

California LAWYER

PRO BONO

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California Lawyer Attorneys of the Year *Eric H. MacMichael & Daniel E. Purcell*

An excellent memory and the tenacious pursuit of documents helped MacMichael and Purcell exonerate a man who spent 18 years in California state prison, wrongfully convicted of a 1989 double homicide. Caramad Conley's two life-without-parole sentences were thrown out after the dedicated duo showed that San Francisco police had withheld from his trial lawyers evidence that the prosecution's star witness was paid thousands of dollars by police.

Purcell, the lead lawyer on the case, pieced together a compelling story of how police systematically suppressed the evidence that witness Clifford Polk benefited financially, withheld from Conley's original defense team the existence of the payments, and then sat by silently as Polk lied about them during testimony. Purcell, MacMichael, and their Keker legal team—including Zachary Bookman—dedicated 900 hours of pro bono time, spread over five years, to win Conley's release. MacMichael worked closely with Purcell from the beginning and was heavily involved in establishing the factual record and handling witness testimony.

In 2003 Purcell represented another wrongfully convicted man (John Tennison) in a habeas proceeding and unearthed evidence of a paid police informant. It took digging through unmarked boxes, under piles of debris in a police warehouse, to find the undisclosed witness-protection pay records bearing not only on Tennison's case but also on other cases in which homicide officers had paid testifying witnesses.

Years later when the Northern California Innocence Project asked Purcell to take on Conley's case, he remembered that some of the receipts discovered during the Tennison case were for payments made to Polk, the key witness against Conley. He persuaded the court to relax the protective order for Polk enough to allow him access to the pay records that would help Conley.

Purcell was able to show that homicide investigators Napoleon Hendrix and Earl Sanders (who later became police chief) began paying Polk three months before Conley's trial and continued payments throughout the trial and after. The evidence persuaded San Francisco Superior Court Judge Marla Miller to overturn the conviction.

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