

Mother Refunded Money Paid To Shyster Lawyer Hired To Defend Her Innocent Son

by John Cole Vodicka



Catherine Williams holding refund check

Catherine called the lawyer's office to find out if the case against Tacoma had indeed been dismissed. The attorney said no, and again demanded more money from Catherine.

Her name is Catherine Williams. I want to tell you about Catherine because she is someone who, over the last four years, I have come to know well, and who has taught me much about perseverance, persistence, endurance and faith.

Catherine Williams is an African American woman in her mid-forties. She is a single mom. She lives in Americus, Georgia and works at a nursing home.

In April 2001, Catherine Williams called me on the telephone asking for the Prison & Jail Project's help. The story she shared with me was this: Two years earlier in 1999, Catherine Williams' then-18-year-old son Tacoma had been arrested and charged with several criminal offenses — falsely so she believed. Catherine, who is not a wealthy woman by any means, scraped up \$750 to hire an Americus attorney. The \$750 was the amount this lawyer required to take Tacoma's case and to file the necessary paperwork and motions to begin representing the young man. Then several months later, in early 2000, the lawyer called Catherine demand another \$1,500 because he was "going to take the case to trial" and needed the money to do that. It was money she didn't have, but convinced of her son's innocence and the lawyer's legal abilities, she found the \$1,500 and handed it over to the attorney.

Months went by and she heard nothing more from the lawyer. Later that year, 2000, the lawyer's office called her and said they were going to need even more money from her, that the case was going to trial and they needed to hire an investigator to check on certain matters. Catherine was unable to raise any additional money; the lawyer told her that the \$1,500 she had paid him earlier would not be sufficient.

Then in October, 2000, Catherine was visiting neighbors when the grandmother of the codefendant in the case against Tacoma called out to her: "Hey, did you hear the good news? The DA's office dropped the charges against my grandson and Tacoma!" Catherine was puzzled. She had just days earlier talked to Tacoma's lawyer who was demanding more money from her because "Tacoma's case was going to trial."

A confused but determined Catherine Williams then went in person to the district attorney's office in Americus and asked about her son's case. "We dismissed those charges last month," the district attorney said, handing a copy of the indictment to Ms. Williams that had stamped "not-prosessed" on the paper, dated October, 2000.

Catherine returned home and immediately put in a call to the lawyer's office. She told his secretary that she had a copy of the legal document showing that Tacoma's case had been dismissed. The secretary denied that the case was dismissed. Catherine hung up the phone. Minutes later the lawyer himself called her back to tell her that, yes, the DA had decided to dismiss the case.

Catherine was incensed. "You knew this case had been dismissed and yet you were trying to get more money from me. You have been lying to me." The lawyer claimed ignorance. Catherine demanded that he return the \$1,500 she had paid him a year earlier, telling him, "You didn't do anything at all on this case." The lawyer refused to refund Catherine Williams any of the money.

Catherine told me all this in that April 2001 phone call to me and then, several days later, in person, when I first visited her in her home. She showed me the receipts she had for both the \$750 retainer fee, and the \$1,500 additional fee the lawyer had initially demanded of her. I was astonished. I told Catherine that in all likelihood she was entitled to be refunded at least the \$1,500 she had forked over to the attorney.

On April 13, 2001 a determined Catherine Williams and I sat down and drafted a letter to the lawyer, formally requesting that he refund the money to Catherine. We waited three weeks but there was no response to our letter.

She and I then filed a grievance against the attorney on May 7, 2001 with the Georgia Bar Association, asking that the Bar investigate the matter. The Bar in turn notified the lawyer that our grievance had been filed; the lawyer responded to the Bar, and in his response actually fabricated invoices and other documents to make it appear as though

he had properly represented Tacoma Williams in the early stages of the criminal case. In June 2001, Catherine and I filed a rebuttal to the lawyer's statement, taking him on point-by-point-by-point.

More time went by. In December 2001 we got word that the lawyer had been disbarred. He was disciplined by the Bar not because of his shoddy representation of Tacoma Williams but because of other, even more serious complaints filed against him. It was during this period of time that the attorney had been indicted locally for cocaine possession. "So those who are last will be first, and those who are first will be last," Catherine told me one morning when I visited her at her home.

Although the bar gives aggrieved clients like Catherine a chance to recoup money taken from them by shyster lawyers and ex-lawyers, the lawyer in question had been disbarred. So it was uncertain that the Bar had any further authority over whether or not he made things right with any of the clients he'd ripped off.

It was also at this time that Catherine received a package from the Georgia Bar asking that she fill out a pile of forms so that she could apply for reimbursement of the \$1,500 from the Bar's "Clients' Security Fund." Catherine filled out this set of forms and we sent them to the Bar.

