

## Methodology Appendix

In preparing this book, I conducted telephone interviews with thirty-seven lawyers and mitigation specialists, and thirty-one were willing to speak for attribution.

John Blume, Professor of Law at Cornell University, on February 2, 2003.

Marc Bookman, Senior Trial Attorney, Homicide Unit, Defender Association of Philadelphia Office, on December 22, 2003.

Michele Brace, Staff Attorney at the Virginia Capital Punishment Resource Center, on April 28, 2004.

Stephen Bright, Director of the Southern Center for Human Rights, on March 6, 2003, November 29, 2003, July 15, 2004, and other occasions.

David Bruck, Federal Death Penalty Resource Attorney in South Carolina, on April 6, 2003, November 25, 2003, June 7, 2004, and other occasions.

Michael Burt, Federal Death Penalty Resource Attorney in San Francisco, California, on October 23, 2003, December 15, 2003, and other occasions.

Michael Charlton, defense attorney practicing in Taos, New Mexico, on March 10, 2003, and other occasions.

Craig Cooley, defense attorney practicing in Richmond, Virginia, on February 9, 2004.

James Ellis, Professor of Law at the University of New Mexico, on July 13, 2004.

Jules Epstein, Partner, Kairys, Rudovsky, Epstein & Messing in Philadelphia, Pennsylvania, on December 18, 2003.

- Millard Farmer, attorney practicing in Atlanta, Georgia, on October 13, 2003.
- Deborah Fins, Director of Training of the Death Penalty Project of the NAACP Legal Defense Fund, on April 30, 2004.
- Timothy Ford, attorney practicing in Seattle, Washington, on January 14, 2004.
- Carlos Garcia, attorney practicing in Austin, Texas, on May 7, 2004, and July 20, 2004.
- Miriam Gohara, attorney with the NAACP Legal Defense Fund, on February 18, 2004.
- Craig Haney, Professor of Psychology, University of California at Santa Cruz, on November 30, 2003.
- Sharlette Holdman, mitigation specialist in San Francisco, California, on April 30, 1992, and November 29, 2003.
- David Hoose, criminal defense attorney in Springfield, Massachusetts, on March 11, 2003.
- Richard Jaffe, criminal defense attorney in Birmingham, Alabama, on March 8, 2003, and December 24, 2003.
- Noreen Kelly-Najah, Partner, Latham & Waltrip LTD in New York, New York, on November 8, 2004.
- George Kendall, former Director of the Death Penalty Project of the NAACP Legal Defense Fund, on January 9, 2003, currently an attorney with the law firm of Holland & Knight in New York, New York.
- Denny LeBoeuf, staff attorney at the Louisiana Capital Punishment Resource Center, on October 15, 2003.
- Walter P. Loughlin, Partner, Latham & Waltrip LTD in New York, New York, on November 8, 2004.
- John Niland, Federal Death Penalty Resource Attorney in Austin, Texas, on March 11, 2003.
- Sean O'Brien, Director of the Missouri Public Interest Litigation Center, on January 12, 2004, and January 14, 2004.
- Robert Owen, Staff Attorney at Texas Capital Punishment Resource Center, on October 8, 2004.
- Gary Parker, criminal defense attorney practicing in Atlanta, Georgia, on December 8, 2003.
- Edward Stafman, criminal defense attorney in Tallahassee, Florida, on May 8, 1992.

Russell Stetler, Director of Investigation and Mitigation for the New York State Capital Defender Office, on June 5, 2003, November 13, 2003, June 2, 2004, and other occasions.

Gary Taylor, defense attorney in Dallas, Texas, on June 6, 2003, and December 9, 2003.

David Wymore, Chief Deputy Public Defender in Denver, Colorado, on January 21, 2004.

Six other attorneys whom I interviewed indicated that they did not want their names mentioned in my book. Several other attorneys declined my request for an interview.

Interviews with the thirty-seven named and unnamed attorneys generally lasted about forty-five minutes to an hour. In most cases, I recorded the interviews and then made notes from the recorded conversation. The attorneys I spoke with were selected from a group of attorneys who were reported to me by Michael Millman, Executive Director of the Capital Punishment Project, Stephen Bright, Director of the Southern Center for Human Rights, and other recognized authorities in the area of capital punishment litigation to be among the most skilled capital defense attorneys in the country. I cannot, of course, claim to have interviewed a statistically valid sample of such attorneys.

In conducting the interviews, my primary goals were to learn strategies that the most skilled capital defense attorneys employed when representing capital defendants and to obtain examples of such representation. In most cases I began the interview by asking about one of the topics addressed in my book, such as plea bargaining or defending a capital defendant with a strong claim of innocence. This might lead to discussion of specific examples that would illustrate outstanding representation of capital defendants. In some cases, however, the interviews would move in unexpected directions with the attorney talking about a different issue relating to representing capital defendants or as to how the death penalty is applied. In most cases, I did not try to direct the conversation in a particular direction or to ask all the attorneys the same questions. My goal was to let the attorneys speak in their own voices in a way that would allow me to understand how the best attorneys deal with various issues when representing capital defendants either prior to the defendant's trial or after he has been convicted and sentenced to death.

In addition to conducting the interviews, I did considerable research

relating to various aspects of capital punishment including, among other things, examining Supreme Court and lower court decisions relating to ineffective assistance of counsel in capital cases, studying cases in which innocent defendants were wrongfully convicted and sentenced to death, and reading the literature pertaining to these and other topics that relate in some way to the representation afforded capital defendants in capital cases.