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Andrea Lyon: Fighting for lives, believing in redemption

by Maria Kantzavelos

To summarize her philosophy on the death penalty, Andrea Lyon turns back the clock to a day in the early 1980s, inside a courtroom of the Criminal Courts building at 26th Street and California Avenue, where the young assistant public defender had gathered with others to hear the verdict in the penalty phase of the capital-murder trial of Edgar Hope Jr.

“He was black and he had shot and killed a white, Irish police officer on a bus. He had shot and killed him in front of a pile of witnesses. There was no doubt of guilt. None. It was just a question of punishment,” Lyon said. “It was an election year, there was a dead police officer, an Irish judge, Irish prosecutors, and an all-white jury. There was just no question what was going to happen in this case.”

As a member of the public defender’s Homicide Task Force, Lyon sat in the courtroom that day, as she had on other occasions during the trial, to show moral support for her colleagues who had been representing Hope.

“Hope had no family. His own father, I believe, had been executed. He had grown up in the back seat of a car,” Lyon said. “[During the trial] there were plenty of people there on the prosecution side, but there was almost nobody for the defendant.”

What happened next from the crowded side of the courtroom gallery, where prosecutors and police officers had gathered, she said, illustrates all that is wrong with the death penalty.

“The prosecutors were in their



David Durochik

Andrea Lyon is a clinical professor and director of the Center for Justice in Capital Cases at DePaul University College of Law, where she supervises students in the center’s Death Penalty Legal Clinic.

20s or 30s, they went to college like I did, they went to law school like I did, and they passed that restraint on trade called the bar exam like I did,” Lyon said. “They had sworn to uphold the law. They were educated, smart people. And this jury comes back with a death verdict, and they stand and cheer and yell: ‘Kill him. Kill him. Kill him.’”

“That, for me, symbolizes what’s wrong with the death penalty. It brutalizes everyone, and it accomplishes nothing,” Lyon said. “I don’t claim to speak with any great moral authority, but I think I know right from wrong.”

Lyon, 54, speaks from experience.

In her more than three decades of criminal-defense work, which began in 1976, when she joined only a handful of women in the public defender’s office, Lyon has tried 132 murder cases and defended more than 30 potential capital cases.

She has a perfect record of winning life sentences in each of the capital cases she has taken through the penalty phase — 19 to date.

Today, the nationally recognized expert in death penalty defense shares lessons learned as a clinical professor at DePaul University College of Law, where she serves as director of the DePaul Center for Justice in Capital Cases. She also

maintains an active death penalty defense practice, taking law students under her wing as supervisor of the center's Death Penalty Legal Clinic, which handles about two cases a year.

"I'd like to think that it's a healthy balance of ego and idealism at work," said Lyon, offering a reason for her stamina in the field of death penalty defense. "I'm good at it, it needs doing and — this sounds hopelessly corny — I really believe people can be changed for the better, whatever they've done. I really believe in redemption. I don't mean necessarily in a religious sense, but I just do believe in it.

"I have seen so much nobility expressed by my clients, my clients' families, victims' families, in just the most extreme of circumstances — where you wouldn't expect it at all — where people find this strength and grace. It's just inspiring."

'One of our superstars'

The Center for Justice in Capital Cases, which Lyon founded when she came to DePaul in 2000 after five years on the clinical faculty at the University of Michigan Law School, serves as a training ground and resource center for defense attorneys from around the country.

The center's Clarence Darrow Death Penalty Defense College is one such program. There, criminal-defense attorneys with pending capital cases convene once a year for a week of seminars, hands-on workshops, and coaching from experts in the field, including Lyon, who founded the college while on the faculty at Michigan. She brought the program to DePaul in 2006.

"She's one of our superstars," said Glen Weissenberger, dean of the law school.

Lyon recently became the first full clinical professor the DePaul law school has ever had, said Weissenberger, who appointed her last year to the position of associate dean for clinical programs.

"She's a brilliant lawyer, a passionate advocate. But she's also a marvelous teacher," Weissenberger said. "She has the rare combination

of being able to practice law at the highest level and simultaneously teach others how to do that."

