We salute all our volunteers for their courageous efforts to ensure high quality legal representation for all death row prisoners.

Thank you.

Find us on the web at new.abanet.org/deathpenalty/representationproject or www.probono.net/deathpenalty.

Downtown Aquarium
September 22, 2010
6:00 - 8:00 PM
Houston, Texas
24th Anniversary & Volunteer Recognition Event

2010 Exceptional Service Award Recipients

Drinker, Biddle & Reath LLP

and

Reed Smith LLP

Program Agenda

♦ Opening Remarks
Robin M. Maher
Director

♦ 2010 Exceptional Service Award Recipients
Lawrence J. Fox
Drinker, Biddle & Reath LLP
Christopher K. Walters & David A. Kochman
Reed Smith LLP

♦ Keynote Speaker
Ray Krone

“'I just can’t put it in to words how happy I am, thank you so much for all you’ve done. For believing and not giving up… [You] have pumped life back into this cause, and you will never be forgotten.”
~Excerpt from a Death Row prisoner’s letter, January 2010.

INTERESTED IN VOLUNTEERING WITH THE DEATH PENALTY REPRESENTATION PROJECT?
The Project receives countless requests for assistance from prisoners on Death Row around the country who are without counsel. Representing a death-sentenced prisoner can be a remarkably rewarding experience. Attorneys and law firms demonstrate their commitment to the fundamental principle of the American justice system that every person charged with a crime is entitled to a fair trial and competent legal representation. No prior experience is necessary; there are excellent training opportunities for you to learn the skills needed to successfully handle a capital post-conviction case. The Project also ensures that every pro bono firm receives guidance from experienced capital defenders.

To learn more about volunteering, contact the Project at 202.662.1738 or deathpenaltyproject@staff.abanet.org.

FOR MORE INFORMATION OR TO CONTRIBUTE TO OUR WORK, PLEASE CONTACT THE PROJECT AT:

American Bar Association
Death Penalty Representation Project
740 Fifteenth St. NW, 8th Floor
Washington, DC 20005

Phone: 202.662.1738 / Fax: 202.662.8649
deathpenaltyproject@staff.abanet.org

WE ARE ON THE WEB!
http://new.abanet.org/deathpenalty/representationproject/
www.probono.net/deathpenalty
www.twitter.com/deathpenaltyrep
Ray Krone grew up near York, Pennsylvania, with a loving family and many friends. A former Boy Scout and high school athlete, he became an Air Force sergeant and later a mail carrier before finding himself on Arizona’s death row for a murder he did not commit.

His world was turned upside down in 1991 when Kim Ancona was murdered in a Phoenix bar where Ray was an occasional customer. Ray refused to believe that our legal system would convict him. He told his parents not to worry.

But Ray was convicted. The case against him was based largely on circumstantial evidence and the testimony of a supposedly “expert” witness who claimed bite marks found on the victim matched Ray’s teeth. In 1992, he was sentenced to death.

Ray won a new trial on appeal in 1996, but was convicted again, mainly on the state’s supposed expert bite-mark testimony. This time, however, the judge sentenced him to life in prison, citing doubts about whether or not Ray was the true killer.

It was not until 2002, after Ray had served more than ten years in prison, that DNA testing would prove his innocence. DNA testing conducted on the saliva and blood found on the victim excluded Ray as the source. When prosecutors dropped the charges that April, Ray became the 100th person exonerated from death row in the U.S.

“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)
Drinker, Biddle & Reath LLP

Drinker Biddle & Reath LLP is particularly proud of its long and dedicated commitment to death penalty representation in many different contexts. Two aspects of this work give our firm special pride. First, the firm’s commitment to these difficult engagements finds its wellsprings not just in the original firm of Drinker Biddle & Reath, but also from the several firms that have combined with us in recent years. Indeed, the integration of these firms into Drinker Biddle & Reath has been so successful in part because of the shared commitment to this important pro bono work of those who have joined us along the way – a commitment that has broadened and deepened as we’ve grown.

The second aspect of Drinker Biddle & Reath’s death penalty representation work of which we are proud is the many different forms our contributions have taken. Certainly nothing has been more important than our undertaking individual collateral proceedings on behalf of those languishing on death row, the victims of ineffective representation and other constitutional violations that call into question the integrity of the justice system’s real commitment to due process.

At the present time, Drinker Biddle & Reath’s San Francisco office is handling Brittany Holberg’s post-conviction proceedings in Texas, our Florham Park office is representing Emmitt Taylor in Louisiana, and the Philadelphia office is representing Tommy Lee Waldrip on federal habeas in Georgia. Most famously, the Philadelphia office represented William Cochran, a death row inmate in Alabama. Mr. Cochran was granted a new trial at which he was acquitted of the murder charge. Today he is a free man.

