





Character, Courage, and Little Caution

Young Lawyers Wrestle
With Headline Case

By Tim Eigo

Photographs by Jeff Newton

“Please hold while I put the Judges on the line.”

Angela Wilson, admitted to the Arizona Bar in 1996, was dumb-struck. She had called to find out the status of an appeal, and the judges had decided to hear the argument—*now*, via telephone.

As she scrambled to gather her thoughts and materials, one judge after another came on the line. Should I make small talk while I wait for the others? she wondered. In just a moment, she would appear before the Arizona Court of Appeals.

While she waited, she could easily ask, “How did I get *here*?” Only four days before, Wilson had been a content solo practitioner in Gilbert. Her client base was increasing, and she had hired her first associate only days ago. Like many strange twists and turns in modern life, this one ultimately could be attributed to—talk radio.

JENNIFER SHICK, HERSELF admitted to the Bar in only 1999, traveled the hot August highway between her home in Glendale and her new job in Gilbert. As she drove, she could think about the massive change her life had undergone since graduating from the University of Pittsburgh Law School only last year. One look at Arizona on a brief vacation the previous January told her and her husband that this is where they wanted to set down roots. As that decision simmered in the summer heat, she turned up the radio volume.

Grabbing the news headlines and airwaves was the story of Stephanie Ray, a girl whose life was about to become intricately bound with that of Jennifer Shick. As Shick learned from the radio and in coming days, Stephanie faced a plight that pulled her between two states, and between many lives.

Stephanie had lived in Arizona for years when she was younger; now she lived with her foster mother in Wisconsin. On a trip to visit her aunt and uncle in Phoenix in July, however, she decided that she did not want to return to the Midwest. A Wisconsin court had intervened and ordered her to return by August 20. There, the court would decide who would be Stephanie’s guardian. That bare recitation of the facts, however, reveals little about the drama that was coming to a head or about the remarkable girl who was at its center.

Stephanie Ray, now 14, was born with AIDS in 1986. Her mother had contracted HIV, the virus that causes AIDS, from a blood transfusion. Stephanie’s mother died of an AIDS-related illness when Stephanie was only 5. Before mid-2000, Stephanie had visited her Phoenix relatives many times, and she had lived in Arizona for four years, until she was 12. Today, this healthy and headstrong girl seeks the typical and fun-loving life of a teen as much as the life of an AIDS education advocate. In August 2000, however, she faced a legal crisis.

Drive-Time Radio and Your Client Base

Friday, August 18, was an ordinary day for Jennifer Shick, who had just ended her second day as an associate at the Wilson Law Offices in Gilbert. The radio program she heard as she drove covered the Stephanie Ray story, with the added twist that she currently was in the Phoenix area and was refusing to return to Waukesha. The Wisconsin court order was particularly galling to some radio callers.

“We’ve got a huge legal community here in Arizona; why hasn’t anyone stepped up?” asked one caller incredulously. That question was about to be answered by Shick.

“I don’t know whether I got defensive about that comment,” Shick said later, “but I decided at that point I was going to go home and give them a call and make sure that they were represented. And of course I thought they were.”

Calling the family, Shick discovered that they did not have a lawyer and would be more than happy to meet with her. Shick was up front with the family about her experience, telling them, “I don’t know what I can do. I’ve never been in a situation like this, but I’d be willing to do anything I can to help you guys out right now.” In fact, months later, the family’s memory of that evening focuses most on Shick’s straightforward nature. “She was honest,” says Cathy Stelter, Stephanie’s aunt. “It would have been very easy for her to come in here and say ‘I can do this for you, I can do that for you, I can guarantee you this,’ but she didn’t, she said, ‘Hey, I don’t know, but we’re going to give it our biggest fight. What does Stephanie want?’”

That Friday evening was spent in the home of Cathy and Roman Stelter, where they and Stephanie discussed the situation over pizza. Stephanie told Shick about her concerns and about her desire for a happy life with her paternal aunt and uncle. Stephanie says she felt comfortable with the lawyer right away, and describes the evening through her own eyes: “[Jennifer Shick] went over paperwork, and grabbed a couple of pieces of pizza, ... she was ours.”

