

New Orleans

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New Orleans is a city which for many conjures up images of Mardi Gras, streetcars and, of course, Hurricane Katrina. Living there for a large proportion of 2013 gave me a deep affection for the city, but also a sense of unease about the way in which it delivers justice. For two countries so similar in so many ways, the starkest contrast between the USA and England and Wales is the use of the death penalty.

I undertook a mixed pupillage with a focus on criminal law and spent a great deal of the first months on my feet in the criminal courts. Criminal law has always interested me, as has the debate about rehabilitation and punishment. With the assistance of a scholarship from the Pegasus Trust, I took a sabbatical from chambers and went to live and work in Louisiana, where I joined Amicus, a charity that assists lawyers representing clients on death row in the USA.

The first thing that hits you when you arrive in the Deep South – after the sweltering humidity – is the friendliness. Conversations at the bus stop and grocery stores are standard and people cannot do enough to help you. The second thing is the music. Anywhere you go in the city, you are surrounded by some of the best jazz and blues you have ever heard. Buskers are everywhere and brass bands march down the street with people dancing behind. The vibrancy makes the streets of England seem dull by comparison. Third is the food. Some of the best – and most calorific – food you will ever have is in New Orleans. Exercise is compulsory for anyone not wanting to gain several kilograms and a potential heart condition.

I worked alongside two attorneys in a small office. The office has about a dozen clients, all on death row, with appeals at various stages. There is always something to do, an argument to put forward, an application to file. For the men ‘on the row’, life is a constant merry-go-round of routine, stopped only by a successful appeal or execution. They are in their six by nine foot cells for twenty-three hours a day in the sticky Louisiana heat. I found the humidity insufferable in March and the standard response from everybody was, “*You just wait till the summer!*” For one hour per day, the prisoners are let out of their cells. This is a time to go outside (within the confines of pens) or make telephone calls. Most of the clients do not have regular contact with their family or friends. A decade or so incarcerated in a prison some three hours’ drive from New Orleans makes it difficult, emotionally and practically, for relatives to stay in touch.

The prisoners do, however, maintain regular contact with the Amicus office, and taking calls from them became part of my daily routine. As a barrister, I am accustomed to meeting clients at court or at a pre-hearing conference. I do not have conversations with clients purely for the sake of seeing how they

are. Yet in New Orleans, a large portion of my day consisted of just that, and I came to know the clients very well. For them, contact with another human being – something we take for granted – was something they looked forward to. By the time I started making visits to the state prison, I had already been in the office for a few months. Most of the visits were not case-related but simply an opportunity for me to meet the people I had spoken to so often, and an opportunity for them to swap their cells for an air-conditioned conference room.

Over the past few years, I have made many prison and cell visits. Nothing prepared me for visiting ‘Angola’. Officially known as the Louisiana State Penitentiary, this prison is bigger than Manhattan and is a working farm. The distance from New Orleans means that you cannot visit frequently but when you do, the days are long. Out of more than 5,000 inmates, approximately 80 are on death row. Many of the men are ‘lifers’ working the fields, and the only way to get around is to be driven along with a prison escort vehicle.

Aside from client welfare, I spent my time assisting with an impending capital trial. Whereas in England and Wales we are accustomed to receiving papers late, in the USA, months if not years can be spent preparing for trials. As an attorney, you are responsible for every aspect of the case: securing funding, instruction of experts, mitigation research, regulatory arguments, jury selection and the trial preparation itself.

In the weeks leading up to the trial, jury selection became the focus of my work. Ask any American lawyer what the most important part of their justice system is and the answer you will receive is jury selection. Although the concept makes most lawyers in England and Wales very uneasy, for those dealing with capital cases, knowing the personal details of the jurors may mean the difference between life and death. Jurors can be sequestered for weeks at a time and the court can sit every day (including weekends) and long into the evenings. Decisions regarding case management and jury selection are crucial, and knowing that execution of your client is a potential outcome can be incredibly stressful.

I left Louisiana with a love of jazz, baseball and seafood, but also with a new-found respect for the justice system in England and Wales. Our system’s international reputation for fairness is well-earned. What I have learned about the different ways in which our peers judge us is something that I will continue to reflect upon.

I am greatly indebted to the Pegasus Scholarship for enabling me to have this opportunity and I am, I hope, a better advocate for it.

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