

Just Be Quiet

by Brian M. Hirsch

This essay is part of Reflections, a collection of essays by and about Virginia lawyers that was solicited by Immediate Past President Jon D. Huddleston as part of his Virginia Is for Good Lawyers initiative. <http://www.vsb.org/site/about/va-good-lawyers/>

Now when Job's three friends heard of all this evil that was come upon him, they came every one from his own place; Eliphaz the Temanite, and Bildad the Shuhite, and Zophar the Naamathite: for they had made an appointment together to come to mourn with him and to comfort him. . . . So they sat down with him upon the ground seven days and seven nights, and none spake a word unto him: for they saw that his grief was very great.

The events of the Book of Job are all too familiar to divorce lawyers, whether or not we have ever read the story or believe that the events actually occurred. We see people living it every day. People who had genuinely wonderful lives by anyone's yardstick — a spouse, kids, a great career, travel, a lavish home, maybe a beach house, and perhaps much more. Then they divorce and that great life begins to fade, and what remains is often just a flicker. They are devastated that their spouse betrayed them. They come home to a house empty of their children. Their career begins to suffer due to personal distractions and days spent with lawyers, therapists, real estate agents, and accountants. They are possibly at the lowest point of their once-great lives.

This is the context — the setting — for most divorce lawyers' cases. Our training tells us to spring into action — to “win” custody battles, support hearings, and equitable distribution trials. Often we are successful, sometimes not. Even after all of our hard work and dedication, our clients are not what anyone would call happy. We try to tell them that things are looking up; that tomorrow's going to be a better day; that everything's going to be all right. But, you know what? The reality is that it's not going to be for a long time, and it certainly won't be like it was. We are only telling them this since it is hard for us to see them in such pain. We are only trying to make ourselves feel better.

I have always found this hard to deal with — working hard and still not having a happy client. I would chat away trying to cheer them up. Things became

was very great”. They didn't try to fill the empty space with words of comfort, since Job was probably inconsolable at that point. They just sat quietly with him. So, I tried doing that. Not long periods of silence. Usually less than a minute, when the client started tearing up or was in obvious pain.

I discovered that it was a sign of respect for their pain, a way of saying I'm here. I'm not your best friend or your therapist, but I'm here. It may just be thirty or forty-five seconds, while they sit there staring out the window or down at their feet in shock or sadness, or with a tear streaming down their face. No platitudes or verbal hand patting that everything is going to be just fine. Especially not saying that you know how they must feel, because you really don't. Each client's pain is unique, their own.

After the time lapses and the pain

I have always found this hard to deal with — working hard and still not having a happy client.

a little easier one day when I thought about the two simple things that Job's companions did for him — they sat down with him, and they did not speak a word to him, “for they saw his grief

seems to abate, we go on. I continue to be their lawyer, and just their lawyer, but maybe just a little more connected.

© 2010 Brian M. Hirsch