



## **What it Means to be a Lawyer**

by Kevin Schnurbusch

Every client, friend and relative wants to tell me the latest lawyer joke. You smile because you feel you have to and respond with a laugh that you have heard them all. A lot of people don't like lawyers, and yet that is all I ever wanted to be since the seventh grade. I have been practicing for almost 15 years now. During that time I have seen my share of lawyers who did not make me proud to be a part of the profession. I know what makes people want to tell the jokes, but I believe that being a lawyer is a noble calling. We can make a difference in people's lives. It doesn't have to be a big thing. It just has to be good thing. There was a day in my life a few years ago that still stays with me. It still stands out in my mind as a simple example of the honor in our profession. It was one of my proudest moments as a lawyer and all I did was sit there.

It was a Monday afternoon. I had to travel from my office in St. Louis to Steelville in Crawford County to run a minor's settlement hearing on a case I had settled for my client. My hope was that we would get out of there quickly so that I could get home early and do something to enjoy the beautiful September day outside. When I got to the courtroom I saw that it was nearly full of people. The jury box was full of lawyers and the other seats were filled with a variety of poor looking folk dressed as best they could for their day in court. It was obvious that we had gotten on a docket with a bunch of criminal sentencings and name changes and non-contested divorces. I checked the docket sheet and we were an add- on to the end of the list. It was going to be a very long afternoon.

I don't generally practice in Crawford County. In fact, this was the first time I had ever been in this courthouse. The only people I knew in the room were the lawyers that were involved in my case. Even the plaintiff who was there to testify at the hearing was a stranger to me as someone else from my office had covered her deposition. The judge was the epitome of a country jurist. He calmly gave the parties that came before him all the time they needed to argue their positions or make their case. He dispensed justice on the criminal pleas with a calm and caring demeanor, with a little humor and heartfelt concern for those who had gotten themselves tangled up with the law. All afternoon a parade of lawyers who he knew by name came before him and conducted themselves with a high degree of competence and civility that I must admit I did not expect from this small town courtroom.

As each half hour passed the courtroom thinned out. The prosecutor packed up her boxes of files and carried them out of the courtroom. A couple lawyers were still milling around the counsel table filling out memos or waiting for the final cases to be called. Only a few people remained out in the audience seats when the judge called out a case that was obviously a divorce because both the plaintiff and the defendant had the same last name. This time no lawyer came forward. A young woman with a folder full of papers walked up and told the judge that she was here to complete her divorce. She didn't have a lawyer because she couldn't afford one. She started pulling papers out of her file and handing them to the judge. She stated that she had an order for child support out of an Oklahoma court and a affidavit of publication for service on her husband. It was obvious that this woman had been before the courts



before and that she had been trying to jump through the hoops placed in front of her without the help of anyone who understood the system.

She looked like she was going to cry if one more judge told her that she needed to fill out one more form or come back on one more docket call or be told one more time that she ought to get herself a lawyer. The judge listened and then calmly explained that her case was a little more difficult than the run of the mill divorce. He would hear her evidence, but he could not give her advice or put on her case for her. He warned her that it did not appear that she had all the documents that the local rule required when a request for child support was being made. It sounded as if the judge was preparing her for the inevitable explanation that would come at the end, that she couldn't get what she wanted because the law required more.

As a litigator, I had seen this happen before. It is painful to watch a pro se plaintiff try to convince a judge that he must do what they ask when they don't have the first idea of what to do or what questions to ask. Eventually you get embarrassed for them, and then sorry for them, or aggravated with them, depending on how they handle it when the judge says to come back later with the proper form or witness. All that I could think about is that this was going to take forever and I was never going to get home and that there was probably going to be tears and a scene before this was all over.

