

Fall 2022



DPC alumni and their families gathered in October at Berkeley's Tilden Park to celebrate the clinic's 20th anniversary, one of two joyful events during the reunion.

Dear Friends and Alumni,

In October, the Death Penalty Clinic celebrated its 20th anniversary — postponed a year due to the pandemic. On Friday, October 14, we hosted a reception and dinner for more than 100 DPC alumni at the Women's Faculty Club, which also honored our two founding (and sustaining) donors, Nick McKeown and Peter Davies. The event included remarks by Dean Erwin Chemerinsky and several alums and past fellows and staff attorneys who offered moving tributes and hilarious recollections, especially of their DPC travels. On the following afternoon, we held a picnic for our alums and their families at Tilden Park. We put together a [slideshow](#) that captures some of the joyous spirit of reunion.

Over the past two decades, the Death Penalty Clinic has represented or assisted in the representation of 45 men and women facing capital punishment in states such as Alabama, Arizona, California, Georgia, Louisiana, and Texas. More than 330 students have participated. More than half of our [alumni](#) work in public interest positions or government service. DPC alumni across the globe include indigent defense counsel representing clients from trial through post-conviction proceedings, law firm partners and associates, judges and judicial clerks, prisoners' rights litigators, international human rights defenders, journalists, law school faculty, and civil rights and immigration rights attorneys.

Our alumni carry forward the clinic's dedication to relentless advocacy on behalf of our clients and to realizing a justice system in which equality, access, human dignity, and hope are pillars, not unmet promises. We are forever grateful for the opportunity to have been and remain their teachers, mentors, and colleagues.

This is the season when we ask you to contribute to our Fellowship Fund, which is supported entirely by your donations. Thank you to alumni, friends, and family who have already donated to commemorate our 20th anniversary. If you have not done so, please consider supporting us. The Death Penalty Clinic could not serve as many clients in as many jurisdictions or enroll as many students as we do without the talent, skill, and grit of the attorneys funded by the fellowship.

You can [click here to make an online donation at any time](#). If you would prefer to send a check, please make your check payable to “UC Berkeley Foundation/Berkeley Law Death Penalty Clinic Fellowship,” and mail it to: Berkeley Law c/o UC Berkeley, Donor Gift Services, 1995 University Avenue, Suite 400, Berkeley, CA 94704-1070.

Along with Clinical Supervising Attorney Mridula Raman and Paralegal Heather Canfield, and, of course, our extraordinary students, we thank you for your steadfast support. We extend our best wishes to you and your family for health and safety in the coming year.

Sincerely,

Elisabeth Semel and Ty Alper
Co-Directors, Death Penalty Clinic

Our Work



Max Endicott '22, Aysha Spencer '22, and Maddy Pilgrim '22 (left to right) helped produce a report analyzing more than 200 Kansas jury selection cases that showed the courts have not addressed racial discrimination by prosecutors.

Spurring national movement to make juries more diverse

Last spring, the clinic filed a [report](#) on behalf of the defendant in [Kansas v. McNeal](#) in support of a challenge to that state's death penalty. On the heels of its California study, [Whitewashing the Jury Box](#), the clinic investigated peremptory challenges in Kansas criminal trials, revealing that prosecutors used them to remove at least half of the prospective jurors of color in a majority of the cases and removed all of these jurors in at least one third of the cases — showing that prosecutors' strikes were often based on racial stereotypes. [Read Berkeley Law's story about this work](#).

Clinic studies juror data collection nationwide

This fall, students are researching which states collect demographic data of prospective jurors (especially race, ethnicity, and gender); if so, how they collect it; and what different jurisdictions do with the data. The study was prompted by the clinic's examination of peremptory challenges in California and Kansas and its central role in the passage of [California's peremptory-challenge reform legislation](#). The lack of data collection has impeded efforts to demonstrate that people of color are underrepresented in jury pools across the country and that they are disproportionately excluded through the prosecution's exercise of peremptory challenges. The clinic expects to publish the results of its research in 2023.

Work to overturn Toforest Johnson's wrongful conviction



The clinic's advocacy for Toforest Johnson, an innocent prisoner on Alabama's death row, continues to garner support from unlikely allies, including the former [Republican chief justice](#) of the Alabama Supreme Court, the former [Alabama attorney general](#), and the elected [district attorney](#) of the county in which Mr. Johnson was convicted almost 25 years ago. Birmingham faith leaders recently installed a [billboard](#) (see above photo from WBRC) near the 2022 World Games, bringing international attention to a [website](#) presenting the wide array of voices calling for a new trial. A major serial podcast about the case will launch in 2023, further spotlighting the clinic's efforts to bring Mr. Johnson home to his family.

Students explore creative advocacy strategies for Mark Jenkins

The clinic's fierce advocacy on behalf of longtime Alabama client Mark Jenkins continues unabated, even though the "traditional" litigation in his case has concluded. Six students are conducting field investigation, working with myriad experts, and even flexing their skills as amateur videographers in support of a budding clemency campaign for Mr. Jenkins. In addition, litigation powerhouse King & Spalding has partnered with the clinic to challenge Alabama's forthcoming nitrogen hypoxia execution protocol, should Alabama seek to deploy such a never-before-attempted protocol in Mr. Jenkins's case.

Clinic helps win dismissal of case against non-capital client

Over the summer, Clinical Supervising Attorney Mridula Raman second-chaired a non-capital trial for Kewaunte Rembert, an Alabama client facing a charge of intentional murder. With extensive support from Lis and Ty, as well as attorneys who have partnered with the clinic on other cases, the trial team uncovered and presented evidence undermining the credibility of the State’s key witness, thereby convincing the State to dismiss mid-trial the case against Mr. Rembert. Shortly afterward, Mr. Rembert was able to return to his family. Clinic students were critical to the victory, as they investigated members of the jury pool and researched pivotal Fifth Amendment issues, all during their first week in the clinic.

More Clinic News

Student wins 2022 Sax Prize honor



Kaylee Johnson '22 won the [Sax Prize Honorable Mention](#) for her excellent work in the clinic, where she worked tirelessly on Toforest Johnson's case. She drafted and executed investigation plans, interviewed the client and witnesses in Alabama, and led team strategy discussions. She says: “The clinic has been one of the most pivotal experiences in my life. This experience has taught me what being an advocate to our client means, how to balance moments of joy and excitement with moments of hopelessness and ultimately how to

persevere through these times, and how to manage expectations and redefine success.”

Clinical Program releases 2021-2022 annual report



More than 300 students enrolled in clinics last year and took advantage of the unparalleled opportunities to use the conservative institution of the law in radical and innovative ways. Take a look at [the Clinical Program’s annual report](#) to learn more about how clinics stand with threatened individuals and communities in pursuit of transformative justice.

DONATE TO THE DEATH PENALTY CLINIC FELLOWSHIP FUND



20
ANNIVERSARY

Berkeley Law | Death Penalty
Clinic