That night, Shick learned that Stephanie had lived with her father until he had lost custody a year before (reportedly, according to the *Milwaukee Journal Sentinel*, due to neglect and alcohol abuse problems). Since then, the girl had lived with her foster mother, her father’s former girlfriend. And Stephanie said she didn’t want to go back, either to the foster mother or to a Waukesha County AIDS shelter that she was worried the Wisconsin judge would order her to live in until her father was healthy enough to regain custody.

That Friday night, Jennifer Shick knew the facts, but she also knew that she faced a court-ordered return on Sunday. And she had not spoken with Angela Wilson, her boss of only two days. “I didn’t know what she would think,” said Shick, “and I didn’t know what I was getting myself into, because if [Wilson] says no, I’ve already committed to this.”

Boss, I’ve Landed a Nonpaying Client

It was Saturday morning when Shick called Angela Wilson to see if they were in the case together: “I woke Angela up out of bed, told her the whole story.” Fortunately, says Shick, Angela Wilson didn’t take any convincing at all. “We knew we had an extraordinary case,” Wilson says, “so we had to do something extraordinary.” They met at the office that afternoon and confronted what lay before them.

They faced a court order requiring that their client be back to Wisconsin the next day. They had never handled a case of guardianship between two jurisdictions. And they had to find a court, somewhere in Arizona, that would hear their argument on short notice and on the weekend. As Wilson says, “We needed to figure out what the case was about, ... and, holy cow, what can we do?”

Focusing first on the law, they decided that they could challenge guardianship under the Uniform Child Custody and Jurisdiction Act (UCCJA) or under the guardianship statute of the Probate Code. So they figured they could draft a

pleading. (Because of a gag order issued by the Wisconsin judge, the lawyers chose not to discuss with *Arizona Attorney* the allegations, reported elsewhere in the media, of physical abuse of Stephanie or other facts upon which they based their petition. They say that those facts indicated Stephanie would be returning to a dangerous situation that threatened her physical and emotional well-being. Because of that and based on case law and statute, they still feel that the emergency provision within the UCCJA applied.)

Having confirmed that they had a valid basis to support a petition, how could they find a judge who would hear it?

“We decided to call anyone we could,” Wilson says, recalling how they thought about contacting a commissioner or a judge. That’s when they turned to Juvenile Court.

Shick recalls their audacity with some shock: “We didn’t have a phone number, obviously, for the home of the presiding judge of the Juvenile Court, so I called directory assistance. ... I’m going to throw it all on the line, so I proceed to tell the directory assistance operator what we’re doing.” The telephone company agreed to pass on her name and number to Judge Maurice Portley, but it would not tell him what the call was about.

The next time their office phone rang, the attorneys were greeted with “This is Judge Portley. What is this about?” Hearing out Shick, the judge was not encouraging. He told them that there was no need to call a judge at home, that there was a procedure to follow, and that they should file their motion on Monday morning. That, Shick and Wilson agree, was the darkest moment they felt in the case. Wilson, for one, realized that they could not defy a Wisconsin court order: “I had some concerns that despite everything that was said, [Stephanie] was getting on that plane.” That, however, was not to be.

Not more than a half hour later, Shick received what she calls “the best phone call I’ve ever gotten in my life” from Juvenile Court administrator Dennis Smith. He told them that he had just spoken with Judge Portley, who asked Smith to schedule the case: “You’re going to have a hearing.”

Now all the women had to do was prepare for a matter in which they knew too little; the hearing was scheduled for Sunday afternoon, with Judge Portley presiding.

"We're two peas in a pod," Shick says of her and her boss. "We've known each other for three days, and we're overnight sharing a toothbrush together."

The Emergency Petition

In the mad rush to draft a pleading, the lawyers required facts from Stephanie, who had to be found as she traveled to the mall. They also needed more facts about the guardianship situation. For that, they relied on the good nature and great help of Stephanie's court-appointed attorney in Wisconsin, public defender Sam Benedict. "Sam ... was awesome," says Shick. "His son had broken his arm that day, [but] he drove to his office and faxed us what we needed. We couldn't have done it without him."

The women divided their drafting in a unique way, Angela Wilson recalls: "[Jennifer's] task was 'Give me all the heart-wrenching sob-story horrible facts that you can come up with and draft this persuasive novella ... to make this judge cry. ... My responsibility was to get on Westlaw, find whatever case law we can, and draft the legal arguments.'" Shick laughs at that description, saying that they each did their share of legal research and writing. Ultimately, Shick says, their all-night session was eventful: "We merged [our work], and fought, and argued."

