

Voice: Speaking for a Deaf Boy in Foster Care

(A True Story with Questions)

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Beginning in the summer of 2005, I had the privilege of representing, pro bono, a young man in the foster care system in his quest to be adopted. We differed in many respects, not the least being my ability to hear and his inability to do so. The following narrative is our story, as I experienced it. The names of the major characters are, of course, pseudonyms.

The narrative does not purport to present everything that could be said about the very rich and complex topics of representing children in foster care and working with clients who cannot hear. For further insights, I refer you to the sources noted below¹ and the italicized footnotes throughout the story, which were drawn from the very insightful comments of Michael A. Schwartz, Associate Professor of Law and Director of the Disability Rights Clinic at the Syracuse University School of Law, who is deaf² and to whom I am deeply indebted.

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* © Deborah A. Schmedemann 2010. Professor of Law and Co-coordinator of Writing & Representation: Advice & Persuasion at William Mitchell College of Law. My thanks go to the very fine staff of the Children's Law Center who both gave me the opportunity to do this work and trained and supported me; to the non-lawyers who helped me see, just a bit, what it means to be deaf and how to work with Adam; to the faculty and my classmates at the Loft Literary Center, where I studied memoir and the personal essay; to the deans and my colleagues at William Mitchell, who have so consistently supported my service endeavors; and last but not least to Craig Bower, my ultimate confidante and counselor. This story is for Keith, in honor of Joan. My deepest debts are, of course, to Adam and his mother Lesley.

1 The ABA Center on Children and the Law, including the Bar-Youth Empowerment Project and the National Child Welfare Resource Center on Legal and Judicial Issues, and the National Council of Juvenile and Family Court Judges provide extensive resources about representation of children in the foster care system. The following journals are particularly helpful: *Child Law Practice*, *Child Court Works*, and *Juvenile and Family Justice Today*. For an excellent overview, see Andrea Khoury, *With Me, Not Without Me: How to Involve Children in Court*, 26 ABA Child L. Prac. 129 (Nov. 2007). For information about representing clients with disabilities, see the resources provided by the ABA Commission on Mental and Physical Disability Law, including part VI of John Parry, *Disability Discrimination Law, Evidence and Testimony: A Comprehensive Reference Manual for Lawyers, Judges and Disability Professionals* (ABA 2008).

2 This story uses "deaf" to refer to people with a profound hearing impairment. I have found that some dislike this term; others dislike "hearing impairment." I have chosen to use "deaf" because the people who taught me about communicating with my client used that term.

SPEAKING FOR ADAM

Of the eleven people in Courtroom 3A that gray mid-August afternoon in 2005, all but one—my client—could hear. The hearing was about him: a ward of the state at fourteen years old. The court would soon issue a permanency order, determining who would care for him, now that his parents' rights had been terminated without dispute.

Adam sat on one side of the big square table in the middle of the courtroom. As his lawyer, I sat to his right; to his left sat his current foster mother, entrusted with his care for the past eighteen months, and his guardian ad litem, appointed by the court to assess his best interests. The county attorney and Adam's social worker sat across the table from us. The judge, clad in a dress shirt and tie, not the traditional black robe, sat not at the bench but rather at the head of the table, along with his clerk and a foot-high stack of files for the day's cases. Near the bench sat the court reporter, transcribing the hearing.

Near the door and behind the bar separating the public from the participants sat Weida Allen, nearing sixty, a social worker from the Children's Law Center (CLC). Minnesota courts appoint the CLC to represent *children needing protection or services*, or "CHIPS" kids. CLC's mission is "Making Children's Voices Heard." As a volunteer lawyer with CLC, this was my first hearing with my first CLC client. Given Weida's experience and my naiveté, perhaps Weida and I should have traded places. But courts have rules about who sits where.

Until that day, Adam had never been in the courtroom, although he was the subject of a CHIPS case. Rather the court knew him through what others had written about him: doctors and psychologists provided physical and mental health assessments; an audiologist quantified and explained his deafness; teachers wrote his individual education plans and report cards; one social worker prepared a profile for the registry of children awaiting adoption; another filled out a difficulty-of-care form, used to calculate his foster parent's pay; and his social worker and guardian ad litem wrote reports drawing on others' reports. Adam was now fourteen, over two years into foster care, old enough to be in the courtroom and old enough to have an attorney.

Adam's deafness brought the eleventh person to the courtroom that gray August afternoon. She stood behind the judge, in Adam's line of sight—a court-ordered and county-paid American Sign Language (ASL) interpreter.

The interpreter had little to sign that afternoon: the hearing lasted only five or ten minutes; nothing new was decided. Adam said nothing, although he was given the opportunity. My task was to present Adam's

“articulated positions.” I had learned little in our two meetings before the hearing, so I asked that he stay in his current foster home for now and requested more time to work with him. The judge continued the case for several months.

I left court thinking that a teenage boy should have more than two sentences said on his behalf. His lawyer should know more than that about his needs and wishes.

LEARNING ABOUT CHIPS

Almost two months before that August court date, a dozen lawyers interested in representing children in foster care attended a daylong training session. We met in the twentieth-story, sun-filled conference room of a prominent Twin Cities law firm, a strong supporter of CLC. During breaks, those of us who worked in offices closer to the ground took in the views that lawyers in major firms come to take for granted. We were experienced lawyers, but our practices—corporate counsel, patent prosecution, teaching law (mine)—differed greatly from representing CHIPS kids.

The training started with important but abstract information about CHIPS: County social workers intervene when a child is “abused” or “neglected,” that is, the child is suffering physical or emotional harm that is not an accident or the child has been denied necessary food, clothing, shelter, medical care, supervision, or protection from harm. In serious cases, when the child’s living situation is dire or efforts to improve his situation fail, the county permanently removes the child from his parents’ home. The child may be placed with a relative or with unrelated foster parents or, less commonly, adopted. The county seeks to identify and achieve the outcome that is in the “child’s best interests.” The process is not brief: the state agency’s flowchart of CHIPS procedures runs six pages; the state court’s timeline lists seventeen events.

In 2005, over 27,500 children were the subjects of an investigation into alleged child mistreatment in Minnesota; mistreatment was substantiated as to 8,500.³ Nearly 7,000 children were in foster care, and their average stay was almost ten months.⁴ About seventy percent of children in foster care were eventually reunified with their families.⁵ However, over

³ Children’s Bureau, Administration for Children & Fams., U.S. Dept. of Health & Hum. Servs., *Child Welfare Outcomes 2002–2005: Report to Congress* ch. 5 Minnesota §§ A–B, http://www.acf.hhs.gov/programs/cb/pubs/cwo05/state_data/minnesota.htm (accessed Apr. 10, 2010).

⁴ *Id.* at § C.

