

Caroline Heller ([00:03](#)):

Hi, this is Caroline Heller, chair of Greenberg Traurig's Global Pro Bono Program and litigation shareholder in the New York office. I'd like to welcome you to Greenberg Traurig pro bono podcast, Good in Practice, because everyone has a story.

Caroline Heller ([00:19](#)):

In the late summer of 2021, I was contacted by the public defender service of the District of Columbia. They represent a man who had been incarcerated for a period of time and they were asking if our firm could help his mother. His mother had obtained custody of his now 10 year old daughter after he had been incarcerated and the child's mother had died tragically in a car accident when she was very young.

Caroline Heller ([00:47](#)):

Earlier in 2021, the child's grandmother needed to have surgery, so she sent the child to live with her sister, the child's great-aunt in Las Vegas. And when it came time for the great-aunt to return the child, she refused to do so.

Caroline Heller ([01:02](#)):

So the public defender service reached out to Greenberg Traurig because they know that we have offices in both Las Vegas and in D.C. and in Northern Virginia to ask if we could help the grandmother. In no time at all, we were able to put together a team of attorneys in both the D.C., Northern Virginia area, as well as in Las Vegas.

Caroline Heller ([01:22](#)):

Now, one would think that this should not be controversial. The grandmother has custody. Somebody who doesn't have custody is not willing to return the child. This should be easily taken care of by a court either in Las Vegas or in the District of Columbia, but as with most legal issues, nothing is ever as easy as it seems. And in this case, there was a twist at the end.

Caroline Heller ([01:45](#)):

On today's episode of Good in Practice, I interview the four attorneys who were involved in this case, and they will tell the story of how they were eventually able to successfully reunite the grandmother and the daughter.

Caroline Heller ([01:57](#)):

The attorneys are Michael Sklaire, Jacob Bundick, Shirin Afsous, and Christian Spaulding. Michael is the co-managing shareholder of Greenberg Traurig's Northern Virginia office, whose practice focuses on government investigations, business crimes, and financial litigation. Jacob is a shareholder in Greenberg Traurig's Las Vegas office, whose practice focuses on commercial litigation. Shirin an associate in the Northern Virginia office, who is in the litigation department. And Christian is an associate in the Las Vegas office in the litigation department.

Caroline Heller ([02:35](#)):

Mike, why don't we start with you? Why don't you tell us a little bit about the background of this case?

Michael Sklaire ([02:39](#)):

So the first time I learned about it was in a conversation with the public defender's office who represented the father who's been incarcerated for voluntary manslaughter, and they said they need help because their client's mother was taking care of his daughter, who's special needs, and she was out in Las Vegas. And so they said, "We don't know Vegas, we don't know guardianship," and I was lucky enough to have people here who knew both those things, because right before this, Shirin, who started with our firm, she came from a family law practice. And so she could help us with the guardianship issue. And I knew Jacob was the man who knew everything in court in Las Vegas.

Michael Sklaire ([03:23](#)):

And so I got the information about the child and the grandmother. I spoke to the grandmother who was beside herself because she had sent the child out to Las Vegas when she needed surgery and was sending money, was sending support. The child couldn't communicate very well over the phone, so she had no knowledge of what was going on, except that her sister was refusing to send her back to the grandmother.

Michael Sklaire ([03:47](#)):

So I talked to Shirin about what we needed to file and talked to Jacob about how we needed to go about doing this. And we got the public defender's office to help get the file, to get a declaration from the father and get all the permission we needed.

Michael Sklaire ([04:02](#)):

It turns out that the grandmother had... The court here had ordered custody when the mother had died and the father was incarcerated. And so we had all that information and all we really wanted to do was take that to a judge in Las Vegas and say, "Here is the rightful guardian of this child, we want to go get her," but that's not how it works and it wasn't that easy.

Michael Sklaire ([04:23](#)):

And so then we passed it off to Jacob. Shirin gave us the expertise. I was communicating with the grandmother, and then Jacob and Christian took over from there.

Jacob Bundick ([04:34](#)):

Obviously Michael and the team reached out to us. And this was a collaborative effort between the D.C. Office and the Las Vegas office.

