

## Developing Future Leaders through Fellowships

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As part of Mayer, Brown, Rowe & Maw's commitment to public service and the development of future leaders, the firm regularly sponsors legal fellowships to support the efforts of lawyers with an inclination toward public service. Among the firm's current fellows are a pair of lawyers, Ezekiel Edwards and Velile Memela, who are working in two very different programs that demonstrate the broad range of public interest work.

### Working to Eliminate Wrongful Convictions

Edwards is a staff attorney and the Mayer Brown Eyewitness Fellow at the Innocence Project, the national litigation and public policy organization dedicated to exonerating the wrongfully convicted through post-conviction DNA testing.

Recognizing incorrect identification of the accused by supposed eyewitnesses as the single greatest cause of wrongful convictions, the Innocence Project created, and sought the firm's help in funding, a fellowship to manage a new project office dedicated to developing and promoting methods of improving the eyewitness identification process. Edwards was awarded the inaugural two-year fellowship based on his strong credentials, including a pre-law school stint as an investigator with New York City's Capital Defender Office and several years experience as a public defender with the Bronx Defenders.

"My previous experience showed me firsthand what's wrong with the criminal justice system," the 2002 University of Pennsylvania Law School graduate commented. "In terms specifically of eyewitness issues, there are a number of things about the way that police conduct eyewitness procedures that enhance the possibility of a misidentification." One procedural change that the Innocence Project recommends is the retirement of traditional lineups of suspects and "fillers" in favor of sequential presentations. The organization also advocates the use of the so-called "double-blind" technique, which would

introduce police officers who do not know the suspect's identification into the identification process in order to eliminate the possibility of officers influencing the eyewitness to select a particular suspect through non-verbal cues.

"When a misidentification occurs, the police are often led down the wrong path because they're investigating an innocent person and often lose crucial time and information on the guilty party, who remains free to commit more crimes while an innocent person often spends years in jail unjustifiably," Edwards said. "There are some very simple, scientifically sound and peer-reviewed steps that can be taken that are not cost-intensive that can improve these procedures. I think the sooner we start doing that, the better."

Since beginning his fellowship in October 2006, much of Edwards' initial effort has focused on establishing the Eyewitness Identification Reform Litigation Network, which brings together resources from the Innocence Project, the Public Defenders Service for the District of Columbia, the National Association of Criminal Defense Lawyers and the National Legal Aid & Defender



Ezekiel Edwards

Association. The network aims to reform eyewitness identification procedures by assisting with individual defenses, advising individual police departments on ways to reform their practices, helping to establish commissions that can act in an advisory capacity, collaborating with attorneys general, who have the power to mandate change in their jurisdictions, and working with state legislatures to enact new laws for the handling of lineups and other such eyewitness identification methods.

“This is a pro-law enforcement and community safety push, not a pro-criminal defense push,” Edwards said, noting that some jurisdictions have already implemented reforms, including the State of New Jersey; Boston and Northampton, Massachusetts; Santa Clara County, California; and Minneapolis, Minnesota.

In coming months, Edwards hopes to begin utilizing Mayer, Brown, Rowe & Maw lawyers on the eyewitness identification project on a pro bono basis as work begins on individual cases, with the expectation that their assistance will be needed at all stages — ranging from pre-trial motions to co-counseling on defenses to appellate actions. After his fellowship ends in late 2008 he hopes to continue working in this field. “I’d like to stay connected to [the eyewitness identification] issue,” he commented. “So much work needs to be done in this area. It’s a fairly long road ahead to get to where I think this country should be on this issue.”

### Enhancing Corporate Law and International Practice Skills

Since 2002, the Cyrus R. Vance Center for International Justice Initiatives has run the South African Visiting Lawyer Program, in which black lawyers from that country dedicate one year to a work and training fellowship program with a law firm or banking institution in New York City. The goal is to enhance the corporate law and international commercial practice skills of these lawyers, thus positioning them for future leadership roles in South Africa’s economy. For 2006-2007, Mayer, Brown, Rowe & Maw and Merrill Lynch are jointly sponsoring Velile Memela, who will spend six months with each firm.

