

THE RECORDER

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ALM

Bar Talk

PEOPLE AND PRACTICES

Turns out, Three Strikes client needed first timers' help

It took two tossed convictions and almost 10 years, but James Mar finally walked freely out of a Kern County jail last month — thanks to three Keker & Van Nest attorneys.

The firm's pro bono effort was the first state court criminal case for associates Dorothy McLaughlin and Laurie Carr Mims, who worked under the supervision of partner Elliot Peters.

Sidebar

"[Mar's] whole story was such a long, complicated and frustrating epic," said McLaughlin.

In 1997, a Kern County Superior Court judge slapped Mar with a 25 years-to-life, Three Strikes sentence for assaulting a jail guard who reported suffering a broken knuckle.

In 2002, the state Supreme Court threw out his conviction because Mar had been forced to wear a "stun belt," a bailiff-controlled shock device, in view of the jury. Then prior to his second trial, Mar pleaded guilty after attorneys allegedly told him that, having already spent six years in jail, he would be released on time served. Instead, the court once



BRETT PUTNAM

PRO BONO SUCCESS: Keker & Van Nest associates Laurie Carr Mims, left, and Dorothy McLaughlin usually handle civil litigation, but they still managed to help a Three Strikes client walk away from a 25-to-life sentence last month.

again sentenced him to 25 years-to-life.

During his next appeal, Mar's lawyer brought the case to Keker & Van Nest.

After Mims and McLaughlin

filed a successful *habeas corpus* petition, Mar was granted what would have been his third trial.

In the meantime, the lawyers' investigation revealed that the police officer with the broken

knuckle had previously fractured the same finger. "We had witnesses lined up to say that he had different explanations for how he broke his hand," said Mims, who, like McLaughlin, typically handles general civil litigation.

A new trial was scheduled to start last week. But after hearing the history of the case, a Kern County judge said that if Mar pleaded he would receive a seven-year sentence. So Mar, now 47, entered a no-contest plea and the judge ordered him released, noting he had already spent nearly a decade behind bars.

"I talked with him [Wednesday], and he's living with his father in Kansas and excited about starting anew," Mims said.

Keker & Van Nest attorneys have successfully petitioned for *habeas* relief in at least three murder cases in recent years.

"It's one of the great things about being a lawyer," said Peters, "that every now and then you can look at a situation and say, 'Gee, this isn't right,' and ... do something about it."

— Cheryl Miller