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Crossed Bridges

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Fiction

Crossed Bridges

Nancy Cook*

INTRODUCTION

In January of this year, the law school at Roger Williams opened the doors of its newest clinical program, the Community Justice and Legal Assistance Clinic. The work of this clinic is anchored in the community; student lawyers in the CJLA operate less as practitioners in a law office to which clients come, and more as a legal presence or resource at existing service centers where no lawyers currently serve. These students are part of a growing number of professionals in law and other fields who see their work as collaborative, interdisciplinary and community-based.

As members of teams of service providers trying to assist people with multidimensional individual, family and local problems, community lawyers enter clients' lives through many portals: through conventional intakes at neighborhood sites; via interdisciplinary briefings with case managers and social workers; in conjunction with service fairs and community education workshops; and as part of organizational or institutional service programs. They often interact with people who do not have specific legal

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problems, or whose legal problems are presented as only a piece of a larger dilemma. In addition, these lawyers work with groups, as well as with individuals, who are struggling to address systemic issues.

Such work often demands a shift in perspective, particularly with respect to how the role of the lawyer is conceptualized. As a team member, the lawyer is not the only, or even the primary, expert. She or he has less control over the direction of problem-solving strategies. The problems themselves, seen in a context broader than a legal *case*, can appear overwhelming. Moreover, as is true with any public interest work, many young lawyers involved in community-based work experience a kind of culture shock, often related to race or national origin, but even more often, or more intensely, related to socioeconomics. These experiences demand more than casual reflection; they require focused attention.

Lawyers see a great many aspects of clients' life experiences. To some extent, what they see and hear is in the context of representation; they are privy to clients' stories, they are participants in the legal system, and they investigate and "discover" facts related to clients' cases. But lawyers, particularly lawyers working with and for client populations in community settings, witness a great deal more. They learn many things that have no apparent bearing at all on their cases. In day-to-day interactions, community lawyers may be exposed to, for example, retirees working three jobs so they can make rent payments, parents so depressed they can't get their children to school, or teen-agers illegally in the country who have avoided detection by the INS for four or five years. These are just tiny examples; yet each could give rise to a story of social significance, without any law or legal process being directly implicated. Thus, one question worth considering is, what happens to all the information absorbed by lawyers as they go about this work? How are the stories processed, and what is to be done with them?

In any type of law practice, a vast amount of perceptual data will be sifted through to reach informational tidbits that might have legal relevance in the context of actual or potential litigation. The information ordinarily discarded by lawyers, however, is not trash. It, too, has relevance, albeit relevance of a different sort. It is information that bears on social realities, such as continuing

struggles for dignity, basic necessities, fair treatment, and access to services and circles of power. Absent some context, this data has no political content, no ideology, no agenda; yet viewed within the larger scheme of law, power and social resources, it has tremendous potential meaning. Lawyers, I suggest, should try to make sense of this information, to negotiate the difficult terrain of community experience, in order to contribute to our ordinary understandings of life in the shadows of legal, political and social institutions. If they look, listen, and record, but do not analyze too quickly, lawyers can serve as valuable witnesses.

Membership in the bar creates enormous opportunity, opportunity that can be utilized in a struggle for equality and justice. Lawyers, well educated and possessing some socially-assigned measure of credibility, are ideally positioned not only to observe but to speak of what they observe. To do this, however, lawyers need to step away from past foundations of knowledge and detach themselves from current experience long enough to take note of what is around them. They need to enlist their perceptions in the task of truth-telling as well as in the service of law.

The assumption of a witness role is not without pitfalls. One issue that merits consideration in this context is whether lawyers have a duty *not* to speak. Certainly, with respect to confidential client communications, such restrictions exist. Even beyond the line guarding confidential communications, questions remain concerning the advisability of lawyers sharing their own learning experiences outside the confines of practice. The privileged position of lawyers—the access to clients' and communities' experiences that is made possible by virtue of the lawyer's position—should not be a call to exploitation. Considerations of privacy, trust, accountability and story appropriation have to be carefully weighed. At the same time, it is crucial that truth be told. While the need for, and rights of, individuals and communities to tell their own stories is to be respected, there may be times when a lawyer can appropriately serve as a conduit for the stories, even outside case bounds. Perhaps more importantly, as lawyers become more invested in communities through their work, they come to witness less and less as outsiders. The stories the lawyer-witness tells, in time, become the witness's own stories.