Jacob Bundick ([04:42](#)):

We initially reached out to the grandmother and had a conversation with her. And again, we were dealing with a situation where we had a minor child who, as Michael stated, had disabilities. And we had received this story about what had occurred and it was a very obviously upsetting and sad story to kind of dive into here. And the grandmother was very distraught. And obviously not being here local and not being able to communicate with the minor child kind of added to the complexity of this, about what was really occurring and where we needed to kind of dive into this.

Jacob Bundick ([05:14](#)):

I reached out to Christian here in the Las Vegas office who has handled these pro bono matters with me to assist. And Christian, why don't you kind of talk about what we noted first and diving into the court case, and then working obviously with the guardian ad litem to get additional information to her.

Christian Spaulding ([05:35](#)):

Yeah. So our involvement in this kind of, I don't know if spiraled is the right word, but it was a bit of a whirlwind. The initial documents that we received were a petition for guardianship and a request for temporary guardianship filed by the great-aunt representing herself.

Caroline Heller ([05:55](#)):

Was that in response to anything that Greenberg Traurig did or had the great-aunt filed those on her own in response to the argument she was having with the grandmother?

Christian Spaulding ([06:07](#)):

She filed those documents in response to the disagreement with the grandmother. We hadn't been involved yet. It was at that point that we got involved. And it seemed like a fairly straightforward matter frankly because we had a valid custody order from court in D.C. And although the circumstances were a little convoluted, the fact of the matter was that there was no valid reason for the aunt to be trying to get guardianship of this child.

Christian Spaulding ([06:37](#)):

Her request for temporary guardianship was denied before we even got involved. And so then we were left with just the petition to be appointed guardian permanently.

Michael Sklaire ([06:48](#)):

And on point, so the story that the great-aunt was using was that the grandmother abandoned her in Las Vegas and had no interest anymore in taking care of the child, when in fact the grandmother had taken her out there because she needed surgery and had no one else to take care of her and couldn't go get her due to COVID restrictions.

Michael Sklaire ([07:08](#)):

So the great-aunt was making representations that weren't in fact true, that the grandmother had not abandoned her. The grandmother had been sending money and clothes and support all this time. And so all the court in Las Vegas knew at that point was the aunt's story.

Caroline Heller ([07:29](#)):

And Shirin, when you first saw the facts of this case and looked at the initial request, I guess it was for emergency appointment of guardianship, what were your thoughts coming from the family law practice perspective?

Shirin Afsous ([07:44](#)):

So nothing really added up. Even what the aunt had filed as a basis for the emergency petition for guardianship didn't really make sense. Like Mike was saying, she was making representations that the child had been abandoned, that the child needed to have some type of emergency medical procedure when we didn't have any-

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Shirin Afsous ([08:03](#)):

Some type of emergency medical procedure, when we didn't have any records indicating that any such procedure was necessary. And even within the same type of petitions that she was filing the underlying documents, there were contradictions. And in speaking with the grandmother, we knew that the grandmother had a custody order, that the grandmother had not intended for the minor child to go to Las Vegas on a permanent basis. And that the grandmother had been trying for months to get her granddaughter back. But, for whatever reason, the aunt was refusing to communicate. So, we got involved at a really stressful point in time for the grandmother, because she really had no idea what was even happening with the minor child. If she was getting special ed services from school, if she was getting the appropriate medical care that she needed. But, it was very clear that there was something fishy going on. So, we wanted to act as quickly as we could.

Caroline Heller ([08:58](#)):

And Jacob and Christian, after the objections were filed, can you tell us a little bit about what happened next in court?

Christian Spaulding ([09:06](#)):

Well, before we even got to court, there was an interesting situation. We filed the objection and we sent it to the aunt and I believe it was Shirin that reached out to her directly. But, I believe that she had ultimately agreed to return the child, but then backtracked saying, "We filed a petition. I might as well see it out."

