

Ep #132: When People Need Answers But Can't Afford More Legal Help (Voice of the Client)



Full Episode Transcript

With Your Host

John E. Grant

[The Agile Attorney](#) with John E. Grant

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John: This week I'm going to play you an interview I recorded back in 2021. And I spoke with a really nice guy named Jason who was going through a contested divorce and describing what it was like to run out of money halfway through his own case. Most of you probably haven't heard it. It came out early before a lot of you found this show. But I'm bringing it back because of something Jason says about halfway in, about questions and what they cost him.

Next week, I'm going to run a new episode about people taking their legal questions to AI. Whether it's to try to handle things on their own, to prepare for or better understand their work with their lawyer, or even to second guess the advice you and your team are giving them. But I wanted to replay this interview first because I think that conversation will have a lot better context once you've digested this one.

You're listening to *The Agile Attorney Podcast*, powered by GreenLine. I'm John Grant, and it is my mission to help legal professionals of all kinds build practices that are profitable, sustainable, and scalable for themselves and the communities they serve. Ready to become a more Agile Attorney? Let's go.

So, when I first started this podcast, I shaped my earliest episodes around what I called the Voice of the Client. It was and still is my belief that lawyers don't really do a great job at understanding what's actually happening from the client perspective when they work through a legal problem. And recognizing that getting direct and honest feedback from clients is actually pretty hard to do, I set out to do it for you. And I'll have a new Voice of the Client episode for you in a few weeks, but five years on, I still think about this interview a lot. So I hope you'll give it the attention it deserves.

I'm happy to welcome Jason to the podcast. And Jason, why don't you give me sort of your brief bio and background and tell me a little bit about the legal matter that you had to use an attorney for?

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Jason: Okay, so, as you said, my name is Jason. I'm from Western Mass, a small town, Orange, Massachusetts. Right now, currently my, I don't know if I want to call it my profession, but what I do to make money, I'm a maintenance technician at an industrial plant. So that's what I've been doing for a living for about the past 10 years. As far as what brought me to needing counsel, to search for a lawyer was I ended up in a divorce. And in the course of that divorce, we tried to mediate it. We had hired a lawyer to go through the mediation proceedings with us. And I didn't, I ended up not liking the terms that got laid out for me. So it turned into a contested divorce at that point. I started to search for a lawyer. So that's what brought me to seeking a lawyer.

John: Right. I'd love to learn a little bit about your take on the mediation process, if that's an okay place to start. I mean, tell me like what was your thinking or your and your ex-spouse's thinking when you felt like hiring a mediator was going to work for you?

Jason: We were both going into it blind. This is both of our first marriages. Neither of us have been through divorce before. So yeah, we were both largely blind as to what to expect, what the possible legal ramifications might be of this, everything, everything that goes along with it. We'd never given it any thought. Before we hired the mediator and so, I can't speak for my wife or my ex-wife, but I can speak for myself is that I kind of thought that the mediator was going to walk us through the divorce process, the mediation process step by step and basically help us mediate our divorce.

And what it actually turned out to be in my opinion was it seemed, and I guess it's my biased opinion, it seemed almost like a forcing me to go with what the state regulations. I'll give the example of child support off the bat. Right. He basically said, and this wasn't the only contested issue, but he basically used the top of the line guidelines. You know, there's there's a level that the judge can go between. They don't have to pick the top amount of money. And he basically put the top amount of money on there

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and tried to tell me why I needed to accept it because this is probably what was going to happen anyways.

So, yeah, it very much seemed of I should sign off onto what my ex-wife was wanting is kind of more of what it seemed like instead of instead of mediating, trying to get us both to talk and come to terms. That's what I expected was a mediator.

John: Yeah. And why did you think, you know, the mediation path? I mean, was it that you felt like it would be simpler? Did you feel like it would be less contentious? Did you feel like it would be cheaper? I mean, what was it that, you know, and I know you can't speak for your ex-wife, but for you personally, what because obviously you know that hiring a lawyer was an option from the get-go. So what was it that attracted you initially, even though it didn't work out, what was it that attracted you to the mediation pathway?

Jason: Because the divorce seemed so simple in its own context. There was, it was a simple matter of we had grown apart. So there was nothing, there were no charges against either of us, no allegations of abuse or neglect or anything against each other or our children. There was nothing more than we'd want to nullify our marriage and get it done. So I very much thought that it would be the easier course to go because there was nothing really to be contested, so I thought. And then it obviously it turned into things that yeah, I contested quite a few of the things that were in it. Yeah.

John: Yeah, that's interesting. So I mean it sounds like maybe, well, let me ask this as a question. I mean, did the mediator, what sorts of things did the mediator do at the early stages, you know, when they you're sort of being onboarded to let you know what the process is going to be like, to help you understand, you know, what the purpose of mediation was, what the flow is going to be, things like that?

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Jason: Oh, we're going back a while. In that meeting, I can't, I mean, I don't know if I can answer those specific questions because I know I was in there. I was, I don't want to say nervous, but I mean, new process. I'm nervous about that.

John: Yeah, what's completely new.

