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Looking Back on 31 Years-Plus in Law Practice



By L. Ernestine Fields

(The writer—known as “The Teddy Bear Attorney”—devised and has guided the program under which every child involved in a Los Angeles Superior Court dependency proceeding is given a teddy bear to hold, for security, and keep. She retired from law practice this month for health reasons. Below are her reflections. The article contains an error, and that error relates to the METNEWS; she says the newspaper in 2011 lent recognition to the charitable corporation that runs the Teddy Bear Program when, in fact, it was Fields, herself, who was honored, as a “Person of the Year.”)

Starting to practice law at age 58 was a momentous decision. Although I could continue to teach elementary school, I wanted to do something new while still helping people. A high school friend, who was a professor at the San Fernando Valley College of Law, encouraged me to pursue a career in law. I spent the next four years going to law school four nights a week and working during the day as a real estate agent as well as taking care of my daughter who was not yet in college.

Prior to my senior year in law school, a friend who was also a judge, introduced me to an appellate court justice who invited me to be an extern for him. Spending the summer going to the Court of Appeal every day for

eight weeks to read appeals, to attend the Court of Appeal hearings and to write the underlying memoranda for six appeals was an extraordinary experience for me and one that I will cherish. Writing for a bench officer is a unique experience, one that I wish every law student could enjoy.

After passing the bar exam, the attorney for whom I was clerking at the time invited me to join her family law office. There, I found that I was not suited to represent an angry adult and I was always complaining about how the parents were treating their children in dissolutions. The attorney who shared her office with me suggested that I look into dependency law; I was subsequently introduced to a dependency judge who then allowed me to observe in her courtroom in the Central Courthouse and invited me to be on the Dependency Panel.

I appreciated seeing children in the courtroom and sensed that dependency law approached the children's situations much differently than in family law: In dependency law, the focus is on protecting the children; in family law the focus is on the dissolution of the parents' relationship.

I was assigned to a department that met in a trailer which was parked on the parking lot of the Van Nuys Courthouse. It was very small in every way: the actual courtroom was small, the interview area for the children was a former broom closet and the area where the children were kept, who were in foster care, was very small with little space for the children to play. For the hearing, an attendant brought the children into the courtroom and returned them to the holding area, if they were not returned to the care of their parent at the hearing.

It was in that trailer that I honed my skills as an attorney; a very experienced and skilled attorney was assigned to help me. I learned to conduct a trial on behalf of the cited parents and learned how to interview parents as well as learning about the interaction of the social workers with the parents and the children and what was required of the parents in order to have their children returned to them.

Day after day, I observed children running in joy to their parents upon being brought into the courtroom for the arraignment hearing and day after day, I observed the children crying and crying when, at the end of the hearing, they would not be returned to their parents but were detained in foster care.



A display that has been featured in the lobby of the Children's Courthouse in Monterey Park since 2009. There are now displays in tribute to the teddy bear program, pioneered and overseen by Ernestine Fields, on each of the four floors above.

Building on the procedure in my courtroom of allowing the children to hold a stuffed-like animal during the hearing (both were used door stops, made out of stiff materials covered with sateen cloth, with stains made on the material from numerous children drying their eyes and noses on them), and then returned to the clerks for the next child, I stumbled upon the procedure of presenting soft stuffed animals to the children coming before the court; these stuffed animals were collected from friends. It was quickly observed that holding a stuffed animal had the effect of calming the children rather than allowing them to cry uncontrollably or hide under the counsel table or to try to sit on their parent's lap. Certainly, a Superior Court courtroom is not a place to allow young children to decompensate but a place to help them cope with very difficult parental situations.

The procedure of giving the children a stuffed animal to hold during their hearing was brought to a halt after a detective from the Van Nuys Police Department came into the department to testify. Observing the large box of various, formerly loved stuffed animals behind the deputy's desk, the detective informed me that all of the stuffed animals had to be new or it would be a violation of local health rules which requires all mattress-like

objects to be new before giving them to the children at court and if I did not conform to his request, he would “close me down.”

The court deputy, who helped give the children stuffed animals, implored me do whatever was necessary to keep providing stuffed animals for the children—and thus Comfort for Court Kids, Inc. was created in 1991. Soon, all six courtrooms in trailers on the Van Nuys parking lot were using stuffed animals to comfort the children while they were at court. The officers and board members were enthusiastic supporters of providing support for the children during the arraignment and detention hearings with many of them still involved with this 501(c)(3) charity. But for the compassionate heart of the deputy, it is likely that there never would have been a Teddy Bear Program in the Superior Court of Los Angeles County.

In 1992, the **Edmund D. Edelman** Children’s Courthouse was completed and opened to hear cases of abused and neglected children, exclusively. Soon, all 25 courtrooms had a supply of teddy bears to comfort the children and to help contribute to the healing process that they all must go through. The expansion of the program was a result of the leadership of the presiding judge and the generosity of many community entities which responded to support The Teddy Bear Program.

Generous private people began to support the program. The support of the Sheriff’s Office was crucial to the functioning of the Teddy Bear Program as only trusted employees could deliver the teddy bears to the courtrooms via the back halls of the courthouse.

