

Amicus

Assisting Lawyers for
Justice on Death Row

More about Amicus...

Amicus – then known as The Andrew Lee Jones Fund – was founded in 1992 in memory of Andrew Lee Jones, who was executed in Louisiana in 1991. The charity's objectives are to assist in the provision of legal representation for those awaiting capital trial and punishment in the US, or any other country, and to raise awareness of potential abuses of defendants' rights.

Amicus' main activities are:

01. Internships

The charity arranges volunteer placements with US capital defence attorneys' offices. Since 1992, Amicus has placed interns in every US death penalty state, and has especially close relationships with over 20 offices in 15 key states. Amicus places over 35 volunteers a year for internships of between three and 18 months.

As many US capital defence attorneys' offices operate within severe funding constraints, Amicus interns provide an essential contribution to the preservation of defendants' rights to a fair trial and to their rights of appeal.

A lawyer slept through his client's case, claiming it was "boring". The trial judge said: "The constitution doesn't say the lawyer has to be awake.", the state appeal court upheld the conviction and sentence of death and the US Supreme Court has refused to review the case. (Texas v McFarland)

02. Case-work

At any one time, Amicus has over 200 UK-based lawyers and law students volunteering to undertake essential case-work to assist under-resourced US capital defence attorneys.

Amicus curiae briefs: Literally meaning "a friend of the court", *amicus curiae* briefs are a way in which professional groups, organisations and charities are able to assist a court in coming to a decision, by describing comparative standards, international law and the practices of other nations. At the request of capital defence attorneys, Amicus has presented briefs on a number of topics (such as the execution of juveniles and of the mentally retarded, the treatment of juries and rules of evidence) at various stages of cases' proceedings, including to the US Supreme Court.

"How many more cases of wrongful conviction have to occur before we can all agree that the system is broken?" Former Illinois Governor, George Ryan

Drafting motions: UK-based case-workers prepare motions for use by capital defence attorneys across the US both before and during trials and appeals, such as motions against the use of gruesome photographs and on the use of the lethal injection as a means of execution. Amicus also provides assistance with the drafting of clemency statements and petitions in a number of states. This voluntary practical assistance from UK-based lawyers is often vital to capital defence attorneys who are facing very tight timescales, with limited resources, prior to and during trial and appeal.

International applications: UK lawyers are very experienced in arguing before international tribunals on points of international law. As, until recently, the Privy Council in London was the final court of appeal for many Caribbean countries, many UK lawyers have argued many of the issues which pertain to the death penalty in the US before an extremely sophisticated tribunal. In addition, UK-based lawyers have argued Caribbean cases before the United Nations Human Rights Commission. Amicus lawyers have drafted applications to the Inter-American Commission of Human Rights, in Washington, on behalf of US capital defence attorneys in capital cases. Applications have covered such issues as the Vienna Convention on Consular Relations (where appellants were not given proper access to consular officials), the admission of unadjudicated previous convictions in the sentencing phase and the appropriateness of executing juveniles and the mentally ill.

03. Training

Amicus runs a comprehensive training programme in US criminal law and procedure, legal research, evidence and professional conduct, attended by over 300 participants a year. The training is available for any intern intending to go to the US (including those not being placed by Amicus), equipping them to be of maximum use to an office immediately on arrival, and for UK-based volunteer case-workers.

The charity is registered as a CPD (continuing professional development) training provider by the Bar Council and by the Law Society. Amicus also runs regional introductory training days to complement its London- and Birmingham-based training courses.

Amicus collaborated with the Middle Temple Library to ensure that all the key US capital punishment criminal and constitutional texts are available in the UK, as part of the Middle Temple's American Collection (the largest collection of US law in London) and Capital Punishment Collection (which includes key texts and materials for jurisdictions around the world, including the US). Both collections are housed on the third floor of the Middle Temple Library, with access for all barristers and with entry arrangements for non-barristers arranged by Amicus.

Between 1973 and 1995, 68% of US death penalty cases were subsequently reversed on appeal. However, in 1995 the US Congress withdrew a significant proportion of capital cases' appeal funding and then in 1996 the US Federal Government introduced legislation to severely curtail the death penalty appeal process.

04. Academic research

In addition to providing practical assistance, Amicus seeks to promote rigorous reporting, research and analysis of the issues surrounding the death penalty.

"There is little doubt that the death penalty is imposed on those who are poor, black or mentally ill." Former US President, Jimmy Carter

Amicus Journal: This internationally-recognised publication is a leading reporter on the significant issues effecting capital punishment worldwide, providing a forum for dialogue on issues concerning the death penalty and related topics. The Journal includes articles by academics and practitioners on current legal issues and on the death penalty from the perspective of disciplines other than law. It also features news from around the world, case reports, book reviews and front-line reportage from interns working in capital defence offices.