Jason: I don't know what's going to happen. I don't remember him explaining too much about the point of the mediation other than going through the process of what it was going to happen. And I could be wrong. He could have told us more, but basically he said we were going to come to the agreement that he was going to mediate for us. We were both going to sign it and then he spent more time going through the process of when we were going to have to appear in court, what we were going to have to do when we go there, how long it was going to take to finalize those kinds of steps of after mediation. I don't remember him explaining too much about the mediation itself.

I know that it quickly degenerated when my ex-wife basically started stating what she would like the custody to be, what she wanted the child support to be. She had no clue on the child support, but she didn't, she wouldn't enter into discussions on any of it as far as possible overnight visitation that I might want, that she wanted it differently.

When we found out how much the absolute top tier of the child support guidelines were going to be, she wouldn't enter into any discussions about considerations of lowering it, taking other things into context to make it a more appropriate my mind, she wouldn't even enter into discussions and the mediator did not do anything to, I guess, assist her to help listen and maybe we could come up with a with an intermediate ground. It was pretty much him just convincing me that I needed to accept these guidelines because if I fought it in Massachusetts, you know, it generally tends to go towards the wife, so on and so forth.

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So it essentially I felt like he was just trying to convince me to take what she wanted. And it didn't feel like, it didn't feel like mediation at all. So I didn't sign the papers. They sent mediation papers, I didn't sign and my, I told my ex that I refused to sign them and that I'd be seeking an attorney for a contested divorce at that point.

John: And did you pay the mediator? Was it a flat fee? Was it hourly?

Jason: It was a flat fee. The mediator was a flat fee. I can't remember exactly how much it was. I want to say in the area of \$500. I want to say.

John: Okay, so not terribly expensive as these things go. And this was a few years ago, so a little bit of inflationary pressure since then, but...

Jason: About eight years ago now, roughly.

John: Okay. And do you feel like the mediator was really giving you individualized attention on your case and your situation or do you feel like maybe he was sort of pushing you through a quick resolution in order to sort of get things over with, I guess?

Jason: I know you didn't want to lead the question there, but yeah, absolutely. It very much seemed like this was a standard procedure kind of a thing. He was very used to going to it going through it. As a matter of fact, when we got sent the original papers to sign, because we both got sent a copy. We were still living at in the same household at the time.

He sent us copies of a paper from a different case that he was working on. So we received the papers for a completely different couple that he was doing a mediation for as well. So it was kind of like, so how many of these things are you shuffling around if you can make this kind of a mistake? So I knew all the intricate details of this other people's divorce. You know, and yeah, so it did, it seemed like, yep, this is standard procedure. I'm just

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going to run you guys through this, check the box and we'll go to court and thank you very much.

John: Yeah, I wish I could say you're the first person I've heard of that happening to, but unfortunately, yeah. If it was the first, right? Yikes. And by the way, since I since you're not on the witness stand, I get to ask leading questions. I am a lawyer, but I'm not going to apply the full rules of evidence to the podcast.

Jason: Right.

John: But thank you for recognizing. It's obvious that you, that you paid some attention. Well, so take me through then, you decided not to sign the papers and decided you needed to seek individual counsel.

Jason: Right.

John: Like, before we get to the how, like, try to like help me understand what's your mental state at this point?

Jason: Directly after the whole debacle of the mediation was, I was definitely stressed. I was high stress. I ended up not staying at the house the night that the mediation supposedly ended. It was, yes. So I was completely distressed. I didn't think it needed to go to a contested divorce. I was immediately upset that she wouldn't consider, you know, any kind of mediation, any kind of consideration of what I might want. So, yeah, my mind is racing at this point, you know, and not only the fact that, you know, the divorce, it involves children, relatively young children. So, I'm a very conscientious father.

I have training. I worked with for 10 years of my life with youth at risk in dormitory settings. I've dealt with many crisis situations, the psychological effects of trauma on children, so on and so forth. So I was very well versed in that. So I'm I'm concerned about that in itself, the mere fact that, okay, we're going to get divorced and I'm I'm thinking about, you know, how to

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deal with my children in this as best as possible. Now I have to all of a sudden deal with a contested divorce and spending money I don't have. And what's it going to lead to and trying to move out and yeah. Oh, yeah, high stress. Very, very high stress.

John: Yeah, and it sounds like multiple levels of stress.

Jason: Oh, absolutely.

John: In that mental state, you now have to find a lawyer to represent you. Did you ever consider doing it alone?

Jason: No, not at first. No, because every everything I had read about, every person I had talked to, some of them being lawyers obviously, they basically said, do not represent yourself in a divorce, especially if the other spouse has a lawyer, you'll get crushed. You don't know the, yeah, you need somebody there representing you to go through it was the recommendation for I think just about everybody I asked. So, no, I didn't consider it at all. I was going to get a lawyer to every bit of my ability.

John: Yeah. And how did you go about finding a lawyer?

Jason: I looked on ads. I consulted the Yellow Book or the Yellow Pages, if you can remember those. So I went through all that kind of stuff. I called many lawyers. I remember I specifically wanted to focus in the Hampshire Valley area because it's much more of a progressive area. A lot of colleges, I figured I'd have a lot better luck getting a more progressive lawyer because custody battles and divorces are known to be contentious. From what I'd been told. I hadn't gone through any yet.