The result was their Emergency Petition for Temporary Guardianship. Thus, they were ready for court. But as they faced a difficult crossroads with their client, they also confronted the self-doubts that might trouble any attorney meeting a large-scale case head-on. The question lingered in their minds: "Are we the only ones stupid enough to take this case?" asked Angela. "Does every other attorney in this state know something we don't know?"

Maybe not, they concluded, but the ruling still went against them; the court determined that it did not have jurisdiction in the matter. Looking back on the case, Judge Portley balances the lawyers' lack of experience with their passion for their client. He says that he could tell they were "lawyers wanting to make a difference. ... There was a desire to help." On the attorneys' work in the case, the judge says that they are "caring people who made an effort that fell short in the short term; in the long term, it was effective."

Stephanie Ray: A Remarkable Girl Seeking an Ordinary Life

A

turn in the national spotlight may have been new for her two attorneys, but for Stephanie Ray it has become as commonplace as a day of Arizona sunshine. She has made public service announcements, met Hillary Rodham Clinton and read some of her poetry with her, met Sarah Ferguson, and still is asked to appear before and speak to various groups. Ray also has made many national and local appearances focusing on AIDS education, including an appearance in a Disney documentary about children and their life with the disease. Even late in 2000, a search of her name on the Internet yields hundreds of search results.

She is a girl whose life has been transformed by AIDS, but don't make the mistake of defining her by it. "Stephanie is living with AIDS, not dying from AIDS," says her aunt, Cathy Stelter. And that's a message Stephanie has tried to send to many others with AIDS: Think positive, stay negative. Defying the odds, Stephanie continues to live a healthy life. Today, Stephanie happily toils in eighth grade and throws herself headlong into all sports, except golf and tennis, she says.

Attorney Jennifer Shick cannot speak highly enough of her young client and of her family: "[Stephanie] has had this life that is so horrid in a lot of ways, ... but from a very young age she has [had] this maturity ... that is well before her years. ... She's funny, she's bright, she's got a great sense of humor—She's a miracle." Shick adds, "It's just this great, great family, and Stephanie has everything when she's with them."

The family speaks highly of the lawyers who fell into their lives one August day, especially of the woman who ate pizza and talked law with them: "She's a part of the family now," Cathy Stelter says of Jennifer Shick. "[She] is just a passionate woman. I think when she gets a cause that she wants to fight for, I don't think I'd be on the track when the train came through."



Stephanie with her aunt, Cathy Stelter

In denying the motion, the court issued a 24-hour stay of the Wisconsin order. In that time, the attorneys made a motion for reconsideration, which they also lost.

The Appeal and the Surprise Argument

At that point, the lawyers say, they worked hard to be sure they did not fail procedurally. Never having filed an appellate brief, however, that was rather difficult. “I’m calling every lawyer that I know,” said Wilson, “to see if somebody had ever done an appellate brief, if they could give us some guidance.” Eventually, their second all-night drafting session was complete; to be sure they did not inadvertently sleep too long, Shick asked her mother in Florida to call their office at 5:00 a.m. They filed their appeal on Tuesday, August 22, at 8:00 a.m. At that time, they were given a September date for argument, but they were instructed to call the Court in one hour.

It was at that point that Angela Wilson called the Court, thinking she would have to explain why she sought a court date before September. Instead, the three-judge panel came on the line and heard the case. Shick laughs while she recalls the scene: “[Angela] is throwing things all over the office. ‘I’m going to argue it now!’” In that argument, says Wilson, all of her law school instruction on presenting her case—including the requirement that she begin “May it please the Court”—went out of her mind; instead, she simply launched into her argument.

Ultimately, the Court agreed with Judge Portley, finding no jurisdiction. Hard on the heels of that loss was a Wednesday Wisconsin court hearing at which Stephanie thought she could appear telephonically. After having the family gather in the Gilbert law office for more than an hour, however, the lawyers learned that the judge in Wisconsin would not allow the appearance.

That setback was probably the worst for the family, agree the lawyers, Cathy Stelter and Stephanie. In fact, Wilson says, “We began to worry, ‘Have we done our client a disservice?’” Until that moment, their client believed she had not defied a court order. Now, however, they had to wonder if they had angered the court. Later that day, though, Sam Benedict gave them an update of the hearing, and they discovered that the judge would not enforce his order until the September 20 trial date.