⁵ *Id.* at Minnesota [Outcomes Data] Chart 3.1.

1,500 were waiting to be adopted that year—over twice the number that were adopted.⁶

Soon the abstract information gave way to stories. In late morning, seasoned pro bono attorneys recounted their experiences, emphasizing the rewards of representing CHIPS kids and praising CLC's support. Our lunch conversation was upbeat.

After lunch, we wrestled with short scenarios presenting common ethical dilemmas. We adeptly spotted the legal issues and stated the applicable rules. But we got caught in the stories: Should we go to the first varsity basketball game of a client whose biological parents are out of his life and whose foster parent is barely involved? Should we invite a client in a residential treatment facility to Thanksgiving dinner? Should we retrieve clothes from a runaway client's foster home and take them to her? In our discussion, we danced around the CHIPS lawyer's real dilemma: how to stay within the lawyer's bounds when your heart aches for your client.

Late in the afternoon, four CLC clients arrived. Silent and still, pens down, we listened as each client told his or her version of the challenges CHIPS families face: drug and alcohol abuse, teenage pregnancies and unwed parents, siblings with different fathers and different last names, learning disabilities and developmental delays, domestic and sexual abuse, poverty and unemployment, chronic illness and prison time, moving from place to place and school to school, prostitution and life on the streets. Yet the clients all seemed so normal, so unremarkable; you would never know their pasts if you passed them on the street.

We asked the clients what they wanted in a lawyer. They answered: "Don't be too nosy." "Genuinely care." "Do what you say you'll do." "Be available." "Keep pushing." We resumed taking notes.

After the clients left, we sat silently for a bit. The corporate lawyer broke the silence, expressing his anxiety the way corporate lawyers speak of risk: "Do you carry malpractice insurance on us?" CLC's director assured us that it did insure its volunteer attorneys, reiterated how CLC would support us, and invited us to sign up to represent CHIPS kids.

I had come to the training fully intending to sign up. After twenty years of teaching law, I was embarking on a year-long sabbatical to study pro bono publico, that is, work lawyers do for no fee, or a very low fee, for people of limited means or organizations serving people of limited means. The American Bar Association found in a 2005 study that nearly every lawyer viewed pro bono as a professional obligation, although our ethics

6 *Id.* at §§ D–E.

rules did not require it. About two out of three lawyers did pro bono work, averaging about forty hours per year.⁷

Volunteering with CLC was at the top of my list. I had watched CLC evolve from a good idea to a nationally renowned program in the decade since its founding. I knew very little about CHIPS law and procedures. But I had been in the courtroom as a litigator with a major Twin Cities law firm in the early 1980s and a poverty lawyer in eastern Kentucky in the late 1990s. I also thought that I knew something about teenagers: I was the mother of two nearly grown daughters who were well on their way to becoming happy and productive adults. A decade earlier, my husband and I had provided emergency foster care to teenagers in trouble. My husband taught middle school, in a special-education program, so he had experience and knowledge that might be helpful. I signed up.

MEETING ADAM

About a month later, a CLC lawyer called to ask me to represent my first client, a teenage boy. She described the case as unusually difficult; we would need an interpreter. She said, I am now sure, that we would need an “ASL interpreter,” but I heard “ESL.” I was excited: perhaps my client spoke a foreign language I had studied in college decades ago when I planned to enter the foreign service; if not, it would be fun to learn a bit of another language. When we sorted out the confusion, I felt only slightly daunted.

Before Adam and I met in early August, I had learned a tiny bit of sign language from the ASL interpreter at my church: *peace* and *nice to meet you*. When I met Adam, I signed *nice to meet you*—my right hand sliding over my left, palm to palm; two near-fists coming together with index fingers pointed upward; my right index finger pointing at him. I meant it, and he smiled slightly, for a moment.

But the conversation that followed through our intermediary, the court-appointed interpreter, was not a smiling matter. I knew only a few facts about Adam but had not yet seen his full file. He had no idea who I was and how my role differed from those of the many other adults in his life. I scarcely knew what to ask; he had no idea why he should answer. Adam had never worked with this interpreter, and his signing style was “sloppy,” as the interpreter later told me. I asked a question, she signed it, he shook his head, she re-signed it, he signed a terse response, she re-

⁷ The follow-up report found that nearly three out of four lawyers perform pro bono on behalf of a person of limited means or for an organization serving people of limited means; one out of four report performing fifty or more hours of this type of pro bono. ABA Standing Comm. on Pro Bono & Pub. Serv., *Supporting Justice II: A Report on the Pro Bono Work of America's Lawyers* 7, http://www.abanet.org/legalservices/probono/nav_publications.shtml (Feb. 2009).

signed it to check it out, and then she spoke his response to me. It was slow going.

When I am teaching a law school class, I tell students that the purpose of the first meeting with a client is to establish rapport and lay the groundwork for a relationship of trust. But I could see in Adam's body and face, if not in his hands, that he found our conversation vexing and tiring. We quit after ten minutes. As I left, I wondered why he kept striking the fingers of one hand against the fingers of the other hand, back and forth, back and forth. Discouraged, I decided to learn some sign language.

TRYING TO LEARN A NEW LANGUAGE

Conversational American Sign Language, offered by Minneapolis Community and Technical College, met for two hours Monday evenings, starting in mid-September, in a classroom in a middle school in a wealthy Minneapolis suburb. The first evening, I looked around: piles of books, an outline of the day's lecture on the whiteboard, inspirational quotes on posters scattered around the room. This was a social studies classroom, and the topic for the week was democracy. During the school day, the room must have buzzed; the posted class rules included: "We are courteous. We listen to each other. We speak when no one else is speaking. We share our point of view."

We took ten chairs off the tables and arranged them so we could see our teacher, Susan Hagel, sitting in the front in her wheelchair. In her day job as a recreational therapist, she helped recently disabled people learn to function in public. In the evening, she taught ASL, which she had learned in college three decades ago. My nine classmates worked in adult day care, theater, horse training, printing, and commercial video production. We all wanted to communicate better with deaf clients or co-workers, and we wanted to learn something new and interesting.

ASL is interesting,⁸ but not new. In the earlier 1800s, Thomas Hopkins Gallaudet, a Congregational minister hoping to help a neighbor's deaf daughter, traveled to France to learn from the French masters. He returned with Laurent Clerc, a deaf teacher from the French school for the deaf. American Sign Language grew out of the American signs that had developed within deaf American communities and the French signs introduced by Clerc.