More time went by. In June 2002, Catherine called me to ask what more, if anything, she could do. I was not very encouraging to her, but I did call the Bar for an update. I was told Catherine could still file a request to have the matter "arbitrated" by Bar-chosen arbitrators. We did make that request, requiring Catherine to fill out yet more forms, swear out an affidavit, and so on.

We then heard nothing for quite some time. Catherine would call me on occasion, or stop at my office, to ask about her grievance, but more significantly, let me know she was not going to give up the fight. She must have sensed that I was having serious doubts about prospects for success in her quest for justice. Indeed, I was getting weary, and very cynical. I didn't tell her this, but I was starting to feel that there was no way the high and mighty legal system was going pay serious attention to one African American woman in Americus, Georgia complaining about losing what was to them a piddly \$1,500. It felt futile to me.

I remember visiting one time and wondering aloud to Catherine if the Georgia Bar Association really cared about the misbehavior of Georgia's lawyers, if it was inter-

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ested in the consumer at all. Catherine looked dead at me across her kitchen table and said, "Jesus looked straight at his disciples saying, 'This is impossible for human beings, but for God everything is possible.'"

Eighteen months later the Bar notified Catherine that a fee arbitration hearing had been set up and that on December 18, 2003, she was to appear in Americus before three arbitrators.

I was not available to be with Catherine on December 18, 2003, having committed to other matters on that day. So Catherine Williams went into a conference room in an Americus law office to sit in front of three white male arbitrators, with the offending lawyer and his attorney present. She confronted the lawyer face-to-face and demanded that she be refunded the \$1,500 he "swindled" from her 4-1/2 years earlier! She told her story. The lawyer became belligerent at this hearing, Catherine said, and called her names, made false accusations against her, and, at one point, had to be restrained by his lawyer. Catherine said she sat upright throughout the hearing, looked each of the men in that room in the eye, and told them that she was confident "truth would win the day." "It's in God's hands," she said, "and God knows the truth."

Six months later, in June 2004, Catherine received word that the arbitration panel had voted 2-1 to award her the \$1,500! We were elated. But not long after, we were informed that the lawyer had refused to be bound by the arbitrators' decision, since he was no longer licensed to practice law. There would be no money coming her way. Her only option, according to the Bar official, was to take the now-disbarred lawyer to court over the arbitration, something that would take even more time, require legal assistance, and, in all likelihood, not be successful.

I was disappointed, mostly for Catherine. I was also assuming that it was time to throw in the towel. You gave it your absolute best shot, Catherine. I told her. You forced people in high places to at least take notice about what happened to you; maybe in the future others will gain from your trailblazing effort. Catherine's response was to quote to me a scripture passage from Luke's gospel: "The seeds that fell in a good soil stand for those who hear the message and retain it in a good and obedient heart, and they persist until they bear fruit."

Catherine continued to hold out hope, and we petitioned the Bar Association once again to consider appointing her an attorney to file the arbitration litigation against the lawyer. To

my absolute surprise, the Bar agreed to do just that! Catherine received a letter from the Bar in April 2005 telling her that not only would they appoint an attorney to represent her, but that the lawyer they chose for her was the Georgia Bar Association's General Counsel!

"If you believe, you will receive whatever you ask for in prayer," Catherine told me on the telephone that day.

Then, one month later, on May 9, 2005, Catherine called me early that morning. In her voice I could detect the smile on her face and the sparkle in her eyes as I listened to her words to me: "John, I got another letter from the Bar people, that Clients' Security Fund we applied to back in December 2001. They've agreed to send me \$1,500." Catherine chuckled. "But I have to fill out some more forms first, and get them notarized."

I cradled the phone on my shoulder and wiped tears from my eyes as I listened to Catherine read to me the letter she'd just received from the Bar's representative. I jumped into my car and drove out to her house to look at the letter myself, to celebrate with this courageous, perseverant woman this monumental victory she had achieved. We filled out the forms, I put my notary stamp on the documents and we mailed the material back to the Bar that very day.

Two weeks later a certified check for \$1,500 in Catherine Williams's mailbox. Catherine gave me permission to come back out to her house to take a picture of her, proudly holding the check with outstretched hands. (See photo on page 10.) We celebrated all over again! It had been four years, almost to the day, since Catherine Williams had called me to ask what she could do to make a wrong right, and would I help her.

"You have been my ram in the bush," Catherine said as we hugged goodbye. I brushed off her compliment and praised her for her determination and her gumption. I told her how much she had taught me about human dignity in the four years we spent fighting the system. And finally winning!

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