“The Visiting Lawyer Program addresses the difficulties that young black lawyers in South Africa have in terms of getting international commercial practice opportunities. The program helps them gain that experience,” commented Joan Vermeulen, executive director of the Vance Center. “We are pleased that an international firm like Mayer Brown has agreed to participate, and we’re confident that the experience Velile gets while he is with the firm in New York will be a valuable addition to his professional development.”

Memela, who received his law degree in 2001 from the University of Natal in Durban, South Africa, specializes in intellectual property law, and spent several years practicing in the Trade Marks Department at Spoor & Fisher. Upon beginning his fellowship in December 2006, he was surprised by the rapidity with which American lawyers begin practicing after finishing law school: lawyers in South Africa apprentice for several years after completing their class work and before writing their board exams. Also new to him was the sheer scale of Mayer, Brown, Rowe & Maw and the other law firms with which he has become familiar,



Velile Memela

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time in court and in front of the judge to argue our positions at a fairly early time in my career.”

## Helping the System

Chicago partner Bennett Lasko led a defense team that included former foreign associate Fernando Elias-Calles Romo and paralegal Eric Baker in the defense of Cuauhtemoc Padilla, a Mexican national who was living in the United States illegally with his wife and two children. Although he was separated from his wife, Padilla came to the residence they had formerly shared in an attempt to resolve a dispute involving the children one evening in June 2004. Upon finding his wife in bed with another man, he used a nearby kitchen knife to attack them both, killing the man and injuring his wife.

Lasko characterized the case as “an unbelievable emotional rollercoaster,” while noting that he felt that the outcome was fair. Padilla was charged with first-degree murder and attempted first-degree murder of his wife. He was found guilty of second-degree murder and aggravated battery. He was sentenced to 18 years in prison and will be deported back to Mexico upon his release.

“It was professionally rewarding, and I think I did a service to the client and the community and helped out the courts, which need the assistance of private lawyers like us to move cases through,” Lasko concluded. “I think the system works best when defendants are properly represented.”

## Continuing the Cause

Mayer, Brown, Rowe & Maw has several more pro bono criminal cases pending in Judge Linn’s courtroom, making for a situation that continues to benefit all parties involved.

“I think it’s a win-win-win. It’s a win for the defendants, who get lawyers who are very capable and have a lot of resources available to them,” the judge said. “It’s a win for me because I know that these people who are in serious trouble with the worst allegations on top of them are going to be well-represented and get the day in court that they’re entitled to. I think it’s a win for the justice system as well. It’s certainly a win for the public defenders; they get a break and can use what resources they have for the many other matters that they have. Everybody comes out ahead.”

noting that a large South African firm would only be considered small- or medium-sized in the U.S.

Though he has only been a fellow for several months, Memela has already worked on a number of matters. Most notably, he has assisted on a deal with Merrill Lynch to create a special purpose vehicle to isolate financial risk for an African bank. He has also participated in several pro bono projects, such as drafting a credit agreement for the Corporation for Supportive Housing and preparing a filing to attain tax-exempt status for a newly forming non-profit organization. “I’ve benefited the most from being exposed to and working on international transactions,” he said. “The program is good for young lawyers, and definitely worth investing in a year away. I think it will make me a better lawyer when I return to South Africa.”

Though he has many months remaining on his fellowship, Memela already anticipates one action he intends to take upon returning to South Africa. “[I like] the way the information is shared between the offices,” he noted. “Databases are available across offices in the U.S., so I can access any document I need, whereas in South Africa we have several offices but no system to access each other’s documents electronically. I want to help develop and implement such a system.” He also anticipates leveraging the international network of contacts he has been developing during his time working with the firm.