The American Bar Association
Death Penalty Representation Project

22nd Anniversary & Volunteer Recognition Event

September 9, 2008
6:30 until 8:30 PM
Helmsley Park Lane Hotel
36 Central Park South
New York City
People who are well represented at trial do not get the death penalty... I have yet to see a death case among the dozens coming to the Supreme Court on eve-of-execution stay applications in which the defendant was well represented at trial.

~**Ruth Bader Ginsburg, U.S. Supreme Court Justice** (April 9, 2001)

After 20 years on (the) high court, I have to acknowledge that serious questions are being raised about whether the death penalty is being fairly administered in this country.

~**Sandra Day O’Connor, U.S. Supreme Court Justice** (July 2, 2001)

Our decisions in 1976 upholding the constitutionality of the death penalty relied heavily on our belief that adequate procedures were in place... more recent cases have endorsed procedures that provide less protections to capital defendants than to ordinary offenders.

~**John Paul Stevens, U.S. Supreme Court Justice** (April 17, 2008)
22nd Anniversary & Volunteer Recognition Event

Welcome
Robin M. Maher
Director, ABA Death Penalty Representation Project

2008 Exceptional Service Awardees
Kaye Scholer LLP
Schnader Harrison Segal & Lewis LLP

Featured Remarks
Craig Watkins
Dallas County, Texas
District Attorney

Introduced by Vanessa Potkin
Staff Attorney, The Innocence Project

Keynote Speaker
Anthony G. Amsterdam
NYU Law School Professor & Distinguished Civil Rights Lawyer

Introduced by Larry Fox
Partner, Drinker Biddle LLP
Kaye Scholer has a proud 30-year tradition of taking on difficult habeas and clemency petitions for indigent death row inmates. The former Chair of Kaye Scholer’s Executive Committee, David Klingsberg, set an example at the firm by personally handling several death penalty cases, including arguing *Beck v. Alabama* (1980) and *Lowenfield v. Phelps* (1988) in the U.S. Supreme Court. Since 1991, dozens of Kaye Scholer attorneys have spent almost 30,000 hours on eight separate cases.

Most recently, Kaye Scholer, who has represented Percy Walton since 2002, was successful in obtaining a reprieve from Virginia Governor Tim Kaine on June 8, 2006 just one hour before Mr. Walton was scheduled to be executed, which delayed the scheduled execution to allow for an independent evaluation of the client’s mental condition and competence. Mr. Walton, a borderline-retarded schizophrenic, was originally sentenced to be executed in October 1997. Numerous appeals and habeas petitions were submitted to Virginia federal courts in an effort to stay and ultimately commute Mr. Walton’s death sentence on the grounds that Mr. Walton was only 18 at the time of his crime, is mentally retarded, and is mentally ill such that he lacks the necessary competence to be put to death. Mr. Walton’s appeals all failed, and a team of Kaye Scholer attorneys prepared for their extensive attempt at procuring clemency for Mr. Walton.

In the 1999 case of *Calvin Swann v. State of Virginia*, the Virginia Capital Representation Resource Center contacted Kaye Scholer to prepare a clemency petition ten days prior to Mr. Swann’s execution date and after the U.S. Supreme Court denied certiorari. With support from various circles enlisted and convinced by Kaye Scholer's work, Virginia Governor James S. Gilmore III determined to make his own assessment of Mr. Swann's condition. After determining that he was profoundly mentally handicapped, Governor Gilmore commuted Mr. Swann’s death sentence.

Kaye Scholer’s efforts and results in each of their cases was the acceptance of responsibility for the clients, not because they recognized the potential triumph, but because they recognized the need on behalf of clients who could not help themselves.
A firm of fewer than 200 lawyers, Schnader Harrison Segal & Lewis LLP allocates tremendous resources to its pro bono program, and in particular to work on behalf of those facing death sentences. Approximately 100 Schnader lawyers, paralegals, and other personnel have spent over 15,000 hours over several years on death penalty matters. Beyond their direct involvement in death penalty litigation, the Schnader firm is enthusiastically involved in lecturing and advocating for reforms in the death penalty system. Schnader has continuously been in involved in capital pro bono representation since at least 1988, and has handled more pro bono Pennsylvania cases than any other firm in the country.

In its direct representation cases, Schnader, led by partners including Sam Silver, Ralph Wellington, and Paul Titus, has represented numerous capital defendants at the trial, appellate, state post-conviction, and federal habeas corpus stages of the criminal process. They leave no stone unturned in their vigorous representation of their capital clients.

Schnader’s thirteen-year representation of one client, Florencio Rolan, exemplifies the firm’s commitment. Schnader first entered Mr. Rolan’s case by successfully obtaining a last-minute stay of execution. After extensive post-conviction proceedings before the Pennsylvania state courts, Schnader secured a new sentencing trial. Schnader represented Mr. Rolan at the sentencing trial, and succeeded in getting Mr. Rolan’s death sentence vacated. Thereafter, Schnader initiated successful federal habeas proceedings, where Mr. Rolan was granted a new trial on the merits. They later preserved that victory in the Third Circuit. Schnader then represented Mr. Rolan at trial in hopes of winning their client his freedom. When that did not occur, they took the case on appeal, where it remains today.

