

SPOTLIGHT

Justice finally done after wrongful conviction

Firm wins record \$10.5M settlement in Shawn Williams case



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What's the price of 24 years of freedom? When wrongly convicted Shawn Williams was acquitted of murder and released in 2018, the battle began to win him fitting compensation.

While no amount of money could make up for spending nearly a quarter of a century behind bars for a crime he didn't commit, the record \$10.5 million settlement won by a team of lawyers from White & Case and co-counsel Shanies Law Office (the highest wrongful conviction settlement in NY State history) – is a first step in rectifying this horrific injustice.

Shawn was living in Brooklyn, New York, in 1993 when his life was shattered. He was arrested and wrongfully convicted for the second-degree murder of his friend Marvin Mason.

Mr. Mason was murdered in the lobby of a New York apartment building. Initial witness statements cited two unidentified suspects, estimated at between 5ft 1in and 5ft 6in in height, fleeing the scene.

Shawn, who is more than 6ft tall, claimed to have been in Reading, Pennsylvania, at the time of the murder. Despite having documentary evidence and witnesses to support his alibi, he was identified as the suspect and arrested.

There was no DNA evidence, fingerprints, weapon or motive. Shawn was convicted by a single witness statement made by a woman who, having previously told police that she could not identify the shooter, later claimed to have seen Shawn exit the lobby from her sixth-floor apartment, at midnight.



The initial fight to free Shawn

New York Partner Sam Hershey, who represented Shawn and won his acquittal while at a previous firm, says: "When I was first asked to consider Shawn's case I was staggered by the clear injustice.

"It was immediately obvious that he should never have been convicted, but when I delved deeper, the case for an acquittal was even stronger.

"First, one of the detectives working on the case, Louis Scarcella, had been exposed for misconduct in a 2013 New York Times article.

"Since then, more than 50 of his cases were reexamined, with 14 convictions overturned.

"Second, I tracked down the only witness, Margaret Smith, who admitted she'd lied when identifying Shawn because of pressure from detectives."

Much to Sam's disappointment, when faced with the new evidence, the Kings County District Attorney's Office was still determined to fight the appeal. It took four years for Shawn to finally win his freedom when his conviction was vacated in 2018.

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SAM HERSHEY,
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Compensation case launched

Sam says: "Winning his exoneration was incredibly emotional, but Shawn's fight for justice continued.

"He left prison with no money, few job skills, and a minimal network of friends and family, so I kept in touch with Shawn and he phoned me most days for help and support.

"Following my move to White & Case, he asked about his options for seeking compensation and, after giving him multiple options, Shawn asked us to represent him in conjunction with civil rights lawyers David Shanies and Deborah Francois from Shanies Law Office."

In an unusual step for a compensation case, the Firm worked on the case pro bono, while Shanies Law Office charged a lower rate.

"We did a great job making our case from four locations, including Shawn's witness testimony from our New York office."

Sam says: "There's never a shortage of lawyers who want to get involved in compensation cases because legal firms generally take a large percentage of any settlement. We always said we wanted to do it for free, because we strongly believe Shawn is entitled to every penny that was owed to him."

The team, including partners Sam and Kevin Bolan, Associate Wyatt R. Smith and Legal Assistant Daniela De la Cruz, filed two civil cases – one with the New York Court of Claims and another with the United States District Court for the Eastern District of New York.

The White & Case team then completed extensive discovery. Lawyers for the City of New York ultimately agreed to settle the District Court case for a record \$10.5 million settlement.

The Court of Claims case, however, proceeded to trial during the Covid-19

pandemic.



Sam says: "It was the first trial any of the lawyers, and the court, had done during Covid-19, so it was new to all of us.

"We did a great job making our case from four locations, including Shawn's witness testimony from our New York office, the alibi witness from an office in North Carolina, Margaret Smith from a hotel in New Jersey and our expert witness from his home in Washington State.

"The Firm's IT team did an amazing job to make it possible."

Despite their efforts, the judge ruled against Shawn – a decision that Sam and his team are appealing.

Sam says: "While that decision was disappointing, we believe we have a compelling case and that our grounds for appeal are strong.

"For the time being though, we're just delighted with the District Court settlement, because Shawn knows the money will change his life and give him a chance for a brighter future."

"I'm also so grateful to White & Case for supporting me from the beginning and for being so enthusiastic to support Shawn and to do the work pro bono."

SAM HERSHEY, PARTNER, NEW YORK



The road to justice

He continues: "It's been amazing to have been part of his journey to freedom and justice and there's no doubt Shawn and I have built a strong bond, trust and friendship.

"I'm also so grateful to White & Case for supporting me from the beginning and for being so enthusiastic to support Shawn and to do the work pro bono.

"This case involved a significant investment of time and there were moments when I really appreciated what a fight we were in and how difficult it was to handle this case alongside our billable work.

"But winning a result like this is a reminder of how important it is to take on pro bono work and fight for causes that you really believe in, representing people who would otherwise be lost in the justice system.

"One thing I'll always remember is when Shawn came to the 49th floor of our New York office to meet the team. I think he was overwhelmed to see the caliber of law firm he had in his corner.

"That's a special feeling – to know you are making a life-changing difference."

Shawn says: "Almost 30 years ago, I was wrongfully convicted of killing one of my best friends. I honestly thought I would spend the rest of my life in prison.

"When Sam and his team helped me win my freedom, I thought I could not get any luckier, but White & Case proved me wrong.

"They took my civil case for free and helped me win the largest settlement for a wrongful conviction case in New York State history.

"While I can never get back what was taken from me, this money is going to give me a chance at building the life I never had.

"I am incredibly grateful to Sam, Kevin, Wyatt and the rest of the team at White & Case who have given me my life back."



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