

Putting Things in Perspective

Stories from a Hospice Volunteer: Cesario

- By Tim Tosta

There is an expression “when the student is ready, the teacher will come.” It has been so in my life. But the identity of my teachers has often proven very surprising. While some may be friends, most are not. Some teachers often are the sources of personal irritation, frustration, anguish and even pain. Their job has been to help me understand that much of what I see as negative in life is self-inflicted. Others appear, bringing only gratitude, compassion and beauty. They set for me a new standard for how life can be lived. Over the past fifteen years, my teachers have educated me a great deal. As my life studies continue, I know that my teachers will continue to appear to enlighten and support my journey. These stories are about some of my teachers.

In conversation, I’m not your average lawyer. I often engage in discussions which test the comfort level of many friends and colleagues. This, from my perspective, is not for the purpose of harm, but for the purpose of exploration. Sometimes my conversational partners simply are not ready and/or willing to go down this path. That’s fine with me, as I learn from this, too. I have taken my life experiences and tried to integrate them into my law practice. After all, lawyers are supposed to be “counselors.” The added language “at law” need not be a limitation. If I find a new or unique way to understand an issue or to resolve a conflict, why should I restrict my service to legal analysis, if something more practical or grounded will better serve the purpose?

Recently, one of my most instructive areas of inquiry has been the study of listening. Believe it or not, there is extensive writing on this subject, arising from a variety of disciplines. Psychologists write about listening. Religious and spiritual leaders write about listening. Business consultants write about listening. Why study listening? Well, take a look at the world. What do you imagine would happen if we all could hear one another? Are the “conflicts” that we perceive all truly conflicts? Or are they communication failures?

As a land use lawyer, I was brought to the study of listening by the repetition of a scenario that I came to believe had a listening problem at its core. I would be retained by a client who wished to develop a certain (usually large) piece of land in a manner generally consistent with the long term planning goals and zoning of the community. We would meet with city staff to discuss whether or not we properly understood the planning and zoning program. We then would meet with affected community members to hear their concerns. Frequently, we found that the residents had little awareness of their own community’s planning policies. Rather, they had their own concerns. These concerns



Rancho La Puerta, Tecate, Mexico.

either made a project physically impossible or so significantly impaired the project’s economics, as to render it infeasible. But through hard work, we would find a way to meet both the planning mandates and citizen concerns. Time would pass, and as the machinery of government would advance the formal project application, culminating in public hearings on project approval. However, despite our best efforts at the hearing, we would learn of new citizen demands and concerns. Had these been disclosed earlier, we might have been able to satisfy them. But at the hearing, we could not respond without upsetting the entire development program, which would set us back for another year or so of processing. My client, and sometimes I, would feel betrayed by the community. We would judge the community as either disingenuous or flaky, members of that dreaded class – NIMBY – Not In My Backyard. Of course, these reactions did nothing to resolve the perceived disagreement. They escalated personal discord.

Because this scenario recurred in various locations throughout the State, involving a wide variety of projects – from housing, to office buildings, to resorts and golf courses – I was convinced that something other than guile was at work. That something, I suspected, involved our communications. So I set out to develop a self study program to see if I might find another way to deal with this real and very significant stumbling block.

About three years ago, I gave a talk in San Diego to some 300 people attending an Urban Land Institute (ULI) seminar on the topic of “How to Handle NIMBYs.” I decided that, despite the fact my studies were not complete, I would take a chance and express something other than just the standard developer-pleasing, NIMBY-bashing approach. My time slot was at the end of the day, immediately prior to cocktails. Cocktails were to be served just out the double doors at the back of the room. I was scheduled to speak at about 4:00 p.m. My chance of holding this room full of thirsty developers, for even a short period, wasn’t great.

I have been speaking publicly, it seems, my entire life. I'm entirely comfortable speaking to any size audience, if that audience is comfortable with me. I make eye contact as I speak, and look for a friendly face or two to anchor me. I return to those faces throughout my talk to see if I am still holding their attention. That day, despite my trepidation, I held the entire room throughout my remarks. Surprisingly, I was even approached afterward by many who preferred to thank me first, before heading to the bar.

My engaging message? As developers, we may not be listening enough to the affected community. Perhaps, the notion that "we know what we are doing" is no longer good enough. Maybe we should do more to see what we are doing from the community's perspective. Is it possible that they could teach us a thing or two about how we should develop in their neighborhoods? Perhaps we could get out of our own way and produce something better for which the community would be grateful.