Now the third or fourth most commonly used language in the United States and Canada, ASL is a visual language, involving gestures, facial expressions, and body positions. ASL is not a mimed version of English,

⁸ For more information about ASL, see the following websites: deaflibrary.org, clerccenter.gallaudet.edu, and nidcd.nih.gov (the National Institute on Deafness and Other Communication Disorders).

which uses a subject-verb syntax, but rather a language unto itself, based on concepts, presented in a topic-comment syntax. Thousands of ASL signs are supplemented by finger-spelling (making the hand shapes for each letter in a word) for proper nouns and concepts not yet captured in signs.⁹

Susan began the class with the standards: *hello, how are you, what is your name*, and so on. She showed us each sign, offered a way to remember it, and repeated and repeated it as we took notes on the Lesson 1 vocabulary list in our slim course manual. I struggled to describe each sign in a phrase or two: “Right hand” would not suffice; was the hand a fist or open flat or something in between, pointed up or down or away or toward me? And what was the left hand doing? How big or small was the motion? Some of us muttered as we wrote, resorting to the language we were supposed to be setting aside. Eventually, we all signed to Susan; she gently corrected and roundly praised us. It was a lively class: much chattering; some furious scribbling; nervous laughter on our part and genuine laughter on hers; hands moving this way and that, only vaguely in unison.

When I turned on my computer the next morning, my hands and fingers ached. My notes were less than illuminating, and I discovered that my hands had little overnight kinesthetic memory. But I clearly remembered what striking the fingers of one hand against the fingers of the other means—*whatever*.

I wanted to learn how to sign *lawyer*. I found an online ASL dictionary of 1,270 terms. The description of the sign for *law* read: “The upright right ‘L’ hand, resting palm against palm on the upright ‘5’ hand, moves down in an arc a short distance, coming to rest on the base of the left palm.” The explanation read: “The L handshape is moved from the top of a page to the bottom which is represented by the upright hand.” I watched a brown-haired woman in a red shirt against a black backdrop sign *law* over and over. Each time, I saw a gun pointing at me, suggesting my least favorite metaphor for lawyer—the hired gun.

I bought the book Susan recommended, *Signing Illustrated: The Complete Learning Guide*,¹⁰ which provided a description, memory aid, and sketch for each sign. I looked up *law*. I liked this one better: the index finger stays upright as the right hand moves downward against the left hand. This sign suggested reading a page of a book. Happily, Susan agreed with the version from *Signing Illustrated*.

⁹ As noted in the introduction, the italicized footnotes are drawn from comments made in response to an earlier version of the article by a practicing attorney who is deaf. *ASL is not only a matter of signing. As with any language, it is grounded in a culture; mastery requires immersion in Deaf culture.*

¹⁰ Mickey Flodin, *Signing Illustrated: The Complete Learning Guide* (Berkley Publ. Group 2004).

As the class went on, we learned to finger-spell; count; and sign blocks of words, such as verbs, parts of the body, relationships, and seasons. Some signs resemble their concepts: tapping your temple with one finger means *think*, pointing to your chin and then out means *tell*. But others are abstract: the dominant index finger drawn across the other hand's open palm means *what*, two downward fists means *can*. We learned some ASL conventions: a quizzical facial expression conveys a question; signs near the heart convey emotions; signs near the forehead convey *male*, near the jaw line *female*. ASL is directional; for example, the *help* sign (a fist supported by the other hand) made towards a person means *help you*, towards oneself *help me*.

I soon came to see ASL as an elegant language, economy melded with expressiveness—at least in Susan's hands. Many of my signs were inaccurate or incomplete, the palm down instead of up, my finger touching my jaw rather than my forehead. Even when I knew a sign, my gestures were tentative or clumsy, as a first grader's letters are misshapen though discernible. I grimaced, I am sure, even when the sign called for a smile.

According to Susan, auditory learners tend to have more difficulty learning ASL than visual learners. Analytical people who like right and wrong answers struggle more than expressive people. Knowing a foreign language helps. Piano players and knitters learn ASL easily because they are skilled in coordinating their hands and fingers. Children learn ASL faster than adults do; children "have more brain cells and are more playful with language." I once spoke several languages, albeit years ago in college. But as a middle-aged auditory learner and analytical person with little dexterity, I seemed not to have an eye or hands for sign language.

The fifth week of class, just past the halfway mark, Susan taught some words silently. She finger-spelled them and then signed them. The words were not difficult, and she worked down the list in our course manual, but we all felt the loss of her voice. Yet at one point, I had a good guess of what the sign for the next word on the list might be—my first, slight glimmer of thinking in sign language.

LEARNING ADAM'S STORY

When I went to meet Adam in late October at the house of his foster mother, Lesley, I came in the back door without knocking, my usual practice based on her invitation. I saw Adam at the dining room table and signed *hello*.

Lesley, also in the dining room, spotted me and asked. "Do we know you? Why are you here?" Puzzled, I said I was there to see Adam. She said, "There's no Adam here! You sure you got the right house?" I must have

looked as confused as I felt. Lesley smiled broadly and said, “Hey, come in; I’m just jokin’ with you.”

An hour later, as I was leaving, I thought of her joke. As is often the case with jokes, it carried more than a bit of truth. Adam was, of course, present. But to many people who met Adam, he was not fully “here,” because he could not talk aloud.¹¹

And most people would prefer not to hear his story. As I learned from Adam’s court file, when Adam was born fourteen years earlier, his mother was then fourteen herself, probably a prostitute hooked on drugs. The name of Adam’s “alleged father” was known, but not his age or whereabouts. Adam was the oldest of several children by different fathers born to his mother.

In 1998, when Adam was seven, the first child-protection assessment of Adam’s family occurred. His mother was told to put screens on her windows so her children would not fall out of their upstairs apartment. In April 2002, as a result of the fourth assessment, the court granted the county’s request to remove Adam and his siblings from his mother’s home. On the form, the judge initialed two grounds: “chemical dependency issues of the parent” and “an unstable environment and risk of harm.” In March of 2003, the court terminated his mother’s parental rights and those of “any man, as father.” Adam’s mother had ceased to participate in the case months before; his father never did. Both were long gone from Adam’s life when I met him.

Adam was placed in Lesley’s home in March of 2004, along with his half-sister Lacey, who was several years younger than Adam. Lacey presented few challenges, but caring for Adam was difficult. Lesley told me that Adam trashed her computer when he tried to play games on it; he took off for a few hours when she told him they would leave soon for an important appointment; he and Nicholas, one of her other children, got into a fist-fight over new shoes. There was more to each story: Adam had few ways other than the computer to amuse himself after school; when he took off, he probably thought Lesley was taking him back to a setting he hated because that is what his previous foster family did; Nicholas was his age but much younger developmentally, so they had few ways to resolve their conflicts besides their fists. Lesley and Adam made their way, day to day, incident to incident, through rudimentary sign language they had come to share.