Shirin Afsous ([09:25](#)):

Mm-hmm (affirmative). Yes, that's correct. So, we sent her the objection via email, and then I called her before we had the hearing. And she was initially very pleasant on the phone, but she did say she hadn't received our email, and then went on to discuss the specifics of what we had sent her. Then, she said, "Well, I'll accept this. I guess, it's time to send the child back." And then, she abruptly ended the call and said, "Oh, well, you guys will need to speak to the minor child's lawyer," who was the guardian ad litem. So, there was about a two hour period where Mike and I kept going back and forth, because the aunt kept changing, was she going to release the child to us? Was she not going to? And ultimately, we decided to stop going back and forth with her, because we weren't getting anywhere and just go to court and have the judge make a decision.

Jacob Bundick ([10:17](#)):

And I think too, we were dealing with a child here who obviously, had a disability and as a part of this strategy regarding the hearing and what we needed to do, we were always obviously, keeping in mind the reaction and what steps we were taking, whether they were going to be detrimental to the minor child as well. I think too, in the context of all this, we're dealing with the grandmother who was trying to get the minor child back, as well as the hearing and dealing with the guardian ad litem. We were still in the thick of COVID, where people were not having in-person meetings. So, a lot of these things were being done by Zoom, which added obviously, to the complexity of this as well, because we were not speaking with the minor child. We were always speaking with the guardian ad litem and everything was done via telephone, or Zoom.

Jacob Bundick ([11:01](#)):

And so, that was an interesting twist to this, because, and I'm not sure about Christian, but I hadn't one of these types of cases in the pro bono context and dealing with this all via Zoom, instead of having in-person meetings with these folks and discussing through the issues that were at hand.

Michael Sklaire ([11:18](#)):

I mean, the child could not speak for herself. I mean, she was a minor, but the simple questions, "How are you doing? And where do you want to be?" We couldn't get the answers and we were speculating. And so, that was part of the concern.

Christian Spaulding ([11:35](#)):

And part of the interplay too, was with the guardian ad litem is, I had a conversation with her before the hearing, trying to align our interests, basically. If the child wanted to be with the grandmother, the grandmother wanted her back, that's a strong position to take in front of a judge. However, unfortunately, the guardian ad litem, she said, "I don't think I'll be able to develop a traditional relationship with this client, because she can't really advise me of what she wants." And that was a hurdle, because we didn't know what position she was going to take during the hearing. And by she, I mean the guardian ad litem. And it turned out that she didn't really play much of a role in the hearing at all. And it was just an interesting hurdle that we had to address.

Caroline Heller ([12:20](#)):

No, I was just going to say, and my recollection is the child was I think 11, is that right? Right. And her disorder, without disclosing too much information, it's a communication disorder, was one of the traits. And so, it's not surprising that it was difficult to illicit responses, to what sound like simple questions. But, I think ultimately, also we're talking about a child who probably has love for all of her family members and even a child who is typically neurologically functioning might have a hard time responding to those questions, maybe not. But, it's very hard to put a child of that age in the middle of a custody dispute. And so, Christian and Jacob, what happened from there?

Christian Spaulding ([13:09](#)):

So, from there, the next thing that happened was the hearing on a petition.

Caroline Heller ([13:14](#)):

How quickly was that turnaround, from the time the petition was filed, that you then filed the objections, and then had the hearing?

Christian Spaulding ([13:21](#)):

We filed our objection in the middle of August, I believe August 11th. And the turnaround to the hearing was pretty quick. The hearing was September 16th-

Jacob Bundick ([13:34](#)):

About two weeks later.

Christian Spaulding ([13:35](#)):

Yeah, I believe so. It was somewhere in the middle of September. So, we're looking at about a month from when we got involved, until the hearing happened. And the hearing started off in our favor, right from the get go, the judge, her first inclination, and she asked us, all the participants she's like, "I don't think I have jurisdiction over this case." And without even getting into the specifics of it, she said, "Well, I have a valid custody order here from D.C. So, I have no jurisdiction to appoint you guardian, you have to go to D.C to do this." And after she made that quasi ruling, she went on to discuss the specifics of the case. And ultimately, sided with us and found that the aunt needed to return the child.

