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# HOOVERLAW

EXPERIENCED LEGAL ADVOCACY IN CRIMINAL LAW, SPECIAL EDUCATION  
LAW, JUVENILE LAW, FAMILY LAW, AND PERSONAL INJURY LAW

## news

Welcome to the newest HooverLaw newsletter! Our newsletter is meant to inform clients and colleagues. We hope you find our information useful. This issue focuses on recent news, discussion and current events at HooverLaw.

## Patrick Hoover Heads National Juvenile Justice Panel

*March 13, 2009. Patrick J. Hoover, along with a panel of experts from across the country presented on the highly debated issue of juveniles in adult court at the 36th National Conference of the National Council of Juvenile and Family Court Judges.*

Titled "Juvenile Waivers to Adult Courts: New Issues, Growing Concerns and Potential Solutions," Patrick Hoover, along with three presenters - Judge Kim Berkeley Clark, Professor Marty Floss, and Dr. Vincent Culotta, presented on the hotly debated issue of juveniles in adult courts to a nationwide group of judges and other juvenile justice professionals. The presentation focused on the latest findings on juvenile waivers, increased recidivism and unintended injury often seen when juveniles are prosecuted as adults.

Patrick Hoover of HooverLaw Offices in Rockville, MD gave the audience a sample of his experience litigating juvenile waiver cases and the very specialized issues that are brought to the court when defending kids charged as adults. Hoover shared his observations and insider perspective and offered tactics and strategies, available to all parties - judges, counsel, and juvenile justice professionals - when confronted with the question of juveniles in an adult criminal prosecution. He emphasized the importance and legal significance of the newest brain development research and the empirical evidence now available demonstrating legal incompetence in much of the juvenile population that may be faced with having to defend charges in the adult criminal court system.



(above) Patrick J. Hoover

Patrick Hoover also created a [website](http://sites.google.com/a/hoverlaw.com/juvenile-waivers/Home) for conference attendees and others who may be interested in learning more about the topic of juvenile waiver. The website, located here and available to the public: <http://sites.google.com/a/hoverlaw.com/juvenile-waivers/Home>, contains all of the presentation materials used by the presenters, and pdf's of current research articles, news and other sources referenced by or directly used for presentation at the conference.

*If you have any questions or comments, please contact Melissa Ngaruri at [mngaruri@hooverlaw.com](mailto:mngaruri@hooverlaw.com).*



# WEBMASTER BLOG



See our sister website at [www.hooverlawoffices.com](http://www.hooverlawoffices.com)

We Tweet!  
Follow us on Twitter. Our handle is **hooverlaw**

View Hooverlaw.com on Your Cell Phone!

Check out the website on your Mobile Phone/Wireless device:  
<http://www.hooverlaw.com/newsite/mobileindex.htm>

Visit our latest site on juvenile waiver/transfer issues in the US:

<http://sites.google.com/a/hooverlaw.com/juvenile-waivers/>



## Supreme Court News Document hosted at JDSUPRA™

<http://www.jdsupra.com/post/documentViewer.aspx?fid=144d83c3-80aa-4163-b426-be01a2b430d4>

### MDSEL Attorneys Sworn Into U.S. Supreme Court;

#### *FGPS v. T.A. Special Education Case Oral Arguments Heard*

April 28, 2009:

Patrick Hoover and other members of the Maryland Special Education Lawyers (MDSEL) group attended a swearing-in ceremony at the U.S. Supreme Court on Tuesday, April 28, 2009. Other members of MDSEL—a group of MD attorneys who practice special education law on behalf of parents and students—also attended the swearing in ceremony. The six newly sworn Supreme Court Bar members attended the *Forest Grove Public Schools v. T.A.* oral arguments before the Supreme Court.

In this special education case argued before the U.S. Supreme Court, the Forest Grove school district appealed the earlier decisions affirming that T.A., a young boy with ADD and emotional disabilities, was entitled to reimbursement of private tuition costs absorbed by his parents.

When the Forest Grove school district refused to find T.A. eligible for special education services under IDEA, T.A.'s parents had him privately placed. The Oregon hearing officer, who heard the due process appeal, as well as the appeals courts in Oregon found that Forest Grove school district had wrongly determined T.A. was not disabled, and was not eligible

for special education services. Forest Grove then argued that the school should not have to pay for T.A.'s special education private placement because Forest Grove had not initially approved nor provided special education services to T.A. by the time T.A. was enrolled into the private treatment school program.

The nine justices with the exception of Justice Thomas, asked questions of both attorneys for the litigants and Department of Education, as a friend of the court, spoke in support of T.A.'s position seeking tuition reimbursement.