Yet Adam was, in some ways, like any boy his age (at least to a middle-aged observer who had raised only daughters): too small for his clothes,

¹¹ “Hereness” is a cultural norm that operates invisibly. One is assumed to be “here” if you can hear. Deaf people deviate from that norm, which means, to some, that they are not “here.”

too big for the chair, too antsy to sit still, too disinterested in my questions to say much, but too interested in food to feign disinterest in an offer to meet over dessert next time—he could pick the place. He liked sports, especially basketball and football; he said he played both well. At his new school, a charter school for deaf teenagers in St. Paul, he was making a few friends, all boys so far, although he had noticed a few girls, too. He favored a class involving computers and games over more academic classes.

I learned these things from Adam's one- or two-word answers to questions I posed through our interpreter. Ordinarily, for reasons of client confidentiality, I would use an interpreter who would work with Adam only during my meetings with him.¹² However, I booked Albert Lindeman to translate for us. He translated the conversations between Adam and his social worker and knew Adam better than other interpreters on the roster.

By our mid-October meeting, I had taken four weeks of sign language, and I intended to manage some of our conversation myself. The meeting did not go as I had imagined it. My signing lasted only a few minutes. I signed a message; then Albert signed it. Adam did not enjoy this process, I could tell; I did not need to know ASL to understand his exasperated expression. I quickly ran out of vocabulary. So Albert took over, and I watched Adam as he signed. When Adam raised his hand a few inches off of his lap, was this the same as someone else touching a shoulder? Why did he keep rubbing his nostril with his index finger; was his nose itchy, or did this mean something? And I watched his facial expressions—they signaled his feelings, I thought, if not the ideas he was trying to say.

Albert had been an interpreter for over twenty years and had a doctorate in anthropology specializing in deaf culture. Even so, Albert found Adam difficult to read; his signing was "very idiosyncratic." I left our meeting feeling incredibly naïve in thinking that I could really talk with Adam if only I learned a little sign language.

Emotionally spent, I went directly to sign language class. We learned to sign emotions, most self-explanatory—a good thing, because the vocabulary list was not in our manual and my capacity to learn new words was dropping rapidly. I found it oddly satisfying to learn to sign *tired*, *frustrated*, *depressed*, and *angry*. And I learned that rubbing your nostril does indeed mean something—*boredom*.

That evening in class, we silently played Who Am I? We asked each other questions to identify the names Susan taped to our backs. We started with yes-or-no questions, moved on to open-ended questions,

¹² A major reason for using different interpreters when representing a deaf client is clarity; roles differ by setting. For example, an in-office interpreter is generally not used in court. The in-court interpreter serves the legal system's need for participants to comprehend the proceedings; the in-office interpreter is an adjunct to attorney-client communications.

then hints, then charades. When the game ended and we were permitted to talk, we decided that our limited sign language impeded us less than our limited imaginations; we did not think of ourselves as Princess Diana or Cinderella or the Wizard of Oz.

As I packed my bag, I noticed for the first time one of the sayings posted on the back wall: "When people are bored, it is primarily with their own selves that they are bored. — Eric Hoffer"

CONVERSING WITH ADAM

By the time Adam and I met in November, I had not learned much more sign language, but I was, again, determined to converse directly with Adam, somehow.

My first strategy was to feed him; in my limited experience with teenage boys, food is a good thing. Lesley said that Adam did not like desserts but loved McDonald's, so that's where we—Adam, Albert, and I—went. Ordinarily I would not meet with a client in a restaurant, but the chances of someone overhearing, or overseeing, and understanding our conversation were low. Adam wanted a # 9—the first sentence he signed that I could understand before Albert's translation! Out of some strange form of solidarity, I was tempted to order # 9 too (but didn't). As we ate, I realized that signing is difficult while grasping a hamburger or French fries, but signing with your mouth full is not a problem.

My second strategy was to find a topic that Adam really liked to talk about; perhaps we had some common ground. That topic was basketball. I learned through Albert that Adam hoped to be on his school's team and had a lot to say about who the good players seemed to be, how well he himself played. Never an athlete myself, I recounted my daughter's experience playing basketball for one season at a very small school on a team of only seven girls. A talented runner, she earned all-tournament honors for her defensive play, but she made only one basket all season. He doubted what he was seeing: she made only one basket all *season*? His question pleased me; he asked the same question other people asked when I told the story. Too soon, we exhausted basketball and returned to our stilted conversation.

My third strategy was to write out some important information about the hearing coming up. It took me an hour or two at my home computer to produce 273 simple but accurate words. I gave Adam my 273 words and asked him to read and sign it to Albert. He finger-spelled most of it successfully; I felt encouraged. However, Albert pointed out what I should have guessed: Adam could be, probably was, finger-spelling words he did

not fully understand. (I later wondered: did Albert sign to Adam observations about my (lack of) comprehension?¹³)

I pushed on. I told Adam that the court wanted to know his thoughts about his preferences for the permanency order: staying in foster care versus being adopted. The law prefers adoption; it provides the child with a sense of belonging to the parent and some certainty about the future. Sometimes the foster parent adopts the child, so he experiences little everyday difference between the two. When this appears to be a possibility, the child may consent to the county's ceasing efforts to identify a different adoptive family.

So I wanted to know: Did Adam want to stay with Lesley? Did he want to be adopted? If Lesley was willing to adopt him, was it okay for the county to stop looking for someone else? I felt sure that Adam could answer the first question. I was less sure about the second. I had serious doubts about the third, which required a comparison of the known, Lesley's home, to an unknown possibility. Albert tried to elicit Adam's answers, and he seemed to give some, but Albert had little confidence that he was reading Adam correctly. I asked Adam to keep my paper and think about it some more.

As we got up to leave, Adam asked a question. He wanted to know whether there was a judge last time and whether there would be one the next time. Adam had seen a picture of a court at school; the judge wore a black robe and sat behind the bench. Without thinking much about it, I drew a map of the courtroom and labeled and described the people, including the judge wearing the dress shirt and tie. This unplanned strategy worked well. Later on, I wondered why I hadn't drawn pictures before; I did it all the time with my law students.

As we left McDonald's, wanting to continue our basketball conversation and hoping to see Adam communicating with his peers, I asked Albert to tell Adam that I would like to come to one of his basketball games. I could not read Adam's reaction.

Albert had driven Adam to McDonald's; I drove Adam home, about a ten-minute drive. Silence filled the car, discomfiting at least for me. I did not dare sign or try to watch Adam as I drove. Generally when I drove teenagers who didn't want to talk, I turned on the passenger's favorite radio station, but that did not make sense this time, except to relieve my discomfort. I left the radio off. When we got to Adam's house, I went in to touch base with Lesley. They signed briefly, and she told me as I left that Adam had a "good time."

¹³ It would be unethical for an interpreter to share observations with one party without disclosing it to the other, either at the same time or shortly thereafter. This does not preclude an interpreter and attorney from sharing their observations after the client has left.

