAM Charter School but at the six other schools where clinics are run by other participating firms. After orchestrating the school-law firm matches, assisting with development of the clinics in an individualized way at each site, and creating necessary relationships among the stakeholders and mentors, VOLS stays tuned in and at the ready to help with any obstacle and to forge whatever connections need to be made to get the volunteer lawyers the information and resources they need to help clients with legal and, sometimes, nonlegal issues. The small-in-number but mighty VOLS staff arranges trainings, finds solo practitioners who can mentor large firm lawyers, nudges the pro bono departments of the law firms to keep track of relevant statistics, evaluates where things are going well and where they could go better, and generally encourages everyone to keep at it. Volunteer lawyers at the participating law firms are often required to jump into matters outside their usual scope of practice, and VOLS makes sure that the lawyers never have to feel like they are without a net, a ladder, or whatever tool they might need.

Three months passed before Ms. Rosa and her Skadden team returned to the family court. During the time before the return court date, the team worked with Ms. Rosa to prepare her custody case and engaged in settlement negotiations with the biological father's attorney. The opposing counsel indicated to the Skadden lawyers that the biological father was interested in allowing Ms. Rosa to have custody as long as he had significant visitation rights. Ms. Rosa's lawyers drafted settlement papers and counseled Ms. Rosa through the negotiation. The biological father's

attorney then became nonresponsive and eventually indicated that his client had changed his mind and would be seeking custody of Tony.

The case was called by the court officer, and Ms. Rosa's attorneys led her into the court room and helped her to find her seat at the petitioner's table. Across the room at the respondent's table, opposing counsel organized his documents; the biological father was nowhere to be found. The judge determined that she would proceed with an inquest and Ms. Rosa was called to the witness stand. The Skadden attorney led Ms. Rosa through a series of questions designed to establish that remaining in Ms. Rosa's care was in Tony's best interests. The judge immediately found that the Skadden lawyer had met the extraordinary circumstances requirement and guided by the best-interests-of-the-child standard, issued a ruling awarding Ms. Rosa permanent physical and legal custody of Tony. As the Skadden lawyers and Ms. Rosa left the courthouse, Ms. Rosa gathered the team into a hug and whispered, "What do I owe you? I owe you everything. Thank you."

The School-Based Children's Project has promoted a recognition that if a child is in danger of becoming homeless because the landlord threatens to evict and the child's family does not know its rights, the child will have trouble attending school. If a child's parents are constantly worrying about their immigration status and the foundation feels shaky for the child, helping to resolve legal issues makes it more likely that the child will successfully go to school and stay in school. VOLS brought this vision to Skadden, and its whole-hearted adoption by the lawyers who participate in the clinic has made a real difference in real lives.

Since 2011, Skadden attorneys have dedicated nearly 1,000 hours to the clinic and over 500 hours on matters referred by the clinic. Between 2012 and 2013, the clinic saw fourteen housing matters, six family matters, eleven immigration matters, three individual rights matters, two tax-related matters, two consumer finance-related matters, one employment matter, and three public benefits matters. Of the long-term matters Skadden has taken on from the clinic, eight have been related to housing, one to family law, and one to immigration.

In 2013, the VOLS School-Based Children's Project as a whole involved 128 pro bono lawyers and 26 legal assistants and provided 3,058 hours of legal service to 150 families, or 475 people. The VOLS staff and volunteers conducted trainings on key legal issues at the schools for 439 students, 139 parents, and 110 members of school staffs and faculties.

More significant than the numbers is what we hear from the members of the DREAM Charter School community—that there is a sense of security, of having a safety net because people know that they can attend a clinic or, if necessary, be put in touch with a lawyer at the firm. The parents feel like they do not have to struggle alone. As one parent said, it felt like everyone "could take a deep breath."

Ms. Rosa has become an ambassador for the DREAM Charter School Legal Clinic—not only for the parents at the school but at Skadden as well. At a new associates orientation session at the law firm, Ms. Rosa sat on a panel next to one of her Skadden lawyers and described the importance of the pro bono assistance she received after attending the DREAM Clinic and encouraged all of Skadden's new lawyers to find a way to make pro bono a part of their practice at the firm. Most importantly, Tony continues to live in a loving, stable home and is thriving at DREAM Charter School.



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