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**HEADLINE:** Little Voices: Justice for Children GC Speaks Up for Abused Kids

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**BODY:**

In an ideal world, there would be no need for Thomas H. Burton III's legal services. As general counsel for the Houston-based nonprofit Justice for Children, Burton has devoted his career to helping victims of child abuse in Texas and across the country.

"The goal is to be out of business, but I don't see that happening in my lifetime," says Burton. "We've always had more calls than we can handle."

Justice for Children (JFC) is a national organization, founded in 1987 by Randy Burton (no relation), a former chief prosecutor of the Family Offenses Section at the Harris County District Attorney's Office. He is now a partner in Burleson Cooke in Houston but remains involved in JFC, working on appeals, recruiting pro bono lawyers, raising money and assisting with media relations.

JFC's purpose is to provide a range of advocacy and services for abused and neglected children, including legal representation, public policy monitoring and education. The home office is in Houston; it's also where Tom Burton works and litigates, as most of his cases are based in Harris County. A Washington, D.C., affiliate office serves Virginia, Maryland and the District of Columbia. While JFC has taken cases from other states, a shortage of resources generally limits the group's work to cases in Texas and the states surrounding D.C.

According to statistics on the Web site of the U.S. Department of Health and Human Services' Administration for Children & Families, during 2006, the most recent year for which a study is posted, an estimated 905,000 children were determined to be victims of abuse or neglect. Many children need help, and JFC supplements the work of child protective services, district attorneys' offices and family courts.

In Randy Burton's opinion, Tom Burton is "just a miracle."

"Dealing with the type of cases we handle is very, very difficult. For some people it's traumatizing. But for the right person -- and Tom is one of those people -- it becomes an engaging and wonderful battle."

The organization fields about 6,000 calls a year -- from parents, state agencies and lawyers across the country -- asking for assistance, says executive director Jim Shields. Tom Burton says he also receives referrals through a variety of local advocacy groups.

JFC represents abused children as well as parents who seek to protect their children from abuse. JFC does so in family courts, most often as part of custody disputes involving abuse allegations.

When JFC represents parents seeking to protect children from abuse, it generally serves as that parent's pro bono attorney in a family court custody dispute or refers the protective parent to a pro bono lawyer and monitors that lawyer's efforts. Randy Burton points out that JFC will also provide the same representation to grandparents or foster parents if the biological parents are alleged to be involved in the abuse.

On rare occasions and when allowed by the court, JFC has sought to represent a child as that child's lawyer. This is different from other court-appointed advocates for a child's interest, who are appointed by and report back to the court. Randy Burton notes that this type of representation is new and still evolving in Texas and elsewhere.

JFC also can help the protective parent and child connect with available resources such as counseling services, and JFC can work with the protective parent and child to gather evidence of abuse to present to prosecutors.

On any given day, Burton may work on drafting a piece of legislation, give a CLE presentation or go to court regarding one of the organization's open cases, all tasks that impact the lives of kids, hopefully for the better.

Shields says JFC has about 300 cases open at any one time, all in various stages of litigation. For many of those cases, no court dates are scheduled, but JFC continues to monitor the child's well being. Cases are closed when there's a final court order that results in protection to a child, says Tom Burton.

To even qualify for JFC's free representation, there must be "some sort of credible evidence of abuse, like a [child's] statement to a third party like a doctor or a teacher, as opposed to [evidence] from the protective parent," says Tom Burton.

Once JFC accepts a case, Burton's involvement varies and can last anywhere from minutes to weeks to years.

"It may be that I am the attorney of record. It may be that we can get a pro bono lawyer. It may be a combination. It may be that we write a letter to the attorney ad litem. It may be a phone call to clarify an issue."

### Unlikely Advocate

Tom Burton never set out to become a child advocate, much less a lawyer. History was this native Houstonian's original interest, and he earned a bachelor's degree in the subject from Texas A&M University in 1989. He was set to continue with it -- he had been accepted into the program to get a master's degree in classics at the University of Texas -- when he ultimately decided to change gears.

"I was drawn toward law," he says. Rather than go back to school, however, Burton became a legal assistant and worked at various firms in Houston and Austin.