LEARNING ABOUT DEAF TEENAGERS

At the eighth and final ASL class in mid-November, each student presented something to the class. I chose Shel Silverstein's bittersweet children's story *The Giving Tree*,¹⁴ in which an apple tree that loves a boy gives itself to him to fill his needs and desires at each stage of his life. The tree gives apples to sell when the boy becomes a young man, its branches for a house for his family, and so on. I already knew a good number of pertinent signs: *tree, boy, man, love, give*. The book's illustrations are spare line drawings; the text is spare, too, just a few lines to set up each scene, several lines of dialogue, the tree's gift to the boy, and his departure. The story's lessons, about giving gifts and sacrificing self, reside between the lines.

I needed to learn to read between Adam's signs. We had talked about the events in his life—his classes, basketball practice, his spats at home—and his basic feeling about these things—*whatever, bored*. We had talked about who sits where in a courtroom. But we had not yet really talked about his permanency, with whom he would live and his legal status there.

By the hearing in early December, the county wanted Adam to sign an affidavit that read:

I (child's name), born on (birth date), have consulted with my attorney (attorney's name) about the benefits of adoption and how adoption can give me permanent membership in a family. . . . At this time, I do not consent to being adopted by anyone other than (foster family). . . . I understand that I will remain in long-term foster care placement until or unless the family I have designated is able and/or willing to adopt me.

The form is simply worded, as legal forms go; it probably works well with most teenage foster children. But had Adam and I "consulted?" Did he "understand" or "consent"? *Could* any of these occur?

One Sunday, I approached the signer at church after the service. I could understand much of what he signed that day, and I wondered whether he could give me insight into signing with Adam. Paul Deeming, a manager of programs assisting deaf or blind adults when out in public, explained that communicating with deaf teenagers is much like communicating with hearing teenagers. They may need to have a message repeated or re-phrased before it makes sense; may avoid answering a question out of choice, not lack of understanding or ability to answer; may feign understanding rather than ask questions; and may be reluctant to confide much

14 Shel Silverstein, *The Giving Tree* (HarperCollins Publishers 1964).

until trust has been established.¹⁵ He suggested asking Adam “what does that mean to you?” and “tell me again in your own words” to test his comprehension of critical information.

Paul’s comments echoed what Weida, CLC’s social worker, had told us during training about working with any teenager and, for that matter, what I had experienced with our teenage foster children years ago. In some respects, Adam was essentially a teenager. Yet when Adam and I met, our differences in conversing kept me from getting at what was essential to him, what I needed to know about his future family.

Weida put me in contact with Kelley Anderson, who taught at an elementary school for deaf children and was raising three deaf children with learning disabilities. We met late one afternoon for two hours just before Thanksgiving, over tomato soup and saltines (comfort food for both of us).

Through my own research, I had learned that a student who is hearing impaired can receive special-education services under the federal Individuals with Disabilities Education Act.¹⁶ According to the U.S. Department of Education, in 2000, about 71,000 children in the United States, or 1.3% of all children receiving special-education services, received services under the hearing-impairment category. Many other hearing-impaired children received services under a different special-education category.¹⁷

Kelley told me about different approaches to teaching deaf children. Some schools, favoring deep immersion in deaf culture, emphasize ASL. Others, striving to bring the child as close to a hearing child as possible, teach students to sign English, using English words and syntax. Current best practices call for teaching ASL first and adding English in later, much as many speaking people learn a second language, but other approaches are common.¹⁸

Kelley helped me understand what I could reasonably expect of Adam in “consulting” with him, what he may be able to “understand,” and how he may be able to “consent.” When a teenager signs as Adam did, more than one factor may well be in play. A child who is born deaf or becomes deaf as an infant is at a disadvantage in communicating with hearing people. A

15 Furthermore, or as an alternative, the challenge for a teenager who is deaf and lacked access to English at an early age may be difficulty comprehending abstract concepts.

16 20 U.S.C. § 1401(3)(A) (2004). See generally U.S. Off. of Spec. Educ. Programs, U.S. Dept. of Educ., *Twenty-Five Years of Progress in Educating Children with Disabilities through IDEA* (2000).

17 See Natl. Dissemination Ctr. for Children with Disabilities, *Deafness and Hearing Loss*, <http://www.nichcy.org/pubs/factshe/fs3txt.htm> (accessed Apr. 10, 2010).

18 Hearing loss varies from child to child. Thus (as with other educational settings), the pedagogy should be matched to the child, not the other way around, to be fully effective.

deaf child with a very low IQ typically has only a highly idiosyncratic signing style; a child with a mid-range IQ may be delayed in acquiring, but does eventually develop, standard ASL skills.¹⁹ Growing up without signers, as Adam had, impairs a deaf child's ability to communicate.²⁰

Whatever the reason, a deaf teenager whose language development is delayed may speak in only one very informal manner with everyone, from peers to adults. A deaf teenager may mutter when speaking with adults or about disliked topics; muttering appears as small hand gestures made in the lap and only slight motions of the head or shoulders. Being deaf sometimes provides cover for a teenager who does not want to talk.

Communication is a two-way street. How could I, in my role as his lawyer, bridge some of this gap for Adam? Kelley attended many court hearings for her own deaf foster child and found that the ASL interpretation rarely served her child well. Signing every point overwhelms the teenager. What the teenager most needs and can best handle is a summary, or selected highlights, after every five minutes or so.

BREAKING THROUGH

As the hearing on Adam's permanency order neared, I scheduled two meetings with Adam and hoped for the best. Neither meeting got off to a good start. Lesley forgot about the first one, so Albert and I caught Adam eating dinner. Adam left to play basketball in the park shortly before the second, and a neighbor had to find him and bring him back. I left the first meeting both deeply satisfied and deeply saddened; I left the second at peace.

The first meeting unfolded according to our standard pattern: general check-in, classes, basketball, conflicts at school, life around the house. Twice Adam sprang into action, telling a story with energy and some signs clear enough for even me to understand. Not surprisingly, he was telling his side of a spat.

But as we turned to the upcoming hearing, communication faltered, as though we were talking on cell phones losing their signals. Albert knew what I needed to know—Adam's thoughts about various permanency options—and Albert tried to get at that topic in various ways. I watched Adam. As I tried to think of something pertinent that I could draw, Albert paused to brief me. Adam was stuttering; he seemed to be talking about the past, not the future, and about a person whose name began with N-A.

¹⁹ Every individual has his or her own signing style—this is part of the beauty of ASL. Within the discipline of disabilities studies, the concept of IQ and its relevance to disabilities are being very seriously questioned.

²⁰ Also significant was Adam's probable lack of a visual learning style that would have helped him learn English, a failure in teaching by those in his early life, perhaps for reasons of poverty or discrimination.

