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Pro Bono Experience: Boston Marathon Bombing Victim

by Shannon Capone Kirk



Viewpoint

On April 15, 2013, I was thankfully in Palm Springs with my family for a wedding. I say “thankfully” because my husband is an ultra-marathoner. He’d wanted to do the Boston Marathon, but we had to attend my cousin’s wedding clear across the country. Being three hours behind, I woke up to the unbelievable. Just like on 9/11, at first I couldn’t process the images I was seeing. And then red. We all saw red. I yelled to my then nine-year-old son to leave the room.

“That’s blood on the pavement on Boylston,” I said.

I hated this feeling on 9/11. And I hated this feeling on 4/15. This feeling of the world crashing. Of incapacity. Of the deepest empathy for others you can feel—and yet, the competing certainty you are helpless to help anyone. Later, Fox, CNN, all of them, kept showing pictures of Martin Richard, the boy who died. A boy. My son cuddled close on the couch. I wept. We went home after the wedding, and life went on as life goes on, and work got busy as work gets busy. And I remained unhelpful.

A few months later, on June 13, 2013, the Boston Bar Association reached out to the Pro Bono committee at Ropes & Gray seeking assistance for a bombing victim with her One Fund application. I'd need to meet the victim in person in Salem, New Hampshire, the very next day; she couldn't converse on the phone given her hearing loss from the bombing. Being from New Hampshire and suddenly remembering that awful feeling of incapacity, I snapped at the request, hopeful I could do *something*. Plus, she was *only* in Salem. Salem doesn't require a plane ticket or visa or passport like a lot of my regular work. It was literally the least I could do.

Gretchen greeted me kindly at her husband's office in Salem. She leaned in with her ear to listen to my "hello," and then turned to lean into my face to shake my hand.

"You'll need to speak slow so I can read your lips," she said.

I started thinking about my mother in these initial minutes with Gretchen. Trying to explain what I do for a living to my mother, who for as long as I can remember denied having a hearing problem, used to dissolve into a mess of loud words. A mismatch of understanding at a raucous family dinner table.

"What?" she'd squawk loudly, even though she sat to my caddy-corner left. Her face would scrunch and her eyes would close.

"...[blah, blah, blah.....] E-Discovery....terabytes....computer forensics..."

"Oh, Never. Mind," she'd give up, shaking off her obvious annoyance—at herself, at me, I never understood.

The family conversation would go on around her, interjected here and there by her "What's" until she'd give up, leave the table, and do the dishes. I don't think I noticed any of this until now, in retrospect, after working on a Boston Bombing case.

The One Fund application was actually pretty straightforward. Filling it out, I figured, would be very unlike the work required to craft a preservation plan for firewall logs and ten databases in a data breach case. I figured I'd be in and out in half-an-hour. And yet, it was not until hours later when we finished the application. We spent hours talking, loudly, slowly, repeating phrases, reading lips, undergoing translations of English to English, organizing a labyrinth of medical records and, mostly, distilling a very emotional account into a sterile, one paragraph blurb on her objective, physical injury. For Gretchen, a human with a real problem larger than simply saying "hearing loss," it took a while to uncoil the events of April 15th and how they changed her life, physically and emotionally.

Gretchen had already been diagnosed before the Marathon with hearing loss in both ears, the right side suffering from profound loss; the left, also functioning at a deficit, was considered her "good ear." So, in moving through the thick Boylston crowd with her fifteen-year-old, she worked hard to focus on keeping her son close to her side.

The first bomb exploded, crashing the air. She turned her “good ear” toward the blast, unsure of what was going on. Then, the second bomb ripped through the screaming crowd and this is what did her in. Now both ears were damaged.

I wanted the One Fund deciders to know how hard it was to be left out of conversations with your own sons. To hear wind instead of words. Ringing instead of crisp birdsong. I wanted them to “see” this invisible injury. One that now, after the blasts, left Gretchen unable to differentiate peripheral noise, unable to hold conversations with multiple people, left her with increased tinnitus and multiple sounds running constant in her head: crickets, faucets, wind, ringing. Noises. Constant noises. Not distinct voices. And how voices too, they were all different. Even her husband’s. Even her own. I wanted them to understand that now, Gretchen could no longer enjoy any music, could not separate the different notes. I tried to imagine working, driving, cooking, running without the tinkling of the piano, the hypnotic waves of a cello, the thud-thud of motivating Hip-Hop, or the soul-soothing guitars of folk. I wanted everyone to understand how Gretchen could never escape *it*—because *it* was always there, absolutely there, yet invisible to everyone else.

But, given the triage nature of the One Fund application—necessary to distribute funds ASAP to those in serious need—we had work to do. In other words, we had to say how the sector of the hard drive was physically damaged, objectively prove it, and seriously distill, almost avoid, the frustrating, very real emotional side of how business stops when computers break. As I explained this to Gretchen, and her husband handed tissues for her tears, and as I put her jumble of medical records in chronological order and in the best objective light, I watched her chin quiver and her fists clench. I watched her retreat to her inner world.

I thought of my mom.

Gretchen was approved by the One Fund for Category D and received the pre-set distribution of funds. She is thankful for the donations. And certainly we all agree the focus of the Fund should continue to devote resources and charity to those most critically injured and those who suffered loss of life. As for hearing loss victims, this too is a lifetime cost. And a lifetime burden. There is no cure. And it’s not going away.

A few months ago, the Boston Bar Foundation’s Society of Fellows asked me to address how helping a Marathon victim impacted me. It impacted me professionally and personally. Professionally, I am sure I am just a pin in the hard drive, but I do have a pulse and I have a new knowledge on an invisible injury. Personally, I hope I’m a better daughter. How happy I truly am now to see my mother engaged and smiling, sitting with us at the table, wearing her hearing aids. I am better able to understand what she has gained.

Shannon Capone Kirk is a Chambers-ranked E-Discovery Counsel at Ropes & Gray and Professor at Suffolk Law. Shannon’s international practice manages electronic data in litigation.