



THE BALANCE

Vol. 1, Issue 2
December 2002

A Newsletter of the Fair Trial Initiative

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Message from David Neal, Executive Director

North Carolina is at a crossroads. There can no longer be any doubt about the shoddy legal representation the state provides to those who face the death penalty and are too poor to afford their own lawyer. Both of the people slated for executions early this December had bad lawyers and unfair trials. A recent study by the Common Sense Foundation found that one in six death row inmates in our state were represented by lawyers who have been disciplined or disbarred, a sanction that is reserved for less than one percent of lawyers generally. Out of the last eleven condemned prisoners who have come before Governor Easley for clemency review, nine had defense lawyers who would not meet the current standards for appointed counsel. Half of those scheduled for execution in the last two years had lawyers who were disciplined, disbarred, drunk, or who had criminal convictions or worse. We must do more to guarantee fair trials for all who might be subject to our harshest penalty. Public confidence in our courts is eroding in the face of story after story of justice denied to those we would put to death. Bad lawyers at trial increase the risk of sentencing innocent people to death and is a major factor in the arbitrary administration of the death penalty. Thank you for giving us the chance to bring new energy and resources to capital cases and to help guarantee a fair trial for everyone facing the death penalty.

David can be reached at david@fairtrial.org.

FTI BOARD WELCOMES BETH WILKINSON



The FTI board and staff warmly welcomes their newest colleague, **Beth Wilkinson**. Beth is a partner in the Washington, D.C. office of Latham & Watkins, specializing in white collar criminal defense, internal investigations and complex civil litigation.

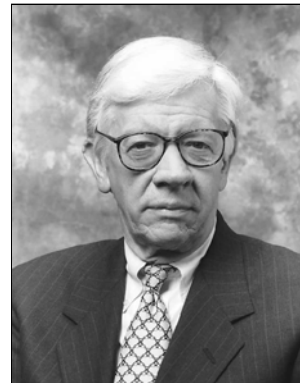
Beth entered the national spotlight as an Assistant United States Attorney working on the McVeigh and Nichols cases. Since leaving the Justice Department, Beth has been an outspoken advocate for better representation in death penalty trials and is co-chair of the Constitution Project's Death Penalty Initiative.

PLEASE CONTRIBUTE TO SUPPORT FAIR TRIALS!

www.fairtrial.org or
201 W. Main Street, Durham, NC 27701

JACK LAHR BUILDS FTI IN VIRGINIA

Not content "merely" working with Virginia trial lawyer James Hingeley as a pro bono attorney on a capital case in Charlottesville, Jack Lahr has thrown his considerable energy into creating a full-fledged Virginia program. His focus right now is on finding



creative ways to ensure that each capital case in Virginia has the mitigation specialists it needs. Jack brings an extraordinary wealth of experience to FTI.

Jack's many accomplishments are too broad to list here. Among other things, he has been a partner in Foley & Lardner's litigation and antitrust departments, he was an adjunct professor at Georgetown Law Center, he coauthored *An Intellectual Property Law Primer* (Clark-Boardmen 2nd Ed. 1982), he chaired the ABA's Administrative Law Judges' Committee and he has worked extensively in capital litigation in Alabama. We couldn't be more thrilled about Jack's involvement and leadership, and thank you to Foley & Lardner for their support!

FTI STARTS PETITION DRIVE

A new FTI petition drive calls for a death penalty moratorium in every state that does not provide adequate trials for death penalty defendants. If you would be willing to help petition, contact petition@fairtrial.org for more information.

UPCOMING EVENTS

- December 4 FTI program staff will speak at the Episcopal Diocese's Social Responsibility Committee in Burlington, NC.
- December 8 FTI Fellows will speak at the Unitarian Universalist Fellowship in Winston-Salem, NC.
- December 19 FTI staff will engage in a "talk-back" session after the showing of the new play, "The Exonerated," in New York City.
- January 26 FTI Fellows will present at the Unitarian Universalist Fellowship in Hillsborough, NC.