Christian Spaulding ([14:24](#)):

And there was discussions of how quick? And near the end of the hearing, the aunt actually made a strange request. She said, "Okay, well, somebody has to come get this kid today." And the judge was taken aback. And she said, "Woah, let's pump the breaks. Nobody's coming to get the kid today, but let's work this out." And at that point, it turned for the worse, for lack of a better term. Because, we concluded the hearing with the understanding that the grandma would come out, if I remember correctly, within three days to get the child. And I believe, the hearing was on a Thursday. And we had booked her a flight for Saturday to come out and they were going to return Sunday. And after the hearing, everything seemed fine. And then, we get a frantic email from Shirin and she can elaborate on what happened there, I think.

Shirin Afsous ([15:16](#)):

Well, I got a very panicked phone call from the grandmother in the evening, on the day that we had won in court. And she was just beside herself, because she had received a phone call from Child Protective Services in Las Vegas, telling her that they had taken the minor child, because the minor child had been abandoned. And she didn't have any additional information. She was just panicked, because she had no idea where her granddaughter had gone. So, for about two, or so hours, I was able to track down with Mike's assistance, and then get Christian and Jacob involved to figure out where the child was and what procedures we needed to participate in, to get the child back. Because, child protective services has very specific...

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Shirin Afsous ([16:03](#)):

... participate in to get the child back because Child Protective Services has very specific deadlines. And once a child has been in their custody and care for over 24 hours, they have to go back to court. They have to set up a formal process for the child to get returned to any custodial parent or grandparent. And we were really worried about how obviously a child with special needs was going to react to being taken out of first, her home in the DC area, then sent to Las Vegas, then being sent from there to essentially a holding area until either someone could go from DC and pick her up or until whatever was going to happen in Las Vegas happened. But the team was able to assemble and we were able to come up with a strategy and we were able to get the grandmother on the plane the following morning, and then Christian and Jacob picked up from there and were able to help her through the process to get her granddaughter back. It was a pretty amazing 12 hours or so.

Michael Sklaire ([17:03](#)):

The concern from the legal proceeding, all of a sudden if Child Protective Services keeps her for the 24 hours, the judge's argument that I have no jurisdiction, all of a sudden she has jurisdiction. That child

becomes a Las Vegas person for lack of a better term and we're in a different world where the child is no longer with the aunt, the child is in this holding pattern and we don't know how long. And so we spent a lot of time, Southwest Airlines was a savior in helping us book and rebook and rebook and rebook. And we actually brought her, got her to the airport that morning, and these guys picked her up on the other end. And that next day, Christian, Jacob can tell you that that day was incredible.

Jacob Bundick ([17:52](#)):

Leading up to this that afternoon, we were on the phone with the grandmother continuously. We had someone who was very, very distraught and obviously we were working all channels to determine that the child was okay. And whether or not that we could take any steps to bring that child, whether that was her favorite stuffed animal or clothing or something of that nature. We were going above and beyond just from the legal perspective, but also working to see contacts that we had within the Child Protective Services and whether or not we could reach out to them to deliver items and things of that nature.

Jacob Bundick ([18:29](#)):

And then when we were communicating, obviously with the grandmother who would be flying out to Las Vegas and coordinating with her to retrieve the minor child from Child Protective Services and what the steps were going to be to do that, because obviously there are steps to take and Christian can talk about Child Protective Services and when they arrived, but the team mobilized to do this. And I have to say that Child Protective Services was very cooperative with us. They obviously have their rules and procedures that they have to comply with, but understood the circumstances when we were communicating with them. And they were very instrumental in assisting us with those steps, compliance with those steps, at least.

Caroline Heller ([19:13](#)):

And Christian, tell us a little bit about like that. Where did the actual reunion happen? Did the grandmother have to go to Child Protective Services and work through paperwork and get that processed? Or ere they reunited someplace else? Tell us a little bit about that.

