MATRIMONIAL AND FAMILY LAW

Millions of people in this country and around the world marry or have civil unions, divorce, and have children naturally or through a surrogate or adoption. All of these life events can involve legal issues that fall under the purview of a matrimonial and family lawyer.

Matrimonial and family law is sometimes referred to as a “bread and butter” kind of practice due to the steady stream of work, though it is not necessarily made for the faint of heart. Some family lawyers specialize in adoption, others prefer to handle more delicate custody situations. Some lawyers make names for themselves as pre-nuptial agreement specialists to the rich and famous, while others spend their days helping domestic violence victims seek orders of protection or file for divorce against their batterer husbands. All of these specialties can be rewarding and fulfilling pursuits. As our student profiles reflect, [see article p. 3] an interest in family and matrimonial law often derives from a practitioner’s or student’s own personal life experience or the personal experience of those they have met or worked with prior to law school.

Students interested in matrimonial or family law should explore related curricular opportunities at Pace Law School [see article p. 2] as well as experiential learning and internship opportunities at campus centers, like the Pace Women’s Justice Center and John Jay Legal Services clinics, or with a Family Court Judge. There are also pro bono opportunities through the law school’s Public Interest Law Center (PILC), such as the

RESOURCES FOR MATRIMONIAL AND FAMILY LAW CAREER PATHS

General Resources

New York State Bar Association Family Law Section
(http://www.nysba.org/AM/Template.cfm?Section=Family_Law_Home&Template=/CustomSource/SectionHome.cfm&Sec=FAM)

Westchester County Bar Association, Family and Domestic Relations Law Section
(http://wcbany.org)

American Academy of Matrimonial Lawyers (www.aaml.org) (provides links to matrimonial materials on the Web, news, articles and other resources)

Courts (http://www.wwbany.org)

DivorceNet (www.divorcenet.com) (links to attorneys, articles and case law)

CustodySource (www.custodysource.com/state.htm) (resources related to custody and divorce law by state)

Select Family Law Public Interest Organizations
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PRACTITIONER PROFILE

Recent Pace Law alunna Kristen MacKay ('08) is a perfect example of how you can gain extensive experience, and build a strong resume, in family and matrimonial law as a law student. In addition to pursuing concentrated coursework in family law, Kristen sought out summer and academic year internships and experiences related to family and matrimonial law including a first-year summer judicial internship with the Honorable Richard Liebowitz in New York State Supreme Court, Westchester County, a first-year summer internship, and a second-year summer associate position, with White Plains law firm McCarthy Fingar LLP, and work as a student extern during the academic year in Pace’s Family Court Legal Program. While at Pace, Kristen also served as the Submissions and Symposia Editor for the International Law Review.

On her graduation, cum laude, from Pace, Kristen joined McCarthy Fingar LLP (www.mccarthyfingar.com) as an Associate Attorney in its Matrimonial and Family Law and Business Litigation Practices. As an Associate Attorney in the Matrimonial and Family Law Practice, Kristen provides advice on pre- and postnuptial agreements, prepares documents related to separation, divorce and child custody matters, provides advice and negotiates settlements of contested matters, and litigates all aspects of family court proceedings and divorce actions including orders of protection, paternity, temporary support orders, restraining orders, domestic violence issues, maintenance and child support, marital distribution and establishing separate property claims.

Since June 2007, Kristen has also served as a representative on the Post-Miller Commission for Change. As a representative, Kristen attends monthly meetings and participates in forums to develop best practices and effect reform in the matrimonial and family law systems in an effort to reduce trauma, delay and cost to parties, children and families. Kristen, as well as McCarthy Fingar LLP partner and Pace Law Board of Visitors Co-Chair Kathleen Donelli ('85), are just two of our dynamic alumni who practice in this vibrant field of law.

RELEVANT COURSES AT PACE LAW SCHOOL

Pace offers many courses, externships and clinics to students interested in building their knowledge of and skills for Matrimonial and Family law. Students can also pursue a concentration in Family Law and Estate Planning. Below are a few selected course descriptions:

Children and the Law — Covers children’s rights, the rights of parents to supervise and decide critical issues affecting children, and the power of the state to intervene in family matters. Topics and areas covered include physical and mental treatment, sexual rights of minors, emancipation, economic rights, child discipline, choice of education, and child protective, foster care, and adoption systems, including child abuse and neglect, the rights of foster children and parents, permanent termination of parental rights, and adoption.

Collaborative Law — Exposes students to the collaborative law model and practical experience in the family law setting, including an overview of the collaborative law process and related issues. Collaborative Law involves attorneys for both parties to a dispute agreeing to assist their clients in problem solving, resolving conflict and reaching agreement using cooperative strategies rather than adversarial techniques and litigation. The focus is on finding common interests and highest priorities of the parties with a goal of developing effective relationships, solving problems jointly and preventing a court battle.

Family Court Externship — Students work several hours a week in White Plains Family Court under the supervision of experienced attorneys interviewing battered women, drafting petitions for orders of protection, support, and custody, and participating in the presentation of ex parte hearings on the petitions. The weekly seminar covers the dynamics of domestic violence, relevant Family Court practice simulations and training, and an opportunity to consult on the cases as they develop.

Family Law — A survey of family law, including the marital relationship, cohabitation, divorce, support, distribution of property, and child custody. A major focus is on recent decisions and legislation affecting children, family privacy, divorce litigation, equitable distribution, and adoption. The course emphasizes the interrelationship and conflicts between the traditional concepts of marriage, legitimacy, and status, and the emerging legal concepts of financial independence, "palimony," sexual freedom, the rights of unmarried parents, "surrogate" parents, and no-fault divorce.

