

A Brief for Courage

By Alan Finder

IT IS LATE in the afternoon and Ken Kunken, a young Nassau County assistant district attorney, is going through a 6-inch-thick stack of manila files, his caseload.

"Write down: Took \$211 worth of clothing from Sears and left store," Kunken says. His attendant, Kathleen Kiev, jots down the information on a small card.

Kunken finishes scanning the page, which contains a detective's report and background on the man accused of the department-store theft.

"Okay," he says. Ms. Kiev turns the page over. Kunken continues to read, concentrating intently. "Write down: 'No priors,'" he says. His aide notes that the alleged thief hasn't been arrested before.

Kunken finishes reading the report. "Okay," he says. Ms. Kiev returns the piece of paper back to its file and they go on to the next case. The process continues like this for almost two hours.

Ken Kunken, 32, who was severely injured in a football accident in college 13 years ago, cannot remove reports from his files or take his own notes. He cannot open his mail by himself, eat a sandwich, change his shirt or open a door. Yet his friends, family and colleagues say he is fiercely independent. His achievements — he has earned two master's degrees and, last year, a law degree — demonstrate his willpower and his intellectual skills. His demeanor — he is warm, outgoing and self-confident — suggests his spiritual resources.

"He's a remarkable guy," says his brother, Stephen Kunken. "It's very difficult to meet him and not have it have an impact in some personal way, as to how you go about living your life from this day forward."

Ken Kunken's accident in the fall of 1970 left him almost totally paralyzed. A linebacker on Cornell University's 150-pound football team, Kunken was charging down the field on a kickoff in a game against Columbia. While making the tackle, he broke his neck. In that instant, the life of the athletic young man from Oceanside was altered irrevocably.

He spent almost a year in hospitals, undergoing physical therapy and attempting to adjust to his new circumstances. Friends and family recall that he was extremely depressed. He lost the use of his legs and has only limited use of one arm. He cannot move his fingers. He had to rig up homemade devices just to answer a telephone or write down a few crude numbers or letters, using the restricted movement he has in his left arm.

But despite the trauma and his depression, Kunken rebounded. Eleven days after he left the hospital for good, he returned to Cornell. With help from numerous people, he negotiated Ithaca's steep hills and Cornell's equally rigorous courses. He graduated with a degree in industrial engineering and spent two more years earning a master's degree in counseling and student personnel administration.

"He always had that lovely ring to his voice, always a smile on that kid's face," remembers James Maas, a Cornell psychology professor who advised Kunken. "How much he felt inside, we never knew." Maas, among others, had encouraged Kunken to become a psychological counselor. "It always made people feel good to be around him," Maas says.

After obtaining another master's degree, this time in psychological counseling from Columbia, Kunken went to work for the Human Resources Center in Albertson as a counselor. But after two years there, he grew restless. He wanted to do something more ambitious, Kunken says. He most wanted to do what his



Ken Kunken, paralyzed at 20, is now a Nassau assistant district attorney.

brother Stephen does: argue a case in court. He enrolled in Hofstra Law School.

"I just thought that if I could be an attorney, I could be more involved in helping [disabled] people obtain their rights," Kunken says.

There were other, more personal reasons. "I don't want to be tied exclusively to a disabled world," he says. "Careers-wise, I want that to be part of what I am doing, but I want to be involved in a lot of different areas. I just don't want to be stereotyped as someone who is only involved with the disabled or can only be involved with the disabled. There just seemed like there was so much more to do and I wanted to take part in it."

Because he couldn't write briefs of the cases he read in his law textbooks, Kunken had to rely on his memory. He couldn't take notes in class, so classmates would do so for him. He had trouble typing his legal memos, pecking at a typewriter with a pencil he had attached to a splint-like device on his left hand. So he found a retired volunteer to whom he would dictate his memos. When it came time for exams, Kunken would dictate his answers to the volunteer.

It wasn't always easy and it wasn't how he might have chosen to do it. But Kunken graduated from Hof-

stra last May, on time. His credentials were strong enough to get him hired by Nassau District Attorney Denis Dillon. Like several dozen other young lawyers hired last summer by the district attorney, Kunken has spent the last six months in the district court bureau, handling less serious crimes like petty larceny, drunk driving and assaults, and learning his craft. He has participated in five trials so far. Last December, he was informed that he had passed the state bar exam.

Kunken's supervisor, Steven Itrace, says he is treated just like the other young attorneys in the district court bureau. Kunken agrees, although he adds that the DA's office has been quick to give him help when he needs it.

Ms. Kiev, Kunken's personal attendant, spends an hour or two in the office each day, helping him go through his cases and placing key details of each case on cards. The cards are put in a Rolodex, which Kunken takes with him into the courtroom. That way, when he must refer to a case before a judge, he can use his pen to flip through to the proper card, rather than having to ask someone else to pull the file for him.

Ms. Kiev's main responsibilities involve cooking, housecleaning and other personal care for Kunken at home in his Hempstead apartment. He pays her out of his salary and from insurance money. Kunken is ineligible for any government aid.

When Ms. Kiev is not at the district attorney's office, Kunken must depend on colleagues. They open doors for him, get him a sandwich at the cafeteria in the court complex or copy a legal document for him.

"The people in the office have been great," he says. "Most people are good people. They want to help, they're quick to offer."

Still, the constant dependency is a burden, he says. "It's frustrating. I can be waiting by a closed door for a couple of minutes, waiting for someone to come by. I've got to convince myself not to let it bother me. Sure, it gets to me a lot of times. I have to work on it all the time."

"I don't think I'll ever fully adjust to the fact that there are things I can never do that I used to be able to do. I don't think you ever get used to being in a wheelchair. Certainly I'll never forget that I spent 20 years on my feet. But I try to do the best I can with what I have to work with."

"The thing I suppose that caught me first is that he is an excellent lawyer," says Itrace, his boss. "The mind and the legal ability is as good as anybody in this bureau. The only thing we don't know yet is how much the physical problems he has will hold him back."

Kunken, who remains an avid football fan, has learned to enjoy more sedentary pleasures in his free time. "I was always very physically conscious beforehand," he says, "and now obviously I can't do those things."

He spends a good deal of time reading and watching sports on television. He also gets out to the movies frequently, with the help of friends, and enjoys visiting at the homes of family and friends.

A handsome man with large, cherubic cheeks; fine, straight hair sloping over his forehead, and a soft voice, Kunken has an affable manner that puts others at ease.

"He is a resilient person," says a former colleague, Jim Difley, director of vocational rehabilitation services at the Human Resources Center. "He's someone who has bounced back from something catastrophic and moved ahead. It's wonderful for him, of course, but it's also very good for the rest of us." ■