Especially worrisome to the MDSEL group and to other parents and advocates attending the oral arguments were the aggressive questions from Justices Scalia Roberts AND the skeptical statements from the bench by Justice Kennedy, who, as a swing voter, will likely cast the deciding vote.

- by Patrick Hoover, Esq.



## TechTalk @ hooverlaw: Google Sites Make Websites Easy

Google Sites is a new program I'm positive many of my readers, clients, and attorney friends will find useful. On March 13<sup>th</sup>, I and three other co-panelists spoke to NCJFCJ about the use, misuse and frequent abuse of juvenile waivers in this country. Preparing for a national seminar is no small task, especially for an old war horse like me practicing law for nearly 30 years. Fortunately, I got lucky in the course of researching and preparing for the conference. I happened upon Sites, a new online application from Google (<http://www.google.com>).

Google Sites brought me the ability to readily organize, distill and publish to the internet, for the benefit of my co-panelists' collaborative use and for our conference attendees' ability to preview our presentation and download information and slides on our presentation of juvenile waivers.

Using Google Sites, I was able to easily and quickly create a website and ultimately publish all of the seminar materials online. Google Sites is available free of charge to anyone with a gmail account (<http://mail.gmail.com>).

By the way, Gmail is great for everything from free backups to a failsafe email depository of all email. The interface and speed beats other email programs. No longer must you search among thousands of emails going back for years just to find a single message. Gmail makes that task quite simple and fast. For purposes of this piece, I will only state that there is a large volume of recent work on the subject juvenile waiver which makes clear just what a terrible mistake so many states made in the rush to toughen juvenile offender laws in the late 80's to mid 90's. Analysis has been coming out of the CDC, DOJ, ABA,

(Continued on page 3)

**Juvenile Waiver to Adult Court: New Issues, Growing Concerns and Potential Solutions**

Home

This site is intended for the review and consideration of conference attendees and others who may be interested in learning more about the topic of juvenile waiver, that is, youth whose age falls under the juvenile court jurisdiction of their state, but none the less face criminal adult court prosecution.

Our panel members, whose names and titles appear on the right, will post to this site their materials, resumes, articles and anything else pertinent to the panel's presentation on Juvenile Waivers which will be given at the National Council of Juvenile and Family Court Judges, 34th Annual Conference in Orlando, Florida, March 13, 2009.

Any suggestions or comments for the improvement of this site are gladly received and should be emailed to Patrick Hoover at his email: [phoover@hooverlaw.com](mailto:phoover@hooverlaw.com)

**NCJFCJ Panel Description:**

"A panel of diverse juvenile justice professionals will discuss the current findings on juvenile waivers, increased recidivism and associated injury to juveniles prosecuted as adults, an experienced juvenile court judge and defense attorney, together with a neuro-psychologist and college professor published in the field, will each discuss the problems, rising issues, and possible solutions to the most crucial barrier any juvenile will face."

Vincent Colotta, PhD, ABN; Neuropsychologist  
Onset Neurobehavioral Associates, Columbia, MD  
Phone: 410.772.7155 Fax: 410.772.7156 Cell: 410.755.5380  
Email: [vcollotta@netests.com](mailto:vcollotta@netests.com) Web: <http://www.netests.com>

Martin Floss, PhD, Hilbert College, Hamburg, NY  
Professor Criminal Justice; Director, Institute of Law and Justice  
Phone: 716.936.8906 Fax: 716.933.8227  
Email: [mfloss@hilbert.edu](mailto:mfloss@hilbert.edu)  
Web: <http://www.hilbert.edu/default.asp>

Kim Berkley Clarke, Judge, 5th J. Dist. PA, Court of Common Pleas  
Trustee, National Council Juvenile and Family Court Judges  
Phone: 412.350.0269 Fax: Cell:  
Email: [Kim.Clarke@jcmccourt.us](mailto:Kim.Clarke@jcmccourt.us) Web: <http://www.salemnews.com>

Patrick J. Hoover, Esq., Patrick Hoover Law Offices  
600 Jefferson Plaza, Rockville, MD 20855  
Trial Attorney, Private Practice, Maryland and Washington, D.C.  
Phone: 301.404.0777 Fax: 301.217.9297 Cell: 301.922.2783

(above) home page on site created by Google Sites

Patrick Hoover visited the Choice Program Spring Reflections event at UMBC Technology Center on April 21, 2009. One of the more successful AmeriCorps programs, the Choice Program brings to Maryland professionals in the field of youth advocacy to staff the ten offices scattered around this State to work with at-risk youth. In his presentation to the Choice Program, Hoover described the interplay of special education law, students' legal rights under State and federal statutes, and shared with the sixty or more professionals in attendance the ways in which special education law can positively assist youth who are involved in the juvenile justice system.