I told the ULI audience that we had to see ourselves as agents of change. People know, on an intellectual level, that change is inevitable and often good. However, it is nonetheless disruptive to watch as it occurs. I have come to believe that our culture is so materialistic that, as we create our life stories, we begin to define ourselves by our homes, neighbors, cars, vacations and clothes.

Consequently, when a developer enters a community and proposes physical change, he threatens not only added traffic, greater demands on public services or potential loss of some community aesthetic – but, more fundamentally, the developer actually threatens some people's view of how they see themselves. That root fear, which development stimulates, is not discussed in any environmental impact or planning staff report. Nor is it ever the subject of public discussion or debate. But that fundamental fear – "If you do what you do, will I lose who I am?" – permeates the process. When viewed from this perspective, a developer's entire strategy of what is proposed and how one proposes it, must make a paradigm shift. I have begun to develop strategies, operating from this new perspective.

Since that ULI talk, I've been invited to deliver some version of it to various industry groups throughout California. My thinking has evolved. And, as you might expect, volunteering at the Hospice has dramatically changed my perception of what truly constitutes effective listening. So recently, I was asked by my law firm colleagues to speak on a topic of my choosing. I already had a title from previous speaking engagements – "Development & The Psychology of Change." But the Hospice experience had so changed my perspective, that I knew that this talk would be decidedly different than that given in San Diego only a few years before. As fate would have it, the days before the scheduled talk were utterly chaotic, allowing me no time to prepare my remarks. But I knew what I had to say was deeply embedded in me. All I had to do was relax and the words would come.

On the appointed day, I entered the room and "let fly." I put one slide on the screen which actually was the screensaver of one of my land use colleagues. It was a photograph from the early fifties of rural Orange County. The photograph showed oak woodland foothills framing an orchard covered valley floor. The location was Anaheim. In the next decade, Walt Disney and others would forever change that rural landscape.

I again talked about my view that physical change often goes to the heart of who people think they are. I went on to describe my research in the field of listening. I described how, through my studies and Hospice experience, I had developed a practice which I call "deep listening."

By "deep listening" I mean getting out of my ego's way, abandoning my prejudices, and widening my perceptions. In short, I found "deep listening" to be an act of giving – giving my presence entirely to my conversational partner. By doing so, I discovered an opportunity to learn, not only what the other says, but how she feels, what she believes, and the energy behind her emotions. Let's face it, the great majority of our "listening" is done in preparation of our response or rebuttal. If you can give that up, you really have an opportunity to "hear." If you "hear," you have a greater likelihood of understanding. If you truly understand, many more doors open to creative solutions.

I have found "deep listening" is not just an auditory experience. I also read the body language. It is conventional wisdom that 80 percent of our communication occurs outside of the words spoken. I have come to see that our eyes, facial expressions and posture all offer incredible clues into my conversational partner's state of mind. And of course, I have a Hospice story to illustrate my point.

Cesario's Story

Cesario arrived at Laguna Honda Hospice a little over a year ago. What struck me about him was his bearing. He was about 5' 8" in height and weighed maybe 160 pounds. His barrel chested upper body sat atop a narrow lower frame. Cesario was elegant. He always was clean-shaven and well groomed. He had a manner about him which evidenced authority, tempered by kindness. His round face, crowned by a thinning head of hair, had kind eyes and a prominent, but distinguished, nose. When he smiled, he gave new meaning to the phrase "from ear to ear." Cesario was non-ambulatory, but appeared to be mentally alert. He spent his days in one of those contraptions known as a Gerichair, incarcerated behind his metal tray.

Cesario had reserves of kinesthetic energy. Whenever he was bored, which generally occurred when he was unattended, he would tap his fingernails against the metal tray for hours on end, annoying his fellow ward residents. So Cesario often was wheeled to the Common Room, ostensibly for company, but in all likelihood to isolate him from others.

I remember seeing Cesario with his daughter and grandson at last year's Thanksgiving celebration. He clearly cherished their company and was highly engaged with them. I was told that Cesario's daughter was a single mother with a full time job. She reluctantly had allowed her father to be put into the Hospice due to her inability to care for him. Beyond his inability to walk, Cesario also had lost some cognitive capacity.

The first evening that I sat with him, Cesario was unhappy. His usual bright eyes and winning smile were gone. He had been tapping wildly on his tray, much to the dismay of those around him. I sat down by him, pulled out my favorite ukulele and considered the songs I knew in Spanish. I knew that Cesario did not speak English.

As a product of the California public school system in the late 1950s and early 1960s, I was introduced to Spanish by the sixth grade. By the time of my graduation from high school in 1967, I had had no fewer than seven years of Spanish curriculum. That did not mean that I was competent enough to carry on a Spanish conversation. But my vocabulary was fairly extensive and I could conjugate the hell out of numerous irregular verbs. I also could hold my own in reading newspapers, magazines and light literature.

