Professional Services

Jones Day attorney volunteers to work harder

Enlarge

Pro bono work took Jones Day's Chad Readler to victory in the nation's high court. The Ohio Supreme Court, above, probably seems less intimidating now.

Janet Adams | Business First

By Craig Lovelace | For Business First
Jul 12, 2013, 6:00am EDT
Updated Jul 11, 2013, 5:07pm EDT

While it might not be remembered as widely as Joe DiMaggio's record-setting, 56-game hitting streak, Columbus-based attorney Chad Readler has been on a bit of hot streak of his own this spring with a victory before the U.S. Supreme Court – his first appearance there – and saving a convicted Native American from being put to death.

In each instance, the Jones Day partner defended writs of habeas corpus petitioned for by two convicted murders before the nation's high court and the U.S. 10th Circuit Court of Appeals in a case out of Oklahoma. The cases were a personal triumph for the 40-year-old Readler and highlight a vibrant pro bono practice that he leads at the law firm's Columbus office.

"It was thrilling and equally anxiety provoking," he said about his time before the high court's justices. "It also was the first time anybody paid attention to what I was doing."

That might be an understatement coming from the attorney who has been with Jones Day for all but a year since graduating from the University of Michigan Law School in 1997. Over the course of 16 years, Readler defended the constitutionality of Ohio's charter schools in the mid-2000s and he is a member of the Ohio Constitutional Modernization Commission, which is charged with reviewing and recommending changes to the state's governing document.

The attorney is the first to admit he has a love of politics and government, although he can't recall a galvanizing moment growing up in his hometown of Milford, Mich. that propelled him in that direction. But the affinity intersects nicely with his chosen profession.

"My day job is being a lawyer, (but) I want to work on cases that do have policy implications," he said.

That day job encompasses representing corporate clients such as Prudential Securities, FirstEnergy Corp. and Yamaha in product liability cases, class-action suits and even something called vegetation management. Criminal law is not something Jones Day makes its money in, and it really doesn't make any money when providing its services for free.

Readler, however, said the firm takes pro bono cases seriously and views them as a way to give back to the legal and broader community. He has overseen the program in the

Columbus office for five years and estimates about two-thirds of the local staff participate. It is encouraged, he said, but strictly voluntary, although adding pro bono work is a great way for newer associates to get valuable experience.

“Some firms make it mandatory, but I don’t think that’s the right route. For me it was a very attractive opportunity,” Readler said. He started taking pro bono work in his third year at the firm, encouraged by former Jones Day partner Jeffrey Sutton, who is now a judge on the U.S. 6th Circuit Court of Appeals.

In the past three years, Jones Day’s 65 Columbus attorneys have donated 19,628 hours of legal services. Jones Day is just one of many area firms that donate time and staff expertise to charity.

pro bono work

It is the pro bono side of Jones Day that got Readler before the high court in Greg McQuiggin v. Floyd Perkins and the U.S. 10th Circuit in David Brian Magnan v. Anita Trammell and Scott Pruitt.

Circuit courts solicit law firms to take cases involving indigent convicts. Readler said when that happens, the firm evaluates if it could make a difference. The firm picked up the Perkins case through the U.S. 6th Circuit Court of Appeals and was referred by the Sixth to the U.S. 10th Circuit Court of Appeals for Magnan’s.

A jury sentenced Perkins to life in prison for the 1993 fatal stabbing of another man in Flint, Mich. He’s maintained his innocence and through the years secured affidavits from three people who said he didn’t commit the crime. Having exhausted state court appeals, Perkins filed his habeas corpus writ – which asserts a wrongful imprisonment – with Michigan federal district courts in 2007 asking for his conviction to be overturned based on the statements.

Court officers there denied the writ, saying Perkins’ new evidence didn’t amount to much and that he missed a one-year deadline after the completion of direct appeal to petition for relief under the federal Antiterrorism and Effective Death Penalty Act of 1996. Perkins argued his claim of actual innocence precluded the act’s statute of limitations and reset it each time a new piece of evidence was introduced.