And I knew I wanted to, if possible, hire a female attorney. That was my opinion. In my head, whether it's right or wrong or whatever it is a stressful moment that I'm thinking and I thought that a female attorney would be much more understanding of a father's desire to have time with his

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children. Get more time with his children. I also felt that in a divorce, female lawyer would not be looked at as trying to fight against the so-called system like a like a male attorney fighting for a male client in divorce might be. Psychological kind of stuff. I'm thinking already about what this is going to look like in court, kind of thing.

So whether right or wrong, those were the two things that I was kind of looking for if possible. I mean, obviously if I found a kick butt attorney that totally aligned with everything I thought, I would hire them regardless. But so that's what I tried to do. That's what I was looking for.

John: And it sounds to me, I mean, reading through the lines a little bit, that you were maybe concerned about there being a default presumption in favor of mom keeping the kids.

Jason: Absolutely.

John: Yeah. And I know that's not the case, I think in most if any states at this point anymore, but there's still a lot of culture around that these days.

Jason: Absolutely. At the time, the numbers were still in Massachusetts were absolutely they tended to favor the female in custody battles over the mother over the father in most custody battles in Massachusetts at that point in time. And I think it was a little sidebar. When I was doing the research at the time, I think it was under 10% of divorces get contested to the point where they go to trial in Massachusetts. What bearing that has on anything, I don't I don't know. I just it was a point that came in my head at the time.

John: Yeah, well, I mean, I could, again, I don't want to lead the question too much, but I mean that could when you know those numbers, it leads you to think that, oh, I'm, you know, yeah, it might cost thousands and thousands of dollars to take a divorce all the way to trial, but there's only a 10% chance that I'm going to have to get that far.

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Jason: Yes.

John: Got it. So you decided to hire a lawyer. How did you land on the particular person you picked?

Jason: I got the context of what I was looking for. I found a lawyer out of Northampton, Mass and a divorce attorney. She was a mother herself and found out just through talking with her initially, the first consultation. And she fit what I was kind of looking for. She sounded kind of like what we were talking about before. You know, the type A personality. She was aggressive, but not mean or demeaning. She seemed very smart and on top of her game. Yeah. So I picked her.

John: And how did that make you feel? You know, in terms of the stress that you had before looking for a lawyer, once you said, okay, I think I found the right one, you know, what sorts of things did that do for your mental state?

Jason: Initially, I thought I was gold, you know, because like you said, like we were talking about, my stress level was skyrocketing. And so to know that I that I felt like I had somebody that was on my side that was working for me, that was going to guide me along the way, you know, that I was going to be able to, you know, give my fears, my stresses, my questions. I would be able to talk through this whole confusing process. I thought I had my back, you know, that they had my back. And so I could completely pretty much let go of all that stress because I knew I had somebody there working for me, working on this case. So I could forget about it, so to speak. Obviously, it's in the forefront of your mind every part of your day while you're going through it, whether you have an attorney or not. But I thought I could let go of a level of that stress. And initially, I did. It was great until probably about three quarters of the way through my retainer fee.

John: Okay.

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Jason: And my retainer fee was about all I had at that point in time. So that's I lost counsel at that point. Once I lost that. But I started obviously I had concerns about the whole process going on, questions to ask her. So I would shoot her emails and shoot her emails and ask questions and a lot of times I wouldn't get responses or I'd get late responses. And then at one point, she ended up emailing me and she said, you know, I understand you're very concerned about this case and you have a lot of questions going on, but I need to make you aware that every time you email and I respond to you, I have to charge you money for my services. And that statement blew me away. That one was like, wait a second. I thought you were kind of my voice box here. You know, it's like, I've got questions about my case going on. I didn't I didn't think there was a limit to the questions I could ask based on how much money I had. I, yeah. So that was that was an eye opener to me. So it basically said, so I can't I can't afford to ask my attorney questions.

John: Yeah, which is another way, I mean, if I'm if I'm interpreting this right, of saying, I can't afford to let go of my stress. I have to hold more of it.

Jason: Bingo. You know, and so that's right about the point in time when I when I knew that this was probably not going to go right because that just added stress, you know, to the to the fact that, yeah, now I just have to wait and see. I'll I'll talk to my attorney on I guess the day we show up at court, you know, so...

John: Yeah, and it's and it's that particular, you know, I often teach my own children, right? That there's there's nothing more disappointing to a human than unmet expectations.

Jason: Yeah. Yeah.

John: And so, I mean, it seems to me that you had an expectation and whether it was, you know, and this is me thinking in the context of, you know, so much of what I see in the lawyer literature, she actually, you know,

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based on what you've just described, she executed the playbook as I understand it to be written, right? That we do, you know, lawyers do charge by the hour and time is money and, but that what I'm hearing is that wasn't your, it certainly wasn't your hope, but it also wasn't your expectation at the beginning of the representation. It wasn't made clear to you up front that, hey, every time you email me, it's going to be a 0.1 or a 0.2 on your bill.

Jason: Exactly. No, I was definitely not aware of that.

John: What were you aware of? I mean, thinking back again to the, you know, the time when your hopes were up or at least your stress was down, what sorts of things did that lawyer do to, you know, set expectations or draw you a road map or help you understand, you know, hey, this is how things are going to go?

