

When the Unimaginable Happens

By James Quinn Auricchio

My cell phone would not stop ringing the morning I found my son, Sean, dead in his bed. He was six. The police and paramedics came and went, the coroner took him away, and as we sat stunned and shattered, my cell phone would not stop ringing.

I was a solo with a practice that dealt primarily with criminal defense. Courts and clients wondered where I was. Why wasn't I in court?

Eventually that morning, I emerged for a moment long enough to have my calls forwarded and to ask my secretary to adjourn my cases for at least the next week, which I knew I could not afford.

Just six months earlier, my mother had passed away suddenly. In the weeks and months that followed her death, I struggled to keep up with the business of law. I ignored most calls for new cases, barely managed to handle the cases I had, and billed sporadically for my time. It showed. Bills for the practice and at home mounted. I began to question whether I would ever right the ship. I started to think being solo was a mistake.

I took New Year's as an opportunity to resolve to recommit to my practice, and for two weeks, I started back at work with a renewed vigor.

By the third week of January, I was starting to catch up. On the afternoon of January 17, 2013, I looked at my to-do list and realized I had no reason to stay at work. Sure, we were still months behind on our mortgage, and I am certain I had things I could have done, but something called me home and nothing held me back. Being solo, I thought, was not so bad after all.

I went home that afternoon and spent a wonderful evening with my son while my wife and daughter went shopping. My memories of that evening will remain my most cherished memories. The next morning, he was gone.

In the weeks that followed his funeral, phone calls from friends and family started to be interspersed with collection calls from the mortgage company, the phone company, gas, electric, cable. I tried to return to work, in some sense, at night after my daughter went to sleep, but to say I was working in the weeks that followed is a lie. I was in fact walking through my days like a soldier still stunned from a nearby explosion. As days went by, the numbness dissolved into crushing sorrow and questions.

My son was autistic, non-verbal. We had learned to accept that his life would present different challenges, but we carried on with what now seem like minor obstacles. He had suffered



James Quinn Auricchio is pictured with his son Sean.

a series of seizures about a year before his death but a battery of tests back then showed nothing conclusive. They could only speculate it was related to a fever. He had a cold the night before when I put him to bed but not a fever, and he was giggling and happy as I laid him down and sang him a lullaby. It was January, after all. Kids get colds in January – that’s what they do.

The struggle of coming to terms with his death was bigger than me, and as our bills got bigger and bigger, and the modest expenses of his funeral piled on top, my income dwindled. We discussed selling our house, selling a car, selling furniture, but as desperate as we were, I refused to ask for help.

About three weeks after Sean died, a close friend called me and said he had spoken with someone from the Erie County Bar Foundation. He said they wanted to help. He gave me the number of an attorney on the board. He told me to call him. I couldn’t do it. Call it pride.

The following week, my friend called again. This time he asked if he could give the lawyer *my* cell phone number. I said that we would be okay and it wasn’t necessary. He did it anyway. When the lawyer called, I told him we were doing fine. He told me the ways they could help, but I insisted, we will be just fine.

He knew I was lying, but had the grace to allow it. He asked if we could meet to talk.

When you lose a child, it is fundamentally disabling. You are altered in ways that make the world around you foreign and confusing. You question every assumption you have ever relied upon, because you assumed you would raise your child to be happy and healthy, and that didn’t happen. If you can’t rely on that, what can you rely on?

After a few more bills came in the mail, and it was clear that there was no relief in sight, I finally admitted I needed help. The Foundation was gracious and empathetic. They helped me devise a plan to get out from under some of the everyday burdens we faced.

More importantly, the Foundation gave me the support I needed to be a father to my daughter while we redefined normal. They kept the demands of being a solo at bay at a time when I could not string together words, much less thoughts.

My son died from asphyxiation after he had a seizure in his sleep. I have no idea how we have survived the pain that has caused over the last three years, but I know the assistance of the Foundation, friends and family, gave us strength in ways we will never be able to repay.

Their generosity redefined my perspective of our legal community and the Bar Association.

I never worked much with the Bar Association or the Foundation before and never saw it as a resource. I never thought I would need their help and I ignorantly assumed that no lawyer who worked hard and did his or her job would need it either.

I cringe when I think of how foolish I was.

At a time when it was difficult to see much good in the world around me, the generosity of the Foundation was undeniable proof of its existence. I hope you will never have cause to realize just how important that can be. I hope you will take my word for it just the same. I hope instead you will help others see the undeniable proof of the existence of good.

That generosity also allowed me to right the ship and by 2014 I was able to expand my practice and hire a paralegal. None of that would have been possible without the support of the Foundation.

James Quinn Auricchio, Esq. is currently the Deputy Administrator for the Assigned Counsel Program's Criminal Division. He maintains a limited private practice.

If you or someone you know has been assisted by the Foundation and you'd like to share your story, please contact Bonnie O'Brian at 852-8687 or obrian57@comcast.net