

Caroline Heller ([00:02](#)):

This is Caroline Heller, chair of Greenberg Traurig's Global Pro Bono Program and litigation shareholder in Greenberg Traurig's 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](#)):

On today's episode of Good in Practice. I interview Jennifer Surprenant, who is a shareholder in the New York office litigation department. Jennifer has significant trial experience and focuses her practice on a broad range of commercial disputes in both state and federal courts. I also interview Ryan Foreman, who is an associate in the New York office's real estate department. I interview them both about a representation they undertook of an active military service member in a visitation case concerning his daughter. This case was referred to us by the ABA Military Pro Bono Project, which is managed by the ABA Standing Committee on Legal Assistance for Military Personnel. This program accepts case referrals for military attorneys on behalf of junior enlisted active duty military personnel who are facing an assortment of civil legal issues and it places them with pro bono attorneys.

Caroline Heller ([01:10](#)):

Greenberg Traurig has worked with the ABA Military Pro Bono Project for many years, and every month we probably take at least one or two cases from them. Giving back to those who have served our country for our country is extremely important to Greenberg Traurig's pro bono program. In addition to working with the ABA and other nonprofits, Greenberg Traurig also has an internal military and veterans committee, which is comprised of Greenberg Traurig attorneys who are veterans or have active service members in their family. We use that committee to look for ways in which we can support active military service members and their families and veterans on a pro bono basis.

Caroline Heller ([01:51](#)):

I'm really excited for Jennifer and Ryan to share this story, it was an extremely quick turnaround time once they got involved and they got a great result. So I hope you enjoyed this episode of Good in Practice.

Caroline Heller ([02:03](#)):

Ryan, Jen, they thank you for joining me today on the podcast to tell us about your pro bono story. I was hoping you could first introduce yourselves. Tell us a little bit about what practice area you're at the firm, how long you've been at the firm. So Jennifer, why don't you start?

Jennifer Surprenant ([02:19](#)):

Sure. So I'm Jennifer Surprenant. I'm a shareholder in the New York litigation department. I've been here almost 10 years, it's nine now but rounding in the corner. I focus my practice on general commercial litigation matters here in New York and I work with our colleagues throughout the litigation department throughout the firm.

Caroline Heller ([02:38](#)):

And Ryan tell us a little bit about yourself.

Ryan Foreman ([02:40](#)):

So I joined the firm pretty recently in mid-September and associates in the real estate group, mostly do transactional work. So I was excited to volunteer for a litigation pro bono matter.

Caroline Heller ([02:53](#)):

Okay. So I'm really happy to have you both on for a couple of reasons, one is that Ryan you're a real estate associate but you took a family court litigation. And Jen, you are a shareholder in litigation and I remember actually supervising you at a similar year when you were an associate here on family court cases. I feel like the story's going to be kind of similar in that you would just run with the cases and I would barely have to do any supervision, you just took hold of them. But that's no small part why you were elevated to a shareholder here and you're such a valued member of the New York litigation practice. So I'm really excited to have you both here.

Caroline Heller ([03:39](#)):

So let's start. Ryan, why don't you tell us a little bit about why you decided to take on this representation and a little bit about the case?

Ryan Foreman ([03:48](#)):

Sure. So I got the email blast and was sort of going through it, understanding that pro bono is a big part of the culture at GT and the local of the offering caught my mind. It was in a place that I was familiar with in upstate New York. And the matter seems very interesting, different from my daily grind so to speak. And I thought that it would be a good place to jump in and help.

Caroline Heller ([04:19](#)):

When you say email blast, you're talking about the email that I circulated to all relevant offices about offerings from the ABA Military Project. Is that right?

Ryan Foreman ([04:29](#)):

That's correct. Yep.

Caroline Heller ([04:30](#)):

Okay. And tell us a little bit about the facts of the particular case that caught your eye.

Ryan Foreman ([04:35](#)):

So the facts that caught my eye were that this was a case of about a service member who is not located in the town or place where his daughter is. And he was interested in enhancing, or not losing, his custodial rights. He was very interested in spending more time with his daughter or having of contact and communication. All things that he felt like he was losing. So he had initiated a petition on his own behalf and needed some help seeing that process through, and that's where we came in.

Caroline Heller ([05:20](#)):

Yeah, the family court process can be really daunting when somebody's not represented. And you are in the real estate department. Why did you volunteer to take a family court case for a current service member?

