

Take Your Child to Work Day in the Law Office

by Evan Loeffler

In these kinder, gentler times, the movement towards turning law offices into warmer, fuzzier places has made life for the lowly associate rather difficult. In my office, this trend manifested itself by the frequent, extended visits of the children of both lawyers and staff.

As a bachelor with as little experience dealing with children as possible, I have determined there is nothing inherently wrong with children as long as you don't have to deal with them for more than a few hours a month. Parents, naturally, do not agree with me. When my best friend's daughter was born I endured many hours listening to him wax rhapsodic on the pleasures of waking up at 2:30am to change diapers. He was deeply offended when I suggested the possibility of sending the child to boarding school right away. Despite the well-meaning efforts of my friends, my feeling remains that there is a time and place for everything except for children in a law office.

Although unwritten, our firm's new policy treats every day as "take your child to work day." This has severely changed my practice. For example, I was involved in some spirited telephonic negotiation with opposing counsel when I realized a partner's 8-year old was listening. I immediately censored certain colorful expressions out of my vocabulary:

"@#%&!" stated opposing counsel to my demand for discovery.

"Listen you son-of-a ... father and mother," I stammered, eyeing the child standing at the door.

"What did you say?" he asked.

"Just send me the stuff, um, darn it, or I'll kick ... um ... I'll shove ... no, or I'll ... I'll ask again!"

Children in the office have not, in my opinion, helped cultivate a professional atmosphere. I do not believe my clients were impressed when, ushering them into a conference room for a meeting, we found several napping infants. I also found my productivity was affected when I was thrown out of my office so a partner's child could play video games on my computer.

The most difficult situation I encountered, however, came about when the senior partner's 6-year old child, Olivia, came to work because she was running a fever. Apparently it was believed it would be better to run the risk of infecting the lawyers instead of Olivia's classmates at daycare. Olivia spent the morning cutting out paper hearts and snowflakes. Her father admired her work and suggested she show it to the other attorneys. One of the partners offered to purchase one of Olivia's hearts for a dollar. Olivia went to the next partner, who also wanted to buy a heart, but didn't have a dollar bill and so paid \$5. Not to be outdone, Olivia's father gave her \$10. Olivia went through the office making a killing. I knew none of this when she entered my office with a pile of construction paper and a jar of paste.

"Hello, Olivia, what are you doing?"

"I made hearts," she said, showing them to me.

"They're very nice hearts, Olivia," I said, "why are you gluing them to my desk?"

"To make you happy."

"Thank you, Olivia," I said moving my paperwork away from the sticky spot she had created on my desk.

I returned to my work. After a few minutes of pasting, Olivia came around my desk and made a 6-year old "ahem" sound. I looked up and saw she had pasted six hearts at random locations on my desk and had her hand out.

"The hearts cost \$10," she announced.

"\$10!" I said. "I thought the hearts were a gift!"

"Nope," she said shaking her head emphatically. "\$10. Each."

"Each! You want \$60 for pasting hearts on my desk? Do you have a license to be peddling hearts."

Olivia gave me a look of bewilderment.

"The rules in this building say that solicitors and salespeople can't come in, Olivia," I said. "You could get in big trouble."

Olivia's bottom lip began to quiver and her eyes welled up with tears. I seized the opportunity and told her I didn't want her to get in trouble and so I could not buy her hearts. She left my office looking shaken but relieved.

Half an hour later, Olivia's father walked into my office with Olivia in tow.

"I understand you swindled my daughter out of sixty bucks," he stated, never one for understatement.

"I did not," I said. "She came into my office and, without asking me, pasted all these hearts to my desk and said I owed her \$10 each. I told her I wouldn't buy them because it was a contract of adhesion."

An argument ensued. The partner said I had to pay because I had received the benefit of the bargain. I countered that Olivia was a minor and couldn't make an enforceable contract. He argued that according to the doctrine of *quantum meruit* I had to pay or I would be unjustly enriched. I maintained that the value of my desk had not been increased by \$60 just because it covered with pink, sticky construction paper.

After an hour we settled the matter. I agreed to pay \$60 plus interest and attorney's fees (yes, he charged her), to display Olivia's artwork for at least a week, and to apologize to Olivia for being a "miserable, penurious creep."

In return, I was allowed to keep my job.

The partner presented me with a confession of judgment for my signature. When he tried to take it back he found it was stuck to the desk due to Olivia's over-enthusiastic use of paste. This caused him to make some nasty comments about how my productivity would improve if I kept my workspace neater.

"I wouldn't let my children keep their rooms in such a state," he said patting Olivia on the head. I glowered at Olivia, who responded by sticking out her tongue. In a rare display of tact, I refrained from responding in kind.

Since this little incident, I have changed my behavior in the office in several ways. First, I have discovered the joys of telecommuting. Second, I have learned the value of keeping my office door closed and locked at all times. Finally, I make it a point to never write a bad check to the senior partner's daughter.