Christian Spaulding ([19:28](#)):

Yeah. So this is, I think this is the point where this case changed and became something really special that we were able to be involved in. As we mentioned, immediately following the hearing, or actually you could see it during the hearing, the aunts demeanor changed, and it was almost childlike to be frank with you. She was like, oh, I'm not getting my way, well then fine, I'm going to throw a temper tantrum because she wanted to just get rid of the kid right then and there as soon as she didn't get her away. For me personally, as a relatively new father, when I got that email from Shirin that night, it just really struck a chord. And it was one of those things that I was thankfully able to drop literally everything I had scheduled for the following day when the grandma came, because I ended up spending all day with her from basically 7:30 AM until 5:00 PM.

Christian Spaulding ([20:22](#)):

So what happened was I went to the airport and I actually picked her up at the airport. And when I first met her, I could tell she was frazzled, frankly. A last minute flight across the country to throw yourself into this dramatic situation, how could you not be really? And we got in the car and we just started talking and the child was at, I believe, it was called Child Haven. It's a facility here. And it was about a 35

minute drive from the airport. And we got there and we were just talking about the whole situation the whole way, and just getting to know each other.

Christian Spaulding ([20:59](#)):

And it was very pleasant. And then we out there and the facility was actually really nice, very clean. And we walked in and everybody was very, very helpful. And we were in the waiting room and somewhat, without notice, they just brought her out and grandmother saw her and they shared a really long, long embrace. And it was very nice. It was great to see that. And both of them of course started crying and then grandmother FaceTimed some family back in DC immediately before we even left the building. And then they just couldn't stop smiling and talking all the way to the hotel where we set them up for the night. And then Jacob picked them up the next morning and took them back to the airport.

Jacob Bundick ([21:47](#)):

What was amazing about all of this, outside of what would to some be crazy, the whole situation and the aunt leaving this minor child like she did, was this sheer appreciation from the grandmother who, as the team worked through this, when they boarded the flight, they sent me pictures of them on the flight. I have continued to stay in touch with the grandmother.

Jacob Bundick ([22:12](#)):

She sends me pictures of family barbecues and parties and things of that nature. And it's something that obviously because of the resources that we have at Greenberg, it's something that we get to experience and assist people. And I think that that is just something that's really great about what we get to do as lawyers and helping individuals such as this. And it's something that's continued to pay dividends because we get updates, which are great to receive for something that was a really tragic story that turned out to be a great story. And I was appreciative that I even got to be involved in this because it really did make a very depressing year of live through COVID something that was good.

Caroline Heller ([23:00](#)):

Yeah and I thought when the defender's office first reached out and described the situation, and I know enough family law to practice in New York and I thought about it a little bit and I knew I was like, well, we're going to need someone in DC and we're going to need someone in Las Vegas. And aren't we lucky that we have these two offices that can collaborate together, but I thought that DC would be the first place to start, because I was wondering if Shirin had spoken about before we have this order, or my understanding was there was some paper, some document saying the grandmother had custody in DC, couldn't we just call the cops out in Las Vegas and have them go pick the little girl up?

Caroline Heller ([23:42](#)):

Isn't this kidnapping. But of course, no, like most matters we have, things are a lot more complicated than they seem. So it was quite a stroke, I wouldn't say luck because that's just our firm has the tentacles all over the United States and it's incredibly useful and we have a lot of resources, but certainly for the defender office to reach out and then for everybody to be available.

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Caroline Heller ([24:03](#)):



Certainly for the defender office to reach out and then for everybody to be available and have the dedication. And also some family law expertise was certainly a stroke of luck for the grandmother and this little girl. Who, interestingly, when you're talking about when she gets picked up she all of a sudden becomes communicative. You're talking about her in the car chattering away to her grandmother, that really demonstrates for a child who has a communication disorder this is clearly the person she's bonded with and thank goodness you guys were able to get her back. And just around when school started.

Michael Sklaire ([24:35](#)):

Right, because she's back and she's back in school now. I mean, she's in school. The grandmother told me when she picked her up that she walked out of school holding hands with her teacher and she had never done that before.