Schnader brings the same level of commitment, passion, and expertise to each of their death penalty cases, earning the respect of Philadelphia’s bench and bar. Whether directly representing death row inmates, submitting amicus briefs in death penalty cases, or advocating for reform in the death penalty system, Schnader has been an active voice on behalf of capital defendants in Pennsylvania and across the country.
After graduating from the University of Pennsylvania Law School in 1960, Anthony Amsterdam clerked for Justice Felix Frankfurter and then served as an Assistant United States Attorney in the District of Columbia. In 1962, he took his first teaching position at the University of Pennsylvania. He moved to Stanford in 1969, where he later was named the Montgomery Professor of Clinical Legal Education, the first endowed clinical chair in American legal education.

In 1981, he came to New York University School of Law to serve as Director of Clinical and Advocacy Programs. Amsterdam has served on the ABA Task Force on Law Schools and the Profession (The MacCrate Task Force), chairing its committee to prepare the "Statement of Fundamental Lawyering Skills and Professional Values." In 1975 he won Stanford's Hurlbut Award for Excellence in Teaching and in 1989 he received New York University's Great Teacher Award.

Throughout his career Amsterdam has engaged in an extensive pro bono practice. Serving a wide variety of civil rights, legal aid, and public defender organizations, he has appeared in small-town courtrooms, the kitchens of rural Justices of the Peace, and the Supreme Court of the United States. In *Furman v. Georgia*, he persuaded the Court that the death penalty was unconstitutional. He has litigated cases ranging from death penalty defense to claims of access to the courts for the detainees at Guantanamo Bay, Cuba; claims of free speech, free press, and freedom of NEA grantees from censorship; and claims of privacy and equality of opportunity for racial minorities and poor people.

Amsterdam, the author of dozens of books and articles, is also one of the most influential legal scholars of his generation. He is credited with writing the article that initially conceptualized the first amendment doctrine of overbreadth, and his treatise on criminal defense is the definitive work in the field.
Craig Watkins, a Dallas native, was inaugurated on January 1, 2007 as the Criminal District Attorney (DA) for Dallas County, Texas. He is the first African-American elected to that position in Texas. As DA, his “smart on crime” philosophy engages innovative strategies throughout the prosecutorial process and seeks to address the root causes of crime. Watkins’ interest in conviction integrity led him to partner with the Innocence Project of Texas to aid the wrongfully convicted.

Watkins, who was educated in the Dallas public school system, received a Bachelor of Arts degree in political science from Prairie View A&M University and a law degree from Texas Wesleyan University School of Law. He has received numerous honors and awards for his outstanding accomplishments in the community from an array of organizations and groups, including Texas Lawyer’s Impact Lawyer of the Year 2007 and Dallas Weekly’s Man of the Year 2007.

Watkins’ work has garnered him local, national, and international attention from CNN, ABC’s “Good Morning America,” German TV, Dallas Morning News, New York Times, Washington Post, Los Angeles Times, and Chicago Tribune.
ABA Death Penalty Representation Project

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Special thanks to our Steering Committee Members, past and present; our hard-working and dedicated colleagues in the capital defender community; our generous financial supporters; and especially our volunteers who care enough about justice to invest their time, skills, and resources to assist the men and women on Death Row.
Our Mission

Our mission at the Death Penalty Representation Project is to ensure that every person facing a possible death sentence has the assistance of a competent, effective lawyer at every stage of the proceedings against them. The American Bar Association believes that good lawyers are essential to justice, especially in death penalty cases. Over the years our volunteers have contributed their skills, time, and substantial resources to work with us toward solutions. Twenty-two years ago, the Project was created to address an emerging crisis of counsel. Since that time we have engaged more than one thousand volunteer lawyers to assist the men and women on our nation’s Death Rows. Today, we receive requests for our help from nearly every death penalty jurisdiction in the country. With your help and support, we will continue to make a difference in the lives of indigent capital defendants and Death Row prisoners in the following ways:

• by recruiting, training, and supporting volunteer lawyers for the hundreds of Death Row prisoners across the United States without counsel;

• by working with defenders, prosecutors, judges, and legislators to facilitate improvements to the counsel systems that fail so many poor people;

• by aggressively pursuing reform with systemic litigation when other reform efforts do not succeed;

• by promulgating guidelines for the defense of death penalty cases that are now widely acknowledged by courts and defenders as the national standard of practice; and

• by educating the public, bar, and judiciary about the problems with the death penalty and the urgent need for meaningful reform.

ABA Death Penalty Representation Project
www.abanet.org/deathpenalty
www.probono.net/deathpenalty
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and commend all those who volunteer service

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Schnader congratulates the

Death Penalty Representation Project

on its 22nd Anniversary

and commends all of the volunteer lawyers and firms who are fighting for justice on behalf of death row inmates.

We are honored to join Kaye Scholer LLP as recipients of the 2008 ABA Death Penalty Representation Project Exceptional Service Award

Schnader Harrison Segal & Lewis LLP
www.schnader.com
We are proud to support the ABA Death Penalty Representation Project and congratulate the Exceptional Service Award nominees for their commitment to ensuring representation and justice for those charged with capital crimes.

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and commend the efforts of all of the nominees for their commitment to seeking justice in capital cases

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For more information on the Project and how you can help, please visit:

www.abanet.org/deathpenalty

Please contact or send donations to:
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