

Pro Bono – Law Firms

Pro Bono Service In The Family Law Area: A Very Personal Dimension

The Editor interviews *Helen Casale*, WolfBlock.

Editor: Ms. Casale, would you tell us about your professional experience?

Casale: I was a communications major in college and the skills I learned with respect to this major have helped me considerably in my legal career, particularly with respect to courtroom appearances and public speaking. Following graduation from law school, I clerked for a New Jersey Superior Court judge in the Family Court Division. The experience as a law clerk helped me decide on a career in family law.

Following my clerkship, I joined the family law group of a general practice law firm located in Gloucester County, New Jersey. I was licensed to practice in Pennsylvania and New Jersey and wanted experience in both states. I soon learned WolfBlock had a family law group, and I was quite interested in their practice. At the time there were very few larger firms with a family law practice. The fact that WolfBlock had such a group said a lot to me about their approach to the practice of law.

My practice today is focused specifically in the area of family law. I handle divorce matters, equitable distribution matters, custody and support matters along with some domestic violence cases. I also handle a lot of uncontested adoption matters, and my focus is really on second parent adoption cases. Practicing in New Jersey and Pennsylvania has been very advantageous for me and my career. For example, I began handling second parent adoptions early in my career in New Jersey. These are adoptions for same sex couples where one party is the biological parent and the other the prospective adoptive parent. New Jersey has permitted these types of adoptions since 1993. Pennsylvania, however, did not permit second parent adoptions until 2003, at which point I was one of the very few practitioners in the state who actually had some experience with the process. As a result, I have developed a niche practice in this area as I currently represent a great number of same sex couples in a variety of family law disputes, including dissolution of the relationship, child custody, division of property and other matters.

Editor: When you handle a case in Pennsylvania where there is no precedent, does the existence of New Jersey law – case law or a statute – carry any weight?

Casale: New Jersey is engaged in so many initiatives regarding issues related to same sex couples that it is impossible for Pennsylvania practitioners to ignore what is underway there, particularly for lawyers in Philadelphia. The recent New Jersey Civil Union Law, enacted in February 2007, does not have a Pennsylvania counterpart; therefore, navigating the waters in Pennsylvania for same sex couples is not easy. As a result of my experience with this particular area of family law and my active practice in New Jersey, I conduct continuing legal education programs for Pennsylvania practitioners on the current situation in New Jersey. It's

difficult to say whether Pennsylvania may adopt something similar to New Jersey's Civil Union Law, but change is on the way, and it is important for Pennsylvania lawyers to be prepared for it or at least understand how to deal with questions regarding the trend in this area of the law.

Editor: You have also been involved in pro bono activities. How did you get started in this area?

Casale: One of my responsibilities as a judicial law clerk was to handle the litigants who were pro se. It was my job to explain the court procedures to them to help them through the court process. I noticed early on how many litigants lack the financial resources to hire competent legal counsel. There was an evident desperate need for help, particularly in the family law area, and I found myself drawn to this kind of activity. One of the terrific things about family law is the abundance of pro bono opportunities that it offers. I really feel as though my area of skill can be put to good use.

Editor: What types of cases are you handling now in the pro bono arena?

Casale: The WolfBlock office in which the family law practice is located is in Montgomery County, Pennsylvania, and we work with Montgomery County Legal Aid in providing services for litigants who need help with their uncontested divorce matter. In addition, we try to help with a variety of other family law issues that may come to us through legal aid referrals.

I am also involved with a number of community organizations, including Equality Advocates, formerly the Center for Civil Rights, which is located in Philadelphia but provides legal services to people across the state. I am on their resource list of attorneys who will represent an individual who is unable to retain a private attorney. I have worked closely with Equality Advocates in the past in representing same sex couples with their family law issues.

Editor: Would you share with us some of the high points of your pro bono career?

Casale: For me, providing high quality representation to someone in need of representation who otherwise would not be able to retain an attorney is a kind of ongoing high point, particularly in the area of family law.

This is a very personal area of practice, and it is emotionally charged. There is often a lot at stake for these individuals and not having the proper legal representation can be devastating financially and emotionally. There are truly some great rewards from helping these individuals. I once represented a woman on a pro bono basis in her ongoing custody dispute. It was emotionally draining but one of the most rewarding experiences I have ever encountered. Fortunately I was able to resolve the matter amicably and this resulted in the litigants, including my client, focusing on the best interests of the child rather than the "fight." This particular case did not end in what might be termed victory for my client, but it did

result, I think, in an outcome in which I can take some pride. Pro bono cases in the family law area often involve emotion and turmoil, and there are no winners or losers, particularly where children are involved.