A view of the client

For Lyon, learning as much as possible about her client is essential to defending a death penalty case.

"People sometimes do monstrous things, but they aren't only monsters. That's myth or movies — that's not who people are," Lyon said. "They are complicated. They care about other people. They've been hurt. Many of them are very, very damaged people who've been abused, sometimes literally since birth."

Lyon's voice reaches a crescendo as she tells, in rapid fire, the story of another man whose case came through the public defender's office during her time there.

"His mother literally took him and threw him in the garbage after he was born, where he was rescued by his 32-year-old grandmother who never failed to remind him of that," Lyon said. "Nobody changed him, nobody fed him. He just would wait around and get scraps, and he'd follow anyone who was in the least bit nice to him.

"And one day he's at school and he's been acting out — fighting, shouting, refusing to do work. He's maybe 9 years old and he won't sit down. The teacher puts his hand on the boy's shoulder and pushes him to the chair and the boy jumps up screaming, leaving a pool of blood in the chair that is coming out of his anus because his family has been selling him as a prostitute.

"You know what the school did? They gave him an ice pack and sent him home," Lyon said. "So, what did we think he was going to grow up and be, exactly?"

That's a question Lyon knows she can't come out and ask a jury. Rather, she said, she focuses on providing answers to the questions jurors might have as they weigh the factors in deciding whether a capital defendant should receive the ultimate punishment.

"Why is this person this way? Do we need to be afraid of him anymore? Are we safe? Does his life matter? To whom? Why? You just

have to figure out the answers to those questions, which means learning a lot about your client's life and learning how to communicate it, and figuring out who can tell the story best in a way that's emotionally evocative and real."

To do that, Lyon said, "You cannot sell what you wouldn't buy.

"If it doesn't matter to you, it's not going to matter to anyone else either," Lyon said. "I really do believe that if you can find a way to genuinely care about your client's life, you can find a way to communicate that to other people."

Tremendous energy

During her years in the public defender's office, Lyon became known as a tireless worker who was tenacious with her trial preparation — particularly her street investigations — and for developing a compelling style and presence before juries, her former colleagues said.

Michael Morrissey, director of Chicago operations for the Cook County public defender's office, worked with Lyon on dozens of murder trials.

"Andrea's greatest strength is her passion and commitment for her client," Morrissey said. "From there, a tremendous amount of energy comes. She's probably the best trial lawyer I know for establishing a trusting relationship with her client, and that's based on her client's clear view as to how hard she works for them."

Walt Hehner, an assistant Cook County state's attorney, faced Lyon last year in a capital murder and armed robbery case that ultimately ended with a guilty plea and substantial prison term, averting a death sentence.

"I found her very straightforward. She was professional, always prepared, dedicated to ensuring that her client wasn't executed," Hehner said. "I wouldn't mind facing her again in court. She's a formidable opponent."

In a federal death penalty case against a Detroit man convicted of a drug-related murder — who would have been the first man in eastern

Michigan to be sentenced to death since 1938 — Lyon faced Michael Leibson, an assistant U.S. attorney for the Eastern District of Michigan who was impressed by Lyon’s presentation of mitigation evidence in the penalty phase of the 2003 trial.

“Her presentation was very impassioned, but in control,” Leibson said. “She presented everything that could properly be presented.

“I very much admire her work. She’s impassioned about it, but it’s effective,” Leibson said. “To be able to do it for as long as she’s done it and still maintain some degree of sanity is astounding. Just emotionally, it’s got to be very difficult, but she’s very effective at it.”

“Andrea is tough, if nothing else. There’s no knocking that woman down,” said Lakshmi Jha, an assistant Cook County public defender and a former student of Lyon’s. “She’s tough as nails. You need to be [tough] to do our job, but you also need to never lose touch with humanity. That’s a balance she’s managed to maintain as long as I’ve known her.”

While it is the human aspect of her work that makes it fulfilling, Lyon said, “I also have to admit, I do like the fight.

