

## *More Stories!*

**Forum**

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# Why are we here, counselor?!

**by Ryan R. Matt**

This is a story of one of those prick bastard clients who think they are the most intelligent people on the planet.

My client has sole custody of his son. And for awhile allowed the mother to see her son on a regular basis. Sometime down the line, my client decides that his son's mother is the devil's spawn and stops allowing her to see him.

Consequently, the mother petitions the court for some set visitation. All she was looking for was one day every week for a few hours, with the hope of eventually expanding it, overly reasonable request.

My client refused to agree to any visitation with their son and the mother. His reasoning was that the mother was so sporadic with her visitation that it was not worth agreeing to anything. He also had concerns about her living situation, whether there was enough room for his son, the safety of the neighborhood, etc. These are legitimate concerns.

However, I knew that if we took the matter to trial, the judge would order more visitation than the mother requested. I tried to convince my client to settle. I even told him how it is in his son's best interest to have a healthy relationship with his mother. My client countered by questioning whether it was in his son's best interests to have a

mother come and go from his life so frequently. A good point, but a failing point. I explained that the courts like to encourage a noncustodial parent's interest, not punish the noncustodial parent for their mistakes before. Then I suggested that if she is so sporadic, he would not be giving up anything if he agreed to what she wanted. At that point, my client asked why would he agree to it then, if that were the case.

I had to leave my own office because I think I would have strangled the bastard. I sent in my paralegal to tell him that some emergency at court came up and that he would have to finish his appointment some other time.

Today, we had trial. The mother presented her case beautifully. She came across as a very sympathetic witness. She explained what happened between her and my client. She told the court how it has been over 5 months since she last had any contact with her son. The Judge nearly fell out of his chair when he heard that.

After her testimony, her attorney rested. It was my turn. I was nervous because I had no idea how to defend against a petition that should have settled. My client has no defense, and no adequate reason to deny the mother any contact with their son.

I call my client:

1. Please state your full name for the record.
2. Do you work?
3. Is \_\_\_\_\_ your son?
4. What concerns do you have regarding \_\_\_\_\_'s request for visitation?

Answer: NONE.

Immediately, I turned into a deer in the headlights. I re-phrased the question: "You have no concerns?"

Answer: Not really.

I began to shuffle through papers because I had no idea what to do. I tried to look like I knew what I was doing, but knew it was an exercise in futility. Suddenly...

"Why are we here?" boomed the Judge from behind

the bench.

Instinctively, I put my hand up to act as a blinder and I looked away from the bench over to the opposing counsel. I whispered repeatedly, "Please be talking to the client. Please be talking to the client."

"Why are we here... counselor?"

Oh shit! The deer just got slammed by an 18-wheeler. "Uhhhh, well. Ummmm. That's not really what I expected to hear, your Honor." Totally forgetting that I can't throw my client under the bus like that. My nervous reaction was to rub my chin, as if it would somehow unlock a genie imprisoned in my chin to make this all go away.

"Why are we here?"

I thought I answered him. I searched my brain for a better answer. All that I could find was, "Well, your Honor, I'm not really sure."

"Excuse me?"

I cleared my throat. "I don't know, Judge," timidly shouted out. I felt like Oliver Twist asking for more after the soup master's exasperated "WHAAAAAT?!"

"Perhaps you would like a recess?"

Recess. Recess. Wait, I know the answer to this one. I remember when I clerked for my judge. When a judge asks you a question like this there is only one answer! "Yes, your Honor. In fact, I move for a recess!" I gained my confidence back.

Trying to hide a smirk of entertainment on his face, "Five minutes! Get this thing settled and make it go away!"

Wouldn't you believe it. The bastard still did not want to settle. Even the law guardian attempted to explain to him that after his last answer, my client is likely to lose more than one day of visitation, including custody.

Ten minutes later, I emerge from the conference room. Looking like I was just mulled over by an 18-wheeler.

The opposing attorney, the law guardian, and the court attendant looked on with baited breath. The attorneys did not need to speak, for I could hear their thoughts, "Did he agree? Does he get it? Will he agree?" The court attendant's were more comical, "Is this the day Ryan gets his nuts chopped off for having such a dumbass client?"

After I built a big enough distance between my client and me, I shook my head yes. I did not break stride as I sped into the lion's den (the courtroom). Everyone else enters too.

"Mr. Matt, have we reached a settlement?"

"Yes!" But, I thought to myself, it wasn't easy, and I look like a frigging jackass thank to my prick bastard of a client!

My client finally settled for visitation one day a week for a few hours, just as the mother asked.

After the proceedings ended, my client stormed out like a spoiled little boy. The Judge looked at me and asked if I was having a good afternoon. I explained to him what I went through. And the judge asked if I told my client that he (being the judge) was going to order more visitation than she was asking for. I just looked at him ready to go postal. He laughed and said, "Well, I can't fault you for trying your damndest," and he cracked a huge smile.

Thankfully, it was the last trial on a Friday afternoon. Both attorneys took me out for drinks after.

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*Also known as "Swimmy" on a number of upstate NY forums, the author is an attorney who often finds himself in unusual predicaments.*

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