

LAWYERS JOURNAL

An appeal for self care

Profession exacts toll on mental health

By Tracy Carbasho

A Pittsburgh attorney's shock over her law partner's suicide has evolved into a heartfelt mission to educate others about the dangers of not taking care of themselves in a profession laden with stress.

"Educational programs about depression, mental health and suicide prevention can help save lives. As a society, we are still extremely uncomfortable talking about mental health issues and especially talking about suicide," said Katherine Vollen, a partner at Humphrey, Vollen & Anderson. "We need to open the discussion about these issues, even though they are difficult, because we need to lift the stigma about mental health and suicide."

Vollen will discuss the death of her friend Kristen Humphrey for the first time in a public forum when she moderates a program presented by the ACBA Family Law Section on Friday, Nov. 18. The event is being held in memory of Humphrey, who was 46 at the time of her death in May.

Vollen hopes the program – "Depression, Anxiety and Suicide Prevention in the Legal Community" – will help legal professionals realize they should not be afraid to seek help and that it encourages law firms to promote both physical and mental health wellness. Kristie Knights, a licensed psychotherapist and founder/CEO of the nonprofit iRise Leadership Institute, will be the featured speaker.

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The ACBA, ACBF and JCP staff are all supporting "Jeans for Justice" day as part of the celebration for Pro Bono Week October 23-29. Pro Bono Week is an opportunity to thank volunteers, recognize the life-changing work that pro bono attorneys perform on behalf of low-income clients and recruit additional volunteers. From left are Elizabeth Dofner, Barbara Griffin, Erin Rhodes, Ed Cwalinski, Jessica Wysocki Valesky, Jocelin Herstek, Betty Williams-Tallon, Peggy Lewis and Matt Antico.

Innocence Project opens Pittsburgh office

Seeks attorneys, law students to help free those jailed due to wrongful convictions

By Tracy Carbasho

Attorney Jeff Bresch knows how rewarding it is to win a case, but working with the Pennsylvania Innocence Project to free a woman wrongly convicted of murder was one of the most fulfilling experiences of his 25-year career.

Now, he wants other attorneys to know they have the same opportunity to help by working with the local Innocence Project office that opened in June at the Tribone Center for Clinical Legal Education at Duquesne University. The office currently has about 20 cases in various stages of review or litigation in Western Pennsylvania.

"Winning a case is satisfying, but securing a person's freedom is indescribable," said Bresch, a partner at the Pittsburgh office of Jones Day. "The Innocence Project serves as a voice and legal force for those wrongly accused, convicted and incarcerated."

The project was brought to the local area by Duquesne University President Ken Gormley, who initially began exploring the idea back in 2008 shortly after he was named interim dean of the university's law school. Associate Professor of Law John Rago had expressed to him the urgency of creating a base in Western Pennsylvania for the Philadelphia-headquartered project.

"The Pennsylvania Innocence Project is one of the best in the nation. Yet, it has struggled to handle cases in Western Pennsylvania due to the complexity of investigating, developing



PHOTO PROVIDED BY LIZ DeLOSA

The Pennsylvania Innocence Project is operating an office on the campus of Duquesne University. Volunteer attorneys and law students review the cases of people who may have been wrongly convicted and incarcerated. Participating students, from left, are Jennifer Vogel, Kelsey Ayers, Susannah Glick and Kristi Heidel, all from Duquesne University; and University of Pittsburgh students Kyle Watson and Sean Champagne.

evidence and trying cases at such a distance," Gormley said. "The establishment of a satellite office here is a monumental breakthrough. The most important requirement to get involved is a desire to see justice done and the heart and drive to get it accomplished. Those who have done this work say that it not only rescues the lives of fellow citizens who have been wrongly convicted, but it is also a life-changing experience for those lawyers who make it happen."

Bresch agrees. For his first case, he was asked more than a year ago by local attorney Dave Fawcett – who serves on the board of the statewide project – if he would handle a pro bono case on behalf of Crystal Weimer, a Fayette County woman who had been convicted of murdering a Connellsville man.

Weimer served 11 years in prison but was released after the project became involved.

Weimer is grateful for the work her lawyers did and is equally optimistic that the project will continue to fight for the voiceless who have been wrongly convicted and incarcerated.