"I sort of got my feet wet," he says of his pre-J.D. experience.

In 1995, he started at the University of Houston Law Center, graduating in 1998. Degree in hand, Burton headed not for the nonprofit sector but straight into the world of insurance defense.

He started at a small firm where he had clerked and the following year moved to Travelers Insurance in Houston, which became Citigroup Insurance. His caseload back then couldn't have been more different than his caseload now.

"Mostly I represented car dealerships," he says, working on manufacturer liability and indemnity law. He also handled settlements and mediations.

Burton says a desire for greater work-life balance led him to Justice for Children, which he joined in 2004. His then-wife had a demanding job, and his two children were young. Burton decided it was time to "scale back" and look for a part-time position.

Meanwhile, JFC founder Randy Burton says the organization had reached a point where it needed a general counsel-type position "so that we would have the continuity of legal advice that these children were entitled to."

Shields, who is not a lawyer, knew Tom Burton through church connections and approached him to see if the GC position at JFC interested him. Shields says he knew Burton was a litigator and that "he wanted to do something that helped people; he could not see himself fighting car dealerships for the rest of his career."

Additionally, Shields says, he knew Burton was looking for something that was part time and he could afford to work for a nonprofit, especially one with an annual operating budget of just \$500,000. (Burton went full time two years ago, Shields says.)

But there was still the issue of qualifications, of translating insurance defense to nonprofit advocacy. Randy Burton says he wasn't concerned. Résumés and interviews don't tell the whole story, he says. "The greatest training is on-the-job."

Once Tom Burton was hired, Randy Burton and Shields say he impressed them immediately.

"That's one of the things I am most proud of, just to see in a fairly short period of time a really talented young trial attorney who really had no exposure to the criminal or family docket become such an outstanding advocate for abused children," Randy Burton says. "It takes a gifted -- and some would say unusual -- person to be able to handle these cases day in and day out and not get burned out, and Tom is one of those people."

Joining JFC "wasn't so much of a learning curve as it was an adjustment," Tom Burton says. "I was kind of blissfully ignorant about child abuse. I didn't know much about it at all before I came here," he admits. Once he understood the scope of the problem, however, he says he "couldn't not" join the organization.

"It's a massive problem, and you can be a part of the problem or a part of the solution," he says.

Initially, he says, "the inclination was to observe everything from 30,000 feet and say, 'This is wrong, that is wrong,' and to sit on the sidelines [where] we were more involved in legislation and public policy."

But Burton didn't keep JFC on the sidelines for long. He soon began litigating on behalf of abused children, whereas when he first started he only represented protective parents.

"I decided we needed to get much more involved in these cases if we wanted to make a difference."

### Multifront Fight

As the organization's only lawyer -- and one of only four full-time employees -- Burton's responsibilities are many and extend far beyond his docket.

Intern and law clerk supervision is high on his task list. The University of Houston sends JFC the bulk of its student help, providing psychology students to do casework, Burton says. In the summer, he says the number swells to include as many as 10 to 15 law students, mostly 2Ls and 3Ls, from the University of Houston Law Center and other Texas law schools. Then, he says, a large part of his job becomes "managing students and giving them meaningful projects and getting them to work on cases."

Education is an important part of his position that he particularly enjoys. "Part of our mission statement and one of our core purposes is to educate the public about the issues of child abuse," he says. This education takes many forms, from writing op-eds in newspapers to appearing in the media and testifying before legislatures.

A major issue right now is the validity of a controversial theory called "Parental Alienation Syndrome," he says, which is used to discredit abuse allegations by characterizing them as a lie told by one parent to turn a vulnerable child against the other parent.

"It's junk science, but it's been accepted as gospel in family courts . . . and we're working to change the attitudes about that."

Each year, Burton directs or participates in three or four CLEs, which he says serve a dual purpose: educating lawyers about the problem of child abuse and recruiting JFC volunteers.

Burton says volunteer lawyers are essential to JFC. He notes that several large firms in Houston have generously loaned lawyers to his organization. "We get very bright associates and very willing partners," he says.

