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Reconsidering Capital System

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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!

*Leslie H. Rudloff
Bowling Green, Ky.*

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, albeit a questionable one, from his clients. To paraphrase, attorney, defend thyself.

*Steven Kaftal
San Diego*

I HATE TO TELL YOU THIS, BUT FOUR lawyers who "stake their reputation on honesty and competence" should not be making front-cover news on the magazine for lawyers.

*Robin S. Kuykendall
Knoxville, Tenn.*

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 your 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 employment defense, I was looking forward to reading about other female lawyers who practice "down in the trenches." Instead, what I got was the perspective of four white men. What happened to diversity?

*Jennifer Robinson
Denver*

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 before receiving whatever 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).

*Eric M. Freedman
Hempstead, N.Y.*

OIL, THAT'S THE PROBLEM! WE AREN'T executing enough people in America, and we're not doing it fast enough. Let us rid the system of these "litigation headaches," end this "frustration with the courts," cure this "constant, throbbing headache," to say nothing of the "full-blown migraine" caused by the U.S. Supreme Court's recognition that we should not execute the retarded or have the death penalty decided by judges.

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

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