Fawcett, an attorney at Reed Smith, said the project is unique because it pursues only cases in which new evidence clearly shows that a person was wrongly convicted and is innocent. It is not enough to say that a person's rights were violated or that the case was improperly investigated or prosecuted. The person must be innocent.

"The Pennsylvania Innocence Project, using volunteer law students,

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INNOCENCE PROJECT
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paralegals and attorneys with a lean staff overseeing the work, screens hundreds and hundreds of possible cases for those with the most merit," Fawcett said. "Once cases are selected to be pursued, it's a big job to pursue the evidence, sometimes in the face of intense efforts by the government to conceal the truth or cover up bad conduct by law enforcement. An innocent person behind bars is a blemish on our entire justice system."

Duquesne University Law School Interim Dean Maureen Lally-Green has a unique perspective on the work being done by the project based on her judicial experience as a judge on the Superior Court of Pennsylvania.

"The Judiciary strives to assure that no innocent person is convicted of any crime. Yet, the Innocence Project shows us that serious mistakes occur within our legal system," Lally-Green said. "The project is critically necessary because a convicted person often has no financial resources or legal support network to even challenge, let alone correct, the wrong. The project, therefore, becomes a wrongly convicted person's only lifeline to justice and freedom."

Serving as the lifeline in the local office is Liz DeLosa, the managing attorney, who oversees the Duquesne location. Her background as a state and federal public defender let her see firsthand the flaws that can occur in the criminal justice system.

"Experts have estimated that anywhere from one to 10 percent of people convicted each year are innocent. Even on the low end of the estimate, approximately 10,000 people are incarcerated (in the U.S.) each year

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– Dave Fawcett

for crimes they did not commit," she said. "We can no longer pretend this is not happening. We must tirelessly fight for reform."

DeLosa is the only paid employee of the local nonprofit organization. She stresses that volunteers are the lifeblood of the organization and says volunteer attorneys, law students and non-attorneys are always needed. Law students and attorneys review cases, while non-attorney volunteers help with administrative functions.

The organization relies primarily on private donations and pro bono assistance, so every contribution is welcome and pro bono attorneys are a must. Training is provided for both the attorneys and students.

DeLosa said the office currently can accommodate eight law students – four from Duquesne and four from the University of Pittsburgh, but only six are participating at this time. Students participating from Duquesne are Kelsey Ayers, Susannah Glick, Kristi Heidel and Jennifer Vogel. University of Pittsburgh students taking part are Sean Champagne and Kyle Watson.

"This is one of the few opportunities to get hands-on experience in post-conviction litigation," Champagne said. "From this experience, I am hoping to learn more about the investigative side of criminal defense and advocacy on behalf of the wrongfully accused."

William Carter Jr., dean of University of Pittsburgh Law School, said participating students will learn the value of pro bono work. In addition, they will learn substantive and practical skills, such as investigating facts in complex cases, working with scientific experts and evidence, developing a case theory, working as a team, and understanding the complex body of law governing appellate practice and post-conviction relief.

The Innocence Project, founded in 1992, is a national litigation and public policy organization dedicated to exonerating wrongfully convicted individuals through DNA testing and reforming the criminal justice system. There are offices throughout the United States.

The Pennsylvania Innocence Project was started in Philadelphia in 2009 and is currently litigating cases in 17 counties throughout the state. More than 4,500 inmates have requested assistance. Richard Glazer, executive director of the Pennsylvania initiative, said 20 cases are now in litigation, 327 are undergoing initial review and 243 have been approved for further investigation.

"Having an office in Pittsburgh allows the more efficient use of our resources as many of our clients and witnesses are incarcerated in prisons in Western Pennsylvania," Glazer said. ■

Mission Statement

The Pennsylvania Innocence Project has a four-part mission statement:

1. To secure the exoneration, release from imprisonment and restoration to society of persons who are innocent and have been wrongly convicted;
2. To provide clinical training and experience to students in the fields of law, journalism, criminal justice and forensic science;
3. To collaborate with law enforcement agencies and the courts to address systemic causes of wrongful convictions;
4. To strengthen and improve the effectiveness of the criminal justice system in Pennsylvania through public education and advocacy.

For details, see innocenceprojectpa.org or email Liz DeLosa at delosae@duq.edu.

David Barker Photography

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