

Pro Bono Attorney Who Helps Rescue an Abused Child Among Honorees at State Bar Annual Gathering

Truly exceptional pro bono attorneys and programs continually assist Wisconsin citizens with unmet legal needs. In this article, we feature a lawyer who helped a little girl find a loving home after tragedy and abuse. He, along with other volunteers, will receive awards at the State Bar's Annual Meeting & Conference June 26 in Lake Geneva.

By JOE FORWARD

June 18, 2014 – Wisconsin has many great attorneys. A number of truly exceptional attorneys go above and beyond to help those who cannot afford it or assist people or the legal community in ways that involve the contribution of something very precious: time.

The State Bar of Wisconsin routinely hears stories about exceptional pro bono attorneys or programs assisting Wisconsin citizens with unmet legal needs. In addition, many State Bar members contribute valuable volunteer hours to help the State Bar's ongoing efforts to assist attorneys and improve the legal profession.

In this article, we feature the recipient of this year's pro bono attorney of the year award. Numerous individuals, including this attorney, will receive awards for volunteer service at the Member Recognition Celebration at the State Bar's Annual Meeting and Conference June 26 at the Grand Geneva Resort & Spa in Lake Geneva.

The event, from 5:30 to 7:30 p.m., is free and all State Bar members and their friends and families are invited to attend. Registration is not required.

Michael Lueder: Pro Bono Attorney of the Year

She heard it on the news. Rosie was at home watching TV when she heard about a 24-year old woman, clearly disturbed, who beat her own infant nephew to death and severely abused her two-year-old niece. These children, whose parents could not care for them, had been placed in the care of their aunt by child welfare services.

Rosie knew these kids. She had fostered them while child welfare services looked for a more permanent home. The little girl, referred to as C.T. in court records, had been discovered with two broken legs, and burns on 60 percent of her body from scalding water and cigarettes. C.T. was nonfunctional when Rosie saw her at the hospital.

Rosie wanted C.T. back. She wanted to help nurse her to health, to provide a permanent and stable home, to be her mother. But she would have a major legal fight to convince the court that she was the best person to permanently care for C.T.

She was going to need help to navigate the system – a lawyer to help her through the procedural chaos of children’s court, and to advocate for her belief that C.T. would have the love and support she needed with Rosie as permanent guardian.

She reached out to Kids Matter Inc., which helps children in the child welfare system find loving homes. That agency reached out to the pro bono contact at Foley & Lardner.

Ultimately, the case was assigned to attorney Michael Lueder (Indiana 1987), a partner at the firm with almost 27 years of experience in civil litigation. But this area was new to Lueder.

“I really didn’t know what I was doing,” Lueder said. “I had never done a case like this before. But I had a lot of help, and I did enough homework to know what needed to be done. It was our opinion that Rosie could provide the best care possible for C.T.”

For the next few years, Lueder took the steps necessary to ensure Rosie would obtain full legal custody and permanent placement of C.T. That required him to show convincingly that

Rosie was the best person to care for C.T. Without Rosie and Lueder fighting for her, C.T. would be placed back in the very system that had failed her.



“This is probably the most significant case I’ve ever had, and probably one of the most personally rewarding.” –

Michael Lueder, Pro Bono Attorney of the Year

With C.T.'s Best Interests in Mind

Lueder picked up the case where two younger associates had left off. Both had taken jobs elsewhere and could no longer represent Rosie. So Lueder stepped in. The court had allowed Rosie to foster C.T. temporarily until a determination could be made about permanent or long-term placement.

Lueder objected to a change of placement that was recommended by the child welfare agency. They wanted to move C.T. to a different foster family with five other children. Two of them were C.T.'s siblings.

But Rosie and Lueder felt C.T. needed more attention than could be provided in a home with multiple children. In addition, C.T.'s health care team had recommended that C.T. not be moved. But the court needed to know that.

Lueder obtained expert testimony from psychotherapists, and from a nationally recognized developmental pediatrician who specializes in child trauma.

“Attorney Lueder provided evidence of the child’s health care and therapeutic needs that was so overwhelming that the court rejected the agency’s planned substitution of therapists and the change in placement,” noted Susan Conwell, attorney and KIDS MATTER INC. Executive Director.

Now it was time to show that Rosie was the best person for legal guardianship of C.T. Adoption was not an option in Rosie’s case, so Lueder worked around it.

For the next two years, Lueder kept the procedural ball in the air while C.T. continued to live with Rosie. As time passed, the more it became clear that C.T. was improving under Rosie’s care. Appraisals from child psychologists and therapists were positive for C.T.

“All the procedural wrangling gave us time to develop a record with C.T. under Rosie’s care, affirmatively showing that she was getting better,” said Lueder. “I viewed the person that needed to be convinced the most as the guardian ad litem, who ultimately came to understand that this was the right thing for C.T. It just took a while to get there.”

With compelling evidence of C.T.’s improvement, the guardian ad litem agreed that it would make sense to give Rosie guardianship with certain conditions. The court made Rosie permanent legal guardian in 2012, and Lueder was back in court a year later.

“Last year, we decided to petition the court to eliminate basically all state involvement. No more visits from the state,” said Lueder, who noted that eliminating the conditions would allow Rosie and C.T. to live a normal family life without constant visits.

He also helped set up a court-approved succession plan in the event that Rosie could no longer care for C.T. – Rosie’s daughter would take care of her.

Conwell noted that with Lueder’s help, “C.T. avoided a lifetime of bouncing through foster care, and the psychiatric trauma of being uprooted yet again and losing contact with anyone who knew her history.”

Conwell also noted that Lueder learned a completely new area of law, managed a complex web of interests, addressed numerous conflicts, and used the tools of litigation at his disposal to

change minds and hearts while helping people reach consensus.

Rosie said Lueder's "labor of love, his unselfishness, his assertiveness, his giving of his time and talent will be forever engraved in our hearts."

For Lueder, who has two kids of his own, the case was special. "Usually I represent disputes about money, so at the end of the day, whether I win or lose, the answer is someone pays or not," he said. "In that sense, this is probably the most significant case I've ever had, and probably one of the most personally rewarding."

"I would say your own selfish motivation is sufficient enough reason to do pro bono work, because it provides you with a different kind of satisfaction, particularly when you are a business lawyer," said Lueder, who spent about 200 hours on the case.

Lueder was quick to credit others who helped on the case, including former associates Cassie McCauley and Cynthia Davis, and Jennifer Hastings at Kids Matter. In the end, Lueder said everyone involved, especially Rosie, kept C.T.'s best interest in mind.

As for C.T., she just finished the third grade. She takes piano lessons, is learning how to tap dance, and has many friends at school. Because of those willing to bat for C.T., including a dedicated pro bono lawyer, she will have a normal and safe childhood.

For his efforts, Lueder will receive the Pro Bono Attorney of the Year Award from the State Bar's Legal Assistance Committee.