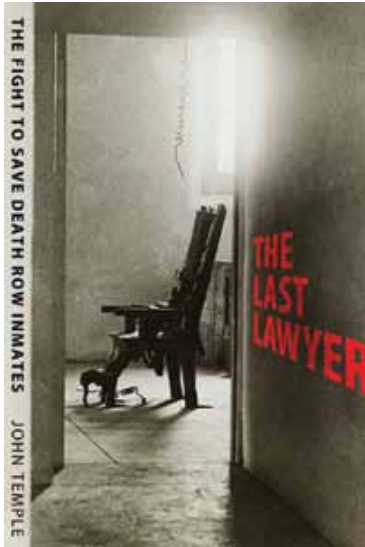


Alumni profiled in *The Last Lawyer*

Book details relentless fight by Ken Rose ('81) for death row inmate



Ken Rose ('81), who has devoted his legal career to representing death row inmates, is the subject of *The Last Lawyer: The Fight to Save Death Row Inmates* by John Temple (University Press of Mississippi, 2009). The book chronicles Rose's decade-long defense of Bo Jones, a mentally handicapped North Carolina farmhand convicted of murder.

Rose, a New Orleans-raised attorney at the Center for Death Penalty Litigation (CDPL) in North Carolina, called the case his most frustrating in 25 years.

"Bo Jones' case reflected many of the things that makes these cases so compelling: a falsely accused client suffering from mental illness and intellectual disabilities; bad defense counsel; prosecutors who struggle with doubts about their case and their perceived duty to uphold a death penalty; biased judges; and the strengths and failures of our federal system of *habeas* review," said Rose.

The lawyer took on Jones' case in 1997, just days before the former farmhand's scheduled execution. In the book, Temple describes the painstaking work of Rose and his colleagues to exonerate the man

accused of shooting an elderly man to death. Had Jones really killed him? For Rose, it didn't matter. The focus wasn't on innocence or guilt, but the death penalty sentence.

Rose found that Jones was convicted based on little physical evidence: the police did not dust the crime scene for fingerprints, and the whole case was based upon the word of one paid witness, Jones' ex-girlfriend. The police did not investigate any other suspects. What's more, Jones' original trial lawyer had been related to the victim.

Temple, a professor of journalism at West Virginia University, followed Rose for nearly five years and made more than 15 trips to North Carolina to gather details and conduct interviews for the book, according to Rose. The book won the 2010 Book Award from The American Society of Legal Writers.

"He succeeds in combining a crime mystery with detailed descriptions of the inner workings and thought processes of our legal team through post-conviction proceedings in a capital case," said Rose. "John's narrative is not always flattering to either side, but it is honest."

Rose did prove that his client had not received a fair trial and saved Jones from being executed. In 2006, after serving more than a decade on death row for a crime he did not commit, Jones was released.

Rose has continuously represented death row inmates since 1981, participating in more capital appeals cases than almost any other attorney in U.S. history, according to Temple's research.

Rose became interested in death penalty litigation while a student at BU Law. Though he says he barely survived his first year, he thrived in legal aid and criminal law clinics and found inspiration

in Professor Michael Harper's labor law class. Professor Eva Nilsen recommended that he apply for a volunteer position with Atlanta-based Team Defense Project, a small public-interest law firm that represented low-income people in capital cases. Despite a meager salary, Rose worked there as a staff attorney after graduating.

"I was attracted by the Team Defense philosophy of representing indigent persons on trial for their lives in the same way that big corporate law firms represent major corporate clients," said Rose.

Rose eventually moved to the CDPL, a nonprofit law firm that provides legal representation to those accused of capital crimes. He served as director of the firm for 10 years but stepped down in 1996 to work as a staff attorney, his current position.

While his family has been a great source of support throughout his career, he admitted that they are also sometimes skeptical about his choice to represent alleged murderers. But he has no doubts about his chosen line of work.

"I came to know my clients as human beings and connected with them first as persons and secondarily as their lawyer," Rose said. "I feel incredibly lucky to be paid to do work about which I am passionate." ■

Note: Ken Rose is this year's BU Law Shapiro lecturer; he will speak at the School on April 1. Look for more information online at www.bu.edu/law/events.

Attorneys at the Center for Death Penalty Litigation (CDPL) represent about one-third of all death row inmates in North Carolina. For more information on the CDPL visit, www.cdpl.org. The CDPL seeks volunteers and has summer internships for law students. See page 29 about two alumni who worked with Rose.