I had noticed the N and A, but I had missed the context. With Albert's help, I realized that Adam was talking about his birth mother, about whom he never knew much and now remembered only fragments. Bit by bit, we explored what he wanted to know from me about her, why he didn't live with her, and whether he could see her.

Once we set aside Adam's birth mother, the signals strengthened, and we worked with relative ease through what he wanted me to say about his permanency order. This time, Albert was very sure of Adam's answer, as was I.

Driving home, I re-played the minutes in which Adam spoke about his birth mother. I knew his past, when he last saw his birth mother, what her name was. Why didn't I decipher those signs and save Adam and Albert the struggle? My husband and I often talked about the dangers of assumptive teaching, assuming that your student knows something he doesn't know and teaching, unsuccessfully, on the basis of that unchecked assumption. I teach law students not to assume things about their clients. Yet I had engaged in assumptive counseling; I had assumed that Adam knew and accepted what everyone else took for granted, that his ties to his mother were severed and that they were severed for reasons that would keep her out of his life.

Watching Adam talk about his mother, I saw how her absence haunted him. When I read his file, I had felt regret about his situation; now I felt pain for him. Yet I was deeply satisfied that Adam and Albert and I had come far enough to talk about Adam's between-the-lines life. Somehow that conversation permitted us to talk about what he wanted for his future.

Lesley and I met the next day. We talked about what Adam knew about his birth mother and how this issue was being handled by people with considerably greater skill than I could bring to the discussion. And I learned that she was willing to adopt Adam.

A few days later, the evening before the hearing, Adam and I met only briefly. While Albert and I waited for Adam to arrive, Albert showed me how Adam's signing differed, most of the time, from typical teenage signing. Most of the time, Adam furtively looked away, his gestures were minimal and in his lap, and his body slouched sideways. A typical deaf teenager looks at you, at least most of the time; signs reasonably fully and by his chest; and slouches straight on. When Adam came in, as we talked about the hearing, he signed like a typical teenager, he confirmed what I was to say on his behalf the next day, and he looked straight at me when he answered my questions. We were ready for the hearing; I could, with mutual confidence, articulate Adam's positions. We had come a long way.

THE HEARING

The afternoon of Adam's permanency hearing, I arrived at the courthouse early. But for the workers unpacking new furniture for the judges' chambers, the waiting area was blessedly empty and quiet. The first time I went to court, in mid-August, the waiting area had been packed with people and a cacophony of difficult conversations, some piercing, some hushed, in many different languages, about children in need and parents in distress. The scene and sounds had so disoriented me that I left a file on a couch outside the courtroom. Later I wondered whether Adam, unable to hear the tension, had been equally disoriented.

Albert was not with us for the hearing; court protocol called for a different interpreter for court proceedings. Adam arrived before the interpreter did, so he and I chatted briefly. I chose topics I thought we could handle, such as his day so far and the name of the judge. I was oddly delighted that Adam was a bit sick. While I was sorry he did not feel well, I immediately recognized the sign for *sick*, one of my personal favorites—the right middle finger on the forehead, the left middle finger on the stomach, accompanied by “an appropriate facial expression,” to quote *Signing Illustrated*. Furthermore, we could talk a bit about his being sick, when it started, where it hurt. As our case was called, I wished Albert was there; I wanted to check one more time what I would say on Adam's behalf and have Albert there to help us manage any surprise topics.

I had asked that the hearing proceed slowly, so Adam could understand it as much as possible. The judge and county attorney carefully explained their roles. Because we had a new judge, the county attorney recounted Adam's story; she did so with great skill and compassion, aware that he would understand her words. I spoke for several minutes about Adam's positions as to permanency, his hopes for the future at school and at home, and his interest in seeing his birth family. Lesley and his guardian ad litem spoke as well. We stopped several times so the interpreter could check Adam's understanding. When asked if he wanted to say anything, he did; when asked whether he had any questions, he asked a simple one.

The outcome of the hearing was not in doubt; all parties agreed that Adam would be adopted by Lesley. With Adam's consent and Lesley's intent to adopt, the case entered the pre-adoption phase. Pre-adoptive parents, even foster parents, had to proceed through several steps: a home study, physical exam, criminal history check, foster adoption class, and filing of a petition to adopt. I was told that the process generally takes several months.

WAITING, WONDERING, AND WORRYING

In church a few days earlier, I had learned two words pertaining to Advent, when Christians await the birth of Jesus. To sign *plan*, the hands line up a bit to the left, six or eight inches apart, palm facing palm, perpendicular to the ground, and move in unison to the right, slightly up and then down. *Signing Illustrated* explains that the hands are “placing things in correct sequence”—just what I like to do. To sign *wait*, both hands curve face up, the right hand slightly behind the left, and all fingers wiggle. *Signing Illustrated* explains that “the wiggling fingers suggest impatience,” which certainly fits my kind of waiting. At the time, I did not foresee the pertinence of *wait* to Adam’s case.

The long winter brought discouragement, if not despair. Every time I talked with Lesley, she had sobering news about Adam.

In early February, when I called Lesley to check the time and place of one of Adam’s basketball games, the first I could attend, I learned that Adam was not playing basketball. He had been so disruptive at the charter school for the deaf that they asked him to quit the team, then expelled him from the school. I was sorry to miss seeing Adam play basketball with his peers. I thought we could communicate better if I saw him in that setting. Even more, I wanted to see him enjoying himself, doing what teenage boys do.

Soon Adam would start attending a school with a therapeutic approach to emotional and behavioral disorders. The many experts in his life—his teachers, therapists, social workers, especially Lesley—thought it was time to focus on his disruptive behavior and tend to his deafness and cognitive delays later. Adam would soon have a personal-care attendant after school to help him learn hygiene and basic manners.

Adam was, in current parlance, “special.”²¹ Speech or language impairment, involving difficulty in articulating words or understanding their meaning, is the most common primary diagnosis for children in lower elementary grades. For pre-teens, the most common primary diagnosis is a learning disability—a child’s actual achievement in school is well below his potential, based on intelligence tests. Emotional disturbance—behavior so out of control that it affects the child’s educational progress or that of students around him—is often diagnosed in adolescence.²² Adam fit within the first and third, and perhaps into all three, categories.

²¹ *Special-education categories and medical diagnoses are very real, and yet also artifices. Less important than diagnosing and treating is dealing with a child as an individual, with strengths and abilities as well as needs.*

²² See Natl. Dissemination Ctr. for Children with Disabilities, *Who Are the Children in Special Education?*, <http://www.nichcy.org/pubs/research/rb2txt.htm> (July 2003).

