



SEEING THE WHOLE CLIENT

By Megan Watson

As a family lawyer, there are so many personal questions I ask of my clients that one would not normally ask in polite conversation: “Do you spank your children? When was the last time you had sex with your spouse? How much money do you make and what do you spend it on?” Because of what I do, litigating over custody of the children or dividing up the financial assets of the marriage, I have to know the answers to these questions. But there is one topic, one issue, that does affect my clients which I never address – race.

What I am about to say is hard. Race is an extremely difficult topic to talk about, and certainly to write about when you have no control over how your words sound in readers’ minds. I believe race is a topic we need to face, not ignore. If more people talked about – and I mean really talked about racism and what it means to be black or brown instead of skirting around the issue or making stereotypical comments – maybe we could move beyond racism in this country. As a family lawyer, I have an obligation to my client to not ignore the person in front of me, which I now recognize includes the color of his or her skin.

So, I am a white woman who has always thought of myself as an open-minded, liberal-thinking, non-biased kind of person. I have always said “When I meet a person, I don’t see the color of their skin; I see the person.” I thought that was a fair way of looking at a person, not making assumptions or inflicting stereotypes based on skin color. I was taught not to discriminate based on race, among other things such as gender and sexual orientation, hence the liberal-thinking.

But recently, thanks to some very open and frank conversations with a colleague, I am beginning to understand the disservice, and even disrespect, that mindset inflicts on clients. I am learning that the color of a person’s skin cannot be separated out from that person’s identity; it forms their opinions and shapes their experiences. In our discussions, I was shocked to hear some of the experiences my colleague had in courthouses, and not just with ignorant litigants, but

with professionals – judges and lawyers alike. From offhand comments to unadulterated expressions of stereotype, it was appalling to me what she experienced regularly as she was trying to do her job – represent and advocate for her clients. Unfortunately, these comments were not new to her. As we talked, she told me of experiences she has had her whole life, not always of outright discrimination, but being treated as “other” or “less than” in the form of looks, comments and a sense that she has to work harder to prove to others that a black person can be a great lawyer.

Without those experiences, maybe she would have been a different person, followed a different path. But when I say to her “I don’t see the color of your skin,” she says to me that I don’t “see” her. She is not just a woman, a daughter, a wife. She is black and who she is depends heavily on that part of her.

So what does that mean? To me, it means I need to be better at recognizing and acknowledging the whole client; that when a client reacts in a manner which I think is unreasonable, that perhaps there is a reasonable explanation for why a client feels it is absolutely imperative he be responsible for his son’s haircuts. It means I need to have this conversation with my clients. If I can talk to them about sex, punishment and money, why shouldn’t I talk to them about race? ■

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