FELLOWS IN ACTION

The most recent issue of the North Carolina Catholic Reporter includes a feature article on the FTI fellows. See the article online at [Lanyers work to ensure fair trials for all capital defendants, www.nccatholic.org/news.php?ArtID=719](http://www.nccatholic.org/news.php?ArtID=719).

Fellows uncovered evidence that a bible was used in the jury deliberations and that race may have influenced the sentence in the case of Desmond Carter, scheduled to be executed this month in North Carolina. **Yvonne Nix** is featured in the Charlotte Observer article about the case, online at [Black juror alleges pressure, www.charlotte.com/mld/observer/news/local/4640567.htm](http://www.charlotte.com/mld/observer/news/local/4640567.htm).

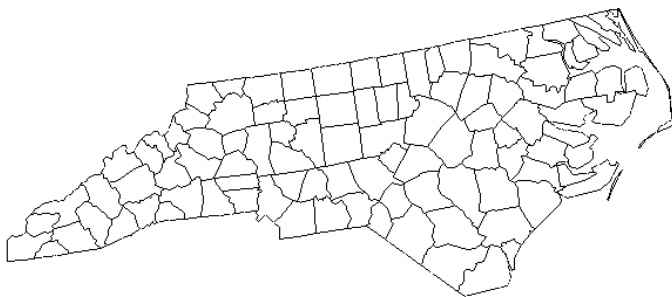
Fellow **Jenny Mellon** received the prestigious Pro Bono Service Award for an Outstanding Law Student 2002 from the North Carolina Bar Association. As a panelist at the 2002 Equal Justice Works Career Fair in Washington, DC, FTI fellow **Khary Johnson** received excellent reviews and evaluations from career fair participants and conferees.

In other news, Fellows are currently working with **Mary Ann Tally** and **Elaine Gordon** of the Center for Death Penalty Litigation to create the North Carolina Capital Trial Manual.

FAIR TRIALS FROM EAST TO WEST

Just look at the counties in which Fellows currently have cases, and you can see how FTI is seeking to ensure fairness all over the state:

Sarah Anthony: Cumberland, Guilford, Person, Sampson, Vance
Khary Johnson: Cumberland, New Hanover, Vance
Samy Khalil: Green, Nash, Wake



Jenny Mellon: Anson, Cumberland, Wake
Yvonne Nix: Anson, Orange, Halifax, Wake
Terrica Redfield: Green, Northhampton, Orange



Hall of Shame

The experience in Anson county has given fellows **Yvonne Nix** and **Jenny Mellon** a new perspective on the prosecution of death cases. North Carolina's 20th Prosecutorial District covers four counties, including Anson. District Attorneys within this district are rewarded with a golden lapel pin in exchange for the first death sentence they return in capital trials. This shiny lapel pin, which is proudly sported in the courtroom, is known as "the golden noose."

FTI Pro Bono

Thinking about getting involved in a pro bono capital case through FTI? Here is what Latham & Watkins Associate **Abid R. Qureshi** has to say about his experience:

"Working as a member of a capital defense team through FTI's Pro Bono program is a rewarding and enriching experience—both professionally and personally. Together with Beth Wilkinson and a team of associates from Latham & Watkins, I am assisting the Maryland Public Defenders' Office in representing an indigent criminal defendant in a capital case. As part of the trial team, I am involved in all aspects of the case: formulating litigation strategy, identifying and preparing witnesses, investigating factual issues, researching legal issues, and conducting and defending witness examinations. FTI's Pro Bono Program is personally enriching because it helps to translate lofty legal principles—justice, fairness, and impartiality—into attainable goals."

Please write probono@fairtrial.org or call 919-680-2986 if you or your firm would like to learn more and get involved.

THANK YOU!

A big thank you to **The Z. Smith Reynolds** and **The Paul Green** Foundations. The Z. Smith Reynolds Foundation recently awarded a \$75,000 grant for the second straight year. The Paul Green Foundation awarded \$2,000 grant for public education.

And special thanks to our generous contributors:

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