Community lawyers will need to struggle with questions relating to their roles as the work evolves. In the meantime, one way

to avoid some of the dilemmas created when lawyers want to both respect the privacy and autonomy of populations being served and contribute to a body of knowledge rooted in folk experience is to create stories from stories, to take what is known through experience and transfer it to fictional sites.

The story that follows is an example of that method. It is a collage of characters, scenes, conflicts and words coming out of real-life, community-based client work. The story is not about a "case," however, nor, strictly speaking, about law, although it reflects the law and legal institutions in some respects. If it were about the law, if it were a case, the whole story likely would be reduced to a few sentences. The "facts" would perhaps, although not necessarily, give rise to discussions about right to counsel or other termination procedures; they might stimulate discussion about policy issues surrounding the American Families and Safe Children Act. Whatever legally relevant material could be combed from the story, however, would not, in my mind, do justice to the lives of the people affected by those laws and institutions. While legal analysis does not necessarily miss the point, it does miss the texture and the complexity of people's lives that storytelling methods can capture. The work lawyers do, with clients and with their communities, provides privileged access to rich, meaningful, and often hidden stories. A challenge for lawyers in these times is to find channels for the complete facts and whole stories.

Crossed Bridges

Jen's obituary didn't mention the cause of death. That was a bad sign. Another was the body found in the gorge, the name as yet unpublicized. Still, it was five years since Jen had walked off – too long to assume her death was a reaction to anything that had happened so long ago. It helped to believe that. And if calamity was involved, odds were good that everybody would've heard. Secrets have a way of passing through this town, no matter whose secrets they are or which neighborhood they get started in. Some say that's because of the bridges, the pedestrian bridges especially, how they give people a feeling of being connected to other lives up and down the hills.

The service was at another church, 65 miles south, but the reverend was going anyway. Maybe he knew something, maybe not; he never said. They would be there, too, though not Victor. Best not to bring the boy, they'd said, best not to subject him to unnecessary pain. He'd be ten by now, Victor would, old enough to attend his mother's funeral. Of course, they probably didn't see it that way. What had they told him? It must have been something; they wouldn't want him hearing it from anybody else.

It was just after Thanksgiving that they got involved, when Victor was five. They didn't know Victor then, or Jen. At the time, they only knew they were both thirty-six and they'd been wanting a baby for fourteen years.

They'd driven the three miles from their house on the cul-de-sac, past the tennis club and the mini-mall, to the north end. The new road bridge was impassable because of recent snows, so they took the bypass before cutting across Franklin Street and turning up the hill. When they reached the rectory, the reverend welcomed them and asked how he could be of service. They told him about the space in their hearts they'd been saving for a child. They couldn't understand why God had passed over them, they who had so much to give. The reverend tendered hope. He explained about the church's family services, about foster parenting, their chances for adoption. He was sure they'd be ideal parents. They wanted to hear more about adoption. The reverend told them it could take time, maybe several years, but they could expect support, it was

that kind of town. In the meantime, he said, pray, and I will pray, too.

When the kindergarten reopened its doors in January after the long holiday recess, Jen walked with Victor down the hill to the elementary school named for the engineer who'd designed the suspension bridge. The sidewalks near the school had been partially cleared, leaving icy patches where the concrete cracked and dipped. Half a block from the crossing guard, in front of the vacant lot where plowed snow and cinders were frozen into a grim mound of gray, Victor let go of Jen's chafed hand. He hurried off toward the yellow lights and slushy entryway of the square brick school.

By herself, then, Jen made her way back uphill, past the shutterless blue house with the basement apartment that she and Victor called home, several steep blocks further, beyond the faded sign announcing the trail leading to the suspension bridge, to where the road ends at the church parking lot. There she veered right, in the direction of the gorge, and climbed the spindly wooden stairs ascending to the rectory. It was Jen's first time visiting the place, and the housekeeper's courtesies were unfamiliar. She didn't have an appointment and so had to wait almost two hours to see the minister. Any longer and she'd have had to leave to go pick Victor up at school.