Ryan Foreman ([05:37](#)):

Well, I think that's the beauty of the pro bono opportunity and offering is to do something different, there's only so much transactional work a person could do. And I thought it would be an exciting opportunity to experience something different than unbeknownst to me from the offering blurb, the case was essentially ready and going to trial within a month of us getting retained. And so as soon as we signed up for the matter and everything was good to go, Jennifer and I needed to connect immediately and figure out a litigation plan and a trial plan and let the court know we were retained and start to really hit the ground running, working on the matter. Or, trying to resolve it before trial because we didn't really have much time to prepare as thoroughly as we would've liked.

Jennifer Surprenant ([06:38](#)):

I think that Ryan is being very modest. This man, our client, is a hero. I mean, he's an active service man who brought his own petition, was struggling with it, but also there was a cross petition against him by the mother to essentially have the child taken away from him. This is someone who's actually being stationed on a military base, and not in Afghanistan here in America, who was basically trying to have his child taken away from him. I mean, I know that when Ryan and I were connecting early on, that was really one of the reasons why this case was so compelling. To deprive someone of their custodial contacts just because they're a way in active duty. First of all, that's illegal and we were stepping in to protect that and protect his rights.

Jennifer Surprenant ([07:25](#)):

Also, there was another active condition as well for the grandmother, our client's mother, who also wanted to have rights to see the child. Now, we weren't representing the grandmother, but certainly all of this was interwoven. So it was a really complex case that Ryan stepped up to the plate, looked at all the facts, we had only a month to prepare for trial. Ryan don't sell yourself short here, this was a complex case that you really worked very, very hard on for many days to try and prepare for it. It wasn't straightforward at all. There were cross petitions and all sorts of things with the judge who wanted this to be expedited, did not want any delays just because we were stepping in, she was not inclined to change the schedule at all. This was, you are going to trial, hit the ground running and off to the races we were.

Caroline Heller ([08:14](#)):

Yeah. I understand that the turnaround from when you took the case to how it was resolved was I think less than a month, which is just extraordinary especially when you're talking about family court. Jen, I'm really glad that you mentioned that because one of the pro bono projects that's so important to Greenberg Traurig is helping our active service members. Because this happens a lot where somebody is stationed someplace away from their family, they're having a dispute with their significant other, the child's other parent, and oftentimes it's very difficult for them to get good representation or even represent themselves so that they continue the family relationship.

Caroline Heller ([08:51](#)):

I wanted to know, Ryan, as I said, you're a real estate attorney so had you had any experience speaking in court, working on a litigation, a trial? And how did having Jen as your supervisor help you to prepare for a trial?

Ryan Foreman ([09:09](#)):

So I had some litigation experience from my prior firm. I was in a more blended role, transactional litigation while I was there. So I've been to court and I grew up the son of a trial attorney so I'm familiar with the process. But I had never done a trial soup to nuts myself before. And having Jennifer guide me through the process and sort of say, hey, you have good ideas, but we need to focus, shorten this, tighten up that, and really direct all of my energy in the right place was extremely helpful. And also to familiarize me with the process, how it's actually going to be, and not necessarily how I thought it might be, was invaluable.

Caroline Heller ([10:03](#)):

And tell me a little bit about how it was to work with your client to prepare for this.

Ryan Foreman ([10:05](#)):

Well, he was very active in participating. He was available. He was interested in pursuing the matter. He really wanted more rights and time. And so working with him was a fantastic experience. And if it weren't for him and his preparedness, we would've had a even more difficult time. But he had documents, he had evidence, he had his case lined up for himself, which may made the process a lot easier for us.

Caroline Heller ([10:39](#)):

And did the case go to trial?

Ryan Foreman ([10:42](#)):

So it did. We requested that it not, we requested a stay. The judge denied our ask and we proceeded on the day of the trial, not necessarily with... Well, ended up being a trial. It was turned into a mediation situation, but it was the scheduled day of the trial and we had some back and forth in the days before with the other parties, the attorney for the mother and the child, and we had come pretty close to reaching an agreement. So, with the assistance of the judge on the day of trial we were sort of able to force something through that worked for everybody to the extent it was okay with the court.

Caroline Heller ([11:32](#)):

So you were eventually able to settle it with the court's help that day?

Ryan Foreman ([11:35](#)):

Exactly.

Caroline Heller ([11:36](#)):

And what were the terms of the settlement?

