

Lawyer for a Day

I got to cross-examine my ex-husband in court—and I looked good doing it.

MY LAWYER SAID, "DON'T WORRY, YOU WON'T have to testify."
 "Maybe we should practice anyway," I said. "You know, just in case."
 "Trust me," he said, 700 diplomas framing his head like infantry. "You're not getting on that stand."

Fifteen hours later, I was on that stand, raising my hand and swearing that I was Pamela Gwyn Kripke, the unprepared, misled, and horrified Pamela Gwyn Kripke.

Generally, I maneuver life fairly well. It takes something significant to upset the balance these days, having navigated a series of disappointments with appropriate pain and, I say honestly, ultimate reconciliation. I have checked off all of the entries on my own personal List of Most Stressful Stress-Inducers, the way other women select services at the spa. This one was near the top.

My ex-husband had filed a lawsuit to get four more nights per month with our children, during the school week. I had objected strenuously to this three years prior, to keep the girls' academic schedules intact, and, after many months of standing fast, had negotiated a fair agreement.

I looked into the courtroom. His side, smirking. My side, fumbling for a pen. In a charade of a morning, my husband got his wish. To be let down by a person I needed to trust, not to mention a person I was paying \$400 per hour, flipped a toggle in my self-sufficient brain. It is not acceptable to come to court with only a blank pad of paper. It is not acceptable to improvise—everything. I decided, after losing a winnable trial with representation from one of the Best Lawyers in America, that I would do this on my own.

Since childhood, I have been a do-it-yourselfer. Of course, there are some things that you want other people



to do, such as surgery, or roof tiling. I do not exterminate my own pests. But representing myself in court seemed not simply manageable, but best.

So, months after this fiasco, when my former husband again brought a petition to modify certain aspects of our divorce decree, I hired no one but myself. The status has a name, *pro se*, Latin meaning "for self."

The facts were straightforward. His requests would further disrupt my children's lives. This is sacred territory, in both my mind and Family Court's. Winning would be easy, but not without a plan.

I decided, first, that I would not be a suit-y lawyer. Inane as it may sound, I felt I should hone a persona. I had one already, of course, from having lived on earth for more than 40 years, but for motivational purposes, I needed to visualize the picture. Imagine the movie version, decide which way to cross my legs on *Oprah*. Once the final tableau was drawn, I could figure out how to get there—in

fabulous pointy sling-backs, it is important to note.

To begin, I studied the law. I looked up statutes, opinions in similar cases, whatever I could find. I made friends with a court clerk who helped me with the logistics of creating documents and filing them. Then, I amassed the evidence, culling relevant dates, times, and events from a log I had kept for three

years. I consulted friends across the country who had actually gone to law school. On Tuesdays, I watched and recorded (for review) *Boston Legal*, making James Spader my private professor. I went to sleep every night firing questions at an imaginary witness in the dark, like arrows into a bull's-eye. As the trial date approached, opposing counsel tried to coerce me into bargaining. Deal, or we have

no choice but to go to court, she threatened. That sounded pretty good to me.

THERE WAS A BRIEFCASE SOMEWHERE IN THE depths of my closet, I remembered. Into it, I stacked my notes, evidence (A, B, and C), paper, and pens. On top, I placed a framed snapshot of my late father and me on the campus green at college, a photo that my ex-husband would recall. There would be a table. I would angle it just so.

The bailiff called the courtroom to order. She was tall, with a marvelous swoopy hairdo and solid presence. I liked the sense of sorority in the air, or at least hoped there would be a female camaraderie that would include me, the new girl. I had confronted the other attorney on numerous prior occasions, at depositions, mediations, always giving her a hard go. My guess is that she had prepared a little extra for this appearance. She wore our nation's colors and lots of jewelry.

The proceedings began. The opposition called my former husband as the first witness. In my expert opinion, he presented only that he wanted something, but not the reasons why he should have what he wanted. Everybody wants brownies before dinner.

I stood to cross-examine my former husband. I was told to sit down. When you ask questions, you need to sit. I do not remember what I said first. I do remember that once I said something, the gears latched, the argument laid itself out like checkers on a board. It was effortless, and it was due.

Not only did I have facts that supported my claims—most pertinently, a history of missed obligations—but I had 14 years of field research. I knew how this man thought, how he responded under strain, what would confuse him, what would make him mad, what would give him relief. I questioned him for more than an hour, about whatever I liked. It was any gal's dream. I think that all single mothers in this predicament, in fact, should put on lavender sweaters and go to court with their handwritten journals and organizational skills and abundant zeal and win cases in time to get home to meet the children after school.

The other attorney, meanwhile, was busy objecting to my style of litigation and concocting a little procedural trick.

"Is this procedural?" I remember asking the judge.

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"Yes, it is," she said.

"That is sneaky," I answered, "but groundless."

The nice judge agreed when I explained why. I was enjoying being a lawyer. I could do this every day, state the truth, expose the falsehoods. If the facts are on your side, the law should protect you. It seemed so simple. I was an idealistic Attorney For a Day. Ingenue

Attorney. Attorneys who are attorneys every day should be this way, I thought. People would feel more trusting.

Following my former lawyer's showing months earlier, the other judge ordered that a psychologist meet with my ex-spouse and me, separately, 11 times apiece. He was going to learn about each of us and offer professional opinions, if he was asked. At this trial,

he was going to be asked, and his opinion would matter.

He seemed like a nice enough fellow when I met with him the 11 times, but he took notes by hand and I talked pretty fast, and when I asked if he remembered what I had said the week before, he said he didn't. Also, he told me about himself, because I'm friendly, I guess. And he commented on my figure. It struck me, while he was on the stand and the judge was asking me to sit down, that maybe the State Board of Examiners might not approve of some of his remarks, he being an Examiner, so I asked him about that. After I figured out precisely how to ask him about that, in the proper admissible form, I asked him a lot about that.

Turns out that the nice-enough psychologist who does this sort of thing for a living agreed that I should not have known where his parents live or that he likes to run the lake or that he, himself, does not have children. And, most important, he agreed that what was being requested at this trial was not "in the best interests" of my daughters. I think that he might have said exactly that anyway, before I asked him so many questions. Though you can never be sure, at least in a courtroom that is not on *Boston Legal*. You must use what you are handed.

THE COURT RULED IN MY FAVOR. MY EX-HUSBAND could not call me every Sunday and tell me which days he would be available that week to see his children. If he missed his appointed time, he missed it. Children need consistency; it helps them feel safe. I think that now he understands that, too. Since the trial, I do sense that our relationship has become a more respectful one, and I say that sincerely, not because it ties up the saga with a bow.

Packing my folders and pens and clocks, I felt like Clarence Darrow. Mostly, I felt rewarded for persevering. Though I never intended to yield, it would have been easy to submit to years of experience, not to mention orchestrated intimidation. But that is not the story I would have wanted to tell my strong little women, who will come to hear it when they are ready.

"What did you do today?" they asked me later that afternoon, as they always do. "And why are you all dressed up?"

"I was out working on a story," I told them.

"Was it a good one?" they wanted to know.

"It really was," I said. One of the best. **D**

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