

Andrew Thorson
31 August 2014

Internship Report for Summer 2014

Between June and August I had the excellent fortune to intern for Bradford Peabody, Sewanee class of 1971. Brad is an accomplished attorney in the Appellate Division of the Maryland Office of the Public Defender. The Maryland Office of the Public Defender, or MOPD, provides legal representation for those being prosecuted by the State of Maryland who cannot provide a lawyer for themselves. Public defenders ideally create fairness in the justice system, so that all citizens have access to high quality attorneys.

During the first two weeks of my internship, I worked in the Felony Division. The office serves people who are accused of felony crimes such as assault, robbery, murder, and rape. The particular office I was in served the Eastern and Northeastern districts of Baltimore City, which are largely low-income areas. I primarily assisted Rosemary Rainier as well as other trial attorneys in the office.

A large measure of my work in the Felony Division involved transcribing recorded interviews. Trial attorneys depend on transcriptions as evidence in trial, using them as maps to point out important pieces of evidence from interviews and interrogations. I worked hard to ensure that the transcriptions, some of which extended for over 30 pages, mirrored the exact verbal interactions in the recorded interviews.

Another key aspect of my work in Felony was contacting relevant people involved with cases. Because the task of the MOPD is to defend and represent indigent persons, many of our clients were homeless entirely or occasionally. This created serious challenges contacting and meeting with them. Because Ms. Rainier was so often in trial, I coordinated

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with private investigators, called witnesses, and did research to gather facts for cases and sometimes just establish where a client had gone. Many people and institutions were often reticent when confronted with questions about clients, and I had to learn to carefully ask questions in order to learn what we needed.

The most important aspect of my time in Felony was attending court as often as I could. In this regard, I sat in on trials almost daily in the Baltimore Circuit Court. I had the privilege of accompanying a defense attorney to interview a client in jail, attend his preliminary arraignment, participate in the voir dire (the process of selecting a jury), and witness the trial and sentencing. Through all of this I learned how a defense attorney works closely with a client to not only present a strong story to the court, but also to confront the prosecution and police when they have failed to introduce their evidence convincingly. Truly, the role of the prosecuting attorney is to construct a negative narrative of the client's actions, while the role of the defense attorney is to emphasize the client's goodness, humanity, and also challenge the State to produce more convincing evidence and arguments.

After the first two weeks in the Felony Division, I spent the majority of my time working directly for Brad Peabody in Appellate. I reported directly to Mr. Peabody every morning, and during that morning meeting we would go over current cases and promising arguments for use in the respective appeals.

Every Wednesday I sat in on a 'cert' meeting. The name is originally from the writ of certiorari which the state supreme court would grant when they are willing to hear an

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appeal. The meetings were characterized by presentations by any one of the two dozen lawyers in the appeals division concerning potential cases. The entire office would then vote on whether a case had merit enough to go to trial. Only then would the attorney involved in that particular case compile a brief and submit a petition for certiorari to the Court of Special Appeals, or to the Court of Appeals.

Working for Mr. Peabody, I used current legal research tools to search for relevant cases involving the same issues as our own. The appeal I worked on mainly involved the defendant's Sixth Amendment right to confront the witnesses against him, and the State's improper use of surrogate witnesses to testify on behalf of evidence which they themselves are unfamiliar with.

I first researched and compiled over twenty cases using the WestlawNext search engine. Using these, I constructed a legal memo for Mr. Peabody outlining the salient issues in our case and citing the research in my arguments. Using this along with other resources, Mr. Peabody drafted a legal brief for submission to the court. I assisted him with continued case research and suggested some revisions for the brief. The appeal has yet to go to trial, but Mr. Peabody had some confidence that the case would be successful.

Working for two important divisions of the MOPD, along with living with my brother as he prepared for the Maryland bar exam, I was immersed in the public justice side of the legal world. I learned the intense moral imperative for proper legal representation for all people, though I also felt firsthand the unpopularity of helping to defend the rapists, murderers, and other societal transgressors. While I cannot discern whether or not law

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school will be in my future, this summer has ensured that any decision I come to will be well-considered and thoroughly based in experience.