The consensus among the many experts who worked with Adam seemed to be that the cause of his disabilities was fetal alcohol syndrome or perhaps in utero exposure to cocaine. Fetal alcohol syndrome (FAS) leads to growth deficiencies and central nervous system problems, according to the Centers for Disease Control. A person with FAS may have problems with learning, memory, attention span, communication, and hearing. These are the “primary conditions.” The “secondary conditions” are being at risk for incomplete education, psychiatric problems, unemployment, and criminal behavior. “Protective factors” are special education; social services; and a “loving, nurturing, and stable home life.” FAS occurs about once in 1,000 live births. FAS is 100% preventable, if the mother does not drink alcohol while pregnant. It is irreversible.²³

Adam was born near the end of the crack epidemic. The effects of cocaine exposure in utero can include prematurity, low birth weight, small head circumference, visual impairment, mental retardation, and developmental problems. And adults addicted to drugs such as crack are likely to abuse or neglect their children.²⁴

Was it because I am a lawyer that I wanted to categorize Adam, to establish cause and effect, to understand Adam’s past? None of this would change things—his situation would be the same, we would still have our challenges communicating, I would still need to present what he as an individual boy wanted. His teachers, therapists, social workers, and caregivers had little time for these inquiries as they grappled with his present challenges, as they sought to find ways to help him make it through each day. As my husband has demonstrated to me through his work with his students, labels matter less than daily caring and new strategies.

Before I met Adam, I didn’t notice people signing. Or perhaps I saw the busy hands and body language, figured the people were signing something, and thought no more about them. Once I came to know Adam, I saw signers everywhere; I could not help but stop and watch, then wonder about Adam’s life.

One Sunday afternoon, I helped serve Sunday dinner to homeless people. My station was serving the bread. I liked this duty because I could talk with every guest: “White or wheat?” Wheat and white were equally popular. “Thanks.” “You’re welcome.” A few words, but a slight feeling of connection. That Sunday, one guest shook his head at me when I asked “white or wheat?” I didn’t want to give him my choice, but the line was

23 Ctrs. for Disease Control & Prevention, *Fetal Alcohol Spectrum Disorders (FASDs) Facts*, <http://www.cdc.gov/ncbddd/fasd/facts.html> (accessed Apr. 10, 2010).

24 Am. Council for Drug Educ., *Basic Facts about Drugs: Cocaine*, <http://www.acde.org/common/Cocaine.htm> (accessed Apr. 10, 2010).

slowing behind him. So I held up the two options, he pointed at one, and I put it on his tray. He then looked up at me, touched his fingers to his chin and extended his hand towards me. After a moment, he moved on.

He was gone before I realized that he was deaf, that he had signed *thank you* to me. I thought hard: how do you sign *you're welcome*? I had been taught the sign, but I couldn't see it, couldn't remember it. No matter; the deaf guest was well past me, and my hands were busy serving bread to the next guest. I may well have been the only person in the room who could communicate, at least a little bit, in sign language. Would his day have been different if I had managed to sign *you're welcome*?²⁵ Would this be Adam's Sunday dinner one day?

A few weeks later, I flew on business. As I approached the baggage claim, I spotted a clump of five or six teenagers and their welcoming families. I could see from a distance that at least the teenagers were deaf. Home from a long trip, they and their families had much to sign to each other, fast and excitedly. Observing this delightful scene close up, I winced. As their attire revealed, these teenagers went to the charter school for deaf kids Adam had briefly attended. They had just come home from a school trip to Sweden. Adam had looked forward to the trip, before he was expelled from the school for disruptive behavior.

I always called Lesley from home; I wanted to avoid the risk of emotion intruding at work. After hanging up, I would pause to let my emotion out, sighing, shaking my head, sometimes closing my eyes to stop the tears, staring out the window. I would check the impulse to call my husband—a gifted listener and my treasured confidant, but a teacher with his own special students to teach during the school day. Then I would take a few notes in the spiral notebook that served as my day-file for Adam's case.

Adam's—and Lesley's—options were dwindling. As one door slammed shut, no other door opened. Adam was more and more committed to staying with Lesley. But I wondered whether Lesley would say the same, whether she was thinking about rescinding her intent to adopt him.

CARING FOR ADAM

With Adam out of school, Lesley's house and neighborhood were his world. Lesley's house was always full, full of people, furniture, laundry to fold or wash, homework to be done; the scent of fried chicken or macaroni

²⁵ No. Knowing some finger-spelling or a few signs is not equivalent to the fluency that would enable full human contact and communication.

and cheese, recently cooked and eaten; the muted voices of TV shows and video games, the louder voices of children interacting peacefully or otherwise. There, Lesley, a single woman in her mid-thirties, was raising nine children, ranging in age from an infant to seventeen-year-old Nicholas. She had adopted most; she was the foster mother of the others, including Adam and his sister Lacey.

Lesley came to her work by providence. Seventeen years ago, a baby boy was abandoned by someone she knew. Because she worked in a shelter for abused women, she knew it would be a long time before the court found that baby a caring, competent mother. So she undertook to care for him, and the court granted her permanent custody. Lesley's newest child, a baby girl, came to Lesley's home directly from the hospital. The baby was born six weeks early to a mother whose older children were CHIPS kids. When the baby left the hospital, she weighed only four-and-a-half pounds and went by Destiny, the name Lesley chose for her. Lesley's goal for Destiny and Adam and her other children was that they become "productive members of society" by the time they were adults.

From what I have seen, people who do work that others dare not try have an over-abundance of some critical trait. For Lesley, that trait was resolve, a "fixity of purpose" according to the dictionary. With Lesley, there was no nonsense, no pretense, no false hope, no understandable yet unproductive despair. As Adam's options dwindled, she moved on to another strategy. I doubt that she allowed herself more than a few moments of sadness, and those moments came only when she was alone. She carefully managed her resources, pressing the CHIPS system to provide the services her children needed, conserving her energy by taking a weekend per month off while others provided respite foster care.

My husband and I had been respite and emergency foster parents for five or so years a decade earlier. We served pre-teens with disabilities and teenagers in troubled relationships with their parents. We provided a safe house, attentive adults, family structure, food, and some fun, often with our daughters who were then in elementary school. We knew our limits; we were not doctors, counselors, therapists, or the police; we could not, and did not try to, cure the ills or change the lives of our foster children. Rather, our role was to be present in their lives while they were with us.

I thought of this in mid-summer, when I visited Adam to talk about what I thought was his imminent adoption. I arrived early, and his therapist was still working with him and Lesley, along with Adam's personal-care attendant and Albert. Appropriately or not, I watched the session. The topic was his behavior around the house, and the focus was on making a very small step toward getting along better with the rest of the family. The conversation was painstaking, not only because it was

signed, but also because each important idea was repeated by the therapist and echoed by Adam. I wondered how well this discussion would stick, suspecting that Adam might improve at first and then backslide a bit, as my children did when they were little and taught to obey a new rule of social interaction.