Jason: I can't remember the exact specifics. Like I said, it's been a long time. I only remember meeting with her personally outside of the court twice, once for the initial consultation, in person consultation and then one other time for a paper signing that I had to do at her office. So those were the only two times I saw her. She seemed very well versed in what I needed to do as far as, okay, so the custody thing.

In Massachusetts, I had I had already researched this. In Massachusetts, until temporary orders are put into place, it is assumed that it's going to be 50/50 custody unless there's a, you know, degree of danger or something like that can be that can be recognized. So, so basically I laid out my guidelines for how I was going to have the custody and the visitation go before we got temporary orders before we even hired lawyers.

So I work, side note, I work 12-hour shifts, a bi-weekly schedule. So my personal work schedule at the time did not and still does not allow for total 50/50, you know, one week for one week kind of kind of visitation schedule. So I was trying to set it up to where I could have my kids basically on every day that I have off, which is just about half the calendar year as far as

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calendar days go, not hours, calendar days, and set up overnights for one overnight during the week and overnights on weekends.

So she seemed very well versed in what I needed to do for the best things in my interest to look good in court, essentially. These are the things that you're going to want to do. You're going to want to start saving your grocery receipts and your check stubs and the situation that I'd moved into, there wasn't another bedroom immediately available for my kids. So I was sleeping downstairs and I was letting the kids have the only one room. I was redoing the room that they were going to have for their room at the time. And she said, basically, you need to you need to make that happen immediately. She said, you need to go out and buy beds for your kids. You need to get that room done. You need to get them in there. You need to be able to show the court.

So that kind of thing that she seemed very well versed in not only the process of the law, but what I was going to need to do to look the best in the eyes of the court as far as, yes, this father deserves the right to have this time with his children. So initially, it felt great. She seemed like, yeah, okay, I'm on it. I'm going to Sears, I'm buying mattresses. I'm getting the bunk bed, you know, I've got paint and off I go, you know. So that felt good. That felt reassuring and very empowering. That was that was how she kind of initially put my mind at ease.

John: Got it. But it sounds to me and I may, you know, obviously this may not be the whole picture, but it sounds to me that maybe she focused a little bit on some of the, you know, highly technical in the weeds action items for you to take care of, but didn't necessarily give you a strong sense of the big picture. Or is that is that a false assumption?

Jason: I guess probably, maybe. I guess I she didn't she didn't give any indication where she thought that it might go to trial. She didn't say these kinds of things explicitly to me, not that I remember at least. It very much

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seemed like she was kind of she was used to the process as it was. We're going to mediate this in court. You know, yes, it's contested, but we're going to end up coming out of the court without having to go to trial. It seemed like that was more of what she was gearing up for the short haul, not the long haul.

John: Right. Okay. And let me jump backwards just a little bit. Tell me about the fees that she charged and the retainer that you that you put up.

Jason: To gain her services, it was \$5,000 flat out. And...

John: And that was a retainer, not a flat fee.

Jason: Yes. Yes. That was that was retainer. So the way I understand retainers is, you know, you give this out until it's used up and then you start getting billed. And that's that's was my understanding of it simply, I guess. So that's that's what it cost. I had to sell my motorcycle to do that. So I'm not rich. I don't have, you know, money in the bank. You know, there's not, yeah, it's we're okay, but we're not well off. You know, at this point in time in our lives. So we didn't have any extra cash saved up. Plus I just moved out of my house. So I got new rent. I've got all this new kind of stuff going on. I just had to buy a stove and a refrigerator and all kinds of things. So I sold my motorcycle to hire the lawyer and that was how I got the money. And that ran out. I had no more money, so I had no more lawyer at that point.

John: Was it at all clear to you when you signed that engagement and made that first check that's how it was going to go?

Jason: I can't remember. I can't remember. I think she might have she might have been one of the ones, you know, and I can't be necessarily quoted on this. She might have been one of the ones that kind of clued me into the beginning with that very few divorces go to the full extent. I think she may have laid it out for me as far as what her expectations of how this were going to go and I don't remember her expectations being a trial.

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So maybe she thought that the \$5,000 would cover, you know, whatever services she's going to have to render or not. I do know it was not made clear to me that I would that I would possibly have to be spending more than \$5,000. I remember that.

John: Got it. Okay. So you had the belief whether in retrospect it was valid or not, that \$5,000 should get you through it.

Jason: Through it. Right. Right.

John: So then, tell me about how, you know, I guess where were you in the case, but more importantly, like how did things start to, how did your relationship with your lawyer change as the retainer ran out?

Jason: By the time we got to the temporary orders coming into, we were about to go to trial, do the to the courthouse to put the temporary orders in place, file the temporary, battle for the temporary orders, whatever it might be. We were almost there and that's when she indicated to me that I think I had like \$500 left or something like that. And if I was going to, that's when I knew that or she told me that if I was going to continue to want her counsel, I would have to start paying. She was going to be billing me and I need to start paying it. And I told her that I wasn't going to have the money to be able to do that.

At that point, she, I still she was great as far as I'm concerned. At that point, she said, okay, we'll go to the temporary orders hearing, I'll get you through that. We'll see where we stand. So that's kind of exactly what happened. It was even in the courthouse that she told me afterwards that you're basically you owe me, I think it was \$1,600. I went over the \$5,000, but she's going to say she'd null and voided it. She said, you know, I understand your situation. You know, this is the money that you have. I'm sorry I can't continue to represent you. And so she basically wrote off that money that I went over the \$5,000 for.

