



BARRIERS TO ACCESS TO JUSTICE IN FAMILY CASES

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Litigating Family Law cases is time-consuming and expensive:

- Organizing a family case is time-consuming and complex
- Family Lawyers cost between \$250 - \$600 per hour
- Services such as best interest attorneys and experts are just as costly
- Discovery is time-consuming and complex, and depositions and transcripts are very costly

There are some free services available:

- Circuit Court's Family Law Self Help Centers
- Legal Aid Lawyers
- Other non-profits organizations
- Judicare Program through the Maryland Legal Services Corporation (flat fee representation)
- Maryland Volunteer Lawyers Service
- Some court-funded services, i.e. BIA (usually flat rate of \$1500)
- Free custody evaluations in Montgomery County



Free services insufficient to meet the need:

- Lack of sufficient funding for Legal Services organizations means a shortage of legal aid lawyers.
- See: [Article on Shortage of Legal Service Providers](#)
- Public services lawyers who are engaged in providing free representation are paid much lower than private attorneys
- Family cases are costly and time-consuming so it is hard to find volunteer attorneys to take the cases through MVLS or Judicare



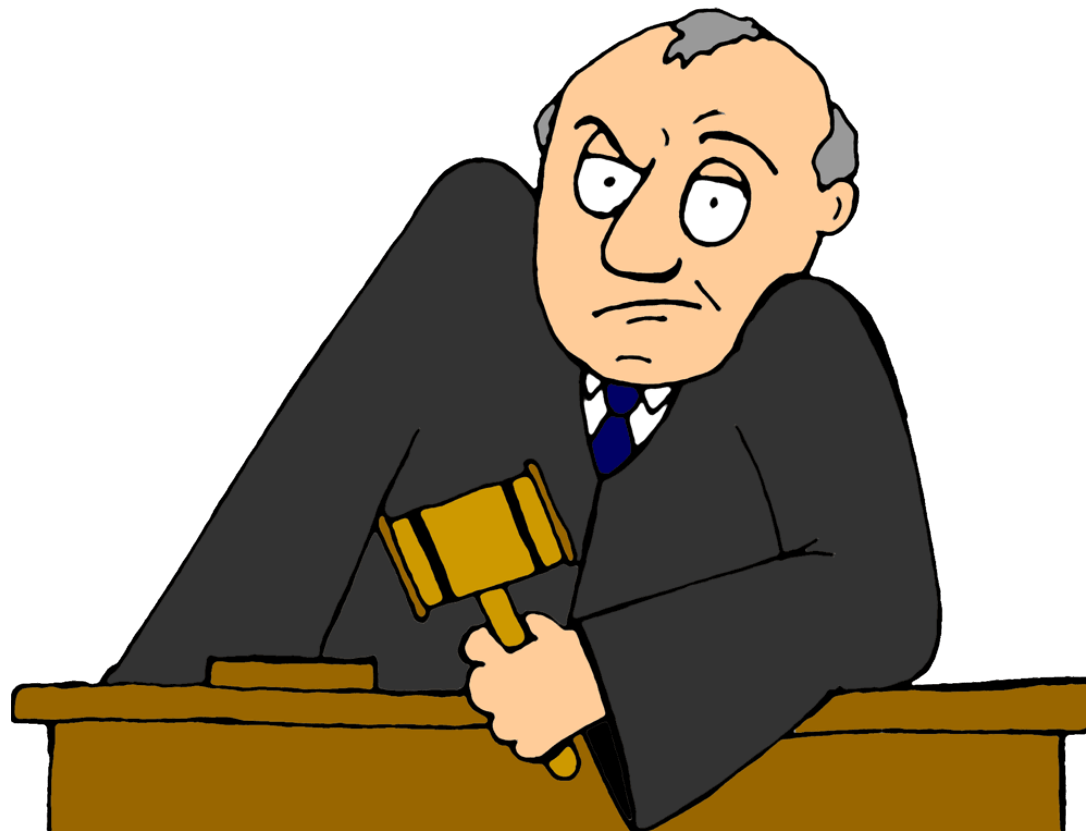
- Court-appointed custody evaluators and BIAs do not have access to the same tools and resources as privately-retained ones do.
- See the Daily Record Article titled “Lawmakers, Experts Weight Changes to Maryland’s Child Custody Court Process” provided separately.

These shortages translate to:

- Pro se litigants in courts who do not understand custody factors
- Pro litigants in courts who do not understand protective order laws
- Not understanding the laws and procedures causes litigants to take up more time from the Courts
- Not being able to organize a case and present the relevant facts inevitably results in bad custody and protective order rulings, which in turn affect children and families

Maryland is a very diverse State:

- The bench and the judiciary, not so much!
- Family cases involve the most intimate details of a family's life
- Often times judges and attorneys do not understand the language and the culture of litigants
- The lack of diversity creates a gap between the judiciary (judges, attorneys, custody evaluators, etc.) and the residents using the services of the court:
 - Which in turn translates to lack of meaningful communication, and trust



Diversification of the judiciary will undoubtedly result in better outcomes for children and families:



Some solutions for better access to justice:

The obvious solutions is more funding to hire and train pro bono and low bono family lawyers.

Other less costly solutions include:

- Courts requires parents to take online classes on co-parenting.
- Create recorded videos on custody factors and hearsay rules that all litigants are required to watch.
- Recorded videos on protective order laws and procedure
- Lawyer of the day program in which pro se litigants can talk to an attorney regarding their custody or protective order trial

Other access to court issues include:

- Lack of daycare/baby sitting services available to low-income litigants
- Some courts have a day-care center but not all do
- Transportation to court is always an issue for low-income residents