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ALM

Law students' rare satisfaction

The students and leaders of Boalt Hall's death penalty clinic got a rare kind of satisfaction this week. Client Walter Rhone, an Alabama man who had been convicted on capital murder charges, was released from prison in February after serving eight years. He met the students and clinic staff Thursday evening at a reception in Berkeley to thank them for their work on his behalf.

Getting Rhone out was a real team effort, put forth by not just Boalt, but the Southern Center for Human Rights and Rhone, a high school dropout who studied law while in prison and filed his own appeals.

Students Jamie Popper, Laura Clark, Michael Lepie and Angel Sevilla drafted the memos and pleadings that culminated in a ruling by an Alabama judge granting Rhone a new trial. Following that order, negotiations for a time-served plea led to his release, according to the clinic.

Popper, who earned her J.D. in 2005, said the experience opened her eyes to the flaws in the judicial system.

While investigating the case, the students turned up evidence of prosecutorial, judicial and juror misconduct during Rhone's 1999 trial, as well as "strong evidence of innocence," according to the clinic.

"I learned how many problems there are in the system and how shocking the errors can be," said Popper, who now works at Appellate Defenders Inc., a San Diego non-profit. "You shouldn't just take a judgment on its face."

Ty Alper, the clinic's assistant director who also worked on the case, said that Alabama courts are "very hostile to people convicted of horrible crimes," and that it's very rare to help a man walk out of prison free. This was a first in Alper's legal career, he said.

An emotional Rhone said that Boalt students played no small role in his recapture of freedom. They laid the groundwork, he said, sending him briefs and case copies, and providing moral support. He said he was amazed at how young they were: "I was, like, questioning them, but they did a terrific job."

The benefit was hosted by Arguedas, Cassman & Headley, and raised at least \$70,000 for the clinic.

— Petra Pasternak