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John: Well, that's nice.

Jason: Yes, it was. I thought so, very much so.

John: Yeah. But then that leaves you at the, you know, you have temporary orders and, you know, did you get mostly what you were looking for out of those temporary orders?

Jason: Yes. Yes.

John: Okay. So you got a good outcome, as far as you were concerned, at least a good partial outcome in terms of the...

Jason: Yeah, absolutely.

John: Yeah. But then, so now all of a sudden, you are in a situation where you've already spent money on a mediator, you've now spent money on a lawyer to get you part of the way through the process. How did you feel at that moment where she effectively said, I have to withdraw as your counsel?

Jason: Um, abandoned, scared. Just even in the temporary orders hearing, the lawyer that my ex-wife had, they were fighting for everything. It was it was one of those kinds of situations where, no, basically what the original mediating attorney had said, you know, we're going to fight for top tier, absolutely the most child support guidelines. We're going to fight to not allow you a during the week overnight visit, limit my hours with my children, so on and so forth. So, yeah. So I already knew that they were going to fight for the most. So I knew the temporary orders were temporary unless somebody was going to battle this.

And at this point, I already knew it was going to have to be me because I don't, I didn't have any family to turn to. I've got no, yeah, no money, no anything. I'm already seeking out, you know, bankruptcy options at this point. So I know I have no money. So I know this is all going to be on me at

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this point. So that's when it all began and yeah, stress levels skyrocketed again and there we go.

John: Yeah. And presumably your wife did have at least some resources she could turn to be able to pay her lawyer.

Jason: Yeah, yeah. She had her retirement fund that she could go to her. Actually, no, excuse me, she didn't. I lie about that one. I'd cashed out my retirement fund already. I didn't have time for that or money for those sources. She has her family that's immediately in the area that are more than willing to help her out and did more than once in these situations.

John: So I'm hearing that you're, you know, just to get you to where you were, you cashed out retirement, you sold your motorcycle and as far as that got you in the overall legal process was kind of step two in like a six or seven step process.

Jason: Yes. And you know, and like I said, that the retirement and the selling of the motorcycle was all, you know, all of that money was involved in the in the whole process of just kind of leaving that house and having to establish myself in another quarters, you know.

John: So... Right.

Jason: It was not only the attorney itself that took the money, but, you know, the whole issue itself was very expensive.

John: Yeah, gosh. Well, so you wound up having to be self-represented. And were you self-represented for the rest of the proceedings?

Jason: Yes. Yep. Absolutely.

John: Okay. And, you know, not to do the Seinfeld yada yada yada, but how did it go? Well, how did you prepare yourself to do that?

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Jason: A lot of research. Basically a lot of research. I'm relatively smart, I think. I'm I'm I'm educated. I know that. I'm not college educated, but I'm I'm pretty well educated. I knew enough that I would need to do research basically and put myself into becoming an attorney and figuring out what the laws and statutes in Massachusetts and how this stuff goes and how I was going to have to represent myself in court.

So I called, I may have called every lawyer in Western Mass and basically got the first phone consultation with them for free. I did this, I want to say upwards of a hundred times, at least 75 times. I would call a lawyer, a divorce attorney, I'd explain my case. I'm looking for a free consultation. They would give me their online consultation. I would take notes. You know, so I did this a lot and got a lot of attorneys viewpoints on my initial case and started doing research online. I got myself a library card to the law library, the Greenfield courthouse.

So I could use materials there and research laws there and gain some assistance as far as, you know, filing the actual paperwork goes from the from the law librarian herself or himself. It happened to be her herself. So I got that help. So it was a lot of hours, just a lot of hours of doing as much research as I could, reading case studies, reading divorce dockets, reading case laws, playing Matlock. Trying to learn how to become a lawyer in a very short amount of time.

In the process, I'd be fielding the things that were coming from her lawyer to me. I can't remember the names of all these things either, you know, the first questions that come out where they're trying to get you to implicate yourself in things. I can't remember what they were all called. There were a few sets of them, but basically what I would do is I would mirror back anything that they sent me. I would I would send back an exact same document with questions of my own to her attorney. So that's kind of how if I didn't even know the process, I just I figured if she can do it, so can I. So I would I would mail the same thing off to them and do that.

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So that's what I did. And I and did a lot of research on, you know, I remember even when it came time to go to trial, you know, looking up, you know, proper decorum in the courtroom, addressing the judge, your honor and everything you say. Um, oh geez, you know, direct questions versus indirect questions, whether you're questioning which witness you're questioning, you know, all that confusing stuff, you know. So, you know, while also trying to argue my case, you know, trying to keep emotion out of it but not, you know, keeping it an emotion free because obviously it's not.

Yeah, it was it was stressful. It was it was a lot of time, a whole lot of time, a whole lot of weight loss. I lost 15 pounds in that year and a half. And if you could see me, I'm not the type of person that could or should lose 15 pounds. I'm pretty skinny as it is. And I have not been able to gain that weight back. I've gained about 5 pounds of it back, but I haven't been able to gain all of it back yet.

John: Oh my gosh. And this is seven or eight years later.

