

FROM THE DESK OF JILL JONES-SODERMAN

The Pilot Was Locked Out of the Cockpit: A Metaphor for Litigants in Custody Conflicts

The litigants the Foundation sees are literally in life-and-death conflicts for the entire family: nuclear, extended, future generations, and even the entire community.

The public appears to believe in the delusion of Judicial wisdom and equity – and in the ethics, skill, and competence of attorneys representing clients, as well. But collusion occurs between court actors – including judges, lawyers, and mental health appointees. The system isn't just broken; it's rotten to the core, rife with back-room deals, pay-offs, and retribution for speaking out. The police file fraudulent reports, choose not to investigate reports of crimes committed against children, plant drugs, and harass the innocent.

So who guards the guardians? Barely anyone – until these situations burst into the public, where the outrageously inequitable issues cannot go unnoticed. The press are often loathe to deal with the “messy,” contentious, litigious retaliation of attorneys who have unlimited resources with the court system, but the press cannot ignore the sheer number of complaining litigants.

The recent tragedy of German Wings Flight 9525 in the French Alps not only illuminated the weaknesses in airline procedures; it also provided an apt metaphor for our current court system: *the pilot is shut out of the cockpit*. When clients sign a retainer agreement with an attorney, the client is then at the mercy of that attorney, who can, in turn, make deals against the client's interest. The client isn't aware of these choices – not until they lose the case.

In the article “What Your Attorney Says Behind Your Back,” Dr. Jill Jones-Soderman details what really goes on in litigation, including what's found in the discovery process when the litigant sues the attorney for malpractice. This is the full horror of the *legal crash*: it represents the dawning awareness of the client, who begins to understand why, after doing everything “right” and paying hundreds of thousands of dollars, they lost custody of their children.

But just like Flight 9525, with the legal system, anyone who could change the disastrous course is locked out. The client's capacity to make decisions in their own interests is prohibited by the client's ignorance of events around them. There's no one present to inform the client of what's happening to them, as the lawyer entrusted with the client's interests represents their own interests, and not necessarily the client's.

It's hard to imagine the feelings of fear and helplessness that children feel when the court has taken control of their lives and transfers custody into the hands of their abuser.

The sheer numbers of wrongful custody transfers and the devastating, wide-reaching impact on children are unknown because so much occurs behind closed doors and behind clients' backs. But this is just part of “business as usual” outside the purview of gatekeepers.