

## THE DALLAS MORNING NEWS

QUALITY OF JUSTICE: Saved by a New York rookie Lawyer worked free for Texan who couldn't afford to lose

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When James S. Blank, an Ivy League-trained, New York City attorney, voluntarily interjected himself into a bizarre appeal of a murder-by-arson in the remotest reaches of West Texas, he was, by his own admission, "a babe in the woods."

Not only had the first-year attorney never practiced criminal law, he had never set foot in Texas. In fact, Mr. Blank was an undergraduate in Philadelphia in 1987, barely old enough to buy liquor, when his client, Ernest Willis, was condemned to death.

But this summer, the young lawyer who has since litigated successfully for Nintendo and America OnLine, and his colleagues - Elena C. Norman and Walter P. Loughlin - convinced a judge in Fort Stockton that Mr. Willis' conviction was "unlawfully obtained."

Setting aside the verdict of a trial he presided over 13 years ago, District Judge Brock Jones ruled that the state had failed to disclose a favorable psychological report about Mr. Willis and, more important, had drugged him into a stupor during his trial.

The murder that landed Mr. Willis on death row took place in the small oil town of Iraan in Pecos County, about midway between Midland and the Big Bend. Pronounced Ira-An, the community of 1,300 or so is named after Ira and Ann Yates, who won the right to name the town in a contest.

If the pumpjacks, derricks and creosote bush in Pecos County weren't enough to convince the New Yorkers that they were interlopers in an alien country, their first glimpse of the 112th District Courtroom in Fort Stockton left no doubt.

The appellate team was accustomed to working in a city with thousands of lawyers where it was rare to encounter the same adversary twice. In Pecos County, they found a legal community whose members all "knew each other and worked with each other on a continuing basis," said Ms. Norman, a Stanford University Law School graduate who also specializes in intellectual-property cases.

Early on, the lawyers showed up for a status hearing wearing coats, ties and starched shirts - "the way we would go to court up here in New York," recalled Mr. Blank, 34. What they saw in the courtroom was their adversary, then District

Attorney J.W. Johnson, devoid of tie, wearing cowboy boots and smoking cigarettes at the counsel table.

Said Mr. Blank: "We're seeing Johnson and assistant prosecutor Albert Valadez go back and forth to the judge's chambers to have conversations - not necessarily on this case, I'm sure. You'd never see that up here in the Northeast."

"We certainly did feel out of our element," said Mr. Loughlin, a onetime federal prosecutor in New York.

Despite their initial uneasiness, all three lawyers said they were impressed by the evenhanded manner in which Judge Jones handled the case - particularly in view of the fact that they were asking him to reverse a verdict in a trial over which he presided.

As strange as the small town court's informality appeared, Mr. Blank said, it wasn't intimidating.

"Once I got a sense of how things work, I adapted," said the intellectual-property specialist. "What's good for the goose is good for the gander."

What's been good for Ernest Willis is the luck of the draw in the pool of pro bono, or free, attorneys who volunteer for death row appeals since the demise of the Texas Resource Center. When Congress withheld the center's federal funding in 1995, it left more than 100 Texas death row inmates dependent on court-appointed attorneys or lawyers who volunteered their services.

Latham & Watkins, one of the world's largest law firms, has more than a thousand attorneys in 14 offices stretching from Tokyo to New York. And the team that developed the Willis appeal tackled the case as if they were representing a Fortune 500 client.

"We've invested thousands and thousands of hours in this case," Mr. Blank said. Out-of-pocket expenses, he said, have been substantial, totaling in "the low six figures."

Mr. Willis, who previously despaired about his future, now harbors hope for a life off death row.

"If I had decent attorneys like I have now, I never would have been convicted," Mr. Willis said Wednesday during an interview on death row. "These are some good people. Not only are they good attorneys, but they're friends."