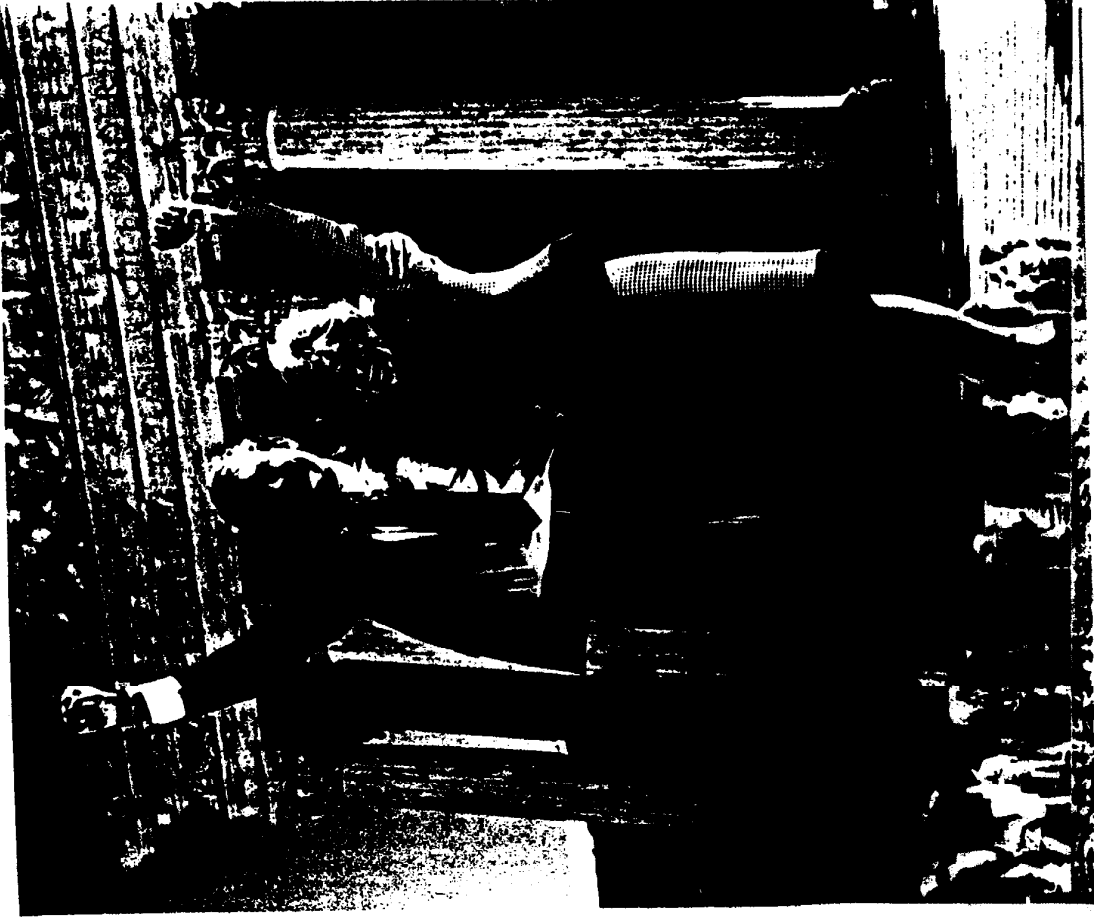


Lawyer wins personal victory in education case



Pete Wright and Shannon Carter celebrate their victory on the U.S. Supreme Court steps.

BY DONNA CHILDRESS

Associate Editor
Richmond attorney Peter W.D. Wright has just lived an attorney's dream. He has won a United States Supreme Court case—and the opinion was unanimous.

But for Wright, the victory was even sweeter because he helped make law on a topic very important to him—educating children with learning disabilities.

He considers the issue significant because he is very familiar with learning disabilities. He had them himself.

The Carter case

The Supreme Court case, handed down Nov. 11, *Florence County School District Four v. Carter*, (VLW 093-1-001) involved Shannon Carter, who was classified as learning disabled while a 16-year-old student in the ninth grade (see story, page 5).

The school system had evaluated her for learning disabilities two years prior to her initial diagnosis, in 1983, but had misdiagnosed her as lazy and unmotivated, said Wright. At that time, the school officials recommended that her parents push her to work harder. Her parents followed the school system's advice, and pressured her about her studies.

By age 16, Shannon was functionally illiterate and borderline suicidal, said Wright.

Shannon's parents sought private counseling for her then, in February of 1985. The counselor suggested Shannon undergo a complete psychological evaluation. The evaluation revealed that Shannon was average to above average in intelligence, but had learning disabilities. Experts then recommended that Shannon study in a self-contained program, Wright said.

The school district proposed an Individual Education Program which would allow her three hours a week of individual instruction and would allow her reading comprehension to progress from a 5.4 grade level to a 5.8 grade level in a year's time. Shannon's parents considered this plan inappropriate, and asked that she be transferred to special education programs in one of two nearby public schools, or to Trident Academy, which specializes in teaching students with learning disabilities.

The school district refused.

The parents then placed Shannon in Trident Academy, and by her graduation she was reading at the twelfth grade level.

Litigation began after an August 1985 administrative hearing.

In the U.S. Supreme Court case, Shannon's parents sought reimbursement for the tuition they paid to send Shannon to a private school for the learning disabled after the public school system failed to give her an adequate education.

The school district argued that their plan of three hour-long tutoring sessions a week was appropriate for Shannon. The school district also argued that because the parents placed Shannon in a private school that did not meet state education standards, they should not be reimbursed.

