Haynes and Boone Helps Pro Bono Client Win Custody Dispute in California Appeal

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Haynes Boone Partner M.C. Sungaila and Associate Marco Pulido won an appeal in the Fifth District Court of Appeal in California in a pro bono custody dispute.

Sungaila and Pulido served as co-counsel with Family Violence Appellate Project and California Central Legal Services for appellant “Crystal V.,” who challenged a child custody award in favor of “Robert G.”, whom the trial court found had perpetrated domestic violence against Crystal V. On appeal, Crystal V. argued that the trial court awarded joint physical custody of the parties’ child to Robert G. without applying California Family Code section 3044, which establishes a mandatory rebuttable presumption that it is detrimental to a child’s best interests for the court to place the child in the custody of a domestic violence perpetrator like Robert G. Crystal V. also argued on appeal that the trial court altered a final custody order even though Robert G. never met his burden of establishing that there had been a significant change of circumstances that would warrant such a change.

The Court of Appeal reversed the de facto joint custody order. It agreed with Crystal V. on both of the grounds for reversal that she raised on appeal. The Court also remanded to the trial court with instructions that it apply the rebuttable presumption under section 3044, and that it not alter the parties’ custody arrangement unless Robert G. can show a significant change of circumstances.

Shuray Gorishi, a senior attorney at Family Violence Appellate Project who served as co-counsel with Haynes Boone on the case, said: "Thanks to MC Sungaila and Marco Pulido's excellent advocacy and generous contributions of pro bono time, the law will finally be correctly applied to ensure that our client, Crystal V., and her child will be safe and free from domestic abuse. We were so pleased to partner with them."

In his first appellate oral argument as a lawyer, Pulido argued the case before the Fifth District. Pulido previously argued before the U.S. Ninth Circuit Court of Appeals as a law student in the UCI Law Appellate Litigation Clinic, under the direction of Sungaila, who taught in the clinic as an adjunct professor at the time.

This is the latest win for Sungaila and Pulido, who have achieved significant victories for other pro bono clients, including clients seeking asylum and pursuing federal civil rights claims. Sungaila has been honored for her sustained commitment to community service and pro bono work, receiving recognition from groups as diverse as California Women Lawyers, Alpha Phi International Fraternity, the Orange County Hispanic Bar Association, the Women Lawyers Association of Los Angeles, and Coastline Community College Foundation.

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The firm has long been committed to providing pro bono legal aid, believing that a fulfilling professional career is much more than simply handling major business transactions or trying complex commercial lawsuits. The firm's lawyers focus their pro bono efforts on helping those who need it most but are least able to afford legal services.

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