He appealed to the 6th Circuit on the latter question in September 2009 and the court assigned Jones Day the case, which it took on pro bono. Firm attorney Allison Haedt argued the case before the appellate court, and she assisted with the Supreme Court case along with Columbus colleague Eric Murphy and Jason Burnette, who is from Jones Day’s Atlanta office.

The appeals court reversed the district court’s ruling in March 2012, saying when Congress wrote the terrorism act it didn’t intend to hold to a deadline when a habeas

petitioner is basing a writ on actual innocence. It also dismissed the lower court's view that the act requires habeas petitioners prove diligence when pursuing their claims.

Michigan filed its appeal with the Supreme Court, which took it in November 2012, heard it three months later and ruled in Perkins' favor 5-4 on May 23. Justice Ruth Ginsberg wrote the majority opinion that said actual innocence can "serve as a gateway through which a petitioner may pass" and make the case for constitutional review of his habeas writ.

100 flash cards

Talking with Readler from Jones Day's offices in the Arena District one month after the high court's ruling, he said the decision is important because it ensures prison inmates like Perkins won't be penalized by a deadline set in stone.

"If someone comes forward with evidence of their innocence, and has waited more than a year to assert that for whatever reason, they still have the opportunity to show actual innocence and the opportunity to show that their initial trial was unconstitutional," he said. "In other words, we're not going to keep someone in prison if they can show their innocence. … The time clock won't be enforced; we're not going to keep an innocent person in prison. I think that's the headline."

Readler said the firm was notified of the high court appeal eight days before the November presidential election and it set in motion a flurry of activity for him through the holidays leading up to his first encounter with the Supremes.

"I spent so much time preparing for it, and it was emotionally draining," said Readler, adding that he developed 100 flash cards to help him master the facts of the case.

His practice also included four mock courts in which colleagues, law professors and others acted as the jurists and opposing counsel in prepping Readler for his performance. One of those sessions was at the University of Michigan Law School, where several law school professors, including Sonja Starr, played the roles whose "act" was viewed by a roomful of students.

"This is necessary because the justices don't sit quietly and listen during oral arguments – they pepper the attorneys with questions constantly, and so the lawyers have to be prepared to answer every question that might get asked clearly, immediately and concisely," Starr wrote in an email. "This is a hard task, so it's a smart move to get practice, including getting the perspective of people outside your own law firm, who might come up with questions you haven't thought of yet, and might also have useful thoughts about how to frame your answers."

Readler said Starr's observation about the rapidity was indeed what he experienced. He said after a short spiel at the start of oral arguments, he spent the next 30 minutes answering the justices' inquiries.

“It’s not like they’re asking tough questions, they just never stop,” he said.

Outcomes

Twenty days after the court sided with Readler’s client, federal appeals judges in the 10th Circuit agreed that his other criminal client, David Magnan, should be released from state prison because the three 2004 murders to which he pleaded guilty occurred on land controlled by the Seminole Tribe. That meant the case should have been tried in federal courts.

Magnan had lost his habeas petition in federal district court on the territory question, which he said was a matter of life and death because the Seminole nation never had agreed to apply the death penalty within its borders.

“This was an extremely complicated case,” said Readler, who was assisted by Jones Day attorneys Ken Grose, Zach Klein, and Sergio Tostado in the Columbus office and Rob Haffke in Cleveland.

It should be noted that neither Perkins nor Magnan will walk the streets anytime soon. Perkins still must show his new evidence would’ve led to a different outcome than the one the jury rendered. And, it is suspected that Magnan will be tried in federal court on the murder charges.

Readler said the experience of each case was exhilarating, although he confesses the Supreme Court victory was the most uplifting.

“The blessing was an incredible experience that everyone knew you were doing, and it let you see how you stacked up against the highest court in the land,” he said. “The flipside of this is that it took a lot of time.”

Family, friends and colleagues watched Readler before the court, and he said the harshest reviewer was his 8-year-old daughter, who inquired as to “why Justice (Samuel) Alito (Jr.) didn’t like” his case.