She was too proud to cry. That's what the reverend said later. Too proud to cry, but not to ask for help. She knew she'd exhausted her wits. The apartment wasn't big enough to contain the noise; the boy pummeled the walls with fisted hands and fought off imaginary aliens or interplanetary storm troopers with sounds of laser guns zapping and bombs exploding. Many nights he woke her with his bad dreams; he called her names, used words she didn't even know. She was afraid she'd hurt him. The reverend could hear her pain. He pledged his help. He promised relief.

That evening, the minister's housekeeper brought a steaming pot of Brunswick stew to Jen's apartment. She sponged off the kitchenette counter where a broken egg lay like mucous, still in its splintered shell. After heating a pan of water for tea, she ladled the thick stew into coffee mugs. Jen did cry then, and the visitor, wanting to be kind, stayed past supper. The reverend didn't keep much from his housekeeper, so she knew about the hundred benedryl that had failed. While the housekeeper helped Victor with a bath, told him a story of three billy goats gruff, and tucked a thin

membrane of a blanket around him, Jen sat curled in a corner of the pull-out couch that was also the only bed, rubbing her knuckles together.

Early the next morning they were in the minister's office. They weren't sure about his idea; they wanted a baby and short-term parenting wasn't at all what they'd had in mind. The reverend pointed out that six months with this boy could help determine if raising children really was in God's plan for them. That didn't make much of an impression. If the child stayed with his mother, the minister added, he might be at risk. In danger of sudden slaps, of hidden bruises swollen like plums, of being jerked repeatedly into frozen fear. They felt touched by the hand of God when they understood that.

Jen signed the papers giving them temporary guardianship. An appointed lawyer was with her when she signed. It was agreed that she could see Victor as often as she wanted, but that visits would be overseen by the minister's wife. This was to make it easier on everyone. They had a lawyer, too, of course, who spoke with ease about these things, guardianships, longer-term foster placements, adoptions, termination of parental rights.

The six months went by too fast for Jen. She visited Victor three times a week for the first month, then once a week, then sometimes less. It was too hard. She tried to explain it to the reverend's wife. She could see how happy Victor was at their house, with so many toys and a computer and two cats. They were happy, too, they knew how to be. They could give him that. She signed another paper, giving them six more months as Victor's substitute parents.

Victor started calling them *Mom and Dad*. He was in the first grade now, not at the school down the hill, in the long shadow of the church, but across the big gorge, in the air-conditioned building with the grassy playground outside. Jen didn't see him often. He was busy playing soccer and learning to read. They kept her informed. On some afternoons, in the days between jobs, Jen walked across the steel latticed promenade of the suspension bridge and then two miles to the birch woods across from the school. Hidden, she could watch Victor as he emerged from the rear door after the last bell, looking almost jaunty in his solid black athletic shoes and new fleece jacket unzipped almost to

the waist. It didn't cheer her though, so pretty soon she stopped doing even that.

They told the minister they'd grown attached to Victor, so attached they couldn't continue with the present arrangement. Jen would have to decide if she wanted him or not. If she gave Victor up for adoption, they would be more than happy to be his parents. In fact, they'd already filed notice with the family court of their desire to do exactly that and had had a home study done. If Jen didn't consent to the adoption, they would have to give Victor up and take their chances on getting a newborn through family services.

This time she had no lawyer. The reverend counseled Jen in the dim privacy of an office crowded with books and straight-backed chairs in need of refinishing. He assured her she was not abandoning Victor. She could continue to see him as often as she wished; they wanted to emphasize that. It would be just as before, in fact, except that legally they would be his parents. Their names would be on his birth certificate. He would inherit from them. They would choose his faith.

In the courtroom, a microphone resting in a short metal stand on the table pointed in Jen's direction. When the judge asked Jen to state her name, the clerk instructed her to pull the mike closer. It resisted with a piercing whine and Jen looked momentarily uncertain.