(Continued on page 3)
**Student Profiles**

**Melissa Baumgartner (’10)**

first became interested in the field of family law when she volunteered at a domestic violence shelter as an undergraduate at the University of Michigan and was exposed to the legal issues facing these victims. She came to Pace Law School because of the outstanding reputation of the Women’s Justice Center and her intent to pursue a career working with domestic violence victims. After working as an intern for the Honorable Katie E. Davidson, Supervising Judge of the Family Courts in the Ninth Judicial District, and later as an intern at The Legal Aid Society’s Juvenile Rights Practice, Melissa became increasingly interested in advocating for children in child neglect and abuse cases.

Observing cases and reviewing case files as an intern in the White Plains Family Court was invaluable in giving Melissa a basic understanding of the language and process in family court cases. At The Legal Aid Society, Melissa focused on developing litigation skills including interviewing clients and drafting motions.

What Melissa has learned most from her experiences in the area of family law “is that it requires you to think not only as an attorney, but also as an advocate. Family law attorneys are not just there to provide legal representation. You need to be invested in your client’s future, whether they are a victim of domestic violence, a child subjected to abuse and neglect, or a parent faced with losing custody of their child.”

Melissa would encourage students who hope to work in the field of family law to pursue internships where they will spend a great deal of time observing. Through the NYS Unified Court Summer Internship Program, for example, students can request a placement with a Family Court judge. In addition, Pace’s Family Court Externship provides practical experience working with victims of domestic violence and the opportunity to appear in court under a Student Practice Order.

Melissa suggests the NYU Public Interest Career Fair as another great place to find internship opportunities in the area of family law. Experience in this field can also be acquired through participation in other Pace clinics involving practice areas that often overlap with family law such as criminal law and immigration law.

Melissa is currently working on Violence Against Women Act and Special Immigrant Juvenile Status cases at Pace’s Immigration Justice Clinic. Ultimately, she hopes to work as a staff attorney at The Legal Aid Society’s Juvenile Rights Practice, where she interned, representing children in child protection, termination of parental rights, persons in need of supervision, and juvenile delinquency cases.

By working as a family law attorney, Melissa hopes to have a positive impact on families and help them lead safe and successful lives. “Although much of the work is emotionally draining, it is also extremely rewarding when you see that you can truly have an impact on the quality of a family’s life.”

**David Eisenberg’s (’10)**

interest in this field was a product of growing up in a household in which his parents separated and divorced when he was 13 years old. “I’ve always been interested in working with families going through similar predicaments, and easing the burden if at all possible.”

During his second year at Pace, David participated in Pace’s Family Court Externship. As an extern, he was responsible for handling client cases from their entry into the office all the way through obtaining a temporary order of protection from a family court judge. His tasks included conducting initial client interviews, determining applicable legal issues, drafting and filing orders of protection and advocating on behalf of clients in court. David was also responsible for explaining the legal process to his clients and advising them on future rights and responsibilities.

David found the most important skills for students interested in working in this field include interviewing, counseling and listening skills. David enjoyed most about the Externship “the direct and immediate impact” his work had on his clients. In addition to participating in the Family Court Externship, David recommends students interested in this field take Family Law, Matrimonial Law and Tax Law. For additional practical experience, David suggests pursuing a clerkship with a family court judge.
RESOURCES, CONT’D FROM PAGE 1

Hope’s Door, Inc. (www.northernwestchestershelter.org)
The Legal Aid Society (www.legal-aid.org/en/home.aspx)
My Sister’s Place (www.mysistersplaceny.org)
Pace Women’s Justice Center (www.law.pace.edu/wjc)
Sanctuary for Families (www.sanctuaryforfamilies.org)

The Courts

The New York City Family Courts (http://www.nycourts.gov/courts/nyc/family/index.shtml)
Ninth Judicial District (covering Dutchess, Orange, Rockland, Putnam & Westchester Counties) Family Court (http://www.courts.state.ny.us/courts/9d/courtytypes.FC.shtml)

Upcoming Meetings/Conferences

Students are invited to attend the Association of Family and Conciliation Courts’ 47th Annual Conference, titled Traversing the Trail of Alienation: Rocky Relationships, Mountains of Emotion, Mile High Conflict, at the Sheraton Denver Downtown, June 2-5, 2010. The program features 90 sessions, including four plenary sessions and six all-day pre-conference institutes, on topics from alienation to negotiation, research to practice or domestic abuse to child abuse and neglect. Registration is available at a reduced rate, more than 40 conference scholarships are available, and students who attend will be paired with a mentor/ experienced practitioner for ongoing mentoring. For more information, to view the full conference brochure, apply for a scholarship or register online, see www.afccnet.org.

The next Westchester Women’s Bar Association, Families, Children and Courts Committee Meeting will take place April 19, 2010 at 5:30 pm at the offices of Rosenthal & Markowitz, Elmsford, NY. RSVP to Jane Gilligan at paralegal@alaynekatzlaw.com or 914.591.3278.

UPCOMING CCD & PILC PROGRAMS AND EVENTS

MONDAY, APRIL 12

Evening Table
5:00–8:00 pm (Outside Cafeteria)

TUESDAY, APRIL 13

Practical Lawyering Skills: How to Succeed at Any Legal Job Panel
5:00–6:00pm (C-01)

TUESDAY, APRIL 20

Evening Table
5:00–8:00pm (Outside Cafeteria)

TUESDAY, APRIL 20

Alternative Legal Careers Panel
5:30–7:00 pm (Moot Court Room)