The Supreme Court affirmed the Court of Appeals' decision, ruling that the parents may be reimbursed for their tuition expenses.

Empathy

Wright finds special education cases especially significant because he, too, suffered from learning disabilities.

Wright said his own disabilities were (See Wright, page 5)

Wright

(Cont'd. from page 4)

discovered when he was in the third grade. At that time, a friend of his parents' was doing graduate work in psychology and, as part of his studies, was testing children.

Wright was found to have three learning disabilities. These disabilities caused him to "mirror write," and to reverse both his reading and speech. He often confused pairs of words such as "up" and "down," and "over" and "under," he said.

Wright's disabilities were controlled by a medicine that stimulated certain parts of his brain, and by tutoring.

For a two-year period, Wright took personal lessons every day. In the third grade, he was illiterate, he said. But by the sixth grade, he was reading on an eleventh grade level.

After the extensive remediation, "things just took off," he said.

But Wright was not entirely rid of the disabilities' effects.

"In the high school years, [the disabilities] still did present some difficulties to me," he said. As a student in the Washington, D.C. public schools, he was steered away from college preparatory classes and put instead on a business track, he said. As part of that curriculum, he took two years' worth of typing class.

But the typing lessons were advantageous in the end. Now, he types all his briefs, he said.

After spending time at a New England school with a small teacher-student ratio, Wright went on to college. He majored in psychology, and later pursued a graduate degree in the same subject. He used his psychology background during nine years of work in the juvenile justice system, serving in such roles as house parent and probation officer.

Now he uses the psychology background as an attorney. Wright estimates that 50 percent of his cases deal with children who have special education needs.

Once he earned the law degree, that practice concentration was a natural development, he said.

Chance meeting

Meeting the Carters and becoming involved in Shannon's case was a "function of luck," Wright said.

As part of his work, Wright often gives speeches for parents of children with special education needs. "Being the learning-disabled grown-up, a lot of people like me to talk" because seeing his progress gives them hope, he said.

One of his speeches was scheduled in Charleston, S.C., several days after the district court opinion in the *Carter* case was released. When he arrived in Charleston, he learned that the Carters

would be coming to hear the speech. Wright then met with them and asked if he could refer to their case in his talk. They agreed, and later asked him to help with the 4th Circuit appeal.

Wright took over the case completely when the attorney who wrote the 4th Circuit brief accepted a job with the government.

Preparing the case

Wright's theme for arguing the *Carter* case might well have been the Boy Scout motto: "Be prepared."

Ten days before the oral argument, Wright said he went into seclusion and studied the case intensively. He outlined all amicus curiae briefs filed in the case—over 30—and read each case cited in each of the briefs. Then he went back to the initial hearing and read every part of the case and reviewed all the exhibits—twice.

Wright said he also talked to every attorney who had argued special education cases before the Supreme Court in recent years, and learned which justices he would need to convince on which issues.

In the two days before his Supreme Court appearance, Wright participated in mock oral arguments with a public citizen litigation group, an experience he describes as "absolutely brutal." But that brutal experience prepared him for any question the justices could ask, he said.

"Fear is what motivated me," Wright said. He was afraid he would go down in special education history as the attorney who had lost the *Carter* case, he said.

"Once I learned when [the oral argument] was scheduled, I started having nightmares," he said. In one nocturnal fright, Wright dreamed he had forgotten to put on his shoes and socks before going to court, and was presenting his oral argument to the Supreme Court barefoot, he said.

But the embarrassing situations that haunted Wright's dreams did not materialize in court.

Arguing before the Supreme Court was "one of the greatest highs I've ever had in my life," Wright said. The argument itself is like football, Wright said. "Once the ball's in the air, you forget the fans," he said, noting that the courtroom was packed. Wright spent his time trying to sense where a justice was going with a question and focusing "on where I needed to knock down some of [the opposing attorney's] points," he said.

Wright seems equally pleased with the case's outcome and the effect the *Carter* opinion will have on children with special education needs.

"Because of one case and one child, the [special education] child has had so many doors opened wider now," he said.

Wright said he believes the case has had a major impact, even though school systems claim the decision will cost them

more money.

The Supreme Court said, "Do what you're supposed to do," Wright said.

One brief filed in favor of the school system said that schools were serving twice as many special education children now and spending twice as much money as they did in the past, he said. But serving more children was the intent behind the Individuals with Disabilities Education Act, he said.

Wright said he also feels the decision is "going to cause parents to be more aware of what rights they have." Now, parents can purchase tutoring for their child or enroll the child in an appropriate private school if needed, he said.

Response

The ruling certainly has had an impact on Wright's law office. He estimates he has received a few hundred phone calls since the decision came down.

On Oct. 6, the day of the oral argument, Wright put a message on his voice mail describing the case and asking callers to leave their names and numbers if they wanted to talk to him personally.

The TV news that day showed Shannon Carter walking up—and down—the steps outside the U.S. Supreme Court. "That's when the flood [of calls] started. It just intensified after the decision," he said.

When the decision was released, the Supreme Court called at 10:02 a.m., Wright said. One half-hour later, CBS News was on the phone. After that media representative called, "there was a whole slew of them," he said.

Wright also has been contacted by the New York Times and drawings of him have appeared during Dan Rather's report.

"Since the...*Carter* case, we don't get many calls live in the office," Wright said. The firm has "a master list [of callers] that keeps getting bigger and bigger," he said.

But Wright would argue before the Supreme Court again.

"Having done it now, I'm going to keep my eye open for any special education cases" that might appeal to the Supreme Court, especially those cases like the *Carter* case with a split in the circuits, he said.