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## **HRLA REPORT – AMICUS INTERNSHIP**

By Amy Taylor

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Between September and December 2018, I was fortunate to have undertaken an internship, through the organisation Amicus ALJ (Amicus), with the Capital Post-Conviction Project of Louisiana (CPCPL) in New Orleans, United States of America. Without the financial assistance provided by the Human Rights Lawyers Association (HRLA), this would not have been possible; thus, I am immensely grateful to the HRLA.

With regards to this short report about my time at the CPCPL, I will begin by providing some information regarding the death penalty as imposed in the United States of America. Next, a short introduction to both Amicus and the CPCPL will be given. Following this, I will highlight the work that I undertook during my internship and briefly mention how this experience benefitted me personally.

### **I. The Death Penalty**

The United States of America arguably remains the great conundrum amidst industrialised nations with regards to its use of the death penalty. The death penalty is currently legal in 30 states, and in military and federal courts. As the majority of countries in the world have abolished the death penalty, questions continue to mount as to whether the death penalty serves any compelling purpose. Frustrations against this form of punishment are exacerbated by the fact that, since 1973, more than 160 people have been proved innocent and released from death row in the United States of America. The most recent individual to be exonerated is Clemente Javier Aguirre, who was released on November 5, 2018, after spending more than 14 years behind bars in Florida – including a decade on death row.

### **II. The Organisations**

#### **a. Amicus**

Amicus is a non-profit human rights organisation that helps provide representation to those facing the death penalty. Their aims include providing better access to justice and raising awareness of potential abuses of defendant's rights. Amicus believes that they can make the greatest difference through frontline work, hence they send individuals, such as myself, to capital defence law offices across the United States of America. Amicus offers a multitude of interns the unique opportunity to make a potentially landmark contribution to criminal justice. The work undertaken by Amicus interns has undoubtedly contributed to many success stories, whereby an individual has avoided a death sentence, had their death sentence replaced with a sentence of life imprisonment or even been exonerated.

#### **b. Capital Post-Conviction Project of Louisiana (CPCPL)**

The CPCPL advocates for "equal justice for all." This capital defence law office provides high-quality direct representation to death-sentenced inmates after their conviction and death sentence has been affirmed on direct appeal. The CPCPL represents clients across Louisiana, in any judicial district in which capital trials have occurred. In the majority of situations, post-conviction representation provides the only opportunity for a judge to review new evidence, including DNA evidence, that may have come to light since the original trial and sentence was imposed. Thus, it is immensely important that excellent representation is provided. Access to

post-conviction representation has saved innocent men from execution from crimes that they did not commit and exonerated many from other significant sentences, such as life imprisonment without the possibility of parole.

This internship enabled me to work with an amazing group of intelligent, hardworking and professional individuals. All of the staff at the CPCPL - attorneys, mitigation investigators, paralegals etc. - are completely dedicated to ensuring their clients receive the best representation possible. It was extremely impressive to witness said employees collaborate and produce impressive case briefs under severe time constraints. The passion and enthusiasm of this office is clearly visible and truly inspiring.

### **III. Work**

Although I undertook a range of projects, my main tasks included conducting legal research and summarising mitigation documents. With regards to legal research, I thoroughly enjoyed expanding my knowledge on different issues, such as adverse childhood experiences and the legal obligations placed on defence counsel. Following my research, I would relay my findings to the relevant legal team. In relation to summarising mitigation documents, this involved reviewing and sifting through lengthy documents and distilling the information into something manageable and logical. With each document, I would create a chronological timeline, which greatly assisted the attorneys.

One of my biggest projects included updating a claim regarding the unconstitutionality of the death penalty in Louisiana, which will be filed in many cases going forward. This addressed numerous issues which currently exist in death penalty cases in Louisiana and throughout the United States of America: racial bias, intellectual disability, poverty, mental health issues and the method of execution. Drafting this claim required extensive research; I utilised a multitude of online sources and even visited the library at the Supreme Court of Louisiana in order to obtain detailed records. These records related specifically to the aggravating factors that have been introduced over the years; said factors increase the severity or culpability of a criminal act. In Louisiana, and most other states, a defendant cannot be eligible for the death penalty unless a jury finds that a statutorily enumerated aggravating factor applies to the case at hand. However, in Louisiana, the number and breadth of these aggravating factors have continuously expanded over the decades. It is apparent that the current statute fails to perform the constitutionally required “narrowing” function, which exists to restrict the death penalty to those “most deserving” of death.

During my time in New Orleans, I visited Louisiana State Penitentiary (Angola) twice. The first time consisted of a social visit with two clients. I had no specific tasks to undertake during this meeting, although I did have the opportunity to have a nice conversation with both inmates. We discussed our interests and hobbies, childhood etc. Although I was a little apprehensive about this meeting, the conversation flowed, and it was really nice to gain better insight into life on death row. I had the opportunity to visit Angola again when I attended the “Day of Compassion” event. This bi-annual event provides the opportunity for individuals to discuss important topics with inmates in the general population; including sentencing reform, community re-entry and victim-offender dialogue. Together incarcerated and non-incarcerated people discuss ideas and visions for a better criminal justice system.

#### **IV. Personal Impact**

Undertaking this placement enabled me to fulfil a long-term life ambition. I have always been fascinated by the phenomena of capital punishment and chose this as the basis for my thesis during my postgraduate studies. However, neither reading statistics nor stories of those wrongfully incarcerated had the same impact on me as actually working on death penalty cases and meeting inmates on death row. Witnessing first-hand the detrimental impact of this penalty is undoubtedly an experience that will persist with me and serve to cement my dedication to pursuing a career in human rights and criminal law. Furthermore, this internship will undoubtedly prove invaluable for my professional legal development and future endeavours by providing me with a competitive edge when applying for legal positions.

#### **V. Conclusion**

As mentioned, over 160 people have been exonerated since 1973 and given this information it is not unreasonable to conclude that innocent people have in fact been executed. This possibility demonstrates the irreconcilable risk associated with carrying out the ultimate punishment. Indeed, it seems that miscarriages of justice will continue to hang over the integrity of the American judicial system so long as the death penalty remains lawful. I share with Amicus and the CPCPL the aim that one day this penalty is confined to the history books.

The work undertaken by Amicus and the CPCPL is remarkable. These organisations, both in conjunction and separate, have drastically improved the circumstances of many individuals. Their equal devotion to providing representation to vulnerable individuals is admirable, and I am honoured to have played a small part in this justice-seeking movement. Indeed, interning through Amicus was an amazing experience, which I would definitely recommend to others. Although I do not have any first-hand experience with other capital defence law offices in the United States of America, I believe that being placed at any such office provides a unique opportunity to make an invaluable contribution to criminal justice.

Once again, I would like to thank the HRLA for turning my aspiration of interning in a capital defence law office into reality. This experience has assisted me immensely both personally and professionally, and it is an experience that I will never forget. Perhaps most importantly, this experience has consolidated my interest and passion for working in the field of human rights and criminal law.