“Sometimes you do have to fight with people. You have a police officer who’s not telling the truth. You’ve got to kick his butt,” Lyon said, recalling a triple-homicide case she tried some years ago, which resulted in an acquittal.

She had come to the conclusion that her client, who had given a confession, was innocent.

“When I was cross-examining the police officer who got the confession I went after him pretty hard, because he deserved it. I made him so angry that he left the stand,” said Lyon, who presumed he was walking toward her to hit her.

“He was striding to me and then he remembered where he was. He was so angry, and I just looked at the jury and the jury kind of just looked at me. And I sat down. I was done.”

At times intense, the 6-foot-tall Lyon has an imposing presence, but, said Crystal Marchigiani, chief of the public defender’s Homicide Task Force, “she’s very open, nonjudgmental. She’s a very empathetic friend.

“She wants to know everything about you. She’s a person with a great interest in people, which I think is why her clients revere her the way they do,” Marchigiani said.

Lyon: “I’d like to think that it’s

a healthy balance of ego

and idealism at work.”

“The clients know how much work she did for them and how much she cared about them.”

Home from death row

Taking a seat on the front porch of Lyon’s Flossmoor home on the recent Fourth of July, former death row inmate Madison Hobley dug into a slice of apple pie while his toddler son, Milo, played with a football almost as big as himself.

It was not the first time Hobley had been to Lyon’s home, where friends and family had gathered for a cookout and birthday celebration for her husband, Arnold Glass.

With each visit to Lyon’s home, Hobley said, he is reminded of Jan. 10, 2003, the day he was pardoned by then-Gov. George Ryan after spending 13 of his 16 years in prison on death row. Ryan concluded that Hobley was innocent of setting a 1987 blaze that killed seven people, including his wife and infant son.

In the midst of a media frenzy, Lyon — who represented Hobley in his appeals for more than a decade — took him into her home, where he stayed for about a week with her family, including her son, Will, now a senior at DePaul University, and her daughter, Samantha, who will be a freshman at University of Michigan.

“I had to actually pinch myself the next morning,” Hobley said, pointing to a second-floor bedroom window of Lyon’s home. “One minute I was in death row in a cell, the next minute I’m at my attorney’s house looking out the window; it was like a winter wonderland.”

In an interview at her DePaul office, Lyon wiped away tears as she recalled “one of the great days of my whole life.”

“Just seeing Matt [a nickname for Hobley] sitting — not locked up, not shackled and not locked to a chair — on my couch, holding his mom’s hand. Can you imagine anything better than that?”

She is currently representing Hobley in his civil suit against the city, which alleges that Chicago police tortured him and planted evidence to gain a conviction.

Lyon — who praised Ryan for declaring a moratorium on executions in Illinois, for pardoning her client and three other men, and for his order, just before he left office, that commuted the sentences of all death row prisoners to life — was part of the former governor’s defense team during his corruption trial last year. She also assisted with the appeal of Ryan’s conviction, which is still pending.

To Hobley, who often joins Lyon and her family at social gatherings, “Andrea is like a sister to me now.”

Coming of age

As the eldest of four children growing up in Evanston, Lyon, who comes from a “liberal Jewish tradition” attended Evanston Township High School during the civil rights movement.

“I remember watching on television people marching and I remember thinking, ‘This is the stupidest thing I’ve ever seen. Of course everyone is equal — why do people have to have parades about it?’” she recalled. “I was always taught: Everyone is equal. It’s not that I came from this perfect background where everybody was politically correct, but it seemed so puzzling to me that it was necessary to march to say something that seemed so obvious and was, after

all, in our Constitution.”

But the teen quickly reached a conclusion that compelled her to join in the marches and protests over civil rights issues.

“I remember sitting there thinking about it, going, ‘Well, if people feel like they need to march to say this, then it must be because other people say it’s not true. If that’s true, then I have to march, or otherwise I’m like the other people,’” Lyon said. “It sounds really simplistic, but that was the logic I followed.”