Because so many of the issues that arise in death penalty representation are endemic to the present system, the firm has committed to systemic litigation that might reform these fundamental problems. Through the firm’s Barbara McDowell High Impact Pro Bono Initiative, the firm is partnering with the Death Penalty Representation Project and Mississippi lawyers on *Knox v. Mississippi*, a civil lawsuit focusing on the systemic failures of the State of Mississippi which have prejudiced many death-sentenced prisoners.

Drinker Biddle & Reath has also prepared United States Supreme Court amicus briefs on behalf of the American Bar Association, ethics professors and others in individual cases that presented significant death penalty representation issues. Most recently, Drinker Biddle & Reath filed an amicus brief in *Holland v. Florida*. This was the sixth amicus brief filed by Drinker Biddle & Reath in the United States Supreme Court in the last 10 years.

Drinker Biddle & Reath has focused much of its work on issues relating to the professional responsibility of lawyers who represent clients in capital cases, including playing an important role in the development of the ABA Guidelines for the Appointment and Performance of Defense Counsel in Death Penalty Cases. The firm has also addressed the conflicts of interest that arise in any certification of State Capital Counsel Systems by State Attorneys General or the Department of Justice.
Reed Smith has been representing inmates on death row for twenty (20) years. The firm’s attorneys are doing this work in Pennsylvania, Illinois, and Alabama, and are currently representing seven men on death row.

In the 1990’s a team of Reed Smith Pittsburgh lawyers saved the life of Pennsylvania inmate Lawrence Christie in post-conviction proceedings. Mr. Christie’s death sentence was modified to life in prison without parole after Reed Smith showed that his trial counsel had failed to present the available mitigation evidence.

Reed Smith began representing another Pennsylvania death-row inmate, Bradley Martin, in state post-conviction proceedings in 2000. At an evidentiary hearing on multiple claims of prior counsel’s ineffectiveness, the trial court heard a dozen witnesses, vacated Mr. Martin’s death sentence, and ordered a new sentencing hearing. The state appealed but the Supreme Court of Pennsylvania affirmed in August 2010.

In 2007 Reed Smith merged with Sachnoff & Weaver, a Chicago firm with a long history of death row representations in Illinois, at one point handling three cases simultaneously. One of those representations, that of inmate Samuel Morgan, began in 1995 and is an active Reed Smith case today. The Sachnoff lawyers had obtained a reversal of the client’s death sentence from the Illinois Supreme Court. On remand, Reed Smith lawyers asserted a claim of actual innocence, now the subject of federal habeas proceedings.

Reed Smith New York lawyers began our fourth death penalty representation in 2007 representing William Kuenzel, an Alabama death row inmate. On appeal to the 11th Circuit Court of Appeals, Reed Smith obtained a reversal and reinstatement of the habeas petition, with a direction that, on remand, the district judge consider Mr. Kuenzel’s claim of “actual innocence”. This was significant because the 11th Circuit has not yet squarely held that the actual innocence exception applies to excuse a procedural bar under Section 2244(d).

Late in 2008, Reed Smith took on four additional death penalty representations in Alabama. The firm’s appearance on behalf of these men came because each was only weeks away from losing all access to a judicial review of their claims.

Each of these four Alabama cases shared a procedural defect that helped compel Reed Smith to step in. The juries in each case had voted against the death penalty for life in prison without parole. However the trial judges had invoked Alabama’s ‘judicial override’ procedure to overturn these life sentences and imposed death sentences instead.

Reed Smith has also handled clemency proceedings in death penalty cases. In Virginia in 2005, the firm appeared at the 11th hour for inmate Robin Lovitt, whose execution was imminent. Reed Smith lawyers arranged a face-to-face meeting with Governor Warner on the day of the scheduled execution. The Governor granted the clemency petition, sparing Lovitt’s life.
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 all people facing a possible death sentence have the assistance of competent, effective counsel at every stage of the proceedings. 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-four 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 underprivileged 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.

“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)
The purpose of a catalog is to sell products or services to a targeted audience, or to advertise upcoming classes or events. Catalogs can be a great way to market your products or services, and also build your organization’s identity.

First, determine the audience of the catalog. This could be anyone who might benefit from the products or services it contains. Next, establish how much time and money you can spend on your catalog. These factors will help determine the length of the catalog and how frequently you publish it. It’s recommended that you publish your catalog at least quarterly so that it’s considered a consistent source of information. Your customers or employees will look forward to its arrival.