A recent case came to me through Equality Advocates and involved a same sex couple, one of whom had just had a baby whom her partner was going to adopt. The adoption process sometimes can take some time to finalize. The biological mother was not working and had no health insurance, while the prospective adoptive parent did have insurance coverage. The adopting partner's employer was resistant to putting the child on the company's health plan prior to the finalization of the adoption. The child, however, needed insurance immediately. I worked with Equality Advocates in trying to educate the employer about the importance of recognizing the same sex partner as a parent pending the adoption. I also helped draft certain documentation protecting the same sex partner's guardianship rights to the child pending the adoption. Eventually, the employer allowed the child to be placed on the partner's insurance plan pending the finalization of the adoption. Again, this was a very rewarding experience for me.

Editor: Have you encountered any hostility, latent or overt, in your representation of same sex couples?

Casale: I haven't encountered anything overt, but occasionally I've run into prejudices of a more subtle variety. When the Pennsylvania Supreme Court issued its decision regarding second parent adoptions, a number of rural counties were extremely resistant. I think that has changed with time, however. On the whole I have not experienced any real hostility in my representation of same-sex couples, particularly with respect to the dissolution of their relationship or the division of their assets. Judges tend to handle these matters today in the same way they handle them with couples undergoing a divorce. Procedurally, however, it becomes much more difficult because the divorce law does not recognize their relationship so it is a challenge.

Editor: Please tell us about the support you have received from WolfBlock in undertaking these projects.

Casale: The firm's support has been tremendous. Not only has there been great encouragement and an extraordinary allocation of firm resources to support our family law practice, but the pro bono projects we have undertaken have received full backing and support as well. The firm's pro bono culture is alive and well and extends across all of the areas of practice. For example, I recently became a member of a nonprofit organization concerned about health care options, and, among other things, agreed to help them with their family law cases. They have asked if WolfBlock would be willing to take them on as a pro bono client in other areas – employment law, contracts, corporate and transactional matters and so on – as well. The response of the firm has been very positive, and I have been able to

arrange to meet all of the organization's legal needs with the help of my colleagues from WolfBlock.

Editor: What does a strong pro bono program mean for morale at a law firm?

Casale: A good law firm cares about its people as both individuals and lawyers, and it cares about the skills that its people bring to the table. One of the great benefits of engaging in pro bono service and helping those in need is that it enables lawyers to feel good about themselves. A firm that is supportive of pro bono service is usually one that is the beneficiary of high morale among its practitioners because those who participate in these efforts feel, among other things, a great deal of gratitude toward the firm for enabling them to take on these projects. A strong pro bono program makes for a very positive work environment.

Another factor that contributes to high firm morale has to do with the skills that a lawyer, and particularly a young lawyer, is able to hone with pro bono service. This kind of activity – whether it involves appearing in court, drafting a complicated contract, petitioning a government agency or settling some difficult corporate governance dispute – exposes them at an early point in their career to challenges that they might not see for a long time in their representation of paying clients. The skills that they develop in the pro bono arena are ones that count across the entire spectrum of their professional life, and a job well done for a pro bono client is going to attract attention. Responsibility comes early in the pro bono arena, and the opportunities that this type of service offers can have a dramatic impact on a young lawyer's reputation and standing within the firm.

Editor: Would you share with us your thoughts about the personal benefits that derive from helping people who might otherwise lack legal representation?

Casale: I feel very fortunate to be a lawyer, and I am particularly grateful that I practice in the area of family law. I have been able to develop skills that I am able to put to work to help people, and there is nothing more rewarding than that. Unless, of course, it is in utilizing those skills to help people who, but for my involvement, would not have legal representation at all. We have a professional responsibility to make a contribution, and I think this responsibility can be met in a variety of ways. We have been speaking of the direct representation of people who cannot afford a lawyer, but I think that advising community organizations and helping organize, incorporate and attain tax-exempt status for such organizations is an equally meaningful contribution. As is teaching and writing and attempting to bring other practitioners up to date on developments in the law and, by so doing, contributing to their professional development. Among other things, an informed lawyer is going to do a better job for his or her pro bono clients as well as those who pay for legal services.

Please email the interviewee at hcasale@wolfblock.com with questions about this interview.