Reconsidering Capital System

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I WAS QUITE AMUSED THAT, JUST A FEW PARAGRAPHS AFTER ATTORNEY JOEL KESSLER EXPLAINED, “EVERY CLIENT’S ALWAYS GOT AN EXCUSE ABOUT WHY HE OR SHE WAS DOING SOMETHING,” HE RATIONALIZED HIS RUNNING A RED LIGHT BY SAYING, “NOBODY STOPS FOR THOSE.” IT SEEMS AS IF KESSLER HAS LEARNED A LESSON, ALTHOUGH A QUESTIONABLE ONE, FROM HIS CLIENTS. TO PARAPHRASE ATTORNEY, DEFEND THYSELF.

STEVEN KAFSI
SAN DIEGO

I ENJOYED THE ARTICLE BECAUSE IT WAS ABOUT LAWYERS WHO DEAL WITH REAL-LIFE AMERICA. I APPRECIATED THE EMPHASIS ON INTEGRITY AS A DESIRABLE TRAIT FOR LAWYERS. I’D LIKE TO SEE MORE OF THIS SORT OF THING, INSTEAD OF THE LIBERAL DRIVEL THAT FILLS SO MANY OF THE PAGES.

TERRY QUINN
EAGLE, COLO.

SHAME ON YOU FOR NOT INCLUDING ONE FEMALE SOLO PRACTITIONER OR SMALL-FIRM OWNER OF THE FOUR YOU HIGHLIGHTED IN “MOTION WARRIORS.” AS A BLACK WOMAN AND OWNER OF A SMALL FIRM WHO PRACTICES IN THE AREA OF CORPORATE LAW, I CAN RELATE TO THEIR STORIES. KEEP ARTICLES LIKE THESE COMING!

LESLIE H. RUDLOFF
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WORD FROM THE TRENCHES
THANK YOU FOR THE INFORMATIVE, COMICAL “MOTION WARRIORS,” NOVEMBER, PAGE 28. I ALWAYS ENJOY READING ABOUT OTHER ATTORNEYS WHO ARE “IN THE TRENCHES” EVERY DAY, LIKE MYSELF. I USED TO PRACTICE IN CHICAGO AND CAN RELATE TO THEIR STORIES. KEEP ARTICLES LIKE THESE COMING!

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RECONSIDERING CAPITAL SYSTEM
“DEATH DELAYED,” NOVEMBER, PAGE 36, FOCUSED ON THE VICTIMS’ FAMILIES. THIS LEFT OUT TWO VERY IMPORTANT ELEMENTS OF THE PICTURE, THEREBY LEAVING YOUR READERS LESS INFORMED THAN THEY SHOULD BE.

FIRST, DEFENDANTS, TOO, SUFFER FROM THIS CAPITAL SYSTEM. THE OVERWHELMING MAJORITY OF THEM WILL NOT BE EXECUTED. YET THEY MUST ENDURE YEARS IN CONDITIONS RANGING FROM ONEROUS AT BEST TO BARBARIC AT WORST. RECEIVING WHATSOEVER SENTENCE IS ULTIMATELY IMPOSED—IF, INDEED, THEY ARE NOT RELEASED OUTRIGHT ON THE GROUNDS OF INNOCENCE, AS SO MANY HAVE BEEN.

SECOND, WHO IS RESPONSIBLE FOR THE DELAYS? IF DEFENDANTS APPEAL SUCCESSFULLY, THE NECESSARY IMPLICATION IS THAT THE STATE HAS ERRED. AND IF DEFENDANTS DO SO REPEATEDLY, THEN ONE MIGHT REASONABLY QUESTION WHETHER THE STATES ARE CAPABLE OF RUNNING JUST DEATH-PENALTY SYSTEMS AT ALL.

FOR THESE REASONS, AMONG OTHERS, THERE IS A LIVELY DEBATE, NOWHERE MENTIONED IN YOUR ARTICLE, NOW TAKING PLACE IN THE JUDICIAL SYSTEM AND IN LEGAL JOURNALS AS TO WHETHER EXCESSIVE DELAYS IN CARRYING OUT THE DEATH PENALTY VIOLATE THE CONSTITUTION. SEE, FOR EXAMPLE, FOSTER V. FLORIDA, NO. 01-10868 (U.S. OCT. 21, 2002).

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WE SHOULD STRAIGHTEN THE “TORTUOUS PATH THESE CASES TAKE,” AMELIORATE PROSECUTORS’ DISGUST WITH THE SYSTEM, BRING SWIFT FINALITY TO THE VICTIMS’ FAMILIES, BAR DEFENDANTS FROM ANOTHER “BITE OF THE APPLE” (NO MATTER HOW POISONOUS IT MIGHT BE) AND ENSURE THAT SURVIVORS NEVER FEEL “Punched in the gut.” I GUESS THE ANSWER IS TO CHANGE THE PLAY SO GODOT SHOWS UP...