Jason: Yeah, exactly. I mean, I've got a pretty racing metabolism. I understand that. But yeah, it was hard. It was very stressful, very hard. So trying to, you know, hold down a full-time job, you know, working my butt off there. You know, as well, whether how much it's related to it or not, it was contentious at my workplace at the time as well. And for me personally, I think a lot of that was coming from, there was there was stress everywhere in my life. You know, so I was having a very hard time.

You know, I've been trained in therapeutic crisis intervention is through Cornell University. I was a TCI instructor at one point. And it's all about deescalation techniques to calm people down, so on and so forth. You know, so I couldn't harness any of the things that I knew because my stress level was too high. So things deteriorated at work. Not to the point where I lost my job. I still have my job, but that was hurting. So trying to keep that job going.

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Trying to be the best dad that I can be, like I'd already said in this in this time that's that's already tumultuous. I'm just trying to make it as least traumatic as I as I can for my children. You know, so trying to be to be a good father and supporting them in this time, which basically means they need ultra attention and trying to learn how to become a lawyer at the same time, you know, and dealing with the lack of money. I'm kind of going back in my mind as we're sitting here and it's like, yeah, I'm revisiting some of that stress. I'm almost starting to sweat a little.

John: Oh, I'm sorry. I don't mean to elicit that.

Jason: It's quite all right. It comes back now and again. It's not your fault.

John: Yeah. But I get it.

Jason: But it was it was huge. It was hugely stressful. And, you know, many times, you know, broke down to tears, to fits of, I don't want to say rage, you know, but I mean, like anger just because you feel so out of control of anything that's going on. You feel like everything's being dictated to you and the possibility that I that I might not get to see my children and be with my children as much as I can possibly be. That on top of it all. Oh, yeah. It was horrible. It was it was definitely the most horrible time in my life.

John: I mean, I feel lucky to say I can't imagine.

Jason: You nailed that you can't imagine. That's kind of what brought me to Janet Dski and the whole Nilus team where I guess you got me recommended from. there's a little pamphlet in the courthouse that said, have you ever had to represent yourself in a divorce? And I said, yes. And they said, we'd like to talk to you. And I was like, finally. Somebody wants to listen to me. They want to listen to what I'm going through and how hard this is. And I was like, so I jumped on it. And I talked to them because more of because it was an outlet, you know, more than anything. You know, so having them as a resource, they wanted to talk to me and friends as a

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resource was the only thing that kept me, you know, somewhat sane through all of it.

John: I think I'm pretty safe in assuming that the state of Massachusetts didn't have a lot of resources for you that were designed for self-represented divorcees.

Jason: Exactly. Not at all. And that's that was going to be my original point was the fact that yeah, there were not a whole lot of resources. I had the law library. And I found out about the law librarian and that was about it. That's all I had.

John: And did you get, and I know this is, you know, not necessarily their job, but did you get help from the clerks, from the judges, or was it kind of the law librarian and your own wits, which, by the way, your approach is incredibly clever that I love that you were able to get advice from so many different attorneys.

Jason: You know, I'm sure that was interesting, although I bet there was a lot of conflict between what they told you too.

John: Yeah.

Jason: There was it really one thing it solidified in my mind was it was almost less to do with the with the laws that were on the books than the type of lawyer that was willing to fight for you and what they stood for themselves. Because I got very more than one attorney that was, you know, I don't want to make it too short and simple, but basically give up, you're going to lose, you know, because this is the way the laws are set up against you. I'll represent you if you want me to, but I don't think it's going to go your way, all the way to lawyers who were absolutely I think you've got a stake in this and you know, you should fight, you know, for your rights as a father. You know, what their ultimate goal was to want me to continue to fight, I don't know. That's subjective, you know, but it's, but I ran the gambit

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through all those through all those calls to all those lawyers. So it really did impress on me that it really doesn't come down to the law. It comes down to what the people believe who are going to represent you.

John: Did you feel like at least some of those lawyers that encouraged you to fight might be encouraging because they thought you were going to keep paying their bills?

Jason: At this point in time, I'd already kind of gained a skewed viewpoint on divorce attorneys specifically, because of all the research I was doing, obviously I was coming across all kinds of other information. And some of that was a lot of that, I want to call it conspiracy, I don't know what the other word is, but yeah, you know, it's a hot money kind of kind of area of law.

You know, you basically need representation if you want to struggle your way through it at all. There's absolutely nothing to stop them from making it as contentious as possible to continue litigation. I can't say that any of the lawyers I talked to gave me anything that made me think one way or the other, but I was already aware that those lawyers were probably already out there, which made it even harder to kind of differentiate between, you know, the genuineness of which attorney I was getting.

John: Yeah, so you were taking everything with a pretty healthy grain of salt at that point.

Jason: At that point, yes. I had already, you know, gained a sour taste through, you know, my ex-wife's attorney and what they were trying to do and the court system itself, but just made very, very difficult for a layman to understand anything about the process and have to figure out about how the process even works.

So back to your original question, no, I didn't get any real help from the clerks other than, you know, filing the stuff that I had to file. But the law librarian was probably my best legal resource for helping me fill out that

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kind of paperwork. You know, or which materials that I might want to go through to read before I draft, you know, said document. So, yeah, that was about it. The judges, I have an awesome judge. You know, she was great. I definitely like my judge. I have nothing bad to say about her at all. But I didn't get any help from her, so to speak. I think she followed the law. I think she did a good job in her judgment for the most part, but I didn't get any help.