Ryan Foreman ([11:38](#)):

Fortunately for our client he didn't lose any rights. He gained more access to his daughter. He was being severely limited in his time through video and telephone. So we defined the scope of when communication can happen and grew it. We advocated that he be able to take his daughter on trips with him or bring her to the base where he is stationed, which is not something he was previously allowed or able to do. We enhanced the scope of his in-person parenting time when he is back in his hometown. And we even got his mother, so the grandmother who wasn't our client, rights as well to

one weekend per month, which is not something that had been happening in a long time. The daughter had essentially been excommunicated from the father's side of the family. So it was a overall great result for everybody.

Caroline Heller ([12:43](#)):

Yeah. And I will say that is very unusual. I have not looked at the law recently and maybe Jen, Ryan, you're more familiar with it, but in the past when I was doing cases like this, grandparents had very limited rights, if any, to have visitation when the two parents were active and involved in the child's life. Is that still sort of where the law stands? Has it changed at all?

Ryan Foreman ([13:14](#)):

Not to my knowledge. And the judge was very clear that she's giving a lot to the grandmother and she's lucky to get it, but we were able to create a nice, true story of how in the early stages of the child's life, a lot of time was spent with the grandmother and that was very important for her development. Our client is not in the immediate area as the result of his military duties, so it's important that the connection with the paternal side of the family remain intact. One of the ways that we could do of this is to spend some time with grandma, and that also gives our client access as well because when the daughter's with grandma the phone works a little better in his favor and FaceTime works a little better in his favor. So it was a big success in that regard.

Jennifer Surprenant ([14:15](#)):

Just to jump in here. I will say also one of the greatest successes of this too, was because of Ryan's narrative and advocacy, actually after the hearing later that afternoon, the mother brought the daughter on her own over to the grandmother's house and was like it would be really nice for you to spend more time with your granddaughter.

Caroline Heller ([14:35](#)):

Wow.

Jennifer Surprenant ([14:35](#)):

Amazing. Our client immediately texted Ryan and was just absolutely elated, because that's really what he wanted. What he wanted was his family to have more of a connection with his daughter because though he's not able to be there, it's just so important for him. It's his family and that everyone's working together and that his mother gets to spend time with his daughter in his absence. So that was really important and was just great work by Ryan to get that to happen.

Caroline Heller ([15:02](#)):

Yeah. I mean, I think that speaks to probably the touch as an attorney, Ryan, also that you had on this matter be because one of the most difficult things about dealing with family issues is that you can get a court to order people to do things, but you can't get a court to order them to get along or to be good parents or to do what's in their child's best interest or to stop hating each other. So it sounds like whatever soft touch you had in dealing with the mother during this process created an environment where she felt like, okay this is in my daughter's best interest and I love my daughter, I think I'm going to try to make this work a little bit more so that she has people in her life who love her. Which is really

fantastic. I hope we don't jinx it so I'm going to touch wood here. But thanks for sharing that, Jen, I think that's really important.

Caroline Heller ([15:58](#)):

Jen, one other thing I was curious about, as a litigation shareholder at Greenberg Traurig when you were approaching this trial, how did the skills that you use for your commercial clients help prepare for this particular case? Or did you use the same skills or draw on different skills or experiences?

Jennifer Surprenant ([16:20](#)):

I used the same approach to this trial as I used to all of my trials, which is preparedness. And Ryan will tell you know the couple days before the trial when our motion for adjournment got denied I had an mock up outlines for everyone we could potentially call as a witness, I wanted all of the documents organized. I really guided him through the process as to at Greenberg how we prepare for a trial. The steps we use to, we had a paralegal involved to organize all of our exhibits to make sure that everything was ready to go. We did trial runs with our client on Zoom. We did practices with his mother as well, in case we wanted to call her as a witness. We really just took the same approach to this child as we take to every trial at Greenberg. I mean, all of our clients, it's just so important for any child that we follow the procedures and that we're doing our best job to advocate on their behalf. A pro bono trial is absolutely no different just because the subject matter isn't commercial doesn't mean that we follow a different process or procedure.