Projects: Amicus undertakes specific research projects for use by practitioners, legislators and academics to assist in the development of a better understanding of the issues surrounding capital punishment and the application of the death penalty. In 2005, Amicus concluded a three year project, funded by the Foreign & Commonwealth Office, based on detailed research conducted by over 60 Amicus interns placed in offices in every US capital punishment state, with the publication of two highly-regarded reports: *Vienna Convention Compliance in Capital Cases in the United States*; and *Executions of Juveniles and Mentally Retarded Defendants in the United States*.

"Whatever you think about the death penalty, a system that will take life must first give justice." Former President of the American Bar Association, John J. Curtin, Jr

05. Events

Amicus holds events to raise awareness of the issues surrounding the application of the death penalty in the US. Building on its long-standing events programme in London and Birmingham, the charity has extended its reach nation-wide, holding a variety of regional events and activities (for example, in Manchester, Oxford, Newcastle and Leeds).

Events include talks by leading US capital defence attorneys and former death row inmates, including by Juan Melendez (who was exonerated, and released from death row, after almost 18 years behind bars) and Sonia 'Sunny' Jacobs. Sunny and her partner, Jessie Tafero, were wrongly convicted of murder and sentenced to death in 1976. Sunny was finally exonerated and released from prison after 17 years, but, in spite of the evidence of his innocence, Jessie was executed in 1990.

06. Legal education

Three recipients of some Amicus funding have completed US legal education and are practising full-time as capital defence attorneys. Amicus' long-term objective is to reinstate US legal education grants to individuals who commit to practising as capital defence attorneys post-qualification.

Currently, however, the charity's funding position means that the short-term focus is on extending further the intern and case-work programmes to meet the immediate demands in the US.

In a case which ended in execution, the main prosecution identification witness stated: "All blacks look alike to me, but the lawyers [prosecution] say he did it and that's good enough for me." (Florida v Darden)

And...

Amicus' activities rely on the commitment and hard work of its volunteers. Although the key objective of the volunteers is to further the aims of the charity – by providing vital assistance and support to US capital defence attorneys – their work with Amicus develops their skills and experience immeasurably, and it nurtures a long-term commitment to pro bono activities generally. Many Amicus volunteers practise law in the UK, and they find that their roles have enhanced their professional capabilities, providing added benefits to their employers and their clients.

"I have yet to see a death case amongst the dozens coming to the Supreme Court on eve-of-execution applications in which the defendant was well represented at trial." US Supreme Court Justice, Ruth Bader Ginsberg

Andrew Lee Jones

Andrew was born in rural Louisiana, the fifth son of a black share-cropping family. His life changed on the death of his father, when the family was evicted from their home and Andrew, devastated by the death of a much-loved father, took off to Baton Rouge. He fell into a life of petty crime.

In 1984, Andrew was charged with the murder of the daughter of his estranged girlfriend. The only evidence offered at his trial – which lasted less than a day – was that he knew the victim. No scientific evidence was produced by the prosecution. There was no evidence of a break-in at the girl's house in spite of the prosecution's allegations of the use of force. Andrew himself had no recollection of that fateful night, except that he had been drunk. Prior to the trial, a defence witness was beaten by the police and withdrew his alibi statement.

Andrew was found guilty and sentenced to death by an all-white jury in a courtroom where the only black faces were those of the family members, in spite of 30% of the local population being black. Black jury members are traditionally excluded from serving in East Baton Rouge parish.

On 19th July 1991, the Board of Pardons met to hear the final pleas for clemency from witnesses and appeals from the defence lawyers. Discussion of guilt or innocence is not part of this procedure. Andrew's mother, brothers and sister begged for his life, and a psychiatrist and a psychologist gave information relating to the family situation, and about Andrew's state of mind.

Finally, the defence lawyer at the trial gave evidence. He offered his apologies for not giving Andrew a fair defence. As a court-appointed lawyer he had received the papers only a short time prior to the trial. He was not qualified to conduct capital trials, being less than five years out of law school, and this was his first capital case. He saw his client only occasionally prior to the trial, and he had only recently been made aware that his client was medicated with Thorazine (a psychotropic drug) before and during the trial. The amount of medication given during his trial exceeded the amount needed for tranquilising purposes.

Andrew, however, was refused clemency and he was duly executed by the State of Louisiana.

The girl's mother – who had continually visited Andrew on death row, until she became a heroin addict – phoned him less than 10 hours before he was electrocuted, to say that she was really sorry, she had never meant for this to happen...

In his memory, and in recognition of the need for people like Andrew to receive proper legal representation when facing the ultimate penalty, Amicus was formed in 1992.

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