Lyon said she knew by age 15 that she wanted to become a lawyer.

“Some of it had to do with just feeling like, in order to have any effect on trying to make the world a better place — which I realize sounds terribly corny, but that’s 100 percent of why I’m a lawyer — that you had to have some skills that would actually allow you to do that,” Lyon said. “Law was then, in particular, a very big vehicle by which social change was happening. *Brown vs. Board* and all of those kinds of cases had huge implications on our society, and lawyers were breaking ground and overcoming obstacles in courts.”

Lyon earned her undergraduate degree from Rutgers University in three years.

“I should’ve taken the extra year and had a good time, but I was in a hurry to save the world,” she said.

She received her J.D. in 1976 from the now-shuttered Antioch School of Law in Washington, D.C., an all-clinical school designed to create public-interest attorneys.

Naturally dramatic

When she entered into the profession as an assistant public defender, she knew of only one woman practicing criminal defense in the private sector. “And she had a brush cut,” Lyon said.

Lyon started out in the appeals division and within a few years had worked her way into the Homicide

Task Force, ending her 14 years in the office as the unit’s first female chief.

In 1990, she founded the Illinois Capital Resource Center to assist with post-conviction representation of all death row inmates in Illinois. She ran the center until 1995, when she joined the clinical faculty at University of Michigan Law School.

Launching her career as one of only a handful of women in the public defender’s office, Lyon had to carve out her own path.

“Part of why I do things a little differently than my colleagues my age is because there weren’t any women. There was hardly anybody doing this kind of work, so I didn’t have somebody to exactly follow in their footsteps,” Lyon said.

Lyon, who describes herself as a “naturally dramatic person,” recalled one of her favorite moments.

“It was when, in a death-penalty case I tried some years ago, the prosecution filed a motion in limine to preclude me from, one: crying in front of the jury and, two: making the jury cry,” Lyon said. “I was so flattered. It was hilarious.

“It happens sometimes, because you’re talking about something really emotional,” Lyon said. “But you can’t put it on. You have to actually feel it. I let myself feel what I feel in court. I think, to some degree, the fact that I was the only woman most of the time everywhere I went and I really couldn’t be one of the boys at all, freed me from some of the constraints other people feel in court. I couldn’t be like them anyway, so why try?”

In a sense, Lyon said, she hopes to “work my way out of a job altogether, at least this job.

“I’m hopeful that as a society we will get to the place where we will understand that this [death penalty] solves nothing. That it is a huge, tremendous waste of resources that could be used to get to that little boy sooner,” Lyon said.

She sees the death penalty as a “failed program.”

“It does not deter crime. It costs more, not less. It doesn’t make people feel better. It doesn’t give this word I hate: ‘closure.’ It forces people to stay filled with hate to feel okay about the death penalty,” Lyon said. “It doesn’t do any of the things it promises to do. If it brought people back to life, I could see the point of it. If it could fix something, I could see the point of it. But it doesn’t fix anything. It just makes us all more barbarous.”

That said, Lyon’s focus at DePaul is, “saving one life at a time.”

“I believe that as the quality of the defense work goes up — which is part of our mission, to make the defense do a better job — then the number of death sentences will continue to go down,” said Lyon.

“If it becomes increasingly unusual, at some point the U.S. Supreme Court should step in and say it’s so unusual that it’s cruel and unusual, and violates the Eighth Amendment. That’s my hope.”

A Scrabble addict who enjoys reading science fiction, works out at least three times a week, doesn’t smoke, and is cautious about drinking — “I’ve seen a lot of lawyers lose to that” — Lyon has learned many lessons that have stayed with her throughout her career.

“The line is thin between life and death, and it’s easily crossed. And everybody — you, me and everybody — under the right circumstances can kill. It’s important to understand that, and that redemption matters,” Lyon said. “Nobody is only the worse thing they ever did.

“If you get people to reach for the better part of themselves — the client, the jury, the prosecutor, sometimes — if you ask them to reach for the better part of themselves, a lot of times they will do it. You’d be surprised.”★