JFC also works on appeals, typically by writing amicus briefs, he says. That effort is headed by longtime volunteer Alene Ross Levy, a partner in the appellate law practice group at Haynes and Boone in Houston, who serves as JFC's national chair of amicus briefing.

Levy has been donating her time since 1998 and typically files two to three amicus briefs a year across the country, she says. She has even worked on a JFC case out of Georgia that was appealed to the U.S. Supreme Court (which denied cert). She says she has one case pending before the Texas Supreme Court involving statutory interpretation in a parental rights termination proceeding.

The JFC cases, she says, are "very convoluted, and there's never an easy answer." But she stays committed because of what these cases involve: children.

About a year ago, she says, she was copied on a letter written by a mother who had been helped by JFC lawyers, including Levy, about six or seven years earlier.

"We had prevailed in the case, and she had maintained full custody of her son, who at that point was 6 or 7 years old, so she was writing to tell the volunteers what a happy, well-adjusted teenager she had," Levy says. "That's always the best kind of reward for this kind of work."

Burton says most lawyers who do pro bono work for JFC are just like Levy -- lawyers who don't practice specifically in the areas of criminal or family law. That's fine by Burton. He says he's happy to spend the time to bring them up to speed on any finer points of law they need to know. In fact, he says he often prefers volunteers from outside these areas of law, because they're less likely to encounter conflicts with judges or other lawyers.

Recruitment remains an ongoing process.

"We do have lawyers who are very good about coming back, but some of our cases can last anywhere from two to three years, so we typically don't expect that lawyers will do this for five or 10 years."

Burton also spends time on legislative efforts, working with several different state Senate groups, including the Senate Jurisprudence Committee, concerning the role of attorneys in child welfare cases. He is in frequent touch with founder Randy Burton, with the Washington, D.C., office and with JFC's board of directors, which includes many doctors and lawyers.

Tom Burton notes that having lawyers on the board has been particularly helpful when it comes to donating the legal expertise often needed in running a business.

Jackson Walker partner Gregory V. Brown, who has been on the board for two years, says, "From time to time, as with any nonprofit organization, they have their own legal issues." He has assisted with "legal issues in terms of affiliate agreements and just making sure the organization has good policies."

Like any nonprofit, however, fundraising is always a factor. Burton says his responsibilities in that sector have lessened, thanks to the organization's recent addition of a development director. But he still writes the occasional grant and meets with major donors.

Brown says the board pitches in, too. "You'll find that people give more money to protecting animals than children," he says. But when you go to them "and point out the work that you do and the value and importance of children and protecting them in society," he says, "it's interesting to see the light bulb go off in their heads."

Burton says JFC can be a tougher sell than other nonprofits because its results aren't necessarily quantifiable: "Funders that don't understand what we do want measurable results, and sometimes we can produce those and sometimes we can't."

For example, he cites a Texas case he handled a few years ago, where a mother and her then-10-year-old child came to the office seeking help in a custody case where the court didn't believe the child's allegations of abuse against the father.

The child was in "terrible shape," Burton recalls. The girl was "suicidal, cutting herself." Justice for Children took the case, and due to its involvement, the abusive father finally terminated his parental rights last fall. Although the girl is now happy, healthy and doing well in school, Burton says, it can be difficult to find a benchmark against which to measure the outcome. "How do you measure success? Is it every month the child doesn't have a panic attack? Every six months that she hasn't done some kind of self-mutilation? But clearly we're making a difference."

This past year, Burton and JFC shouldered the added burdens created by Hurricane Ike. Their office flooded, he says, and they're still working in a temporary space. It hasn't hampered any of their efforts; mostly it has just been a pain, he says.

In addition to his JFC position, Burton also runs a small general practice solo firm, which he opened in late 2007. He says he does "a little of everything," from child custody to criminal, and he usually handles between 10 and 15 cases at a time.

But JFC is his priority, his passion. "There are definitely times when it is challenging," Burton acknowledges. "It's a constant juggling act. How do we allocate our resources? Do we try to touch 100 cases or try to go a mile deep in one case?"

Burton says he maintains focus by remembering the importance of JFC's role as an independent advocate for abused children.

"There is no other organization in the country that does what we do," he says. "We're limited only by our resources and our imagination."

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