Caroline Heller ([24:47](#)):

Well, this, this leads me to one last question for everybody, you can each tell me your perspectives. Shirin and Christian from the associate perspective, sometimes associates are concerned about balancing the time or is this something that will really benefit me in my career. Setting aside all the feel good stuff that we think, we always think people should take these cases because you get to reunite a family. There'll be very few things you do in your career that you will talk about with your family members years from now other than something like where you're able to reunite a family. But some associates are concerned about time. If you could both just speak a little bit about your experience and how you were able to balance it with your work. And then I guess Mike and Jacob from the shareholder perspective, we have a lot of shareholders who do great work, and talk a little bit about what that experience is like and being able to do that outside of your areas of practice and what it means to you.

Shirin Afsous ([25:43](#)):

Sure. So I think it's like anything else that you want to do, you're going to create the time for it. I think it's really easy as associates for us to say we're really swamped and we're really busy because we are really swamped and we are really busy. But at the end of the day, you can always carve out an extra 30 minutes or hour to work on something like this. It's not like these cases take 40 hours a week of working on them, especially when you're working with a great team. So we were able to kind of divvy up what was going to happen, kind of behind the scenes what was going to happen as Christian and Jacob were preparing for the hearings and everybody kind of helped everyone out. So, it's not like anyone needs to think that they by themselves are going to have to put in 100 hours of work on this. It's possible to carve out time in our busy days to help someone else.

Christian Spaulding ([26:34](#)):

Yeah. I personally completely agree. I think that there is also something inherently present in pro bono work that you get kind of invested in it in a different way than you would any other case that you're working on because you realize quickly as you're starting to work on it that you're helping somebody that otherwise wouldn't be able to be represented. But, in a circumstance like this I think that there was kind of two aspects of it really. There was the legwork, getting ready for everything and I think Shirin and Mike really kicked, knocked the ball at the park with that. I mean, they really prepared the objection with minor comments here and there from Jacob and I, but they did the actual legal work really in the beginning, and then Jacob and I prepared for the hearing. And then when it was boots on the ground

time, pick grandma up from the airport and then take her back to the airport, Jacob and I were able to handle that.

Christian Spaulding ([27:28](#)):

So, I think that the whole team really worked well together. But as far as devoting time to it, I found it really easy to devote time to it because, like I said, it's something that you find yourself getting more interested in than you would an average case. Especially when it starts to develop in the way that this one did, because there was the simple objection to the petition, but then the ball kept rolling and turned into a bunch of things that we didn't expect. And it was challenging in a way that I personally haven't been challenged in my career for the family law aspect of it. So I didn't find it hard to devote time to it. And thankfully I was able to drop everything the day that I picked her up and devote a whole day to it. Which was kind of cool, get credit for hours that you're spent getting to know somebody and helping a family. I thought that was pretty great.

Jacob Bundick ([28:28](#)):

Obviously I'm not a family law expert, but we were able to use our litigation skills and our expertise in other areas to really work with the team to strategize about how we were going to deal with the issues and then just the curve ball issues that we never anticipated were going to happen. But we were able to mobilize very quickly based on our skillset. And then also the resources of the firm, because we did rely on, honestly, our staff and other that are not on this podcast, but they were also very invested in this case and assisting us as well. So, having those resources were beneficial.

Michael Sklaire ([29:10](#)):

Look, I think the nice thing about our firm and the nice thing about the people that work in our firm is that when you send the request out and I know nothing about guardianship and I know nothing about how the Vegas state court system works, but I know that we have people and I know that I can put together the best people in that place. If we didn't have an office there it would've been a harder thing to pick up, but I know that we can find a solution and I don't need to be an expert in family law. But I know that we know how to try a case, we know how to speak to certain lawyers, we know how to speak to judges and we know what's right. And so then we can plug it in and go and that's what was really nice about this opportunity.

Caroline Heller ([30:01](#)):

Thanks for joining us for today's episode of Good In Practice. I'm the host Caroline Heller, chair of Greenberg Traurig's Global Pro Bono Program and litigation shareholder in the New York office. On today's episode, I interviewed Michael Sklar, a shareholder in the Northern Virginia office. Jacob Bundick, a shareholder in our Las Vegas office. Shirin Afsous, an associate in the Northern Virginia office and Christian Spaulding, an associate in the Las Vegas office. I hope you join us next time for another pro bono story.

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