

US DEATH PENALTY TRAINING

Spring 2020

Introductory evening: 13th March

at Bryan Cave Leighton Paisner LLP, Adelaide House, London Bridge, London EC4R 9HA

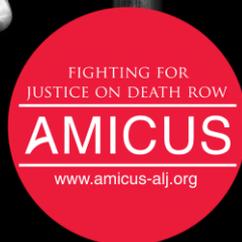
Theory weekend: 14th-15th March

at Baker McKenzie LLP, 100 New Bridge Street, London EC4V 6JA

Practical weekend: 21st-22nd March

at Baker McKenzie LLP, 100 New Bridge Street, London EC4V 6JA

all delegates must sign-in morning and afternoon



A message from Amicus

Welcome to the US Death Penalty Training course. This course provides insight into, and practical and theoretical skills for defending those facing the death penalty in the US.

Amicus is a small legal charity that helps to provide representation for those facing execution in the US. Amicus was founded in 1992 in memory of Andrew Lee Jones, who was executed in Louisiana in 1991.

We believe the death penalty is disproportionately imposed on the most vulnerable in society, violating their right to due process and the concept of equal justice before the law. We work to provide better access to justice for those who could not otherwise afford it.

"The death penalty remains fraught with arbitrariness, discrimination, caprice, and mistake."

US Supreme Court Justice Harry A. Blackmun, 1994

The quality of representation in a capital trial is literally a matter of life and death. Unfortunately, capital defence lawyers in the US are generally overworked and underpaid. Some are also woefully inexperienced and a significant number of US defendants have gone to their deaths because of poor legal representation.

"The Constitution says that everyone's entitled to the attorney of their choice... The Constitution doesn't say that the lawyer has to be awake."

District Judge Doug Shaver, McFarland v. State of Texas (1992)

The US has executed over 800 people since 2000. 34.6% of defendants executed by the US since 1976 were black, although the US census bureau estimates that as of 2014 only 13.2% of the general population is black.

A recent Louisiana study concluded that, even after taking other variables into consideration, "the odds of a death sentence are still 97% higher for those who kill whites than for those who kill blacks". All are equal before the law?

90% of death row inmates are classed as indigent and cannot afford their own lawyer.

"All are equal before the law and are entitled, without any discrimination, to equal protection of the law."

Article 7, Universal Declaration of Human Rights

Since 1973, more than 163 people in 26 states have been released from death row with evidence of their innocence.

Amicus helps save lives - but we need your support.
Join us now at www.amicus-alj.org/how-help/membership.

Friday 13th March 2020

6:00 pm	Introduction
6:05 pm	Icebreaker Quiz
6:20 pm	About Amicus Margot Ravenscroft
6:40 pm	Former Volunteer Speakers
7:00 pm	Keynote Speakers Sunny Jacobs and Peter Pringle
8:15 pm	Close Drinks Reception & Networking with Former Volunteers

Saturday 14th March 2020

9:00 am	Welcome
9:15 am	Introduction Margot Ravenscroft
9:30 am	Introduction to the US Legal System: US Constitution & Supreme Court Dr Bea Myers
11:00 am	Break
11:15 am	Trial Procedure (part 1) Maddie Steele
12:45 pm	Lunch
1:45 pm	Juries Niall Carlin
3 pm	Break
3:15 pm	Trial Procedure (part 2) Maddie Steele
4pm	Slavery, Race and the Death Penalty Margot Ravenscroft
5pm	Round up and Questions All
5.30pm	Finish

Sunday 15th March 2020

9:15 am	Open Margot Ravenscroft
9:30 am	Appeals Mark George QC
11:30 am	Break
11:45 am	International Law & The Death Penalty Prof Jon Yorke and Claire Butler
1:15 pm	Lunch
2:15 pm	Krone Workshop I: Evidence, Innocence, Forensics, Investigation Dr Sarah Cooper
3:30 pm	Break
3:45 pm	Krone Workshop II: Evidence, Innocence, Forensics, Investigation Dr Sarah Cooper
5 pm	Round up and Questions All
5pm	Finish

Saturday 21st March 2019

9:00 am	Tea and Coffee
9:10 am	Introduction Margot Ravenscroft
9:15am	Report from the Field: Current State of the US Death Penalty... Texas Jim Marcus, Raoul Schonemann & Thea Posel
10:00 am	The Right to Counsel and Contemporary Standards of Practice in Capital Cases Raoul Schonemann
11.15 am	Break
11:30 pm	Mitigation 101: Constructing a case narrative Jim Marcus & Raoul Schonemann
12:45 pm	Lunch
1:30 pm	Investigation and Litigation of Mental Health and Trauma Issues in Capital Cases Thea Posel
2:45 pm	Break
3pm	Investigation and Litigation of Ineffective Assistance of Counsel and Prosecutorial Misconduct in Capital Cases Jim Marcus
4.15pm	Records Review and Meeting Clients Jim Marcus & Raoul Schonemann
5.30 pm	Round-up and Conclusions