Caroline Heller ([17:20](#)):

Yeah, as I was saying in the beginning what I always enjoyed about working with you when you first lateral into the firm is that you took that approach from day one when you had a family court case. And I never had to worry about sending you to court by yourself because you took hold of it and knew what you were doing. And it sounds like Ryan did the same thing with some really useful insight from you based on your experience. So often our associates feel so much pressure with their billable work to make sure they get everything done, it's extremely important and sometimes associates feel like, oh, I don't know if I have the time to do this case or maybe I don't have the exact skillset even though I'd really like to. So tell me a little bit about how, I mean, you are a new associate at the firm and we do expect all of our associates to do pro bono work but for people who lateral in, we like to give them a little bit of cushion time to get acclimated. So tell me a little bit about how you approached it and felt that you could incorporate it into your real estate work?

Ryan Foreman ([18:23](#)):

Yeah, timing for me was pretty fortunate in that regard. So this was in the December, which was a pretty, pretty crazy time in real estate closings, by the end of the year people are looking to get things done and I was staffed on a bunch of matters. But a lot of them really closed and then it was holiday time and things sort of slowed a little bit for me personally. So I had the time to devote my energy and efforts to this matter. So timing was pretty good for me, I think that was fortuitous. But I am fortunate that work slowed for me at a time when I figured out we were about to go trial and there was no extensions or delays or anything we could do to avert it. So I got lucky with my timing.

Caroline Heller ([19:20](#)):

Well, and I think also it speaks to choosing to take a pro bono case when you're a little bit slower so that you can have that great opportunity and not worry about having to juggle everything is also something I try to remind the associates to do because it usually works out much better that way for them.

Jennifer Surprenant ([19:37](#)):

I mean, with when it comes to dealing with the courts they can be a bit unpredictable. Sometimes you take something that's slow and then suddenly things pop up, other matters or the proverbial matter starts to heat up. But I think that balance is always at any law firm, but the importance really is about the work that you're doing. And with something particularly like this if you're giving up your weekend, which I know Ryan did for this particular matter and maybe even more than one weekend in terms of getting prepared, the reward of having this outcome really kind of makes it all worthwhile. So when it comes to juggling things, sure maybe you might have to spend a little bit of extra cutting into your personal time to get something like this done but I mean the outcome is just so absolutely rewarding.

Jennifer Surprenant ([20:28](#)):

And that being said, the firm has so many resources to all of its matters and the same is said for the pro bono matters. I mean, we had paralegals helping us, and I know that other associates and shareholders around the firm are always willing to pitch in, particularly if it's a busy time for you and you just need someone to help. I've never had an experience where in a pro bono matter I've been unable to do something and haven't found firm resources to come in and help me out. So I really just would encourage everyone that the help is there. If you get overwhelmed because you've taken on a matter, Caroline I know that you're always there to help reallocate things, help someone pitch in on emotion or whatever else, people want to do the work. I think that shouldn't deter someone from taking it on because the rewards really are just so amazing.

Jennifer Surprenant ([21:13](#)):

I mean, I've been doing family court work for basically since I came to the firm, Caroline, that was the matter that you and I worked on, the amount of joy that you can bring to people's lives. They're so overwhelmed in such a vulnerable situation about their children and just helping them through these processes it's such an incredible feeling. And some of it isn't even legal, some of it's just sitting down listening to them and talk to them and explaining to them, Caroline I think you said this earlier, the importance of being a good parent and getting along with your co-parent is just so important. That human touch is just so amazing in cases like this. I just would encourage everyone to consider doing this type of work. And I know that the resources are there at the firm if you just get too overwhelmed that we can find a way to shuffle things around for anything.

Caroline Heller ([22:05](#)):

Yeah, absolutely. And over the past two year, I think we've learned both in the pro bono world and with all of our commercial work, how it's actually a little bit easier to reach out to some of our other offices for assistance on certain work and collaborate with attorneys in different areas in ways that we weren't necessarily collaborating before.

Caroline Heller ([22:25](#)):

Ryan, tell me a little bit, I guess, just about that human element and what it is like in the real estate world you're dealing with people obviously, but you're typically representing a group or an entity, not a person's rights. You're not dealing with a person's rights, it's transactional. So tell me about how it is to

be able to affect an individual person's life in an area that's so important a relationship between a child and their parent.

Ryan Foreman ([23:00](#)):

Yeah, it was a great change. And I think that through the process, the client and I became very friendly, we started texting, it was an easy way to communicate, better than email for him. And we would just talk about the case and the process and things of that nature. It was nice to connect and have the client understand that he has somebody on his side and also you feel like you are helping an individual accomplish the most important thing in their life at that time, at least, get what it is that they want.

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

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