Going beyond the boundaries of California, the participants in National Adoption Day embraced the Teddy Bear Program for their adoption hearings. Other counties in Southern California adopted the program for their day-to-day hearings. In 2009, The Teddy Bear Program was given a display case in the lobby of the Children’s Courthouse, allowing the children, who, with great delight matched their own bear to one in the display case, and, for the adults coming into the lobby of the courthouse, to see that the court supported the Teddy Bear Program. In 2011, recognition was given to Comfort for Court Kids, Inc. by the Metropolitan News-Enterprise. Providing comfort for the victimized children was now recognized as an essential service by the leadership of the legal community of Los Angeles County.

Being appointed to the **Judicial Nomination** Evaluation Commission in 2011 was one of the highlights of my legal career, on par with my assignment to the Court of Appeal. The work of the JNE Commission is thorough and comprehensive. My appreciation

for each and every appointed judge is based on the fact that they met the rigorous demands of the JNE Commission. I continue to be grateful for the opportunity to have served as a member of the commission. This assignment was, as was externing at the Court of Appeal, a reiteration for me, of the high intellectual and personal standards required of members of the legal profession.

From approximately 2007 to the present time, I represented children in family law as minor's attorney. The perilous position of a child whose parents are involved in a dissolution is present in almost every dissolution. The standing that children in dependency law have enjoyed since 1996, that is, having their own attorney to advocate for their rights, is not yet part of family law procedure. However, when the conflict is very high between the parents and the children are thereby suffering emotionally, a highly trained attorney is appointed by the family court judge to represent the child. This very intense work tends to be successful as long as the minor's attorney remains on the case; it can be very disappointing unless each parent is motivated to do what is in the child's best interest. Seeking what is in the best interest of the child continues to be a goal in most dissolutions.

Wanting to expand my practice, I decided to complete the necessary requirements to qualify for appointment to the Probate Panel wherein I would be appointed to represent adults suffering from cognitive disorders and who are subject to conservatorship petitions and children who are subject to guardianship petitions. While the guardianship petitions can be quite contentious, the people who file petitions for conservatorship are usually very caring and loving adults. The conservatee, whether suffering from a cognitive disorder or some degree of autism or other debilitating genetic syndrome, are people in great need of legal intervention. Working with conservatorships has been personally very rewarding and is highly recommended for any attorney who wants to combine his/her legal endeavors with compassion and empathy.

In 2017, the Los Angeles County Department of Children and Family Services joined with Comfort for Court Kids, Inc. to work cooperatively for the benefit of all of the children subject to Dependency Court supervision with DCFS paying for all of the new teddy bears instead of the 75 percent of the cost formerly paid for by the department with 25 percent being paid for by Comfort for Court Kids, Inc. Making sure that the deliveries of the teddy bears would reach each courtroom at the Children's Courthouse became the job of CCK.

For approximately 25 years, three or four of the deputies, as a group, have volunteered to deliver the bears during their lunch break, once every three weeks. The cooperation of the Sheriff's Department has been crucial to the success of the Teddy Bear Program and shows law enforcement as responsive to the needs of young, abused and neglected children.

Representing children, for the most part in high conflict civil adoptions, is generally speaking also very rewarding work. The appointed attorneys are experienced trial attorneys and are sensitive to the emotional needs of children. When a conflict is something that the attorneys and/or the mediators are unable to solve, an evaluation of the family and the proposed adoptive parent by an experienced forensic psychologist is ordered by the court. At every step of the way, the best interests of the child are paramount. The outcome of the adoption petition is favorable to the child. The finalization of the adoption is always a happy event at the Children's Courthouse.

Much to my gratitude, I was informed at last year, that the court was installing four large, glass display cases on the second, third, fourth and fifth floors of the Children's Courthouse intended to display teddy bears provided to the children throughout the years as well as commendations received by Comfort for Court Kids, Inc. I was further informed that the displays would be permanent displays! This action by the presiding judge of the Juvenile Division of the Superior Court shows creating a child friendly courthouse is of utmost importance for the welfare of abused and neglected children.

The motivation by the officers and board members of Comfort for Court Kids, Inc. remains high to maintain the Teddy Bear Program as long as the boys and girls are brought to the Children's Courthouse for Dependency Court hearings.

I n reflecting about my experience as an attorney since being sworn in, on Dec. 7, 1988 to my voluntary and necessary resignation from my cases on July 7, 2020, I feel grateful for the opportunity to represent adults with pressing legal matters as well as representing children in need of protection.

I have witnessed many important changes in the representation of children with the most significant change being granting standing to the boys and girls in dependency. The Children's Law Center of Los Angeles is now representing children in dependency actions in Los Angeles, Sacramento and Placer counties. Children formerly were looked upon as possessions, having no rights of their own. Children's psychosocial relationships with their parents are now viewed as that children have the right to continue to have

relationships with both of their parents. In dependency, the system is moving away from terminating parental rights to finding ways to reunite children with their parents.

With regard to the Indian Welfare Act, it should be noted that children were taken from tribes to be “Americanized” and now priority is given to maintain the children’s existing relationships with tribal members and their heritage. With surrogacy, parentage by agreement and intent is more important than biology.

All of the recent developments appear to be focused on achieving due process for children as individuals regardless of their chronological age.

From my friend’s encouragement to go to law school to the installation of the display cases in the Edmund D. Edelman Children’s Courthouse, my path has been facilitated by many people. I have been most fortunate in the practice of law as well as being given the opportunity to create a meaningful child-oriented charity. Performing the job of an attorney becomes a “passion” when it is done knowing that help is being given to those who need your guidance.

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