Sunday 22nd March 2020

9:15 am	Tea and Coffee
9.20am	Welcome
9.30am	Investigation and Litigation of Race Issues in Capital Cases Raoul Schonemann
10.45am	Break
11.00 am	Investigation and Litigation of Jury Issues and the “Morgan Method” in Capital Cases Thea Posel
12.00 pm	Getting in the Door: Investigation and Interviewing Skills Jim Marcus & Raoul Schonemann
1.00 pm	Lunch
2.00 pm	Musical interlude Investigation Workshops (part 1) Margot Ravenscroft, US guests and Amicus Former Volunteers
3.00 pm	Break
3.15 pm	Investigation Workshops (part 2) Margot Ravenscroft, US guests and Amicus Former Volunteers
4.30pm	Round Up and Conclusions

Our Speakers – 13th to 15th March

Keynote Speaker: Sunny Jacobs, Co-Founder of The Sunny Center

Sunny had served 17 years before she managed to get her conviction overturned. Sunny and her first husband, Jesse Tafero, were both implicated in the shooting of two police officers in Florida in 1976. Jesse was executed in 1990, despite significant ongoing doubt about his guilt. Sunny's death row ordeal later became one of six stories told through the acclaimed play *The Exonerated*. The play was also adapted for television with Susan Sarandon playing Sunny. *Sunny's book 'Stolen Time' will be on sale during training.*

Keynote Speaker: Peter Pringle, Co-Founder of The Sunny Center

Peter's story also started with the death of two policemen - this time during a bank raid in Ballaghderreen, Ireland. His conviction was finally quashed after 15 years of incarceration when evidence of his innocence was brought to light, including evidence that his 'confession' had been written before he'd even been interviewed. *Peter's book 'About Time' will be on sale during training.*

Margot Ravenscroft, Director of Amicus

Margot joined Amicus in 2007 after working for the Bar Pro Bono Unit. Previously she worked in California at the offices of Clarence & Dyer LLP on death penalty appeals alongside white collar crime matters. On returning to the UK, she continued in the field working pro bono on Jamaican capital cases while working in re-insurance litigation at Barlow Lyde & Gilbert LLP. She also served on the National Pro Bono Committee and on the organising committee for the UK's first Pro Bono Conference.

Dr Bea Myers, University of Winchester

Bea is a lecturer in Law and teaches (among other things) Criminal Justice and Criminal Law. Her PhD focused on complex difficulties faced when trying infamous defendants at international courts and tribunals, given that these accused are often labelled 'the worst of the worst' of humanity. Taking an interdisciplinary approach – merging Law, Sociology and Psychology – the aim was to try to understand the position of the defendant in complex and lengthy international criminal proceedings. Given the themes which arose throughout this research, many parallels can be drawn to the various domestic legal systems which still utilise the death penalty today. One of Bea's main interests lies in trying to understand the vitriolic relations towards the accused, and whether they can receive a fair trial in light of the treatment by both the media and the wider public.

Mark George QC, Head of Chambers, Garden Court North

Mark has been practising law for 40 years. The bulk of his practice is serious crime, mainly murder and very serious sex cases but between 2013 and 2016 he worked on the Hillsborough Inquests in which he was one of the barristers instructed on behalf of a group of 22 families who lost loved ones in the disaster. He is a trustee of Amicus. He first worked on a death row case in 1998 in Texas. He regularly lectures at the Amicus training sessions in London on capital trials and on appeals in state and federal courts. He has written for the Amicus Journal on many aspects of US death penalty law. He has also helped write briefs to the US Supreme Court on behalf of the Bar Human Rights Committee. In 2017 Mark worked with several attorneys in Houston Texas with a number of capital cases which are awaiting trial.

Maddie Steele, Pupil Barrister

Maddie is currently undertaking pupillage in Bristol. She previously represented clients before the First-Tier Mental Health Tribunal and has a particular interest in mental health within the criminal justice system. Maddie was an intern in Oklahoma for 3 months. During her time there she worked on a number of capital murder cases. She assisted the attorneys in court with jury selection and witness handling for the duration of a capital trial. Maddie drafted a motion to bar the use of the death penalty on those suffering from severe

mental illness. She also testified for the defence, at a capital competency hearing, as to the mental capacity of the client to stand trial.