John: Yeah. And so at the end, right, without like, you know, divulging all the details of your judgment, I mean, how at the end of the day, do you feel like, or I guess looking back from where you sit now, do you feel like you had a fair outcome?

Jason: Not entirely. No. No, I don't. I don't want to pull semantics here or the little details. I ended up, as far as visitation goes, I ended up with the temporary orders that we originally got. So I got the time that I already had. I didn't lose any time, which was great. I did not get a little bit more time that I wanted that I was asking for. Basically, so right now it's I've got a summer schedule and a and a school schedule. And I get one more overnight every week in the summer than I do in the school. And I wanted that basically we just the schedule, but I didn't get that. So I didn't get what I was asking for as far as the custody goes, but I got at least the temporary orders.

So like I said, I didn't lose time, which was which was a huge fear. As far as the money goes, no, they ended up still getting on the high end. They didn't get the top tier, but they ended up still getting on the high end of the child support guidelines, which unless you want to start getting into the semantics of why and how so Massachusetts law, it's it's almost pointless, but it definitely was significantly higher than what I was asking for and what I was trying to prove because I did have a substantial amount of time with my children.

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John: Yeah, well, and again, I mean, I it is hard to extract the two, right? I mean, your sense of fairness is based on what you feel like you wanted. And presumably your ex-wife was represented throughout the entire process.

Jason: Yes. I ended up going back to court a couple of times to try to modify the guidelines two more times. One after the divorce was settled. I represented myself each time. I went back to try to modify those. She did not have a lawyer the first time that she tried to represent herself. In my humble opinion, I destroyed her. And so I got what I was wanting.

John: You had experience.

Jason: Yes. And she is not exactly the type A personality. She cannot stand up in front of court. She's very easily intimidated, that kind of stuff. She's very much the type of person that should have an attorney. And the second time she got an attorney, which was a vicious attorney. This woman knew everything and she fought hard and she was she was vicious. She verbally attacked me at one point in a meeting and she blustered me. That one, she did her job so well that she kind of knocked me out of out of my realm and I ended up not getting what I was asking for on that one. As a matter of fact, I got an increased...

John: Boy, that, I mean, that's interesting. That and that wasn't that was in front of a judge or she...

Jason: No, it was in front of it was in front of, I don't want to say a probation officer, but when you go to the probation department and you talk to, I don't know if it's the clerk, I can't remember, but there's a person that you talk to before you go in front of the judge. And it was basically a last ditch effort, I guess, to try to mediate our talking points before we go in. And she just ended up, I made a comment and she erupted to me, you know, "Mr. Drake, you know, how dare you continue to interrupt me? How dare you..." then just started listing off and I kind of looked at the clerk and looked back

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at her and I said, "I apologize. Please continue on. I thought you were asking me a question." You know, so she was very aggressive, very aggressive. Yeah. Like I said, that one didn't go very well.

John: Right. So I'm going to ask you some questions that I ask everyone as I'm closing up and you know, I know we've maybe covered some of this, but if you had to do it all over again, would you work with the same, I guess, first mediator and then lawyer?

Jason: The first mediator, absolutely not. I have total sour opinion of him. We did get a second mediator. This didn't come out in the questions that you asked. I thought about it a couple times, but we didn't get to it. There was a second mediator because it was our first divorce case or something like that. I can't remember, but there was a law saying that if you wanted to try to mediate this before you go to trial, Massachusetts will supply a mediator to you. So we took advantage of that. And at first, I thought that was going to be great. It was looking good even, but that quickly degenerated as well. That mediator though, I at least thought was trying to mediate trying to find some common ground. So would I consider her again? Absolutely.

John: For that second mediation, did that was before you had a lawyer or after you had a lawyer?

Jason: Uh, that was before I had a lawyer.

John: Okay. And your wife, was that before your ex-wife had a lawyer?

Jason: Yes.

John: Okay.

Jason: Yeah, we were we were both in there alone.

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John: Right. But she too didn't, that mediator didn't quite get you where you hoped to be?

Jason: No, no, not at all. I was trying to I was trying to argue the fact that temporary, okay, so, no, let me go back a step. I had already had our lawyer. When we got this mediator, we had already gotten the temporary orders. So I had already lost my lawyer. So I did not have it.

John: Okay. This is in the context of the court case.

Jason: Exactly. And my ex-wife did not have an attorney to represent her during that mediation. Okay. So, so I took the grounds that the temporary orders were the place to start. That we needed to find someplace between the bottom and where the temporary orders were at to call middle ground. And that's basically not what they were trying to do. But like I said, at least that mediator gave the presumption, seemed like she was trying to talk to both of us. It seemed like she was trying to get the both of us to come to some sort of agreement.

John: Got it. Thinking back to your lawyer, while you had one, did your lawyer do a good job keeping you apprised of the status of your matter?

Jason: Not particularly, no. I don't want to say she did.

John: Okay. Did your case take longer than you expected, shorter than you expected, or about what you expected?

