4-1-2014

Going to Bat for Special-Needs Students

UB Law Forum

Follow this and additional works at: https://digitalcommons.law.buffalo.edu/ub_law_forum

Recommended Citation

Available at: https://digitalcommons.law.buffalo.edu/ub_law_forum/vol28/iss2/25

This Article is brought to you for free and open access by the Alumni Publications at Digital Commons @ University at Buffalo School of Law. It has been accepted for inclusion in UB Law Forum by an authorized editor of Digital Commons @ University at Buffalo School of Law. For more information, please contact lawscholar@buffalo.edu.
Access to Justice champion

Going to bat for special-needs students

The phone rings a lot in the office of Donnalyn Darling ’78. There are calls about the personal injury cases she tries as head of the Medical Malpractice Group at Meyer, Suozzi, English & Klein, in Garden City, N.Y. There are calls from carpenters, plumbers and electricians who have been injured on the job — another practice specialty. And always, always there are calls from parents of special-needs children who are trying desperately to arrange the best school situation for their kids.

Darling, who also chairs the firm’s Education Law Group, fields those calls along with her colleagues, and doles out hard-won advice about how to negotiate with school administrators. She accompanies some parents to Committee on Special Education meetings at which the child’s needs and the school’s accommodations are talked through. And because many of the parents are poor and have limited English, she does much of that work without charge.

Now the Nassau County Bar Association, which refers many of those parents to her, has named her an Access to Justice Champion in recognition of her pro bono work.

“This firm encourages pro bono work, and they actually keep track of our pro bono hours,” Darling says. “Lots of lawyers here have received awards for that work. It’s incredibly gratifying, particularly because doing that work helps the whole profession. We’re supposed to give back as lawyers. We’re supposed to do things for people who can’t do them for themselves.”

Darling, a trained emergency medical technician, tried in vain to save the victim’s life. “It’s great that someone who doesn’t have any financial support can send a great school and give me a great opportunity,” she says. “And we discovered there was a huge need for help in this area. Most of the people we tried to help couldn’t afford to pay any attorney.”

In addition to helping negotiate the Individualized Education Programs that govern the schooling of special-needs children, Darling and her colleagues also represent parents who call about disciplinary proceedings against their kids. The challenge is to persuade a school to meet its legal requirements when, for example, it denies entry to a blind student when he could do perfectly well there with some extra help, like an aide. They also do a lot of presentations, educating parents on what the law says about their children’s education.

“W e got together and studied education law,” Darling says. “And we discovered there was a huge need for help in this area. Most of the people we tried to help couldn’t afford to pay any attorney.”

In addition to helping negotiate the Individualized Education Programs that govern the schooling of special-needs children, Darling and her colleagues also represent parents who call about disciplinary proceedings against their kids. The challenge is to persuade a school to meet its legal requirements when, for example, it denies entry to a blind student when he could do perfectly well there with some extra help, like an aide. They also do a lot of presentations, educating parents on what the law says about their children’s education.

Darling, a Long Island native who did her undergraduate work at SUNY Stony Brook, chose SUNY Buffalo Law for pragmatic reasons. She was paying the freight herself and needed a school with reasonable tuition. She worked her way through school, serving as an adviser to the student judiciary board, which adjudicated disputes between students, and as a resident adviser in UB’s massive Richmond Quad. That was in her final year of law school, and it was marked by tragedy. One student stabbed to death another with scissors; Darling, a trained emergency medical technician, tried in vain to save the victim’s life.

About SUNY Buffalo Law she says, “It’s great that someone who doesn’t have any financial support can send themselves to a school this good. It was a great school and gave me a great opportunity.” She notes that four partners at her Long Island firm are SUNY Buffalo Law graduates.

Coming out of law school and eager to do trial work, she joined the Bronx district attorney’s office and became a prosecutor. Among the most terrible crimes they prosecuted were sex crimes against children, and one day, Darling says, another ADA came to her with a request. He was trying to get a child to talk to him about such an offense, but she wouldn’t budge. “I was 22 years old,” Darling says, “and I’m slight of stature, so I looked really young. He said to me, ‘You look like a girl — try to get her to tell the story.’ And I was able to get the child to tell me the story.”

Then, working the DA’s Grand Jury Bureau, she developed a further technique for working with reluctant young victims. “I realized that a lot of the kids didn’t have the language skills to identify how they were violated,” Darling says. “So we used these anatomically correct cloth dolls — they came in both genders...
and different races, so that the doll looked like them – and the child could act out the sexual violation with the doll. We could videotape that and could use those videotapes to indict a defendant."

But it was emotionally wrenching work – “all these things you couldn’t wrap your mind around,” Darling says. “Those cases were terrible. When you tried them, usually the offender was someone who lived in the child’s home, an uncle or the mother’s boyfriend, for example. And when you lost those cases, you knew the child was going back into the home with the abuser.”

But she did learn her way around a courtroom, and some of the techniques that sway juries. In one trial, of a man accused of concealing a sawed-off shotgun, Darling gave her entire summation with the gun in the pocket of her skirt, hidden by her jacket – and at the end with a flourish showed the jury that she – nine inches shorter than the defendant – had been concealing the weapon the whole time. The jury took 20 minutes to convict him.

When her three-year commitment to the DA’s office was over, she went into private practice, initially doing civil defense work for a Wall Street firm. But a sense of perspective remains. “I did realize that even if you lost a case it was only money, as opposed to a child going back to live with an attacker,” she says. And even now, as she represents people whose lives have been derailed by others’ negligence, “the stakes are very, very high for my clients, but nothing like that.”

She joined Meyer, Suozzi in 1992 after nine years practicing personal injury law with another Garden City firm. “I’ve been doing this for a long time now; I’m really involved with my clients and truly care about the people we represent,” she says. “I’ve represented some of the children of past clients. When you are out there and do good work, a lot of it is word of mouth. And jurors see you, and when they get hurt they call you.”

And the phone on her desk keeps on ringing.

Jacob S. Sonner ’14 wins national writing award

Law student Jacob S. Sonner ’14 has been awarded the 2014 Distinguished Legal Writing Award by the Burton Foundation for his article in the Buffalo Law Review’s August 2013 issue, “A Crack in the Floodgates: New York’s Fourth Department, the PLCAA, and the Future of Gun Litigation After Williams v. Beemiller.”

The Burton Award is given to 15 authors from among entries submitted by the nation’s top law schools. Sonner will receive his award at the foundation’s 15th anniversary program, June 9 at the Coolidge Auditorium of the Library of Congress in Washington, D.C. This year’s program is dedicated to rewarding achievements in law, with a special emphasis on writing and reform. Award winners are selected by law school professors and judges, including professors from Harvard, Columbia and Stanford law schools.

A Western New York native, Sonner received bachelor’s degrees in journalism/mass communications and history from St. Bonaventure University in Allegany, N.Y., in 2011. In May, he received his J.D. from SUNY Buffalo Law School.

While in law school, Sonner worked as a law clerk with Legal Services for the Elderly, Disabled or Disadvantaged of Western New York and as a research assistant for Christine Pedigo Bartholomew, a lecturer in law, legal analysis, writing and research at the Law School. Sonner also served as an executive publications editor for the Buffalo Law Review. He will join Damon Morey in Buffalo as an associate attorney.