Dr Sarah Cooper, Birmingham City University

Sarah is a Reader in Law and both Director of Research and the Centre for Law, Science and Policy at Birmingham City University where she also co-ordinates the School of Law's US Internship Programme, American Legal Practice. She has been a Fellow at the Arizona Justice Project since 2010. Her research aims to identify and analyse how the US criminal justice system interprets scientific evidence to prove an accused's guilt, and innocence. Her research has been cited widely including by scholars, lawyers, US state supreme courts, legislative notes, and in Amici Curiae Briefs to the US Supreme Court. Sarah was recently selected to be a Scholar in Residence at the Law Library of Congress and holds a Leverhulme/British Academy Grant Award to examine state compassionate release procedures in the USA.

Prof Jon Yorke, Birmingham City University

Jon is Professor of Human Rights and the Director of the BCU Centre for Human Rights at Birmingham City University. He is an expert on the death penalty and international law. He is a member of the Foreign and Commonwealth Office Death Penalty Expert Group, which advises the British government on death penalty matters. He has advised the European Union and the Council of Europe on death penalty issues and has presented on the death penalty in the United Nations. He is a founding member of the International Academic Network for the Abolition of Capital Punishment, and he has published widely on death penalty issues. He is a former recipient of an Andrew Lee Jones scholarship, and is a member of the editorial board of the Amicus Journal.

Niall Carlin, University of Law, Leeds

Niall is programme lead for the Graduate Diploma in Law at The University of Law in Leeds, where he also lectures in criminal law and teaches on the Bar Professional Training Course. Niall practised at the criminal bar as a member of Broadway House Chambers in Bradford/Leeds where he undertook all types of prosecution and defence work in the Crown and Magistrates Courts, including regulatory proceedings on behalf of HRMC and local authorities. Through Amicus, prior to qualification at the bar, Niall completed an internship with the Texas Defender Service, which represents indigent defendants on death row. He has also been a legal assistant to a criminal barrister in New Zealand and worked for a member of the UK Parliament. Niall has published several articles and delivered training seminars involving general criminal law and capital punishment issues. Some of Niall's published work on the subject of Capital Punishment include; "Cruel and Unusual? Capital Punishment in the United States of America" (Broadway Quarterly, September 2014) - Updates on current issues in relation to capital punishment in the United States and methods of execution. "Freedom of Expression in an Internet Age" (Broadway Quarterly, July 2013) – Analysis of developments in digital media prosecutions, with reference trial of Azhar Ahmed and the leading authority DPP v Collins [2006] UKHL 40. "Everything is Bigger in Texas" (Amicus Journal, Issue 31, Spring 2013; Broadway Quarterly, February 2012) – Analysis of the Texas criminal justice system and the UK system, with particular focus on the increased use of community penalties.

Dr Bharat Malkani, Cardiff University

Bharat is a Senior Lecturer in the School of Law and Politics, at Cardiff University, where he works on the university's Innocence Project. His research focuses on the death penalty, and the relationship between human rights law and criminal justice system. Prior to joining academia, Bharat worked with the American Bar Association in Washington DC, where he helped co-ordinate national efforts to abolish the death penalty for persons under the age of 18. His publications include the book 'Slavery and the Death Penalty: A Study in Abolition' (Routledge 2018)

Our Speakers – 21st and 22nd March



Raoul Schonemann

Raoul Schonemann is a clinical professor and the co-director of the Capital Punishment Clinic at the University of Texas School of Law in Austin, Texas. For the past 25 years, he has defended people facing the death penalty in Texas, California, Alabama, and Georgia, primarily in appellate and post-conviction habeas corpus proceedings. Prior to joining the law school, he was employed as the managing attorney of the Capital Litigation Unit at the Southern Center for Human Rights in Atlanta; as a deputy public defender at the Office of the State Public Defender in San Francisco; and as a staff attorney at the Texas Resource Center in Austin. In 2003, he served as a consultant to the American Bar Association in its revision of the "Guidelines for the Appointment and Performance of Counsel in Death Penalty Cases." He is a co-chair of the Death Penalty Committee of the National Association of Criminal Defense Lawyers and has previously served as NACDL's national capital defense training coordinator.



Jim Marcus

Since graduating law school in 1993, Jim Marcus has represented death-sentenced clients at every level of state and federal habeas corpus proceedings. Mr. Marcus began his career at the Texas Resource Center. In 1995, he helped found the Texas Defender Service, a non-profit capital defense project. Mr. Marcus served as the Executive Director of Texas Defender Service from 1997 until 2006, when he joined the Capital Punishment Clinic at the University of Texas School of Law. Mr. Marcus is currently a Clinical Professor and Co-Director of the Capital Punishment Clinic and a Texas Habeas Assistance and Training Counsel. In the latter capacity, Mr. Marcus trains and supports capital habeas counsel in Texas cases and lectures in capital defense seminars across the nation.



