

**Speech by Mark Feeser
Sax Prize Luncheon
April 20, 2007**

Thank you so much for this honor.

I want to thank the Sax family and the Prize Committee. Having had the chance to work alongside the other students in the Death Penalty Clinic, I know that there are many students who could just as easily be standing in my position today. And having been a clinic student at the East Bay Community Law Center, I know the same is true for all of the clinics here at Boalt. It was no doubt an incredibly tough decision to select just one student, and I am truly honored.

I also want to thank my wife, Nadia, for being patient and supportive when I was busy working on Clinic projects, and for just helping me get through law school in general.

Thank you to all the students and staff who I have worked with and alongside during my time at the Death Penalty Clinic and the EBCLC. It has been motivating to see so many people committed to their clients and the public interest.

Most importantly, thank you to Tirien Stienbach, Margaret Richardson, Jeff Selbin, Ty Alper, and Lis Semel. I have learned so much from each of you.

I also want to share the credit for this award, with all of the students in the Death Penalty Clinic who have come before me. It is the years of research and legwork that they have contributed to the clinic, which have resulted in the work that I am receiving credit for today.

The experiences in both clinics have exceeded my expectations. For me, signing up for the clinics was really about finally getting a chance to “make a difference” with my legal education. I wasn’t as concerned with learning skills, or getting experience doing legal research, as much as I just wanted to get in and start doing some important work. I had no idea how much I would actually learn, or how meaningful the experience would be.

EBCLC

First, EBCLC, where for the first time in my life, I actually got to talk to a client. Not only did I get to talk to a client, some days I got to talk to lots of clients, one after another doing intake at the Clean Slate Clinic. In addition to having lots of practice interviewing clients, I learned how to balance a large volume of cases at one time. And having the chance to stand next to my clients at the Clean Slate Calendar, and to advocate on their behalf was an incredible experience.

But what I will always remember about the Decriminalization of Poverty practice at EBCLC are the amazing clients. Without exception, all of my clients exhibited unbelievable perseverance and heart. Many had overcome incredible obstacles, including addiction and even homelessness. To hear how, despite their recovery, their criminal

records were preventing them from finding decent, stable employment went against everything I learned in Criminal Law about a rehabilitative function of our justice system. Particularly in this Post-9/11 world of instant Internet background checks, which too often have outdated and incorrect information that renders the legal remedies available to our clients less than effective. At times it was almost too much to take. And as I am sure Tirien remembers, sometimes I really struggled to work with within this system. It is hard not to want to do more, and everything possible to help these clients, who have accomplished so much on their own.

But to see the joy and sense of pride on our clients faces at the Clean Slate Calendar, as Judge Stanley congratulates them on their achievements and grants their petitions, just incredibly moving. I will always be proud to have shared in that experience.

Death Penalty Clinic

And it was the positive experience at EBCLC that led me to apply to the Death Penalty Clinic, which has been such a huge part of my life for the past 9 months.

I am not really sure how Lis and Ty decided which students got which assignments, but I am so thankful for whatever method they used. They probably didn't know that I used to watch CSI regularly, but it was such a great fit for me to work on a part of the case involving crime scene investigation. Of course this experience has pretty much ruined me for watching the show.

That being said, I really feel like I have gained so much practical experience involving crime scene investigation and analysis, and building a theory of a case. There is no question this experience will translate to almost any type of law I practice.

I have also had the chance to work with 4 amazing expert witnesses, including in some cases identifying the expert and making the initial contact. This was a great responsibility that I am grateful to have been given.

I am also grateful to Lis for giving me the opportunity to put the statistical analysis skills that I had learned from my prior career into practice. But I am even more grateful for her willingness to push the envelope on the legal arguments that could be made with those statistics.

But like EBCLC, it is something less tangible that will stick with me about this experience.

As some of you know, and many may not, I grew up in Alabama, in a town that is only about 20 minutes from where our client on Death Row grew up. Though we share this geographic similarity, in almost every way our young lives could not have been more different. And it was this kind of racial and economic inequality that ultimately led me to leave Alabama, frustrated that there was just nothing that I could do to make a difference.

It has been incredibly meaningful for me to get the chance to work on a case that hits so close to home, and the issues I care about. Having had this experience, I now know that this law degree that I will be receiving in a few weeks, empowers me to make a difference in ways I never dreamed possible before coming to law school. I have had the chance to work on what can only be described as the cutting edge of capital defense work, with some of the most amazing lawyers and students in the country. I am certain we are making a difference.

And of course, our client. I mentioned that our young lives couldn't have been more different. But I have learned over the past year that we have much more in common than I would have first thought. And more importantly, I have learned that with only a little compassion and nurturing, the human spirit thrives, even in what seem to be impossible circumstances.

He gives hope to us all.

Finally, some of you may be wondering why I am wearing a bow tie today. It actually goes back to EBCLC, where Tirien was always encouraging us to find our own style of lawyering. I would say that I wanted to be the kind of lawyer who wears a bow tie. And though I don't think this was exactly what she had in mind when she talked about developing our own style of lawyering, Tirien always encouraged me to get one. Although I wasn't able to get one in time to wear at the Clean Slate Calendar, I did finally get one, and am wearing it today for the first time.

I am wearing it because I think it symbolizes the most important thing that both Lis and Tirien have taught and encouraged in me and all of their students. That is to find our own style of lawyering, to make the most of our own strengths, and to be the most effective lawyer by being true to ourselves and our ideals.

So to both Lis and Tirien, a special thanks. You have been teachers, supervisors, mentors and friends.

Thank you everyone for sharing this special occasion with me today.