At Princeton, in addition to my studies of public policy at the Woodrow Wilson School, I undertook a program in Latin American studies, which expanded my facility with the language. And, since many of my fellow program participants were Latin American, we regularly conducted our classes and conversations in Spanish.

A Princeton undergrad, to matriculate, must prepare a thesis in the department of his major. I chose, as my thesis topic, an investigation into the events surrounding the deaths of hundreds of university students at the 1968 Olympic Games in Mexico City. Princeton offered me a grant to study in Mexico during the summer of 1970.

I hadn't realized that in choosing this topic, I was inviting myself to poke a beehive with a stick. The Mexican government was none too cooperative in making any information available. The students with whom I met were still stunned by the government's violent reaction to student demonstrations and also were not particularly forthcoming. But by the end of the summer, I actually felt comfortable speaking, and even thinking, in Spanish. I returned north with a treasure trove of documents, all in Spanish, that formed the research base for my thesis.

Sitting with Cesario, more than 30 years had passed since my Spanish immersion. As I sat with him, he stopped his drumming and turned his attention to me. He wasn't particularly interested in my ukulele. He wanted to talk. So I listened. While I recognized many of his words, I was having enormous difficulty understanding him. As he held forth, I recognized that he was

telling me some sort of story. I simply could not understand what it was about or where it was going. However, it seemed to matter little to Cesario. As he spoke, his eyes brightened, his smile returned, and his body became animated.

I found that with a nod, a smile and my good intention to understand what Cesario was saying, he required nothing more to continue in the conversation. Amazingly, I began to see that, in many respects, I didn't really need to know what he was saying to enjoy the interaction.

An hour or so into our chat, one of the hospital's Hispanic orderlies entered the ward and stopped to pay his respects to Cesario. I told the orderly that while I understood a great deal of Spanish, I could not make heads or tails of what Cesario was saying. The orderly smiled and said "That's okay – you can't understand what he is saying because what he is saying makes no sense."

I hadn't taken the time to review the file on Cesario. Had I done so, I would have learned that in the past several months he had suffered greater and greater cognitive loss. His dementia was one of the reasons that his daughter believed that she could no longer care for him under her present circumstances. The file also told me something else. Cesario had been a lawyer in Guatemala before his illness forced his retirement and relocation to the United States to be with family. It, no doubt, accounted for his elegant demeanor and his engaging speech.

From that week forward, I made it a habit to spend time with Cesario, either in the Common Room or immediately adjacent to the nurses' station. When I entered the ward for my shift, he would give a big wave and shine his welcoming smile.

To distract Cesario from his incessant tapping, the staff began to place objects on his tray in the hope that he could engage himself in something less distracting. One evening, there were three paper cups on his tray. They were of the type often found adjacent to a bottled water dispenser. As I sat to again engage Cesario, he began a story by telling me something about each cup. Having defined the character of each of his cups, he proceeded to tell me a story about them. He would move one cup to one corner of the tray, then locate the other two cups to the opposite corner, provide more narrative, then his eyes would light up and he would bring all three cups together and break into an infectious laugh. And I could not help but laugh with him. His story-telling was completely infectious.

One day he began to tell me a story about his father. Almost every sentence began with "Mi papa." His verbs were in present tense, which indicated that Cesario understood his father to still be alive. Elements of the story were light, others were serious, yet clearly effused with passion and love. Then the story climaxed, ending in a crescendo of laughter, which was how most of Cesario's stories drew to a close.

At first, my shift colleagues were impressed with my grasp of the language. I told them of the situation, and explained that nonetheless, I “understood” Cesario’s stories. Moreover, we were having a really good time. So I would sit, sometimes holding his hand, and nod, and smile, and laugh and really, truly hear what Cesario was saying – beyond the words.

Eventually, Cesario’s daughter was able to juggle her life to accommodate her father’s return home. Shortly after his departure, I received a call from his daughter. She told me how much her father had enjoyed our times together and she invited me to visit him at her home. I was honored to be remembered by Cesario.

I recently spoke to his daughter. She was visiting her sister in the Central Valley and Cesario was with her. I asked that she give him a hug from me and told her I hoped to see her father soon. I am sure that there are more stories he has yet to tell me. And I will make time to truly listen.

Note: My volunteer work is through an organization called Zen Hospice Project. For more information about the organization and how to become a volunteer, please visit <http://www.zenhospice.org>.