

## A Sense of Satisfaction

by James P. Downey

Of many cases over the past forty-one years, one from back in the 1980s stands out. I am reminded of it each time I see a truck go by carrying landscaping equipment. “Robert” was about 19 or 20 years old, a “walk-in” client with a small debt collection case. I had him sit down, and began to take his contact information on my yellow pad.

When I asked for his address, he said he lived in the woods by the local high school. I set down my pen and asked him to tell me more about his circumstances.

He told me that for a while he had been living with his mother in her car in a remote rural area. I noticed that he needed serious dental work, in addition to his other problems. I also noticed that, despite his disturbing situation, he was remarkably free of self-pity.

I had my law student clerk help me with the court case, and then we set about helping Robert get a job, a place to live, and some dental work. A local hardware store owner, known in our town for his big heart, gave Robert a job. A local homeless shelter group found him a home, and a free dental clinic at one of the schools of dentistry in Washington took care of his dental problems. And so the collection case ended, and Robert was stabilized. He was grateful. We didn’t see him again.

At the end of the summer, I reviewed with my clerk the run of cases we had worked on, and we got around to Robert. I said, “What about Robert? You know, we did more than just his collection case — maybe we, sort of, saved his soul.”

“Yes, maybe we did . . .”

About five years later, I was in the bank across the street from my office, and someone called out to me from across the lobby. “Hey, Mr. Downey! How are you? Do you remember me?” I turned and saw Robert and said, “Hi, Robert, I’m fine. What have you been up to?”

Full of enthusiasm, he said, “I’m doing great. I have my own landscaping business. My truck is right outside in the lot.” I saw it out there, with the rakes and mulch bales piled up in the back.

“Great, Robert. I’m glad it has all worked out for you.” I told him. I could tell that with his good attitude, and with a little help, he was doing well.

I had a silent yet deep sense of satisfaction as I walked back to my office from the bank on that sunny day many years ago.

**James P. Downey**, of Downey & Mayhugh PC, was admitted to the bar in 1974 and has practiced for most of his career in Warrenton.

## To Examine or Not to Examine?

by Jim Grandfield

We all do it, we speak in our own lingo and use 50-cent words when a 10-cent word would do (or suffice, in lawyer speak). Sometimes, our efforts to sound lawyerly can lead to breakdowns in communication, even when we are speaking to a fellow lawyer or judge who we assume speaks our language. And sometimes, those breakdowns might even be a bit funny.

Several years ago I represented a man on charges of burglary and grand larceny. He had elected a trial by jury. On the morning of trial, I spoke to him in a conference room just outside the courtroom, twenty minutes before we were due in court. The client advised me that he was bleeding from his rectum, that he needed immediate medical attention, and that the case would have to be continued. Skeptical that he might be conjuring up a medical issue to avoid going to trial, I was nonetheless intrigued by the specificity, and perhaps, imagination, of his complaint. I asked him a few questions, as to when this began and whether he had ever experienced symptoms like this before. He answered my questions, but I did not feel I could represent to the court the veracity (there’s that lawyer-speak again) of his complaints.

We entered the courtroom, the judge took the bench, and with the jury not yet present, we began the colloquy to determine if we were ready to proceed. I advised the judge of my client’s complaint. The judge asked me several questions, and I answered as best I could. Figuring that I would cut out the middle man and let the judge decide whether this was a genuine medical situation warranting attention, or an attempt to stall, I invited the judge to ask my client directly any questions he had about the bleeding. As best I recall, it went something like this:

Me: “Your honor, at this point I can only relay what my client has told me. If you would like to examine him yourself, perhaps that would be appropriate.”

Without missing a beat, and with an ever so subtle smile, the Honorable John E. Clarkson replied: “Oh, I don’t think that will be necessary, counsel. I’d much rather have a trained medical person do that task.”

In addition to being a fine jurist, Judge Clarkson must have also had miraculous healing powers. He offered to have the sheriffs take my client immediately to the local emergency room, get him checked out, and commence the trial that afternoon. Amazingly, my client suddenly felt better; jury selection began ten minutes later.

**James L. Grandfield** is a public defender in Suffolk.

### Tell Us Your Favorite Law Story

Every lawyer has a story set aside for gatherings of friends or relatives. It’s a special tale about a legal battle won, or lost. Or about an amusing encounter with a judge. Or a story with a surprising twist. Maybe it’s a story that will bring a knowing smile, or shake of the head, from a colleague.

Pick your best Law Story, your incredible adventure, your unusual courtroom or even boardroom escapade, and send it to us. Keep them short — about 400 words or less — and send them in.

E-mail your stories to us at [hickey@vsb.org](mailto:hickey@vsb.org).