

DAILY REPORT

PRO BONO

The essays are being written in collaboration with the Atlanta Bar Association, the Atlanta Volunteer Lawyers Foundation, Atlanta Legal Aid and others. To submit your own essay, contact Mary Smith Judd, special projects editor, at (404) 419-2841.



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First-years recall 'rare experience'

FIRST PERSON: DRAMATIC CASE REVEALS LESSONS on responsibility and the importance of client service

**KAMAL GHALI AND
MARY W. PYRDUM**
Special to the Daily Report

IF ANYONE NEEDS an example of what a dramatic impact a single case can have on a young lawyer, consider the example of Neko C. Brown. When we met him, he was 29 years old. He had been in federal prison for 10 years—since he was 19 years old—and he was scheduled to spend the next 10 years there. Brown was serving a drug sentence, which had been enhanced from 10 to 20 years because he was classified as a career offender. We agreed jointly to represent him on a pro bono basis in January 2010.

Seven months later, on July 23, 2010, he was released from federal custody, and we enjoyed a first-hand look at the power that lawyers have to improve people's lives for the better.

We got involved in Brown's case when he sent a letter to our firm asking for help with a 23 U.S.C. § 2255 petition he was pursuing to challenge his career offender status. We both were in our first year practicing law as commercial litigators at Bondurant Mixson & Elmore. Brown's letter indicated that he needed help getting a new sentence, one that reflected the fact that he no longer was a career offender. Earlier that year, Brown, with the help of a friend who also was an inmate, successfully vacated his prior state court convictions.

He needed help getting a court to recognize that his new non-career offender status meant that he was entitled to the shorter 10-year sentence.

At first glance, his case seemed impossible. Brown already had brought one challenge to his federal drug conviction. And because of legal restrictions on the ability of prisoners to bring multiple petitions challenging their convictions, a federal trial court already had denied his resentencing request. By the time we got involved, the 11th U.S. Circuit Court of Appeals already had affirmed that decision. Despite the difficulty, we were determined to help Brown. After all, how could the law require a man to spend 10 years in prison for being a career offender when the law also had decided that he was not a career offender? Thankfully, the federal trial court agreed and ultimately granted a 2255 petition. But during the course of this case, we learned two important lessons.

First, by working for this client, we each took ultimate responsibility for a case, a rare experience for first-year commercial litigators. Of course, this responsibility might have been daunting to take on alone. Working together minimized that difficulty, and the collaborative process yielded great results for our client.

Second, working for Brown also revealed important lessons about client service. Brown was incarcerated in a federal prison throughout the duration of the case. He had extremely limited access to telephones, mail was slow, and the prison required us to schedule our visits well in advance. At times, it would have been easier to simply call the shots and tell him about our choices later. But after our first visit with him, it became clear that it was his case, not ours; it was Brown who would spend the next 10 years in prison if we lost. That it is ultimately the client's case, and not the lawyers', was driven home by a conversation with Brown during which we told him just how important that it was for him to complete a certain task for the case. He said, "Of course I'll do it. I mean, hey, I want this just as much as y'all do." We laughed. But the lesson hit home.

The district court granted our motion and ultimately resentenced Brown on July 1, 2010. He was released from federal custody that month. We spoke with him 45 minutes after his release. He called us and thanked us for our help. But he cut the conversation short. He was on his way to speak to a family friend about getting a job.

Practicing law is a privilege. And we had the privilege of helping Neko Brown secure his freedom. 