Thea Posel

Thea Posel is a research fellow and clinical instructor in the Capital Punishment Clinic. She has worked with capital defense teams in both Colorado and Texas, from pre-trial litigation prep and consulting to state and federal post-conviction cases. She now works primarily on Texas state court advocacy and consulting at the capital trial, appellate, and habeas stages. She co-teaches "Providing Effective Assistance of Counsel in Capital Trials" with Professor Raoul Schonemann and assisted in the development of the interdisciplinary "Mitigation Matters" course, a collaboration between the Capital Punishment Center faculty and the

Steve Hicks School of Social Work.

Thea holds a sociology degree from the University of Colorado, where her undergraduate research focused on the effects of race and class in capital prosecutions, sentencing outcomes, and participation in the criminal justice system as well as social and environmental effects and attitudes surrounding the death penalty in Colorado. Along with Professors Jordan Steiker and Jim Marcus, she is a co-author of *The Problem of "Rubber-Stamping" in State Capital Habeas Proceedings: A Harris County Case Study*, 55

About our work - How members can get involved

Placements: Every year we train and place approximately 30 volunteers with capital defence organisations in the US. Capital defence attorneys are generally overworked and under-resourced; our volunteers provide vital support and carry out work that would not be done without them. This can make all the difference to a case:

"[Our Amicus volunteer] shared his work with the Texas office and another Amicus volunteer over there [Texas]. They used it and this guy didn't die last night. I can't think of a way to overstate the importance of this work. The guy didn't die. Kind of says it all. Everyone...ought to know about this. It makes it all worthwhile. Thank you."

Casework: Members on occasion can work on individual cases and play a direct role in helping save a person from execution. The work includes research, summarising trial transcripts and drafting motions and briefs.

Fundraising: Amicus events range from concerts and film screenings to conferences and yoga nights. There's something for everyone.

Journal and newsletter: We need regular contributions for our journal and our monthly newsletter.

Membership fees and donations: As a small charity we are dependent upon our members for the funds that keep us going. Your support will help us expand and improve our work, ensuring better access to justice for those facing execution. Join us at www.amicus-alj.org/how-help/membership.

The story of Andrew Lee Jones

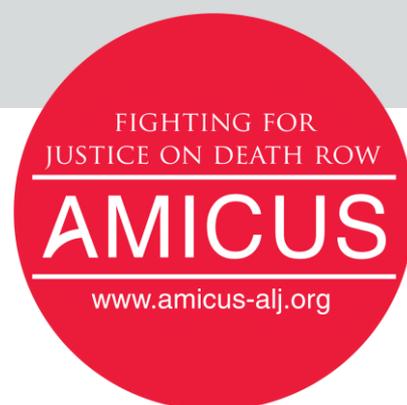
Andrew was born the seventh child out of 14 to a black share-cropping family. His life changed after his father's death, when the family was evicted. Andrew soon fell into petty crime.

In 1984, Andrew was charged with the murder of his ex's daughter. Not only did the prosecutor strike all black jurors, she never informed Andrew's defence - despite her legal obligation to do so - that a state psychiatrist diagnosed Andrew with psychosis. The all-white jury found Andrew guilty.

During sentencing, Andrew's court-appointed defence failed to inform the jury of the following mitigating factors: Andrew had an IQ of 77 and had never progressed beyond the second grade in school; Andrew suffered from organic brain damage; and Andrew had become addicted to drugs as a teenager and experienced psychotic episodes throughout his adult life. Little funding was available to conduct a mental health evaluation of Andrew. In any case, his lawyer did not even request funding. The jury duly sentenced Andrew to death.

In 1991, the Board of Pardons met to hear final pleas for clemency. Andrew's family begged for his life and mental health experts testified. Finally, the defence lawyer from Andrew's 1984 trial apologised for not giving Andrew a fair defence. Less than five years out of law school, he had not been qualified to conduct capital trials. He had received the papers only a short time prior to the trial and saw Andrew only occasionally beforehand. However, clemency was denied.

On 22 July 1991, Andrew was executed. He was the last person in Louisiana to be executed by the electric chair. If our volunteers and caseworkers had been on hand to help, Andrew might still be alive today.



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Amicus is the trading name of the Andrew Lee Jones Fund Ltd
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