

SUMMER 2007

Just Dealings

THE OHIO LEGAL ASSISTANCE FOUNDATION

PORTER WRIGHT LEADS SUCCESSFUL PRO BONO INITIATIVE IN THE SUPREME COURT OF THE UNITED STATES

In December 2006, the Columbus law firm of Porter Wright Morris & Arthur LLP provided pro bono representation to OLAF, the Equal Justice Foundation (EJF) and the Ohio Legal Rights Service (OLRS) preparing an *amicus* brief for submission to the Supreme Court of the United States. The brief supported petitioners in the case of *Jacob Winkelman, et al. v. Parma City School District*.

Petitioners Jacob Winkelman, a special needs child, and his parents Jeffrey and Sandee Winkleman, sought to reverse the decision of the U.S. Court of Appeals for the Sixth Circuit that prohibited them from appearing *pro se* to prosecute their son's claims under the Individuals with Disabilities Education Act ("IDEA").

Porter Wright's Kathleen Trafford, Rob Krummen, Paul Rozelle and Josh Kimsey, with less than 14 days to meet the filing deadline, prepared an exceptional brief focused on the Constitutional due process rights of the Winkleman family, which supplemented the statutory arguments advanced by petitioners and the United States. While drafts were reviewed and comments provided by EJF's CEO and General Counsel Benson Wolman and OLRS's Executive Director Mike Kirkman, it was clearly a tireless effort by the Porter Wright team that developed the comprehensive Constitutional arguments supportive of the family's position.

The Supreme Court issued its 7-2 decision on May 21, 2007 in favor of the Petitioners, holding that the IDEA grants parents independent, enforceable rights, which encompass the entitlement to a free appropriate public education of their child. This decision will undoubtedly protect the rights of parents of special needs children to

have meaningful and substantial access to the legal system. It is anticipated that this decision will also have a significant impact on countless families throughout the country for many years. Although the parents, and perhaps their children, would not have a right to appointment of counsel, it is anticipated that many federal courts will seek pro bono counsel for cases that appear to have merit.

The significant pro bono effort by the attorneys at Porter Wright on the important Constitutional issues raised in the Winkleman case, together with the contributions and

expertise of the attorneys at EJF and OLRS, clearly demonstrate the impact such a partnership can have in the lives of low-income individuals. OLAF, EJF, and OLRS acknowledge our sincere gratitude for the work done by Porter Wright Morris and Arthur.

Contributed by OLAF's Lisa Eschleman and Bob Clyde.

Read the *amicus* brief and Winkleman Opinion from the Supreme Court of the United States at the OLAF website (www.olaf.org).



*Attorneys with the Columbus law firm of Porter Wright Morris & Arthur LLP who provided pro bono representation on a successful *amicus* brief to the Supreme Court of the United States: (left to right) Rob Krummen, Kathleen Trafford, Paul Rozelle and Josh Kimsey.*

2006-2007 EQUAL JUSTICE WORKS FELLOWS



Tomar Nicole Brown

2006 Equal Justice Works Fellow

The Legal Aid Society of Cleveland

Primary Issue Area: Education

Secondary Issue Area: Children/Youth

Case Western Reserve University School of Law, 2006

Tomar Nicole Brown will focus on education advocacy for juveniles in the Cuyahoga County Delinquency System. Her fellowship project implements the C.L.A.S.S. (Continued Legal Advocacy for Student Success) Program that is designed to combat the “school-to-prison pipeline,” the trend toward managing delinquent in-school behavior through criminal adjudication. Through C.L.A.S.S., Tomar will serve as an education advocate during three important stages: at the youth’s expulsion hearing, while the youth is involved in the juvenile justice system, and at the conclusion of a youth’s detention or sentence.

Ms. Brown was a summer associate with The Legal Aid Society of Cleveland in 2004 and 2005. She is originally from Pittsburgh, Pennsylvania, a graduate of the Ellis School (Pittsburgh) and received her bachelor’s degree from Denison University (Granville). Ms. Brown earned her law degree from Case Western Reserve University School of Law in 2006.



Tracy Simmons

2006 Equal Justice Works Fellow

The Legal Aid Society of Columbus

Primary Issue Area: Children/Youth

The Ohio State University Michael E. Moritz College of Law, 2006

Tracy Simmons works with the Children’s Health and Education Law Program, a new initiative at The Legal Aid Society of Columbus. The Children’s Health and Education Law Program addresses the educational and medical needs of low-income children with disabilities. Tracy’s Equal Justice Works Fellowship focuses on children’s mental healthcare rights and provides legal advocacy for families forced to relinquish custody of their children in order to gain access to mental healthcare services for their children. By relinquishing custody for mental healthcare, parents lose the right to make critical decisions about their child’s care and treatment. Additionally, children’s underlying mental health needs are often compounded with feelings of abandonment and displacement.

Tracy’s commitment to advocacy for children’s health and educational needs began during her undergraduate career when she studied education and worked in several schools as an inclusion aide and a student teacher, and at a special needs camp as a counselor. Tracy remained committed to children’s issues throughout law school, coordinating a program called Dispute Resolution & Youth and participating in Advocates for Children. Additionally, Tracy served as a legal intern in the Justice for Children Practicum during her third year of law school.