



*Celebrating the Outstanding Work of our Students*

**“Heroes and Role Models:  
Barry Scheck”  
by Ethan Bogard  
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Let’s be very clear, Roger Federer is my role model. That backhand, the perfect serve placement, the angle volleys, the cool headband and the **13** grand slam titles. But they wouldn’t let me use Federer as my role model. Not sure why? Something about my core values? So, I went back and reviewed my values, decided that justice was the one that stands out for me as the most important, and looked for a role model who would best exemplify justice.

“Justice...., Justice shall you pursue.” That’s what the bible says and that’s what Barry Scheck does.

Barry Scheck is a lawyer who pursues justice by providing legal assistance to help people who are in prison, and sometimes on death row, but have been wrongfully convicted of serious crimes. He is co-founder and director of The Innocence Project at Benjamin Cardozo Law School. The project, which operates as a public interest law firm within the law school, only accepts cases in which DNA evidence can be used to demonstrate that a prisoner is actually innocent.

It’s difficult to imagine a clearer example of fighting for justice than to work to free innocent people who are facing long prison sentences or even the death penalty for crimes they didn’t commit. I can’t even imagine how terrifying and frustrating it must be to be trapped in prison, or even awaiting execution, and to know that you were unjustly convicted.

Barry Scheck has helped to free more than 200 innocent people since he began this amazing work in 1992. I was very fortunate to interview Mr. Scheck in his office last year. He told me how happy it makes him feel to see the faces of innocent men and women who are reunited with their families. He described how newly freed men and women hug their families at prison gates. They talk about how they are looking forward to that first bite of pizza, or sip of beer, or a long hot bath.

When I interviewed Mr. Scheck I asked him how innocent people could be convicted of crimes they didn’t commit. He explained to me that eyewitnesses frequently make mistakes, snitches tell lies, prosecutors and police sometimes fabricate evidence, and confessions might be coerced by the police. Lab tests can also be interpreted incorrectly. And, racism can certainly play a huge role in ignoring the truth. Unbelievably, there are cases where defense lawyers have actually fallen asleep during a trial, yet courts have said that’s not a reason to overturn a conviction.

Mr. Scheck told me that he knew from when he was a kid that he had to get an education to make a difference. Scheck’s dad was a tap dancer, and a political activist, who grew up poor on the lower east side of Manhattan. Barry wanted to use education as a way to do the kind of good that his dad tried to do. While in college at Yale, Barry protested against the Viet Nam War like many people his age did. However, he recognized that poor people were overrepresented in the draft and he argued that all student deferments should be ended so as to make the process fairer. Scheck grew up in the midst of the civil rights movement and saw law as an instrument for social change. After graduating from Yale, he went to Berkeley for law school, which was another hotbed of political activism and efforts to create social change. While at Berkeley, he worked for the United Farm Workers Union, an organization that fights

to protect the rights of poor farm workers, many of whom are immigrants who cannot stand up for themselves.

Berkeley, one of the best law schools in the country, gave him the training to be a great lawyer. Now Mr. Scheck could have made lots of money in a big law firm, but instead he elected to become a public defender in the south Bronx. A few years later, when Yeshiva University opened the first law school committed to Jewish values, Cardozo Law School, he was asked to join the clinical faculty. When I asked him in my interview whether there was something about being Jewish that led him to want to do this kind of work, he responded that “championing the rights of the underdog is a Jewish value.”

Mr. Scheck’s unique approach to advocating for the rights of the underdog is based on the use of DNA. In the 1980’s, law enforcement agencies began using DNA as a tool to obtain convictions. Since everybody has unique DNA, and criminals often leave DNA at crime scenes in the form of hair or bodily fluids, the police can take some DNA from the suspect and compare it to the DNA at the crime scene. If the samples match, that can be strong evidence that can be used to prove that the suspect is guilty. Conversely, Scheck recognized very early on that DNA could also be an incredibly powerful tool to prove that suspects did not commit the crime and were actually innocent.

I would like to share with you just two examples of the more than 200 cases in which the Innocence Project, under Barry Scheck’s leadership, has successfully worked to free innocent people.

