

Drinker Biddle

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ABA Death Penalty Representation Project Honors Drinker Biddle

The American Bar Association Death Penalty Representation Project has honored Drinker Biddle & Reath LLP with its Exceptional Service Award for the firm's commitment and dedication to the representation of prisoners on death row. The firm will be recognized at the ABA's 24th Annual Anniversary and Volunteer Recognition Event, September 22, 2010, at the Downtown Aquarium in Houston.

Each year the ABA recognizes those firms that have provided exceptional pro bono representation to prisoners on death row, demonstrating commitment "above and beyond" to pro bono death penalty work through the number of death penalty cases handled, substantial financial and hourly commitment, attention devoted to the death penalty debate and a significant impact on the justice system through legal victory, legislation and litigation. Drinker Biddle was selected from a large field of leading law firms and corporations that have done remarkable pro bono work on behalf of death row inmates.

"The Death Penalty Representation Project is enormously pleased to recognize the pro bono contributions of Drinker Biddle with our 2010 Exceptional Service Award," said Robin M. Maher, Director of the ABA Death Penalty Representation Project. "Drinker Biddle is an outstanding law firm by any measure, but its work on behalf of death-sentenced prisoners and its long-standing commitment to justice puts it in a class with few equals. For two decades, the firm has repeatedly answered the Project's calls for assistance on some of the most difficult death penalty cases in the country."

For more than two decades, Drinker Biddle lawyers and staff have dedicated their time, talent, skill and hard work to the representation of individual condemned inmates, handling cases in states including Alabama, Georgia, Louisiana and Texas. Death penalty cases are often considered the toughest of pro bono work for their duration and the resources they require, as well as the high-stakes nature of the work and the emotional toll it takes on those who volunteer to participate.

In addition to direct involvement in individual cases, Drinker Biddle lawyers have worked for many years to impact the jurisprudence of death penalty cases through the filing of *amicus* briefs in cases before the U.S. Supreme Court. In a letter in support of Drinker Biddle's nomination for the award, Anthony Amsterdam, New York University School of

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Law professor and legendary advocate in death penalty work, describes the firm's *amicus* work as a "remarkable contribution" to the work of the death penalty defense community. Referring to Drinker Biddle's work in the recently decided *Holland v. Florida* case, Amsterdam wrote: "In half a century of watching capital cases briefed, argued and decided, I've never witnessed a clearer instance of an *amicus* brief in the Supreme Court making such a decisive difference to an outcome."

In honoring Drinker Biddle with the Exceptional Service Award, the ABA also recognized the firm's commitment to bringing about systemic changes in the criminal justice system to ensure that defendants in death penalty cases are represented at all stages of the proceedings from trial through clemency by qualified, adequately compensated counsel.

"In addition to its zealous representation of individual prisoners, the firm has demonstrated the breadth of its interest and commitment by engaging in systemic litigation to improve capital counsel systems and authoring numerous *amicus* briefs," said the ABA's Maher. "It has made a significant difference for individuals and in death penalty jurisdictions across the country."

Through Drinker Biddle's Barbara McDowell Pro Bono Initiative the firm has undertaken an action in Mississippi on behalf of 16 death row inmates, seeking to enforce their rights to competent counsel and access to the courts during post-conviction proceedings. The lawsuit seeks to compel the state to provide the inmates with competent and conscientious counsel for future proceedings and to remedy the denial of those rights in past proceedings. It also requests a stay of executions for any of the inmates.

Drinker Biddle partner Lawrence J. Fox spearheads the firm's death penalty work. He previously served as chair of the ABA's Death Penalty Representation Project for eight years and was instrumental in shepherding the *2003 ABA Guidelines for the Appointment and Performance of Defense Counsel in Death Penalty Cases* through the ABA House of Delegates, where it was passed overwhelmingly and without dissent. Regularly cited by state and federal courts, including the U.S. Supreme Court, the *Guidelines* are the recognized standard of care in the defense of capital cases.

"Justice in America is judged by how we treat our most scorned," said Fox. "In undertaking this important work, Drinker Biddle helps to fulfill that mission."

Drinker Biddle & Reath LLP is a national law firm with 650 lawyers in 12 offices providing client service in areas such as corporate and securities, corporate restructuring, investment management, health care, real estate, environment and energy, employee benefits and executive compensation, commercial litigation, life insurance and annuities, insurance coverage, labor and employment, intellectual property, government and regulatory affairs, communications litigation, products liability and mass tort litigation, and private client services.