

"Preserving dignity is Bexar County probate judge's forte"

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by B. Lou Guckian

Keeping up with the deceased can be exhausting. Just ask Judge Polly Jackson Spencer.

She is one-half of Bexar County's pair of probate court judges who together hear a staggering 4,100 cases a year, sit before an average of 16 hearings a day, and rule on estates that range in dollar value from \$10,000 to \$500 million.

"Probably in excess of \$750 million moves across our bench each year," Spencer says.

Mountains of paper spilling over onto Spencer's mahogany desk patiently await her return from full days in court. For most cases heard, a string of reports must be filed, and Spencer works late many nights to get the job done.

A legal legacy

But the work is in her blood. Probate law is part and parcel of the legacy she inherited willingly from her father, the late Charles H. Jackson II, a longtime probate and real estate lawyer in San Antonio.

In 1976, Spencer was admitted to St. Mary's University School of Law. Getting through the program was not problematic, except for the time a professor posited "women should not be lawyers." The remark fanned a flame inside that drove her to succeed.

Upon graduation, the young attorney plunged headlong into first practicing law with one of the nation's largest and most prestigious firms, Fulbright and Jaworski, in Houston. But Spencer and her husband longed for home and soon returned to San Antonio. Here, she worked alongside her elder brother, Charles Jackson, at the Milam Building, in same offices where the siblings' late father had practiced since 1932 and where Jackson remains.

Today, an imposing, framed photograph, depicting the swearing-in of a younger and expectant Spencer, hangs in the judge's chambers filled with fond memorabilia. In the photo, the lady lawyer stands facing then-Chief Justice Blair Reeves, who officiates from his wheelchair. That day in 1990 marked the start of what has become the pinnacle of Spencer's legal career.

Eight-months-pregnant at the time with her fourth child, Spencer became the first judge in Bexar County history to be sworn in while expecting.

In many ways, the moment is poignant. Spencer's first child, Carrie, had been diagnosed with a malignant brainstem tumor that resulted in acute retardation, which rendered the infant dependent on guardian care for life.

As a result, the judge understands the complex concerns surrounding guardianship of a mentally disabled adult child, to which she is no stranger in or out of court.

"We create a lot of guardianships in this court, some for parents of mentally retarded adult children," Spencer says. "In terms of law, it is cut and dried -- adult mentally retarded people need care after age 18."

Emotional estates

Estate cases are not as clear-cut. During probate, Spencer's courtroom can become shrouded by intense anger. The bitter estate battle of rancher B.K. Johnson is one such case. What stood out most about those proceedings, the judge says, were the lawyers. "They were excellent on both sides, and astonishingly, the jurors, whose time we took for nearly four months, thanked us for the experience," she says.

People often manifest their pain through anger that surfaces in the courtroom. Spencer encourages reconciliation.

"Some people really are not treated well in terms of their families," says Spencer. She often reminds them, "You all swam together and played on the same slides as children. If your family relationship is worth rescuing, then do so. If not, move forward with your life."

"On a broader perspective, the disposition of heirlooms is a very emotional point," she says. "The existence of a step relationship often triggers post-death concerns. China, silver, photos, handmade quilts; these sorts of things are emotional hooks."

As arguments are fired, it can be the lawyers who cause much of the aggravation, the judge observes.

"It is frustrating when attorneys have not thought through the results of their appearances in court. I am a detailed-oriented person so I don't like sloppy, incorrect legal work," she says.

An estate planning, probate and federal tax lawyer, Kevin P. Kennedy, is in Spencer's court a lot.

"She is very knowledgeable about probate law and cares about the people who come through her court," he says. "She understands that for many, this is the first time they've been inside a courtroom, so she introduces herself and puts them at ease."

Another intriguing case Spencer recently heard -- the ongoing matter of Lillian Glasser's guardianship that began in March 2005 -- has ignited national interest. Glasser visited from New Jersey to see her daughter and suffered a medical problem while visiting that required guardianship proceedings. Spencer held a number of hearings before learning a judge in New Jersey had been duplicating the effort. The judge there asked Spencer to cease proceedings in San Antonio, which she did.

The case has gained nationwide attention because it brings to light the issue of transferring guardianship hearings across state lines.

"Polly is one of the hardest working judges in the courthouse," says brother, Charles. "She is concerned with trying to do what is right under the law in every case. She treats people in a manner you would want to be treated. I don't know what else you could ask of a judge." Ruling with empathy

Sandee Bryan Marion and Spencer began their relationship as opponents vying for the probate court bench. They eventually presided opposite each other for nearly 10 years. Now seated on the 4th Court of Appeals, Justice Marion and Spencer remain close friends.

"She is amazingly smart and compassionate," says Marion. "I admire her for that. She is respectful of everyone who comes before her, even if she must rule against them."

The most satisfying part of Spencer's day is when she has helped someone realize that he or she is extraordinary.

"Lawyers tell me I have made guardian parents feel they were special, that each one of them was the most important thing I had to do that day," she explains. "I have a disabled child. I know how it feels. But a lot of moms can't go to work like I do. That's what they do all day -- so quietly, patiently, unquestioningly, lovingly being heroes. I want them to know that's what they are, heroes."

It's the end of a work day for most. But Spencer is burning the midnight oil. Once in a while, her phone rings with callers from distant places: her son George in New York; her daughter Virginia in Washington, D.C.; or her son Warren, a high school senior at St. Mary's Hall.

Meanwhile, Spencer's oldest daughter Carrie sits contentedly on the couch, coloring. She occasionally looks up toward her mom, who is toiling diligently at the mahogany desk behind a melting mountain of paperwork.

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