That, says Wilson, was a watershed in the case: “Our strategy at that point changed. This was no longer a ‘litigate-this-issue’ [case]. It was ‘Let’s negotiate.’” Their remarkably stressful week behind them, the lawyers could begin to focus on speaking with the Wisconsin social workers who eventually would help determine Stephanie’s future home.

On to a Chilly Wisconsin Reception

If the attorneys thought the path before them was now smooth, that idea evaporated when Shick and the family arrived in Wisconsin before the trial. There, they were met with motions to exclude Cathy Stelter and Shick from the courtroom. Shick was angered by that: “In the midst of preparing Stephanie for what was going to be a horrendous day of testimony, they were trying to keep her two biggest support systems out of the courtroom.”

Meeting with all the Wisconsin attorneys in the case—who represented Stephanie, her father, the foster mother and Wisconsin social services—did not fare any better for the new Arizona lawyer. It was agreed that the attorneys would gather together the morning of the trial. All of them, says Shick, were men. Laughing, she recalls, “They all have these great business suits on, and they all look like they know what they’re talking about, their hair looks good, and I just think, ‘Oh my God, I don’t know what I’m doing!’” The meeting was acrimonious, and Shick felt herself under attack. “It seems like everyone was against me. ... Sam Benedict was the only one who spoke up for me. It was a horrendous personal situation. ... It was horrid.”

The confrontation was short-lived, Shick says. “As the day unfolded, obviously some-

thing went right.” That change was the result of Stephanie tiring of the legal process, “hitting your head against the wall and not getting anywhere,” as the young girl describes it. After several hours, she told her lawyer, “I want to talk to my father. I’m sick of this crap. I want to tell him what I want.” Behind closed doors, Stephanie, her father, and Cathy and Roman Stelter met for 15 minutes. When they emerged, they all agreed that the youngster could stay in Phoenix until December 24, after which the court would reexamine guardianship—a plan the Arizona lawyers had proposed to the parties weeks before.

|| Taking Stock ||

In late fall, with the worst of the legal wrangling behind them, Stephanie and her Arizona family say they are happy that Jennifer Shick and Angela Wilson came into their lives. But are the attorneys happy that they took on the case?

Angela Wilson focuses on the outcome when she says, “We accomplished what we set out to do ... to keep her in Arizona, at least for a while.” With no apparent regret, Wilson adds, “We’ve dropped back into obscurity.”

Asked whether the case helped their practice, the two women unequivocally say no. Their work for the family was completely pro bono. No new clients have arrived at their door in the wake of the high-profile case. In fact, more than one client left the firm during the firestorm of the guardianship case. Wilson said that most clients understood that their attorneys’ attention would be rather single-minded in the busiest weeks of that case, but a few felt slighted by the altered schedule. “We took a hit. We had a few clients leave because they didn’t get the prompt service they thought they should get.”

On a personal basis, the case left the two attorneys with different impressions. Jennifer Shick says, “It’s done so much for me personally. ... [The case] gave me a lot of faith in myself. ... I can rise to the occasion.”

Angela Wilson, with three more years’ experience under her belt, isn’t so sure. “I don’t know what I learned. I stressed out a lot. ... We really flew by the seat of the pants.” She agrees that they each exhibited grace under pressure. “But who the hell wants to be in that situation in the first place?” she asks.

Where do they agree? They are glad they experienced the trial by fire together. As Wilson says, “Your role as an attorney is so complex. We went through a war together. We knew we had to stay together through it.”

And Shick’s memory of the case, even given its difficult moments, often returns to that first full day: “I’ll always be so appreciative of that Saturday morning when Angela said, ‘Yes, this needs to be done.’”

With a wry smile and a laugh, Wilson thinks back on their experience and plots the firm’s future: “[Jennifer] is not allowed to accept any more really big pro bono cases—at least for the rest of the year.” 🐾



|| LAWYER PROFILES ||

Attorney: Angela M. Wilson

Position: Shareholder in the Wilson Law Offices, P.C., Gilbert

Age: 30

Law School: Arizona State University, J.D. 1996

Attorney: Jennifer W. Shick

Position: Attorney, Wilson Law Offices, P.C.

Age: 33

Law School: University of Pittsburgh, J.D. 1999

