



PRESENTATION OF THE GRIFFIN BELL AWARD FOR COURAGEOUS ADVOCACY

2017 Spring Meeting, Saturday March 4, 2017

Introduction given by:

Past President Michael E. Mone

Boston, MA

The Griffin Bell Award for Courageous Advocacy is the highest award that the American College of Trial Lawyers can present to any individual. It was established in 1964 and has only been given 15 times in the intervening 50 years since it was originally established. It honors trial lawyers who have persevered in pursuit of an important cause despite personal danger, fear, unpopularity or extreme difficulties.

I want to take you back to April 15, 2013. It was a cool, sunny day in Boston for the 117th annual running of the Boston Marathon. Approximately two hours after the elite runners had finished, two bombs were exploded on Boylston Street within a block of the Marathon finish line. Three spectators, including a beautiful eight-year old boy were killed in the explosion by the Tsarnaev brothers who had left the two bombs. Approximately another 264 spectators received serious injuries as a result of the two bombs, including 14 people who sustained amputations, in some case multiple amputations, caused by the shrapnel from the bombs. The next four days in Boston was a time of fear, chaos, anger, as there was a city-wide lockdown as they looked for the perpetrators of the bombing. Ultimately, the Tsarnaev brothers and multiple police officers engaged in a shoot-out in the Boston suburb of Watertown, resulting in the death of Tamerlan Tsarnaev and the ultimate capture of his brother Dzhokhar Tsarnaev, who was then charged with federal capital crime.

As she has done on multiple occasions, Judy Clarke responded to the call to defend the surviving Tsarnaev brother in his federal death penalty trial in Boston. In the winter and spring of 2015, two years after the bombing, it had not been forgotten. In part because the rehabilitation efforts of the survivors and the human interest stories about the survivors were daily newspaper stories. You could not read the Boston Globe or the Boston Herald and not have a heart-wrenching story about the efforts of those people who had been so grievously injured to deal with their injuries. By the winter of 2015, Boston's response to the bombing was typified by the expression "Boston Strong"; you literally could not go to an event and not see somebody with a Boston Strong T-shirt on. But the residents of Boston still harbored fear, anger, and hatred towards the surviving bomber.

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 whole entire because for over 30 years, Judy Clarke had defended some of the most notorious defendants in our lifetimes. From the Atlanta bomber to the Unabomber to the assailant of Gabby Giffords, Judy Clarke has stood beside those defendants in courtrooms all over the country. 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. 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 Judy Clarke has persisted, persisted in the face of multiple death threats for over 40 years. 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. Judy Clarke embodies the ideals to which lawyers in this country aspire. 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 Boston, Judy we can never adequately thank you for what you did. As a Fellow of this College since 1997, you honor the College and every trial lawyer in this country by your actions, and the Board of Regents and the Fellows of the American College of Trial Lawyers are proud to confer upon you the Griffin Bell Award for Courageous Advocacy as it's given to its fifteenth recipient.