



Chris Dove, L'03 + Dan Zmijewski, L'02

Standing up to bullies

Partners help ensure safe learning environment for students

For Chris Dove, L'03, and Dan Zmijewski, L'02, an unexpected phone call has grown into a new practice area and opportunity to make schools safer for children.

"It was a little bit of chance," Dove said. "It started with physical abuse of students at a private school, and since then the practice has grown wider and wider."

Zmijewski and Dove's small firm, DRZ Law in Kansas City, Missouri, focuses on a variety of legal issues, from civil rights to commercial cases. Representing victims of student abuse and school bullying is one of the firm's growing practice areas, and one that the partners have chosen to prioritize. The team handles cases ranging from cyberbullying, to physical abuse, to sexual assault.

"It became an area of real interest and something we wanted to pursue, so we try to actively look for cases, to advocate for the kids," Dove said. "To us it's a really big deal."

For parents and guardians, addressing school bullying can be daunting. Often a children's advocate can make a difference, navigating

the legal circumstances that limit the school's response. "In public schools for example, there are a fair number of legal barriers to bringing a state, federal or civil rights claim," Dove said. "There has to be analysis of how to get around immunities."

In some cases legal action is not necessary at all, and connecting clients to appropriate

resources is the best solution. "Depending on what's happened, the first step can be trying to get the parents and child in touch with counselors," Dove said. "They may already be in a network of support, but sometimes not. It's a traumatic event, and if they've never been down these paths before they don't know what to do."



In other situations, advocating for children early in the process can bring swift resolution. "There have been some cases where we've had early involvement with the school prior to filing

a lawsuit, and the school will end up addressing the issue. We've had instances where schools have stepped in, sat students down with parents, put a plan in place, put teachers on notice, and it provides opportunities for students to return to a somewhat normal school environment. In other cases, the end result was getting a little bit of money for the student or parents so they could afford counseling."

In the most serious cases, legal action may be necessary. Some schools are responsive, and the matter is resolved quickly. For schools that are less responsive, "Having a letter from an attorney makes them pay attention a little more," Dove said. "The people we help, they have been subjected to this for a long time. It's almost systemic. They're terrified to go to school. Even so, sometimes you alert the school and they can put action plans in place and can help. In some cases schools become very defensive and don't want to address it, and the only option is to file a lawsuit."

Dove said KU Law's practical training and community-oriented mindset encouraged him to pursue public interest work.

"It's more of a pragmatic focus, a school that believes in training people to go out and help people that need help," he said. "Not a school where they believe that you need to go work at an international law firm in order to be a success. That comes through in terms of the education, training, the high-profile clinics, the public interest focus."

"Dan and I do these cases because these are the cases we feel good about doing," Dove said. "These are not cases that we're taking to make us rich — they often don't make any money. But you feel in your heart for these parents."

— *By Emily Sharp*

Celeste Holder Kling, L'84

A collaborative approach

Alumna favors Early Neutral Assessment model

Some KU Law graduates are bringing innovative approaches to familiar practice areas. One of those attorneys is Celeste Holder Kling, L'84, a children's advocate and mediator in Fort Collins, Colorado, who uses a model called Early Neutral Assessment. The strategy resolves family law disputes between parents with the guidance of a team of experts focused on achieving the best outcomes for children.

"It's an early off-ramp to get parties out of the court system, to encourage them to settle," Kling said.

Parties meet with the ENA team in the courthouse for a set period of time — half a day in Colorado. Both parents participate with their attorneys or pro se. The ENA team includes an attorney and a child psychologist — one male and one female, to avoid gender bias. "There's a huge benefit to parents of having an expert in child development right there who can advise about what kids need at each stage, to provide the psychological and legal background to structure for the children's success," Kling said.

A family law judge welcomes the group, then leaves them alone to deliberate. ENA begins with each parent sharing photos of their kids and telling the ENA team about them, to focus the discussion on the children. ENA deliberations address only children's issues, including decision-making, parenting time, holiday schedules and safety concerns. Financial and other arrangements are decided separately.

The petitioner presents his or her case and summarizes goals and concerns about the best interests of the children, then the responding party shares that parent's perspective. Each party is allowed to take notes

during the other's presentation but cannot interrupt. The ENA team evaluates the parents' information and proposes a framework and successful strategies for their consideration. The goal is not to micromanage the process, but to give



parents tools to move forward. Parties discuss options with their attorneys, then the team regroups with the parents to seek a workable solution. Once the plan is decided,

the parties appear before the judge immediately to put their agreement on record as a permanent order.

"In a period of four hours we have worked through the process with a lawyer and psychologist to help the parents build a framework and agreed parenting plan for the kids," Kling said. "ENA cases almost always settle. Occasionally it takes a few weeks, but almost always they settle during the session at the courthouse." Clients pay a flat fee, and state funds are available for indigent parties.

The result? Fewer lengthy court battles, lower legal fees, more cooperation between parents, and less disruption for children. Practitioners have seen stunning success since implementing the model in Colorado, and Kling is pressing for expansion of the program. "I love my work," she said. "That's what we all want, to wake up in the morning and go out and do something where you still learn every day, where you get to use your head and your heart. It's such a great thing about the law, and about mediation."

— *By Emily Sharp*