Hooverlaw will periodically post questions from Choice Program professionals around the State, and will post replies to their questions on the Hooverlaw blog. Please do not hesitate to email your questions to Patrick Hoover, and please visit [hooverlaw.com](http://www.hooverlaw.com) periodically to read about Choice Program clients' real-life problems and answers to those problems.

Hooverlaw also posted a page with some tips and suggestions for Choice Program Staff on our alternate website, <http://www.hooverlawoffices.com/>. Choice Program Staff may also email Patrick Hoover from that site.

—By Melissa Ngaruri

## TechTalk: Google Sites

*(Continued from page 4)* ACLU, AMA and a number of other, lesser known, but highly respected organizations. In virtually all instances, studies on the subject point out irrefutable and ongoing abuse and so called "unintended consequences" (rape, suicide, increased recidivism, no deterrent effect, education and earnings loss) to youth across the country who have been made to suffer extra-judicial injury as a result of juvenile waiver and adult prosecution.

Certainly, you will have your own reasons why you want to produce your own website and for any number of reasons, whether for an upcoming CLE, business meeting, or a family event. You can also limit access to your Google website to include only those who you specifically allow in. You can thus readily create your own in-house intranet site for use by only you and your trusted staff to share files, pictures, videos, emails, or just about anything else over the Internet. So you are curious about Google Sites, or interested in learning more about juvenile waivers, you may want to check out my Google Site at: <http://sites.google.com/a/hooverlaw.com/juvenile-waivers/>.

-- by Patrick Hoover, Esq.

## Meet this year's Hoover Law Interns



L to R: Kiara Mobley, Chris Cordero, Andrew Poindexter, Melissa Ngaruri (Intern Coordinator), and Jordan Lusane

## HooverLaw Internship Program Featured on Bankrate.com

HooverLaw's Legal Internship Program's Melissa Kenney Ngaruri was recently quoted in "Choosing The Best Intern For Your Business," by Karen Haywood Queen, feature writer for Bankrate.com. For tips and other suggestions on how to run a successful internship program, please look for Karen Queen's article using the link below:

<http://www.bankrate.com/brm/c/news/small-business-guide-2009/20090309-getting-most-from-interns-a1.asp?caret=3b>

If you want to learn more about HooverLaw's internship program, please contact Melissa Ngaruri at 301.424.5777 or [mngaruri@hooverlaw.com](mailto:mngaruri@hooverlaw.com)



# Education Case Review: Fighting for a Free Public Education

Document hosted at JDSUPRA<sup>SM</sup>  
<http://www.jdsupra.com/post/documentViewer.aspx?fid=144d83c3-80aa-4163-b436-be01a2b430d4>

**“Everyone has the right to education.”  
-Universal Declaration of Human Rights**

And that education “shall be free, at least in the elementary and fundamental stages.”

These are the rights set out in Article 26 of the Universal Declaration of Human Rights—a declaration adopted by the United Nations General Assembly in 1948. Although these rights are upheld by public school systems across the U.S. there are occasional cases which are overlooked, and allow students to fall through the cracks.

In 2007, our juvenile client was denied a free public education within Montgomery County Public Schools on the grounds that he was an international student living within the county for the sole purpose of attending school.

Although he was given the option of attending his local elementary school, he would be required to pay \$13,000.00 in non-resident

tuition fees—a sum neither our client, nor his parents, who reside in Thailand, could manage.

For two years, our client has been unable to receive the proper education every child is entitled. To make up for the lost time at school, he spends time teaching himself at the public library, though this does not begin to make up for the schooling he has missed.

While other peers may view the two-year break as an endless summer vacation, the lapsed time has actually been quite lonely. “It was okay the first few weeks or months, but then I got bored. I started to miss my friends” he said. “I have trouble sleeping sometimes.”

This specific case has received both local and international attention by the *Washington Examiner*, *Russia Today*, *BBC World News*, and Channel 9 News. We continue to work diligently toward a positive resolution. As of now, our client has not been admitted to MCPS.



**Question:**

*The school informed me and my client that they could not bring an attorney to their daughter's IEP meeting. They also informed me that my client's daughter is required to be present at her IEP meeting. Is this true?*

**Answer:**

Attorneys can, and in cases like this, should be present at IEP meetings. Under the IDEA, a parent or legal guardian may bring any interested party to the IEP meeting. This includes attorneys, Choice Program staff, or a friend/relative. The child who is the subject of the IEP is not required to be present at an IEP meeting and, in our practice, we advise strongly that children should not attend the IEP meeting.

## Patrick Hoover Law Offices

600 Jefferson Plaza Suite 308  
Rockville, MD 20852