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COVER STORY

In first criminal case, lawyer is defending accused killer

By Eli Wolfe
Daily Journal Staff Writer

LOS ANGELES — Defending someone charged with murder is an exceptional challenge for any lawyer. It's especially daunting for an attorney who's never represented a client in a criminal matter, much less one charged with homicide.

This is the situation faced by Rick Richmond, co-founder and managing partner of Jenner & Block LLP's Los Angeles office. A seasoned commercial litigator, Richmond is busy figuring out the intricacies of his first murder case.

The matter involves a 36-year-old man named Dietrich Canterbury who was charged with one count of murder in connection with the death of another man outside a Hollywood nightclub in October 2016. *People v. Canterbury*, BA451429 (LA. Sup. Ct., filed Nov. 1, 2016).

Richmond characterized Canterbury as an upstanding former college football star who got caught in a bad situation. He said Canterbury threw a single punch in self-defense in the midst of a street fight he did not start or finish.

"That's not your typical person who would be charged with murder," Richmond said. "I felt on a personal level this defendant has been treated unfairly, and I want very much for him to receive just and fair treatment."

Richmond said he learned about Canterbury's case from the firm's managing partner, Terry Truax, who in turn had heard about it through friends of family in a church setting. Richmond agreed to take Canterbury as a pro bono client because the family exhausted most of their financial resources with



Daily Journal photo

Rick Richmond, co-founder and managing partner of Jenner & Block LLP's Los Angeles office, usually handles commercial matters. But for the first time, he is defending an accused murderer.

other defense attorneys in the case's preliminary stages. A trial date has not been set.

Coming from a civil background, Richmond was taken aback by the restrictions underlying his criminal matter. As an example, he cited the difficulty of communicating with someone who is incarcerated.

"For nearly a year, our client was in jail and not able to post bail," Richmond said. "It was a big challenge to interact with him compared to a typical big law client where you're in constant communication by phone and by email."

"It's an amazingly challenging process just to have your client come to court," he said.

Focusing on a single client is a departure from Richmond's previous pro bono case, which dealt with several community organizations suing California for allegedly failing to distribute \$331 million in settlement funds earmarked for

homeowners harmed by the mortgage crisis.

The case raised interesting questions about the role of the state Legislature, but it also touched on a fundamental question of fairness in the criminal justice system.

"Is any person in our country above the law?" Richmond asked.

Despite their lack of familiarity with criminal matters, attorneys like Richmond provide an important safety net in the justice system by representing defendants pro bono, said Elisabeth Semel, a UC Berkeley professor and former director of the American Bar Association's Death Penalty Representation project.

Semel said Jenner & Block has a strong track record defending individuals in murder cases, but that this normally occurs at the post-conviction and appellate stage.

"It's fairly unusual in California to participate at the trial level,"

Semel said. Semel applauded the initiative of civil litigators who want to help indigent clients, but expressed mixed feelings about their participation in complex criminal matters.

Her concern is partly rooted in Proposition 66, an initiative to expedite death penalty cases in California. One of the proposition's provisions requires lawyers appointed to homicide cases to work on death penalty matters.

Semel said this rule is preposterous because it overlooks the specialized experience needed to effectively represent a defendant facing the death penalty.

"I don't want to suggest for a minute that because the lawyers in Jenner have made a careful, thoughtful decision about what their firm can handle that this should be interpreted to mean any civil lawyer can take a murder case or any other criminal case," Semel said.

Canterberry faces a prison sentence of 25 years to life if convicted as charged, according to the Los Angeles County district attorney's office. The DA declined to comment because the case is ongoing.

Richmond emphasized that Jenner & Block has a long history of representing individuals accused of murder, which dates back to when the firm launched its pro bono program in the 1960's.

He said he has a strong legal support team on the Canterbury case and is drawing on the experience of defense attorneys in the firm's Chicago office.

"It's part of our DNA at Jenner & Block to provide pro bono representation in the communities where we serve," Richmond said.