

ABA's Death Penalty Representation Project honors outstanding volunteers

The American Bar Association's Death Penalty Representation Project honored its outstanding volunteer attorneys and law firms Thursday in Washington D.C. The recipients for the 2014 Exceptional Service Awards were the firms of Quarles & Brady LLP and Sidley Austin LLP. Mark J. MacDougall of Akin Gump, in Washington, D.C., was the recipient of the John Paul Stevens Guiding Hand of Counsel Award.



Mark J. MacDougall of Akin Gump Strauss Hauer & Feld LLP accepts the 2014 John Paul Stevens Guiding Hand of Counsel Award

The Exceptional Service Award is presented to the volunteer firms that have made an extraordinary commitment to pro bono capital representation and are nominated by their colleagues.

Quarles & Brady, a Milwaukee-based firm, was cited for repeatedly taking on the most urgent and difficult death penalty cases, and for devoting extraordinary amounts of resources, personnel, time and energy to the cases. They have represented prisoners in six capital cases in four different states, almost all with imminent deadlines.

The firm devoted 19,000 hours in fiscal year 2013, what would be the equivalent of nine full-time lawyers for a year, to pro bono work, many of those on death-penalty cases. Litigation partner Mike Gonring accepted the award for the firm. "Using your legal skills to save a human being, especially when a government is intent on killing that human being, is the best legal work you can do," he said.

Sidley Austin, a global firm with 18 offices, helped create the Capital Litigation Project to provide representation to death-sentenced prisoners in Alabama. Since 2005, more than 100 Sidley attorneys have donated more than 110,000 hours to representing 21 clients pro bono in their death penalty appeals. This year, the firm won relief and a new trial for one of their first clients, William Ziegler, on the grounds of jury misconduct and ineffective counsel.

Sidley partner Benjamin Nagin accepted the award and urged lawyers to continue to “make a commitment to justice.”

MacDougall, whose practice focuses on white collar criminal litigation, has volunteered more than 1,720 hours as a trial counsel in death penalty cases in South Carolina. He has led teams of Akin Gump lawyers that have dedicated more than 10,000 hours to capital cases. MacDougall has served as trial attorney on six capital cases and is scheduled to begin another death penalty case in South Carolina in January 2015.

He expressed optimism that executions could become a thing of the past in the United States. “The death penalty is fading from our national life,” MacDougall said. “It has been going and it will go.”

In relating a story about his first capital case, MacDougall said he was complaining about all the problems and all the animosity projected toward him. He said a friend told him, “Someday, you’ll be able to say you did this before it was cool,” he said. “Today, it’s cool.”



Former Project Director Robin Maher was presented with a piece of artwork created by a death penalty client.

Although she did not receive an official award, former director of the ABA Death Penalty Representation Project Robin Maher was warmly recognized at the event. Maher left the ABA after 13 years last month to join the Federal Defender Services. She received a standing ovation from the audience and also expressed optimism about eradicating the death penalty in the U.S. “Congratulations for the victory we will all celebrate in the future,” she said.

New Death Penalty Representation Project Steering Committee Chair Robert Rothman thanked Maher and presented her with a piece of artwork created by his first death penalty client. Rothman had gotten that client’s death sentence commuted to life with parole.

The keynote speaker for the evening was Debo Adegbile, who has litigated a broad range of civil rights cases, including death penalty and voting rights

cases. Last year, he was nominated to run the Civil Rights Division at the Department of Justice but did not win approval by the Senate after being sharply criticized for his involvement in the representation of death row prisoner Mumia Abu-Jamal.

President Obama called the result a “travesty.” Then-ABA president James R. Silkenat wrote a letter to Senate leaders before the vote criticizing the attacks on Adegbile “based solely on his efforts to protect the fundamental rights of an unpopular client.”

Adegbile commended all the attorneys who devote their time to pro bono representation of death penalty clients. He stressed the importance of the principle of fair representation. “Our Constitution, as glorious as it is, is not self-executing,” he warned. “That’s why lawyers must step into the breach.”