

There are certain times of the year that most of us look at as times to start: start pursuing a health goal, start preparing for a career change, start learning a new hobby, start practicing a new habit. Birthdays, Lent, and the New Year are green lights for me to try to fix, handle, change, or improve some things, some places, or myself. But lately, I've been thinking in terms of being transformed, rather than simply changing things.

I'm inspired by Bryan Stevenson, a criminal defense death penalty attorney, author, professor, and subject of the movie and book "Just Mercy." He talks about the power of proximity. He believes that being close to the most marginalized people in society is critical as a pathway to insights and discoveries. He says closeness - that "witnessing" - is often transformative.

I'd like to share with you some experiences I've had as a Public Defender that have transformed me.

This January, I will have completed 25 years of service with the Washtenaw County Office of Public Defender. When I first started, I didn't understand my clients because my knowledge of the child welfare system/dependency court was limited to one semester of Family Law and television. I remember being shocked when a 17-year-old I was representing told me he had no parents, lived in an apartment by himself, and paid for it with a check he got from the state. I remember saying to him, "The state gives you a check to live on your own? That's a stupid idea."

In one of my first felony trials, I represented a young man who grew up in foster care and had aged out of foster care. We were about the same age, both in our late 20s. He was charged with carjacking (a capital offense) and looking at life in prison. Not one single person ever showed up in court to support him. He had spent most of his teens and adult life in what he described as "in the streets" (as opposed to saying he had been homeless).

For a year and a half, I did both preliminary exams and child welfare cases. Every week or so, a particular young man would appear before the referee on the child welfare, post-termination docket (his parents' rights to him were terminated). He wasn't my client, but I came to know him. He was struggling, so he was required to appear in court every week. I was in the court room when his child welfare case closed. Not even two weeks later, this 17-year-old became my client and was sitting across from me at the jail, charged with home invasion. He and a few other former foster youths were living in what they thought was an abandoned home. He was charged as a squatter. The case closed with him homeless - no place to live, no legal source of income, and no support systems. That was the first time I understood, in a real, practical, and visceral way the direct link between the child welfare system and criminal justice system. It made me want to vomit.

Sitting next to that young man in court that day changed everything for me. He had two "cases" (a foster care case and a criminal case), but in truth, he had a life he was trying to survive. He was surviving a life of neglect and abuse in his family. He was surviving a foster care system that couldn't replace his biological family with an adoptive family to provide stability and support to him. He was surviving being raised by a series of case workers, referees, and judges with limited resources and capacities. He was surviving being homeless and hungry. And these two cases were ways of describing his circumstances in the midst of him trying to make a life. This young man's choices weren't simply "bad choices." They were his life of survival - a life that I couldn't really see until I was sitting next him. Until we were in proximity.

Working as an Assistant Public Defender, you get really good at seeing the opportunities to start something new for yourself or someone else: opportunities for better funding for indigent defense so that there are enough attorneys to meet the need; opportunities for racial and economic equity; and opportunities for restorative justice. There are lots of things we want to fix, handle, change, or improve.

That brings me back to the New Year, 2022. Transformation is much better than fixing, changing, handling, and improving. It's real and it's impossible to do without getting close and uncomfortable. So, I'm looking for one, just one, area where I could either get proximate or get even closer, and become uncomfortable enough to be transformed. I hope you'll join me.