

Monday, December 17, 2007

Love your client.

Â . Â Sixteen years ago, when I started with the Maryland Public Defender's Office on my criminal defense path, I was riveted at a training session by a fellow very experiencedÂ public defender lawyer who insisted that we love our clients, and never ever create seating distance from them at counsel table, even if they are unbathed. Â Around two years later, this inspiring criminal defense lawyer ran into serious personal woes of his own, and ultimately blew his brains out. It goes without saying that I was deeply saddened by this, and still am. Fortunately, though, by that time his words -- to love our clients -- had already been flowing and ricocheting within me the entire time, and had taken full hold. I never made an effort, before he passed, to tell him how much his words meant to me, and still do. I figured he already knew how great a lawyer and person he was; in retrospect, how much I wish I had told him. I do so here. Â Sometimes I get so wrapped up in fighting for justice for my clients that in the heat of battle and battle preparation, I bypass the social graces that often are so critical for them to feel balanced and assured that I am with them every step of the way, and that I continue to have the fight in me. Most of my clients I get along with and enjoy just fine. Â Some of my clients, though, are so concerned and even scared about their criminal cases that they overlook looking out for anybody other than number one, sometimes leading me to much refocusing and retooling to return to or to reach mutual harmony. A small number seem to feel they have carte blanche to be inconsiderate of me, on the theory that my legal fee entitles that; when I was a public defender lawyer, a small number of clients seemed to feel the same, on the theory that they only had a public defender because they did not have money for a "real lawyer", even though some of the best criminal defense lawyers started off as public defenders (including three of my most amazing criminal defense teachers Steve Rench, SunWolf, and Larry Pozner). Of course, the latter attitude nearly backfired on a murder defendant who reportedly asked who the hell was the man standing next to him at his preliminary hearing two decades ago, to which the man answered: "I am your court-appointed lawyer." The defendant replied: "I don't need you. I'm hiring H_____ K____," one of the most legendary criminal defense lawyers in the state. The lawyer took his leave, promptly returned, shook the defendant's hand, and said: "I am H_____ K____. That will be \$100,000."Â Fortunately, I remain so invigorated fighting for criminal defendantsÂ that this keeps my optimism and drive going the vast majority of the time. I try to know my clients not only in the context of their cases, but as the people they are. Sometimes we decompress or celebrate after court -- and sometimes before the court date -- with a walk through a town relatively new to us both, over drinks (the non-alcoholic kind) or lunch, and sometimes we continue socializing over time. One client in particularÂ remained a fascinating roundtrip driving companion to a courthouse six hours roundtrip away; we stay in touch long after his case got dismissed. Â Some clients are nice enough, but do not express appreciation, either because they never learned to show anybody appreciation (and because nobody ever showed them appreciation) or because they believe they deserve any achievement I accomplish for them in the first place, sometimes even when we win against heavy odds. Of course, appreciation is not the reason I do what I do. I practice criminal and Constitutional defense at once to help people while helping the greater good of justice, and to earn a living doing it rather than earning a living drafting wills. Â Still I falter sometimes when I think a client is trying my patience with a bunch of apparent wildgoose chases that seem to be based on prevarication upon prevarication, which sometimes arises from fear and uncertainty whether to trust me fully. Such faltering has become very infrequent by now. I understand now better than ever before the fears and hopes driving my clients. However, it is easier to intellectualize the whole situation from a distance; in the heat of the moment, I sometimes need to struggle as best I can to see the situation from my client's perspective.Â I was inspired to write this blog entry after Scott Greenfield at Simple Justice emailed me that a client had anonymously recommended me for 2007 criminal defense lawyer of the year, for which Scott is accepting nominations, and for which I have nominated SunWolf. Scott describes the nomination as follows: "The nomination came from one of Jon's clients who preferred that his confidences not be displayed in this comment, but the gist of the nomination is for the humanity and empathy that Jon showed his client during this very trying time. Jon was not only helpful in the way he is supposed to be as a top-notch attorney, but provided that extra level of human respect that many lawyers can't find the time to provide. It was greatly appreciated by his client, so much so that he wanted to show his appreciation by nominating Jon as Criminal Defense Lawyer of the Year."Â When a client shows such appreciation for my work, it recharges my batteries to keep loving my clients, and to keep encouraging them during our battles for justice, even when it seems that some of them are throwing unnecessary obstacles in the struggle to obtain victory for them. Â Now, sixteen years after the same words were carved into my mind and tattooed on my heart, I repeat them to all criminal defense lawyers: "Love your client." Jon Katz.

Posted by Jon Katz in Criminal Defense at 00:00