But I wasn't the only one listening to what the woman was saying. As she was talking one of the local lawyers who had been in the courtroom most of the afternoon walked over to the counsel table and began writing. Just as the judge was about to admonish the woman that she ought to consult a lawyer the local practitioner spoke up. "If the young lady here has no objections, I would like to enter my appearance for her and ask the questions." The judge looked somewhat skeptical, but relieved. The woman nervously said that she had no objection. The judge looked through the court file and announced that it would take judicial notice of the service by publication and asked the local lawyer if he would like to look at the file. He briefly looked through the papers and announced that some necessary calculations were not completed and could the court please pass the matter down on the docket so that he could confer with his client.

I watched as he sat with the woman off to the side of the courtroom and talked to her. She appeared close to tears. He walked across the room and picked up some forms and got a calculator out of his briefcase. He sat at the counsel table working on the documents for about a half an hour when the judge recalled the case. The lawyer asked the thirty or so questions required for getting a divorce and having the court award child support. He was very smooth and it was obvious that this is part of what he did for a living. It came out in her testimony that she was in her mid-twenties and hadn't seen her husband in almost four years. They had a four year old little girl who she took care of by herself. There hadn't been any phone calls or letters or any money from her husband since he left her four years ago.

She asked the court to divorce them so she could get on with her life. She didn't own a house and asked only for the personal property which he left her with which she described as \$300 worth of clothes and \$50 worth of furniture. She didn't know what her husband owned, but there was really nothing for him to take with him when he



left. She knew that when he left he was capable of making \$1500 per month and asked for an award of child support of \$265 per month based on what the attorney had figured out for her as they talked before. Everyone in the courtroom recognized that the award of child support meant nothing. If she couldn't find him to serve him in this divorce proceeding, she sure wasn't going to be able to find him to collect child support.

When he got to the end of the questioning the lawyer asked the woman a few more questions for the record. They had never met before. He wasn't charging her anything. She had no objection to him entering his appearance for the purpose of this hearing. The court granted the divorce and awarded the child support. He dismissed the woman and advised her to thank the lawyer for what he did. "He isn't even running for anything in this election." The judge made a docket entry and pointed out that the local lawyer had assisted the woman in the asking of questions. He seemed to want to help to downplay the lawyer's involvement in case the woman later decided to sue him or some such. As an afterthought the judge asked what he should do about the decree. The lawyer indicated that he fully intended to draft the necessary document and have it available for the judge's signature in the next ten days.

The lawyer packed up his briefcase and walked toward the exit. The woman was picking up her things from the bench where she had waited most of the afternoon. An older woman was standing by her who I assume was her mother. The older woman called out to the lawyer by name and thanked him with an obvious lump in her throat. Her daughter looked too emotional to speak. He walked out of the courtroom and I doubt that they will ever meet again. I never got the lawyer's name. I thought about going up to him afterward and thanking him myself. But no one else seemed to think it was such a big deal. This just seemed to be the way that law was practiced in this small town in the hills of central Missouri. For me it was profound. I have never been affected so strongly by anything that occurred in a courtroom. My eyes still well up when I think about it. I have never been so proud to be a lawyer as when I was sitting there watching that lawyer conduct that routine uncontested divorce.

I originally wrote this down shortly after it happened. I came across the pages in an old file again recently and decided to add to it a little. I still am not sure why it affected me so strongly. I have thought about it often in the years since it happened. It usually comes back to me shortly after someone tells me one of those awful lawyer jokes. You can be proud to be a lawyer. You don't have to quit your job and devote your life to helping the downtrodden, but you can if you want. I just try to make a little difference where I can. It can be something small in the way you do your everyday work. It might be in the volunteer lawyer's program. It can be in the way I think about my profession or my fellow lawyers. We are more than hired guns. We are there to help. Being a lawyer is a privilege. We owe something back for getting to exercise that privilege. Those that can pay, do so. Those that can't, need not. The license on my wall contains the oath of admission. The last paragraph says, "That I will never reject, from any consideration personal to myself, the cause of the defenseless or oppressed, or delay any person's cause for lucre or malice. So help me God." I would like to thank that lawyer in Steelville for teaching me, or at least reminding me, what those words mean.

