

FELLOW JUDY CLARKE RECEIVES GRIFFIN BELL AWARD FOR COURAGEOUS ADVOCACY

The Griffin Bell Award for Courageous Advocacy is the highest award that the American College of Trial Lawyers can present to any individual. The award honors trial lawyers who have persevered in the pursuit of an important cause despite substantial personal danger, fear, unpopularity, opposition or other extreme difficulties. In its fifty-three years of existence, the award has been extended previously only fourteen times.



Fellow **Judy Clarke** was awarded the Griffin Bell Award at the 2017 Spring Meeting in Boca Raton, Florida.

Clarke's cause is opposition to the death penalty, and she has represented some of the most notorious defendants in American history. They include Dzhokhar Tsarnaev, one of the two Boston Marathon bombers; Jared Loughner, the gunman who severely injured Congresswoman Ga-

brielle Giffords and killed six others; Eric Rudolph, the 1996 Olympic Park Bomber who bombed an abortion clinic in Birmingham, Alabama; Ted Kaczynski, the Unabomber; and Susan Smith, the mother who drowned her two sons in a lake. Clarke's nomination noted of the death penalty that, "thoughtful persons may disagree on the issue, but it is surely important."

Clarke began her career as a criminal defense lawyer in the late 1970's, when female trial lawyers were few and female criminal defense lawyers were fewer. She has served as an Executive Director of Federal Defender offices in Southern California and Eastern Washington and Idaho, taught at Washington and Lee University School of Law, and now practices in San Diego with the firm of Clarke Johnston Thorp & Rice. Her husband, Thomas H. "Speedy" Rice, also a devoted opponent of capital punishment, focuses his work on international human rights, rule of law and anti-corruption projects. She has served as President of the National Association of Criminal Defense Lawyers and as faculty at the National Criminal Defense College. She has argued two cases before the Supreme Court of the United States.

Past President **Michael E. Mone** introduced Clarke to the Fellows at the 2017 Spring Meeting and described how she responded to the call to defend Tsarnaev:

"Notwithstanding criticism and death threats, Judy Clarke and her colleagues, acting in the highest tradition of the trial bar of this country, sought to defend the young man who they admitted was one of the bombers. It was in keeping with Judy Clarke's entire career because for over thirty years, Judy Clarke had defended some of the most notorious defendants in our lifetimes.... Many lawyers oppose the death penalty courageously, but Judy Clarke has courageously, on multiple occasions, stepped forward



to defend persons who the public thinks are not even worthy of a defense. [This was] something you could even hear from lawyers in Boston after the Boston bombing. She is fearless on behalf of these clients, who she has defended in the face of death threats to her life, a hostile press and public scorn. As one of her colleagues has said, it is one thing to have a death threat but it is an entirely different thing to receive multiple death threats in one case, but she has persisted. Judges and prosecutors, and certainly the judges and prosecutors who worked with her in the Boston Marathon case, are uniform in their praise of her extraordinary professionalism that she has displayed in the face of such extraordinary challenges, extraordinary challenges that many of us can only conceive and never face.

“She has never sought publicity or accolades for her work and has never missed an opportunity to give credit to others. Her persistence in the face of public anger and scorn mirrors an earlier advocate who stood only a short distance in Boston from the federal courthouse where Judy Clarke defended the Tsarnaev brother. In Boston 250 years earlier when John Adams defended the British soldiers who faced the death penalty for their actions in the Boston Massacre, Adams stepped forward with Josiah Quincy to defend Captain Preston and the other English soldiers. Adams, late in his life, after he had been President of the United States, after he had been one of the moving forces behind the Declaration of Independence, said that one of the finest services he had ever done for his country was the defense of the British soldiers in the Boston Massacre.

“Judy Clarke, you stood in the shoes of John Adams and are an inspiration and an example to every American trial lawyer who has ever provided defense under the most difficult of circumstances. As a member of the Massachusetts legal profession and as a resident of the city of Bos-

ton, Judy, we can never adequately thank you for what you did.”

Clarke expressed her thanks for the award and addressed a question she hears often: “How do you represent those people?” Actually, the question comes from a good place. That’s what we do as lawyers. We help people who can’t help themselves.

“I would be remiss if I didn’t spend a moment with this incredible body of lawyers and take this opportunity to ask this College to fulfill its mission in looking at the criminal justice system and in our administration of justice, which is part of the mission. The lesson is when you see the death penalty up close and personal, you can see it as barbaric. The United States stands as one of four remaining so-called industrialized countries that still have the death penalty, along with Japan, South Korea and Taiwan. In 2015, we stood number six in the number of executions in the world, just behind China, North Korea, Iran, Pakistan, and Saudi Arabia. Not the kind of company that I think we want to stand with for long.... It is a punishment that we should no longer support as a civilized country.”

The Award for Courageous Advocacy was created in 1964 and re-named in 2008 for Griffin Bell. It may be made to any trial lawyer, whether or not a Fellow of the College, who has demonstrated outstanding courage in unpopular or difficult cases. Bell was an attorney and judge of the Fifth Circuit Court of Appeals. He served as the United States Attorney General during President Jimmy Carter’s administration. Bell was president of the American College of Trial Lawyers in 1985-1986. The award was last presented in 2013 to Honorary Fellow Louis Arbor, President and Chief Executive Officer of the Brussels-based International Crisis Group. ■