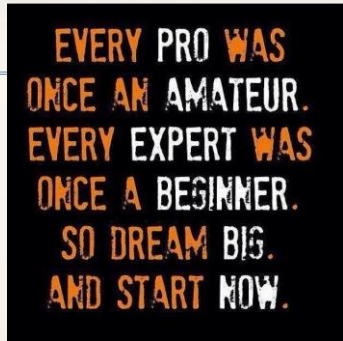


Professionalism In Representing Parents

Moving Your Client's Case Forward

Ari Ellerbe Mathe, JD



Beyond the bare minimum...

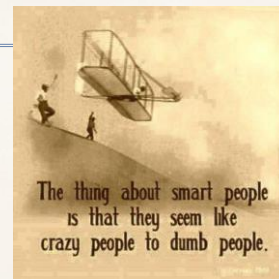
- ✦ Professionalism > Ethics

Beyond the bare minimum...

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- ✦ We are 3/4 lawyer and 1/4 social worker

Beyond the bare minimum...

- ✦ Professionalism > Ethics
- ✦ We are 3/4 lawyer and 1/4 social worker
- ✦ Keep the end game in mind



Know what you're facing...

- ✦ DFCS - lack of staff, inexperienced staff, overwhelmed staff

Know what you're facing...

- ✦ DFCS - lack of staff, inexperienced staff, overwhelmed staff
- ✦ Client - lack of resources, lack of education, lack of life skills

Know what you're facing...

- ✦ DFCS - lack of staff, inexperienced staff, overwhelmed staff
- ✦ Client - lack of resources, lack of education, lack of life skills
- ✦ Bench - quick to judge, slow to change, short on time

Know what you're facing...

- ✦ DFCS - lack of staff, inexperienced staff, overwhelmed staff
- ✦ Client - lack of resources, lack of education, lack of life skills
- ✦ Bench - quick to judge, slow to change, short on time
- ✦ Us - hated, jaded, faded

Know your stuff...

**THE DREAM IS
FREE**

**THE HUSTLE IS
SOLD SEPARATELY.**

Know your stuff...

- ✦ We must be the most knowledgeable person in the room
- ✦ We must be the most prepared person in the room
- ✦ We must be the most passionate person in the room
- ✦ We must be the most committed person in the room
- ✦ We must be the most professional person in the room

Expertise in the law

- ✦ GACC/NACC membership - www.naccchildlaw.org
- ✦ PAAC - www.parentattorney.org
- ✦ Barton Center - www.bartoncenter.net
- ✦ Georgia Juvenile Practice and Procedure - www.legalsolutions.thomsonreuters.com

Expertise in DFCS Policy

- ✦ Eventually all of these policies will be up on ODIS, (see: <http://odis.dhs.state.ga.us>) but for now, you can access them at the drop box site below.
- ✦ GA DFCS ILP Policies: <http://tinyurl.com/lN9ks6r>
- ✦ GA DFCS Foster Care Policies: <http://tinyurl.com/k9oj2ee>
- ✦ GA DFCS Foster Care Forms: <http://tinyurl.com/l3bzwwh>

Expertise in available resources

- ✦ Through DFCS
- ✦ Through the community

DFCS Resources



Local Resources

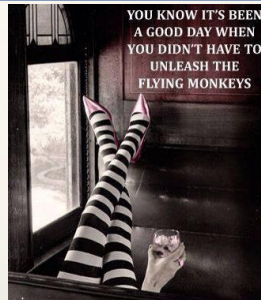
- ✦ United Way (211 Community Resource Guide)
- ✦ School System
- ✦ Your Judges



Know your players...

- ✦ Child Attorney
- ✦ Child(ren)
- ✦ SAAG
- ✦ DFCS Case Manager
- ✦ CASA
- ✦ Other Parent Attorney
- ✦ Judge/Judge's Staff

The ethics of dealing with others...



The ethics of dealing with others...

RULE 1.6 CONFIDENTIALITY OF INFORMATION

Rules & Discipline / Current Rules / Part IV (After January 1, 2001) - Georgia Rules of Professional Conduct (also includes Disciplinary Proceedings and Advisory Opinion rules) / CHAPTER 1 GEORGIA RULES OF PROFESSIONAL CONDUCT AND ENFORCEMENT THEREOF

A lawyer shall maintain in confidence all information gained in the professional relationship with a client, including information which the client has requested to be held inviolate or the disclosure of which would be embarrassing or would likely be detrimental to the client, unless the client gives informed consent, except for disclosures that are impliedly authorized in order to carry out the representation, or are required by these Rules or other law, or by order of the Court.

A lawyer may reveal information covered by paragraph (a) which the lawyer reasonably believes necessary:

1. to avoid or prevent harm or substantial financial loss to another as a result of client criminal conduct or third party criminal conduct clearly in violation of the law;
2. to prevent serious injury or death not otherwise covered by subparagraph (f) above;
3. to establish a claim or defense on behalf of the lawyer in a controversy between the lawyer and the client, to establish a defense to a criminal charge or civil claim against the lawyer based upon conduct in which the client was involved, or to respond to allegations in any proceeding concerning the lawyer's representation of the client;
4. to secure legal advice about the lawyer's compliance with these Rules.

