

Connecticut

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Pro-bono Custody Case in Connecticut

"What am I supposed to pack in his lunch?"

It wasn't a legal question. It didn't require a legal response. To him that question was the one that yet was of most importance at that moment in time. Those questions were numerous. "How much juice is too much juice?" "What time should he be going to bed?" "What do I do when he has a temper tantrum in the check-outline of the grocery store?"

How often do we help a client beyond the courtroom, beyond the retainer fee, and beyond the scope of the law? A demanding client is not unusual in our chosen profession; however, once in awhile we come across a client who needs so much more than our legal advocacy—a client who looks to us for guidance outside the law. How often do we dismiss this client with the final judgment? How often do we do something not required of us? How often do we accept the challenge? It is sometimes the pro-bono client that is the client that reminds us why we applied to law school to begin with before daily practice made us a little cynical and a little jaded.

"How often do we do something not required? How often do we accept the challenge?"

Michael was referred to me through legal services. He was fighting for custody of his two-year-old son. At the initial consultation, his distress emerged through tears as he told me that at his son would fall asleep wherever he was when exhaustion overtook his body—usually the floor, sometimes backyard. Michael worked as a carpenter, leaving work early visitation days so he could spend on his scheduled more time with his son; yet, working overtime on the other days and weekends he could afford a so two-bedroom apartment. While he worked tirelessly to provide and parent, the mother of his son refused to work, but rather used child support to fund her social agenda. She insisted on spending her time with her son, away from her son, and enlisted the services anyone who was willing to babysit for free, no matter the person's age or sobriety status. When a babysitter was not able, she would just bring the child to the party with her, without regard for the smoke the child was inhaling, the hour the child was up, or that he ate cereal from a box for dinner because was easy to fit in her pocketbook.

Michael turned to legal services on the night his son was found wandering down the mother's street alone. Michael needed help. He needed to save his son. He tried to do it on his own at first but couldn't express the situation when he was in court. He stuttered as a child. and when he was frustrated and emotional, it was difficult for him to outwardly express the words that were in his head. He thought that his rights were secondary because a child is kept with the mother, no matter the situation. He was young and naive and when his son's mother threatened him, harassed him, and overpowered him, he swallowed his words and his pride because he feared what she would do or say to their son if Michael angered or questioned her.

I took the case because Michael's eyes spilled with sincerity and passion when he spoke of his son. The case was time consuming and required many days standing in the hallway in the courthouse and many hours in hearings. Our perseverance paid off,

and many months after Michael first walked into my office, he was given sole custody of his son. For the first time somebody, his son's attorney, the family relations counselor, the judge-not only heard him, but also believed him. I knew we did something right by what the mother said to Michael as we walked out of the courthouse on that day, "You may have won today, but I will fight this and make you come back to court every week until you lose your job." Her intentions were obvious -to win, no matter the cost and no matter that if Michael were to lose his job, his son would suffer. A stoic Michael turned to me and spoke, " She doesn't understandth at the only person who loses in this situation is our son. I hope I can lessen that pain for him so he can have a normal childhood and not go through what I went through growing up. I didn't have parents. I didn't have a home. I never woke up in the same place or had the same thing to eat for breakfast. I don't want my son to ever know what it's like when nobody cares." For the first time, Michael provided me with a glimpse into the sadness behind his eyes and the passion in his mission to protect his son.

His son no longer had to spend nights watching his mother drink until she passed out on the living room couch. He would never be left outside by himself again until someone realized he was missing hours later. He would never again be sent to his father's house in nothing more than a diaper in the middle of the winter. He didn't need me any more, but he still called. My role as a counselor was no longer of the legal variety. Did I have an obligation to take the phone calls, to spend time answering his questions about parenting, to help him find a suitable daycare? No, but I did. Those calls reminded me that sometimes being a lawyer is about more than being a lawyer. Sometimes we can make a difference in people lives by not by what we do in the courtroom, but by what we do outside of the courtroom after the case is closed and the client's life continues with the effects of litigation forever altering their existence. Case closed does not mean it's over for these clients. More often, it is just the beginning.

Michael didn't have any relatives to turn to with questions and concerns. He didn't have any friends to rely on if he needed help. He was alone. Each day, Michael was learning what it meant to be a parent and his son was learning what it meant to be safe and secure in a home. He called me because he had no one else to call. After every phone call, he would apologize profusely for taking up my time and express his gratitude for helping him.

I don't recall what the last phone call was about but eventually the calls stopped. About a year after his file was closed, he dropped a Christmas gift off at my office. It was a simple gift-some stationary in a gift basket. The attached card simply stated: "Thank you for believing me when nobody else did."

Would the impact I had on this client's life have been different if he came to me as a traditional paying client? Would the impact Michael had on the way I practice be equally as significant? If the phone calls were billed, the questions would have stopped when the case was closed. Michael's case helped me to stop compartmentalizing my job as an attorney. What I do and how I practice, impacts clients' lives beyond the courthouse walls. As a family law practitioner, my job is often the first step towards change for

people. Change is daunting but it does not need to debilitate. clients express greater gratitude when someone is listening to them as a person with real problems in the need of real solutions, rather than just another client and another fee.

Michael's son is about five years old now. There has been no activity in the file since that last day in court. I like to believe that both father and son have adjusted to a new way of life-a life filled with riches far greater than any winning lottery ticket, but rather a life in which a father has found a purpose and a son has found security-a life in which each has found a family in the other.

Since 2004, Attorney Renee C. Berman has provided pro-bono services to clients through the Connecticut Pro Bono Network. In 2007, she opened a practice devoted to family law in Connecticut. Attorney Berman is the author of The Ultimate Guide to Solo and Small Firm Success a, new LawFirst Publishing book. Her practice can be found on the Web at www.familylawyerct.com. She can be e-mailed at rberman@bermanlawct.com.