Also consider how you want to print your catalog. You can print it on a desktop printer, at a copy shop, or at a commercial printing service. In addition to your budget, the complexity of the publication—including whether you print it as a black and white or a color publication—will help determine the best method for printing your publication.

Before you print your catalog, consider how you will bind your pages. The number of pages, how the reader will use it, and whether you mail it will help you determine the type of binding. For example, if you have only a few pages and your catalog is meant to be held, you might consider folding the pages and stapling the spine. Larger catalogs that are meant to be folded flat work best with a plastic binding with punched holes, while larger publications meant to be held like a book are best served by gluing the pages, or “perfect binding.”

Covington commends the ABA Death Penalty Representation Project’s dedication to bringing justice to death row inmates on the occasion of its 24th anniversary celebration.
Since 1998, the following firms have been recruited by the ABA Death Penalty Representation Project to work on pro bono death penalty matters:

- King, LeBlanc & Bland
- Kirkland & Ellis LLP
- Lane Powell PC
- Latham and Watkins LLP
- Law Offices of Carl D. Bernstein
- Law Offices of Samuel S. Dalton
- Law Offices of Frank G. DeSalvo
- Law Offices of Richard Spears
- Law Offices of Mark Stevens
- Law Offices of Richard W. Westling
- Locke Lord Bissell & Liddell LLP
- Manatt, Phelps & Phillips, LLP
- Martzell & Bickford, APC
- Maslon Edelman Borman & Brand LLP
- Mayer Brown LLP
- McCarter & English, LLP
- McCollam, Duplantis & Eagan, LLP
- McDermott Will & Emery
- McGuire Woods, LLP
- McKenna Long & Aldridge LLP
- Milbank Tweed Hadley & McCloy LLP
- Morgan Lewis
- Morrison & Foerster LLP
- Morrison Mahoney LLP
- Morris, Nichols, Arsht & Tunnell LLP
- Moser & Marsalek, PC
- Munger, Tolles & Olson LLP
- Nelson, Kinder, Mosseau & Saturley PC
- Nelson Mullins Riley & Scarborough
- Nixon Peabody, LLP
- Ober & Kaler LLP
- O’Melveny & Myers
- Oppenheimer Wolff & Donnelly LLP
- Osborn Maledon
- Panzini, Moser and Bonds
- Patterson, Belknap, Webb & Tyler LLP
- Patton Boggs, LLP
- Paul, Weiss, Rifkind, Wharton & Garrison LLP
- Pepe & Hazard
- Pepper Hamilton LLP
- Perkins Coie
- Pillsbury Winthrop LLP
- Plews Shadley Racher & Braun
- Proskauer Rose LLP
- Quarles & Brady LLP
- Riezenmberger, P.C.
- Robins, Kaplan, Miller & Ciresi LLP
- Ropes & Gray LLP
- Rothgerber Johnson & Lyons, LLP
- Schiff Hardin LLP
- Schwabe, Williamson & Wyatt
- Schnader Harrison Segal & Lewis LLP
- Segal McCambridge Singer & Mahoney
- Sherin & Lodgen LLP
- Shuchman & Krause-Emlalie
- Sidley Austin LLP
- Simpson Thacher & Bartlett LLP
- Sirkin Pinales Mezibov & Schwartz
- Skadden, Arps, Slate, Meagher & Flom LLP
- Snell & Wilmer LLP
- Sonnenschein, Nath and Rosenthal
- Spriggs & Hollingsworth
- Steptoe & Johnson
- Stoel Rives LLP
- Stone Pigman Walther Wittmann LLC
- Sullivan & Cromwell LLP
- Swift, Currie, McGhee & Hiers LLP
- Terris, Pravlik & Millian, LLP
- Thompson Coburn LLP
- Troutman Sanders LLP
- Unglesby, Koch & Reynolds
- Venable LLP
- Vinson & Elkins, LLP
- Waring Cox, PLC
- Walters & Kraus
- Weil, Gotshal & Manges LLP
- Williams & Connolly LLP
- Willkie, Farr & Gallagher LLP
- WilmerHale
- Winstead Sechrest & Minick PC
- Winston & Strawn LLP
- Womble Carlyle Sandridge & Rice
- Worrell & Schwegman
- Zuckerman Spaeder LLP
Drinker Biddle is proud to support the ABA Death Penalty Representation Project

We honor our lawyers and staff who have dedicated their time and effort to Drinker Biddle’s work on behalf of prisoners on death row and who are committed to making the constitutional right to the effective assistance of counsel truly meaningful.

Congratulations to fellow Exceptional Service Award honoree Reed Smith LLP

Drinker Biddle
www.drinkerbiddle.com

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