

EDUCATION LAW ADVOCACY ALLOWS STUDENT'S STRENGTHS TO SHINE

BY SEAMUS BOYCE '06



I am a law student with a learning disability and I have been diagnosed with one since grade school. Fortunately, my family and educators throughout my life have been creative and flexible to ensure that I kept pace with my peers, despite my learning weaknesses. This has allowed my strengths to shine. However, not all students with disabilities are as fortunate. This is why I have chosen a path in the law to ensure that students with disabilities are given every opportunity granted to them by state and federal law.

I jumped at the chance to apply for a Public Interest Fellowship through Franklin Pierce Law Center's Public Interest Coalition. I chose as my host site a non-profit organization that advocates for students with disabilities: Education-A-Must. My experiences with this organization and my mentor, Dorothy French, were fabulous. I had the opportunity to hone my client interviewing skills through intake interviews and meeting preparation sessions. I also strengthened by rhetoric and advocacy skills through special education team meetings. I had an array of clients ranging from students with severe mental retardation, requiring extensive IEPs, to students with potentially fatal food allergies, requiring 504 plans.

The most valuable and memorable experiences I gained from my Public Interest Fellowship were related to student and parent interaction. Special education law is often emotional, and gut-wrenching because parents (and even students) are distraught when their children are afflicted with learning problems. Special education law requires patience, tact, and listening skills.

For example, I had one client who was diagnosed with Asperger's Syndrome. The student was about to enter high school having little to no social skills, and he was failing a majority of his courses. But all of his educational evaluation test scores were in the superior range. As soon as I met this student I knew he was special. He had a zest for life and was surprisingly articulate. Usually when I met with a student, it was just wanted to put a face to the person I would be advocating for. However, in this case, the

student expressed to me all the difficult issues he faced at school and how he thought he could learn more effectively. I ended up using many of his suggestions. With the help of the special education team, I created a much-improved IEP with a one-on-one educator to help him cope with difficult social scenarios and designed a curriculum based upon his superior academic abilities.

The student I have described eventually expressed to me both his gratitude and the hope he sees for his future. He stated that he thought what I was doing, and what I was striving to be, was "cool" and he would consider doing something like it in the future. I have no doubt that he could achieve all I have, and more, if the opportunities are made available to him and his strengths are recognized and encouraged. The opportunity I received, as a PIC Fellow, allowed me to advocate for this young man and to have a positive impact on his future. However, these fellowships can only be sustained and strengthened with continued support from the public, including members of the Pierce Law community and alumni. With this continued support, students such as myself, and perhaps one day the young man I worked with this summer, will be able to help disadvantaged and disabled people by interning with non-profit organizations like Education-A-Must.

THE JOB OF A PUBLIC DEFENDER CAN BE LONELY

BY KATE MORNEAU '05

As I entered the courtroom on a hot morning in June, a feeling of excitement and anticipation overwhelmed me. The room was small and stark. I was the only one there and I thought to myself that here, in this room, a jury would proclaim our client's fate. I was assisting two of the New Hampshire Public Defender Program's top lawyers with a first-degree murder trial. I had never met our client before and wondered how I would feel meeting him for the first time inside this courtroom.

Our client entered from a small door on the side of the courtroom. He looked like an average person, someone I might see in passing at the grocery store. I am not sure what I expected but his appearance and demeanor surprised me. I shook his hand and told him I would be helping his attorneys on his case. He was very appreciative and glad to meet me. During jury selection, we sat alone at the counsel table and chatted about the legal profession and current events. I felt sorry that he was in this situation.

Throughout the trial, I had small tasks such as getting a dress shirt for our client to wear in court as he only had one. I jumped at the chance to help in any way I could. Each day I would take detailed notes on what witnesses said and what questions the attorneys asked. At the end of the day, I would type my notes and prepare to have them read by the attorneys in preparation of the closing argument. The night before the closing arguments, I joined both public defenders as they returned to the office. I picked up some sodas and snacks, as I anticipated that we would be there for a while. The room filled with energy as we shaped the closing argument. We went through the pros and cons of the case and the jury's responses to evidence. It was one of the most rewarding nights of my life. I felt like I had really contributed to something important in a major trial. I could not sleep at all that night. I kept thinking about our client and what the next morning would bring.

When I entered the courthouse that morning, trucks from TV news stations lined the streets, the parking lot was almost full and the line to get through security was unusually long. The courtroom

was packed. Usually I sat alone on the defense side of the room but today was different. Many attorneys had come to watch the closing arguments, many news reporters sat among the crowd with their little notebooks in hand, and many family and friends of the victim chatted. I knew this was going to be a day I would never forget. I heard afterwards that the closing arguments lasted over an hour each but I would never have guessed that. The oral presentations of both attorneys were fascinating.

After the jury had deliberated for about a day, they returned a verdict of guilty of first degree murder. At the sentencing hearing, I stood alone behind our client. I watched the victim's family and friends rejoice at the verdict. For the first time in my life, I understood that the job of the public defender could be extremely lonely. I always thought that the prosecution must feel alone when representing the state, without a client to see and speak with each day, but today I could see that the same was true for criminal defense attorneys. I knew on that day, that if I could sit through a murder trial, where our client was convicted, and sentenced to life in prison, I could do almost anything. When I woke up the next day, and still wanted to defend criminal defendants, I also knew that I have what it takes to be a criminal defense attorney.

My Public Interest Coalition Fellowship internship with the New Hampshire Public Defender Program allowed me to more fully understand and appreciate the role of a criminal defense attorney. I know now that I can represent clients, accused of terrible things, with all that I have. My summer experience with the Public Defender Program led me to understand that the lawyers and staff who work for the Program provide essential legal services to the community, and that they care about justice and about making sure our adversarial system is fair. Even though our client was convicted, I believe that he had the best representation possible and that we did all that we could to help him. I will never forget this summer.