Jason: Oh, way longer. I didn't understand why and how it should possibly have to take so long. You know, it was like it took nothing to get married. It took nothing to have children, you know, and there was and because of the fact that there was no there was no property dispute, there was no money dispute. Like I said, there was no allegations of abuse or neglect or anything like that. It was not a contentious divorce in those circumstances,

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but it was a contested divorce and it became more contentious as time went on, which I guess fueled the fire and kept it going.

John: Yeah.

Jason: I couldn't understand how this could possibly take so long and be so stressful of an ordeal. Yet it was.

John: Wow. And I mean it sounds to me like the process made it more contentious as you went on.

Jason: Oh, absolutely. It got to the point where the contention was not only, you know, with my ex and, you know, me feeling like she wasn't being able to come to the table with me. It also felt like, you know, her lawyers were absolutely arguing for her to not come to the table for me or with me to possibly come up with a resolution. You know, so it was it was contentious and stayed that way.

So I had contempt for the whole system itself. I had contempt for my wife who was not willing to my in my eyes come down to the real world and let's deal with this like compassionate human beings please. And but it was almost like it's set up so the system almost provoked contention. That's my opinion through my dealings with it. And it could be made a lot easier, you know, the whole system could be made a lot easier.

I feared, I was originally going to get into when I was talking about getting involved with Nilus and Janet Psaki, that whole institution of reforming divorce laws, you know, it's I was saying, you know, I consider myself relatively educated. I live in a poor Western community, you know, where I'm not trying to insult my community, but there's not a lot of well educated people around here. And so I'm trying to think of the people that I know, some of them having to do what I did. I don't know if they would have the ability to do it or the willpower or, you know, what it takes to I guess to try to try to do this fight the way at least I did.

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You know, so how must these people get railroaded in a situation that I was in, you know, where you're you're just being scared to death and you're yessing and knowing because you think you have to or it's scary. You know, so that's that's part of why I got involved with this kind of stuff is I hope, you know, nobody else has to go through this same kind of thing. So much legalese language that you have to know to be able to understand and interpret laws and statutes that go into filing a divorce and running through a divorce. Oh, it's mind-boggling. You know, I mean, you have to read through it, you know, multiple times just to get the gist of what the language is trying to say.

So unless you're educated, you know, the ability to misinterpret what the law might be trying to tell you is huge. You know, which is I guess why we need lawyers to begin with, but, you know, in a non-criminal situation, there's no criminals involved in this at all. You know, unless there's charges being brought, you know, it's it's a divorce, you know, it's not, you know, so, wow, so why make it so ridiculously difficult to nullify a marriage? I don't understand.

John: Yeah. Well, Jason, I really appreciate you coming on and sharing your perspective and your story and reliving your stress, which I apologize for again.

Jason: It's quite all right. It comes back now and again. It's not your fault.

John: Yeah. But again, I hope this can be helpful for the lawyers and judges and other folks that are part of the legal system and in really understanding what it's like from the perspective of a mostly self-represented litigant, as we say, we used to say pro se, but we're trying to at least take some of the Latin out of it. So, again, thank you so much. This is, you know, your story is very powerful and I hope that it resonates with people.

Jason: Well, thank you very much for giving me a chance to say it. Like I said, that was what originally brought me to Janet and those people was,

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you know, people willing to listen. And that's where a lot of it, I guess, needs to start. So, you know, if any of this goes to help other litigants and like you said, other attorneys help see the perspective of the layman through all of this, you know, I thank you sincerely for giving us that voice and that platform to be able to do that. So, thank you.

John: Well, it's my privilege to do so.

All right, that interview is five years old and I don't think a word of it has aged. The thing I keep coming back to is that email Jason got. His lawyer wasn't being cruel. She was telling him the truth about how her business worked. Every question he asked her cost him money and she had an obligation to make sure he knew that before the bill showed up. She was following the playbook, but the playbook was broken. Because look at what Jason actually did with that information. He didn't stop having questions, he stopped bringing them to his lawyer. He took them to the library, to court dockets, to those free consults with different lawyers, whatever he could piece together on his own at the kitchen table. But he also carried the stress of not really knowing for the better part of two years.

And of course, back when all this was taking place, Jason had nowhere else to go with his questions. But today there are at least half a dozen AI tools that Jason would have been able to access for free or relatively low cost. So what does that mean for lawyer work today or your relationship with your clients, prospects? And also their expectations of you.

And that's my topic for next week where I'm going to explore what needs people are satisfying using AI to deal with their legal work, both their practical needs and their social emotional ones. And then I'll suggest some ways that lawyers can rethink their practices to better adapt to and possibly compete with this new AI alternative. I think I've got a different take on this than most people, so you won't want to miss it.

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Listening back to this, I'm also remembering how much I really enjoy doing these Voice of the Client interviews. Like I said, I've got another one coming up, but if you know of someone who might be willing to discuss their experiences with me, anonymously if needed, please don't hesitate to get in touch. You can reach me at john.grant@greenline.legal. And it may even be a current or former client of yours if you're bold enough. I know that getting the unvarnished feedback can be hard, but receiving it is a gift.

All right, as always, this podcast gets production support from the fantastic team at Digital Freedom Productions and our theme music is "Hello" by Lunareh. Thanks for listening and I will catch you again next time.