When the therapy session ended, I asked everyone but Albert to leave so I could talk to Adam confidentially. It seemed that the room lost energy, focus, salience. The others helped Adam live his life. At that moment, my role in his life felt very attenuated, abstract, indirect. My role was not to be present in his life, but rather to operate on its periphery, within the legal system. As I had learned at the CLC training, that was my territory.

As much as I knew this and respected this demarcation, I still longed to see Adam play a basketball game. I never played myself to speak of; I'm not particularly fond of the game. A basketball game would have nothing to do with his case. But it was playing basketball that seemed to bring him the most pleasure, and I wanted to see him having fun, doing what he did well, operating without the constraints that made our interactions challenging. I wanted to see him as a boy, and I wanted him to see me as his heart-felt fan, in a way he could appreciate.

November was National Adoption Awareness month. On the 18th, twenty-nine "special needs" children, that is, CHIPS kids, were adopted by twenty-four families. Adam and Lacey were not among them.

For many years, finding adoptive homes for children such as Adam was difficult because services available to foster parents would not be available to adoptive parents. New adoptive parents experienced as much as a fifty percent drop in benefits. Under the new federal Title IV-E Child Welfare Waiver Project, a continuous benefit system would raise the assistance benefits for adoption equal to the rate paid for foster care. Adam, an African-American teenager with disabilities and a sibling, was a good example of the intended beneficiaries of the Title IV-E program.²⁶ In 2006, as Lesley's adoption of Adam and Lacey was pending, Minnesota was conducting a demonstration study of the new program. Families were assigned to the program or a control group on a random basis. Lesley's family was assigned to the program; this made her adoption of Adam feasible.²⁷

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 26 See U.S. Dept. of Health & Hum. Servs., Administration for Children & Fams., Children's Bureau, *Title IV-E Adoption Assistance State Self-Assessment* (Nov. 2007).

27 For a description of the Minnesota program's development, operation, and preliminary results, see Gary L. Siegel, Ph. D., *Permanency and Child Well-Being: An Examination of Preliminary Data from the Minnesota Permanency Demonstration*, <http://www.iarstl.org/papers/MNPermanencyEffects.pdf> (July 2009) (finding a range of positive outcomes, including general well-being, school attendance, and health).

But her petition to adopt Adam was mired in the bureaucracy for months. More than once, we told Adam that his adoption day was near, only to learn that the necessary steps had not yet been taken. It was a new program, so the kinks weren't yet worked out; there was an issue about the meshing of two types of support for his needs; his file was lost, or just lay for a very long time, on someone's desk. The legal oxymoron—proceeding with all deliberate speed—fit all too well. I and everyone else involved in Adam's care or case kept our fingers crossed for months.

RETURNING TO COURT

A year and a week after the hearing when Lesley and Adam agreed to the adoption, the court finalized Lesley's adoption of Adam and Lacey. The judge wore a black robe and presided from the bench in the adoption courtroom, a small courtroom decorated with posters drawn by children to celebrate their special days. At the appointed time, we were missing Adam's guardian ad litem and the interpreter. Twenty or thirty minutes later, we went ahead anyway; this moment was long overdue.

The proceedings were brief, almost too brief. The judge took Lesley through the litany formally establishing her adoption of Adam. With no interpreter to watch, Adam gazed at Lesley. When the judge pronounced Adam her adopted son, Lesley turned to Adam and signed *adoption finished*. Both of her hands closed on and picked up an imaginary garment—*adoption*. Then, opening up and facing out, her hands dropped down, then swept up and to the side—*finished*. It took several tries for Adam to understand, or more likely believe, Lesley's message.

After a gentle reminder, the judge performed the same litany for Lacey, and the picture taking began. In the pictures, the judge wears a black robe; Lesley wears a white sweater and tan skirt (the only time I saw her in a skirt); Lacey wears a party dress with a black velvet bodice and a shiny, green and gold full skirt; Adam wears an earth-toned, patch-work sweater and off-white pants. Barely visible are Adam's day-old black eye and stitches from a scuffle with a boy from the neighborhood, over whatever small slights lead teenage boys to punch each other. As soon as Adam left the courtroom, he disappeared into his bulky jacket and pulled up the hood.

MOVING ON

As Adam's adoption day neared, I e-mailed a question to CLC: "Do you know what role a lawyer has once there has been an adoption?" I thought I might be involved in securing social services as Adam grew up. The answer: "We close the case."

As a lawyer and law professor, I've often used the word "voice." Before Adam's case, I had thought and taught about how our legal system affords its citizens voice—the right of expression. I had also thought and taught about how lawyers effectuate that right by giving voice to clients' wishes and opinions. I had entirely missed the significance of the client's ability to hear the voices of others and speak to them.

I may never have another deaf client (although I have volunteered to be appointed for future deaf clients through the Children's Law Center). Even so, I keep my ASL materials in my office, in plain sight, close at hand. They remind me of how far lawyers must sometimes stretch to be meaningfully heard by clients. More important, they remind me of how much a client's silence—particularly the silence of someone who is poor, young, disabled, with little education or nurture—may all too effectively conceal.

A year and a half after Adam's adoption, I drove by Lesley and Adam's house. I pulled over to think a bit about them. A car drove by and parked in front of the house. Two lanky teenage boys and a beefy young man, all clad in tight white t-shirts and very low-slung shorts, walked, one by one, into the house. First came Nicholas, then Adam, then Adam's personal care attendant. Adam was holding something close, a black puppy, I'm quite sure. I thought about calling to Adam, but of course he wouldn't hear me. In any event, my role in his life was, for the best of reasons, over.

Some Questions for Discussion

1. Most of the story is about words. In how many ways is Adam's story told? How well do these forms of communication serve Adam? Whom do they best serve?
2. Adam's deafness posed an unusual challenge to the author in communicating with her client. In what ways might lawyers working with hearing clients need to learn to read their signs? Do lawyers speak a different language than non-lawyers?
3. The author remarks that she needed to read between the lines of her conversation with Adam. What does she mean? How did this come to happen?
4. Words are less meaningful to Adam than images. What does the legal system *look* like to Adam? What do those images convey?
5. List the facts about Adam that the author reveals. What traits or experiences does the author share with him? How are they different? Did they bridge their considerable gap? How? Is there some outer limit on how different from a client a lawyer should be? Might some gaps be unbridgeable?
6. Basketball comes up several times. What role does it play in the relationship between Adam and the author?
7. The author refers, with regret, to the popular image of the lawyer as hired gun. Does this metaphor fit the author's role in this case? What does the author do with and for Adam?
8. How much of a role does emotion play in the author's experience of the case? *Should* emotion play much of a role?
9. How does the author's work with Adam change his life? How does it change her?
10. Does the story end happily ever after? What does "happy" mean here?