One case involved Michael Anthony Williams, an African American from Louisiana. When Michael was sixteen, he was convicted of raping a young woman who had previously been his tutor. After being assaulted and raped, the victim reported that Williams was the perpetrator and he was arrested. Williams conceded he had bothered the woman after she refused to be his girlfriend, and also admitted to calling her from jail and threatening her... but he always denied attacking her. The jury convicted Williams of aggravated rape and he was sentenced to life without parole.

Williams was in prison for 22 years before he became an Innocence Project client in 2003. DNA testing of body fluids found on the victim’s clothing and bedding proved that Williams could not have committed the crime. After more than two decades of claiming innocence, Williams was finally exonerated and released from prison. Having been incarcerated when he was only sixteen, Michael Williams was now a 40 year old man, faced with the prospect of rebuilding his life without an education, work experience, or a steady source of support.

Another case involved Danny Brown, who was convicted of Aggravated Murder and Aggravated Burglary. Brown had been dating the victim for several months at the time she was brutally raped and murdered. Her six-year-old son told police that he was looking out his window when he saw Brown enter the building, and while hiding in his room, heard him in a heated argument with his mother.

The young boy later picked Brown out of a lineup and became the primary witness for the prosecution. Despite concerns raised by the defense about the reliability of eyewitness testimony of a traumatized six-year-old, Brown was sentenced to life in prison, largely because of the boy’s testimony. Almost 20 years later, the Innocence Project got involved and DNA testing performed on body fluids recovered during the investigation proved that Brown didn’t commit the crime.

There are so many horrible cases of injustices perpetrated by a flawed criminal justice system against defendants, who are almost always poor people or minorities. I was horrified to read example after example of these cases on the Innocence Project’s website, and in the book that Mr. Scheck co-authored. I was also stunned to learn that while courts routinely hear appeals concerning procedural errors, it is very difficult to get judges to later on consider evidence that would prove actual innocence.

I did ask Mr. Scheck whether his investigation ever resulted in a finding that his client was actually guilty. He told me that it happens in about 40% of cases the Innocence Project takes on; he is terribly frustrated when it happens because of the time, energy and money that the project invests in each case. All these resources could have been dedicated to a more deserving client—one who actually was wrongfully convicted.

Mr. Scheck is frequently remembered for his participation in 1994 on the “Dream Team”—the defense lawyers who represented O.J. Simpson- the football player accused of killing his ex wife and her boyfriend. Despite the fact that the jury acquitted Simpson, many people were, and still are, convinced that he was guilty, and Mr. Scheck was widely criticized for helping to represent him. He was even the subject of a very unflattering Saturday Night Live parody. Understandably, he is disappointed that when some people hear his name they think of the O.J. case first, rather than of his work to provide justice and free hundreds of innocent people. He explained to me that his primary role in the O.J. case was to try to convince the jury that the police did a sloppy job with the DNA evidence. And regardless of whether Simpson actually was guilty, Scheck’s involvement in the case helped to get more attention paid to the importance of using DNA evidence properly and its value as a scientific tool to acquit the innocent. So Scheck’s fame from the O.J. case ultimately helped him to get the support he needed to make the Innocence Project the great success that it is.

Mr. Scheck is a very hard worker. Besides running the Innocence Project and teaching, he lectures around the country on the dangers of inadequate forensic investigations, works on Bar Association committees to help the innocent, lobbies legislators to improve the criminal justice system and writes books on these topics.

Those of you who know me well know that I love to argue. A couple of years ago I participated in a mock trial competition in which I played the part of a prosecutor in a criminal trial. I learned a lot about the law and won the case due to my skills of presenting the facts, explaining the law, and arguing my point effectively in front of the judge. That experience contributed to my interest in justice and the law, as has the fact that I watch every episode of Law and Order that I possibly can! If Jack McCoy was a real person I might have selected him as my role model, but he isn’t, and Mr. Scheck is. His very real contributions to a fairer and more just criminal justice system, his hard work and dedication, and his commitment to the Jewish values that I share make him a wonderful role model for me!