Do you understand that by signing this consent form, you are irrevocably giving up your right to claim Victor as your son? the judge asked Jen. She did. Has anyone threatened you in any way, promised you something in return for signing this? No, Jen said, no they haven't. Is your decision to give Victor up for adoption your voluntary choice and all your own decision? It's my decision, Jen said.

Outside, in the wide corridor, she stood by a closed door marked "private" and watched as they hugged Victor and shook their lawyer's hand. Victor came over and wrapped his arms around her waist. His hair, newly cut to a fine brush, pressed against the beige cotton of her sweater. She reached down to kiss his face. He tried to tuck a loose bit of Kleenex back into the pocket of her skirt. With ardent voices they invited Jen to lunch, but she said she had an appointment and needed to catch the

cross-town bus before noon. She promised Victor she would come to his tee-ball game on Friday.

So it was done. Later that day, the minister's housekeeper came upon Jen, standing on the suspension bridge directly above the divide where stacked shale forms an inverted V like an arrow, and the water spills into the arrowhead's core, swirling down down down into a cold chasm. It was March and the chute was deep with melted snows. Along the edge of the four-foot high railing, a dozen rocks the size of fists were lined up in front of Jen. She was tossing them into the vortex, slowly, whole minutes passing between catapults. It was as though she were measuring the time it took each rock to fall, maybe making note of where each hit, listening for the sound of those rocks striking the current or perhaps the boulders at the water's jagged edges.

Eventually, Jen noticed the housekeeper. In silent company they walked the rest of the way across the foot bridge. Then Jen seemed to just drift away.

Five years passed; the town absorbed Victor, the minister went on advising members of the congregation, and the county council considered but rejected a proposal to widen the new road bridge. Then the paper ran an obituary with news of a funeral to be held in a church 65 miles away. In a matter of days the burgeoning story would be passed in gentle conversation, and the whole town would learn about it, Jen's dying.

It is early on the morning of Jen's funeral, a hot day, hotter than even August usually delivers. Thermostats hovering around 100, and not a breath of breeze. The minister's housekeeper stands at a second-story window, touching the flimsy curtains that filter outside light and temperatures, and prays for doubts. After a long hesitation, she parts the dusty white sheers and peers through the trees at the suspension bridge. Without wanting to, the housekeeper sees the solitary figure of a woman on the bridge, Jen or not Jen, a mirage, wavering in the still, heated air. The figure on the bridge is poised with head up, shoulders flat and even. Her transparent arms brush her sides in determined resignation.

The suspension bridge shimmies slightly from the power of the cascades. Without the mercy of shade, heat magnifies on the metal. At this time of year, the road bridge, half a mile down hill, can't be seen. But across the suspension bridge, through the cliff-

side trees, the back of the rectory is visible, and the church spire, stiff and gleaming white, clears the treetops, apparently gaining on the sky. If someone is walking the creek banks 217 feet below, it is possible to tell whether it's a man or a woman. Dogs, with their loping gaits and noses dragging along the path of every new smell, are identifiable, but a cat is easily confused with a squirrel. White cloth might be a towel or a tee shirt; a flash of silver, a lost necklace or a bit of tin foil. Wildflowers bursting into view from the density of green have clear bright colors, but indistinct shapes.

To do it, a person has to really want to jump. The bars of the railing are too close together to fit a hand through or get a toe hold. Halfway up, the bars project outward at a 45 degree angle and end in grotesque spikes like the mythical ramparts of medieval fortresses. The only way to manage it is to grip one of the cables that hold the bridge in its suspended pitch and hoist yourself up, then balance on the sharply pointed tips of the extended bars before springing clear of them.

Would she have seen the flowers? the housekeeper is wondering. Could she have heard the call of the crows, always first to sense something irregular? Was she seized by momentary regret or only aware of the freedom? Did she think of him, Victor, imagine holding him close as thermal air rushed in to sweep her away?

When the truth is known and the moment of grieving ends, there will be talk about shutting down the suspension bridge. There always is. But common sense will prevail. The point will be made that if a woman wants to kill herself, she'll find a way. And, after all, the town needs this bridge; it's what brings the community together.