

Coming soon here: Death penalty school

By JERRY CRIMMINS

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A college where the faculty is paid nothing and the curriculum is life and death will be opening in Chicago.

It's called the Clarence Darrow Death Penalty Defense College, to be housed at the DePaul University Center for Justice in Capital Cases.

According to the college's director, Andrea D. Lyon, a noted criminal lawyer and law professor, Darrow College is to convene once a year.

Its student body will comprise up to 42 lawyers who are criminal-defense attorneys, and it runs for six days.

All students must be "actual capital case lawyers with real cases who are working on their own cases," Lyons said.

"No prosecutors are allowed and no judges are allowed," she continued. "Everyone has to promise me that they aren't one."

The faculty must have significant experience in trying death penalty cases all the way through the penalty phase, she added. They must also be good teachers in both small groups and in lecture format.

"I recruit them and train them," she said.

Faculty are not paid by the college. "I buy them a ticket, put them up, and I feed them," Lyons stated. "None of them make any money."

Lyons herself has tried more than 130 homicide cases and formerly was chief of the Homicide Task Force for the Cook County public defender's office, according to DePaul.

She once said that when her clients asked why she helped them, she would respond, "You are the reason I was born ... the reason I get up and continue, and the reason I talk to snotty prosecutors. You trust me with your life."

Lyons joined the faculty at the University of Michigan Law School in 1995.

While there, in 2000 she founded the Clarence Darrow Death Penalty Defense College as a combination of scholarly presentations plus trial practice to train lawyers about to defend clients in death penalty trials.

Her creation is named after Clarence Darrow, she said, "because he is a hero to those of us who defend death penalty cases," and he also went to the Michigan law school for a while and was a native of Chicago.

Since Darrow College began, defense attorneys in 120 death penalty cases have attended, according to Lyon.

Lyons joined DePaul University College of Law in 2000, but continued to hold her death penalty college at the University of Michigan.

The split became too much on the administrative level, she said, so she is moving the college to DePaul.

"I am a huge fan of the Darrow Death Penalty College," said Crystal H. Marchigiani, the current chief of the public defender's Homicide Task Force here, who has taught for Lyon.

"I think the students are from all over the



Andrea D. Lyon

country, and they come from both small offices and large offices," Marchigiani said.

Two students were a husband-and-wife team in private practice from Georgia, she said, and "had none of the resources available ... that a public defender would have."

The duo got to hear advice on different experts that they might think about retaining, and had the opportunity to brainstorm legal theories and the facts of their cases. "They thought it was essential to their work on the case," Marchigiani said.

"Frankly, every lawyer who's been to Darrow College finds it invaluable," according to Marchigiani. "Partly, it's having other people you can really talk to about the work, and talking about not just the facts ... but legal theories of sentencing and legal theories of eligibility" for the death penalty.

Beyond lectures, students get to practice trial techniques, such as jury selection through asking questions about race relations, a difficult task, Lyons said.

Prosecutors have their own death penalty colleges, according to Lyons, "that are much better funded."

Tuition at Clarence Darrow College costs about \$900 for each student. This includes a room, breakfast and lunch, materials and the six-day program.

Since this does not cover the Darrow College's expenses, Lyons said, she also gets grants from the American Bar Association and the National Association of Criminal Defense Lawyers.

Even the \$900 tuition "is too expensive for

Notes

Continued from page 3

most death penalty lawyers,” Lyons said. “They don’t get paid much.”

In Alabama, an attorney in private practice appointed to a death penalty case might be paid \$35 an hour with a cap of \$5,000, she said.

Some of the students are very experienced. Others are trying their first death penalty case, Lyons said. Student experience ranges from five or six years of law practice to more than 30 years.

“We’re not focusing on guilt or

innocence issues,” Lyons said. The object of Darrow College is to avoid the death penalty for the client.

Darrow College will continue to operate in partnership with the University of Michigan Law School, said Glen Weissenberger, dean of the DePaul law school.

The college’s next session will be at DePaul in June 2006.

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