In a situation described in paragraph (b)(1), if the client has acted at the time the lawyer learns of the threat of harm or loss to a victim, use or disclosure is permissible only if the harm or loss has not yet occurred.

Before using or disclosing information pursuant to paragraph (b)(1), if feasible, the lawyer must make a good faith effort to persuade the client either not to act or, if the client has already acted, to warn the victim.

The lawyer may, where the law does not otherwise require, reveal information to which the duty of confidentiality does not apply under paragraph (b) without being subjected to disciplinary proceedings.

The lawyer shall reveal information under paragraph (b) as the applicable law requires.

The duty of confidentiality shall continue after the client-lawyer relationship has terminated.

The maximum penalty for a violation of this Rule is disbarment.

The ethics of dealing with others...

RULE 3.3 CANDOR TOWARD THE TRIBUNAL

Rules & Discipline / Current Rules / Part IV (After January 1, 2001) - Georgia Rules of Professional Conduct (also includes Disciplinary Proceedings and Advisory Opinion rules) / CHAPTER 1 GEORGIA RULES OF PROFESSIONAL CONDUCT AND ENFORCEMENT THEREOF

A lawyer shall not knowingly:

- make a false statement of material fact or law to a tribunal;
- fail to disclose a material fact to a tribunal when disclosure is necessary to avoid assisting a criminal or fraudulent act by the client; or
- offer evidence that the lawyer knows to be false. If a lawyer has offered material evidence and comes to know of its falsity, the lawyer shall take reasonable remedial measures.

The duties stated in paragraph (a) continue to the conclusion of the proceeding, and apply even if compliance requires disclosure of information otherwise protected by Rule 1.6.

A lawyer may refuse to offer evidence that the lawyer reasonably believes is false.

In an ex parte proceeding, other than grand jury proceedings, a lawyer shall inform the tribunal of all material facts known to the lawyer that the lawyer reasonably believes are necessary to enable the tribunal to make an informed decision, whether or not the facts are adverse.

The maximum penalty for a violation of this Rule is disbarment.

The ethics of dealing with others...

RULE 4.2 COMMUNICATION WITH PERSON REPRESENTED BY COUNSEL

Rules & Discipline / Current Rules / Part IV (After January 1, 2001) - Georgia Rules of Professional Conduct (also includes Disciplinary Proceedings and Advisory Opinion rules) / CHAPTER 1 GEORGIA RULES OF PROFESSIONAL CONDUCT AND ENFORCEMENT THEREOF

A lawyer who is representing a client in a matter shall not communicate about the subject of the representation with a person the lawyer knows to be represented by another lawyer in the matter, unless the lawyer has the consent of the other lawyer or is authorized to do so by law or court order.

Attorneys for the State and Federal Government shall be subject to this Rule in the same manner as other attorneys in this State.

The maximum penalty for a violation of this Rule is disbarment.

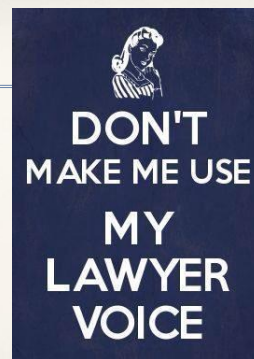
RULE 4.3 DEALING WITH UNREPRESENTED PERSON

Rules & Discipline / Current Rules / Part IV (After January 1, 2001) - Georgia Rules of Professional Conduct (also includes Disciplinary Proceedings and Advisory Opinion rules) / CHAPTER 1 GEORGIA RULES OF PROFESSIONAL CONDUCT AND ENFORCEMENT THEREOF

Dealing on behalf of a client with a person who is not represented by counsel, a lawyer shall not:

- state or imply that the lawyer is disinterested, when the lawyer knows or reasonably should know that the unrepresented person misunderstands the lawyer's role in the matter;
- fail to make reasonable efforts to correct the misunderstanding; and
- give advice other than the advice to secure counsel, if a lawyer knows or reasonably should know that the interests of such a person are or have a reasonable possibility of being in conflict with the interests of a client.

The maximum penalty for a violation of this Rule is disbarment.



Know what you're working with...

**EVERYTHING HAPPENS
FOR A REASON.
BUT SOMETIMES THE
REASON IS THAT
YOU'RE STUPID AND
YOU MAKE BAD DECISIONS.**

Know what you're working with...

- ✦ Communication with the client is key
- ✦ Listening to the client is key-er
- ✦ Know their limitations (intellect, mental health, resources)
- ✦ Advocate according to their needs
- ✦ Hand-holding is often essential

Know your audience...

- ✦ What is the purpose of THIS hearing?
- ✦ What can you hope to accomplish today?
- ✦ What does your judge want to hear?
- ✦ What can you do to make the most of your time?
- ✦ What can you do to make a record?
- ✦ What does this do to get you to your end game?

No matter how you feel.
Get up, dress up, show up,
and never give up.

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