

## Gaining Critical Experience through Court-Appointed Criminal Cases



Judge James Linn

The Cook County Criminal Courts Building in Chicago is one of the busiest courthouses in the United States, where more than 30 judges hear cases each business day and public defenders routinely juggle dozens of cases at a time. To help alleviate the pressures on the system and provide quality representation to defendants, all while gaining the benefits of trial experience for our associates, Mayer, Brown, Rowe & Maw regularly accepts pro bono criminal defense appointments before Judge James Linn.

The firm began taking cases before Judge Linn in 1999 after Marc Kadish, the firm's director of pro bono activities and litigation training, approached the judge about getting court experience for our associates.

"My goal has always been to combine pro bono and training. Finding trial experiences for our lawyers is a priority," Kadish commented. "The criminal courts are one of the few places where cases are still tried, and where associates can work on a trial. These cases provide experience in every aspect of the development of litigation training. Many first-year associates have had their first courtroom experience by appearing before Judge Linn on everything from status hearings to arguing motions."

To date, the firm has handled 11 cases in Judge Linn's court, including several capital defenses. Typically, the defense teams include Kadish together with one or more partners and associates.

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### Exonerating an Innocent Man

In a recent case before Judge Linn, a team composed of partner Jonathan Medow, litigation associates Doressia Hutton and Shauna Fulbright and summer associate Keonna Carter represented a man accused of criminal sexual assault, a fact that Hutton admits initially gave her some pause.

At first, the team expected to assert a defense based on consent. Circumstances changed, however, when the state released the findings from DNA testing in fall 2005, showing that no match was made to the defendant's DNA.

A jury trial was conducted in May 2006, with Fulbright delivering the opening argument, Hutton cross-examining the accuser and Medow questioning several witnesses and delivering the closing. Essentially, the defense team walked the jurors through the state's case and demonstrated how the DNA evidence disproved the prosecution's claims. The three-day trial resulted in an acquittal and the defendant was released after 14 months behind bars.

For Fulbright, the case impressed upon her the need to truly work together in order to succeed. "I learned the importance of teamwork," she remarked. "I thought it was very helpful that we had a nice-sized team on this case so that we could share our different opinions and consider

different facets of the case. There were enough people that we could talk through multiple perspectives.”

“It was the highlight of my legal career, actually trying a case before a jury and getting an acquittal,” Hutton commented. “It meant a lot to [the acquitted defendant]; he had been in jail for 14 months at this point, away from his three young sons for a crime that he knew he didn’t commit. That’s 14 months of his life that he missed out on, and 14 months of his kids’ lives that he missed out on. We’re dealing with real people here, and because I work at this great firm I was actually able to help someone who could’ve been convicted of a crime that he shouldn’t have been convicted of.”

### Getting a Defendant the Help He Needs

Several members of the firm’s Intellectual Property Group, including counsel Debra Bernard and associates Douglas Sawyer and Aric Jacover, worked on the defense of Norman Derrickson Jr., who was charged with aggravated arson and two counts of first-degree murder after two men died in an apartment building fire that Derrickson started in a suicide attempt.

While the state pursued the death penalty, our defense team argued that Derrickson was mentally ill and only intended to harm himself. Derrickson was ultimately assigned to a mental health unit at the Dixon Correctional Center, where he is serving a life sentence without parole.

While there are no winners in such a tragic case, the team felt some satisfaction in the aftermath. “I was pleased because I think we helped Mr. Derrickson,” Sawyer said. “We hope he has ended up in a place that will help him in the long run with his mental health issues.”

Because he was allowed to take on a major role in the defense, Sawyer also feels that his involvement helped shape him as a lawyer. “The case gave me great hands-on experience taking depositions from police officers and expert witnesses,” he commented. “I went into the field to talk to potential witnesses and follow up with the people the police had talked to, developed theories on the case, hired experts, developed expert reports, and certainly had

### Additional cases before Judge Linn:

<b>Clifton Carroll</b>	Three murder cases, two not guilty and one conviction. Represented by partner John Touhy on one case and former associates Ken Merlino and Skip Sneeringer on the other two.
<b>Larry Filiung</b>	Murder, not guilty by reason of insanity. Represented by former Mayer, Brown, Rowe & Maw lawyers Kaspar Stoffelmayr and Stephen Keeley.
<b>Samuel Lupo</b>	Murder, state sought death penalty, sentenced to 50 years after guilty plea. Represented by partners Sheila Finnegan and Craig Woods, associates Doressia Hutton and Zachary Barnett, and former associate Tara Thompson.
<b>Deborah Taylor</b>	Murder, not guilty. Represented by associates Charles Harris II and Sheri Drucker Davis.
<b>Randy Williams</b>	Murder, guilty of second-degree murder. Represented by associate Josh Kolar and former Mayer, Brown, Rowe & Maw lawyer Maggie Schneider.
<b>Alan Love</b>	Kidnapping, pled guilty and received minimum sentence. Represented by partner Vincent Schmeltz III, associate Charles Harris II and summer associate Christine White.
<b>PENDING CASES:</b>	
<b>Quovadis Thompson</b>	Charged with sexual assault. Represented by Nicole Byrd and Brad Stanley.
<b>Daniel Lucas</b>	Convicted of murder. Represented for post-trial motions and sentencing by associates Rochelle Outlaw, Greg Deis and Josh Kolar.
<b>Aurelia Gonzalez</b>	Charged with kidnapping. Represented by associates Gina Diomedi, Heather Lewis, Sarah Reynolds and Marcela Sanchez.
<b>Sean Bloxton</b>	Charged in one case with murder and in a second case involving possession of a weapon. Represented by partner James Barz and associate Shennan Harris.

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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.