

Presumption of Finality: Letty Di Giulio's Capital Decision

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Abstract: Capital defense attorneys are part of a specific subset of the criminal justice system which solely focuses on representing defendants who are facing the death penalty. For Letty S. Di Giulio, becoming an attorney seemed like her natural path given her father's legal legacy as a prominent criminal defense attorney in Louisiana. However, when she was faced with a significant loss the summer before her last year of law school, she had to come to terms with the psychological toll capital defense attorneys face when a client is executed. She was at a crossroads: Di Giulio had to choose whether to adhere to a career devoted to defending capital defendants at the mercy of the state or to reevaluate the vocation she had imagined for herself her whole life.

Prologue

The pale afternoon light of New Orleans's summer seeped through the front office's window, landing on a painting so colorful its mesmerizing pattern almost shined. Covertly placed, the artwork might have been seemingly unremarkable to the unknowing, but for this woman, it was a relic of a momentous juncture in her career. It wasn't often that she would stop and truly take in the piece's painfully beautiful meaning, thinking about the story it reminded her of, hidden beneath the brushstrokes. When she did, an inexplicable sense of renewed purpose filled her. She took pause as she thought of the man who gifted her a not-too-different painting over two decades ago and who, inadvertently, had a profound effect on her view of the legal career she had envisioned her whole life. Just as she started feeling a subtle melancholy shroud her, the phone rang, and she snapped out of her trance. Regaining composure, she looked down at the stack of business cards sitting on her desk, reading Law Office of Letty S. Di Giulio, LLC, before picking up the phone.

Introduction

"Each of us is more than the worst thing we've ever done."
– Bryan Stevenson (Stevenson 2014, 17)

The presumption of innocence until proven guilty is the backbone of the country's criminal justice system. The U.S. Constitution makes no explicit mention of the term "innocent until proven guilty," yet, criminal defense attorneys dedicate their lives to this legal principle (Teka 2023, n.p.). However, what happens when a court proves the defendant is guilty? The presumption of finality replaces the presumption of innocence in this context. While the latter exists solely at trial, the former plagues post-conviction proceedings. In other words, the moment a conviction is determined, the criminal justice system will work to protect, preserve and perpetuate the conviction (Smith 2020, 114). Post-conviction defense attorneys work against this stubborn, unspoken presumption that can even supersede factual innocence. However, modern stories of capital punishment seldom focus on the attorneys who defend these individuals. Defendants' pleas for mercy rightfully take center stage, yet their experiences on death row are deeply intertwined with the relationship they have with their attorneys. As the

time between conviction and exoneration grows with each decade, prisoners spend more and more time sharing the traumas and stories of their lives with their attorneys, creating complex and very personal relationships that exceed the stereotypical attorney-client dynamics (Death Penalty Information Center 2019). For this reason, pursuing this practice is not a decision that attorneys make lightly.

Born into a family of attorneys, Letty S. Di Giulio was always set on her path to law (L. Di Giulio, personal communication, April 30, 2024) She grew up in Louisiana, once the world's prison capital, with a father who dedicated his life to "backing the underdog" (L. Di Giulio, personal communication, April 30, 2024, n.p.). With this background, she developed at an early age a strong desire to fight for those who found themselves at the mercy of state and federal courts. Her father's legacy led Di Giulio to pursue a career as a criminal defense attorney defending clients with complex backgrounds and troubled life stories, particularly ones already behind bars. In her journey to this revered profession, Di Giulio's determination never wavered. That is, until she was faced with the insurmountable loss of a client during her last year of law school that made her realize the true extent of the heavy emotional and psychological toll capital defense work requires. She was faced with a decision: continue fighting the good fight against the capital punishment system, or to change her focus within the legal profession to save herself the personal burden and mental strain capital defense exerts on attorneys.

Letty's Beginnings: Born for the Bar

Letty S. Di Giulio was born in Norwich, Connecticut on April 6, 1974 (L. Di Giulio, personal communication, April 30, 2024). After moving to Louisiana at an early age, her parents divorced and she was raised by her father, whose work as a brilliant criminal defense attorney permeated the Di Giulio household. As she grew up with the echoes of her father's success throughout her childhood, she came to know that his work and unwavering commitment to justice were part of a grander fight for equality that spanned a lifetime. His participation in the March on Washington in 1963 created a lasting impact that eventually led him to advocate for offenders in a state where people from historically marginalized communities were more likely to be incarcerated. In Louisiana, the jail population has steeply increased by 665% since 1970, with 66.2% of sentenced prisoners identifying as Black in 1974 (Langan 1991; Vera Institute n.d.). Moreover, Louisiana has 1,094 prisoners per 100,000 people in the state (Prison Policy Initiative 2021). They currently have the highest percentage of its people incarcerated, which is higher than the overall U.S. rate and any other democratic country around the globe (Prison Policy Initiative 2021). Di Giulio couldn't ignore this facet of her home state; despite her white upper-middle class upbringing, she was keenly aware of the racial and economic inequality endemic in Louisiana's criminal justice system due to her father's work (L. Di Giulio, personal communication, April 30, 2024). This tense socio-political atmosphere could have made her feel helpless, but Di Giulio found constant reminders that there was always something that could be done. Growing up, people approached her countless times while in Baton Rouge and New Orleans to tell her how her dad "had saved their lives," or "allowed them a second chance that they had never been given before," which had a profound and lasting effect on her character and aspirations (L. Di Giulio, personal communication, April 30, 2024, n.p.).

With an activist and social justice champion for a father, Di Giulio felt the sky was the limit professionally, and she was deeply committed to following in her father's footsteps. Criminal defense had become a family business for the Di Giulios, and her father was committed to ensuring that his three daughters "never had any inkling that there were limitations on what [they] could achieve or where [they] could go based on [their] gender" (L. Di Giulio, personal communication, April 30, 2024, n.p.). Named after Letty Cottin Pogrebin,

a social activist icon of the 1970s who co-founded the trailblazer feminist publication *Ms.* magazine, feminism was woven into her life before she even knew it. Even more so, her parents taught her that the ways in which she differed from men were advantages rather than hindrances. To that extent, her upbringing did not only give her the confidence to pursue a career as a criminal defense attorney but also helped her discern that she could take on “even more emotionally challenging cases—capital cases—than many men can really handle” (L. Di Giulio, personal communication, April 30, 2024, n.p.). In this manner, she aimed to continue building on her father’s legacy by delving into one of the most complex sub-specialties within criminal defense law.

Gender Bias in the Courtroom: Criminal Defense Attorney or Not?

After graduating from Tulane University in 1996 with a Bachelor of Arts in English, Di Giulio took a gap year before continuing to law school (Di Giulio 2023). She worked at her father’s New Orleans law office during this time to obtain a real look at what her career might look like. During this time, Di Giulio gained practical experience that allowed her to grasp an idea of the day-to-day demands of the career path she had imagined for herself throughout her early life. Although she had supported her father’s work by answering the phones and doing other secretarial work at his Baton Rouge office in the past, this experience was her first impression of what being a criminal trial attorney truly entailed.

The inherent difference between defense lawyers and trial lawyers is the stage at which they become involved in a case. Typically, defense lawyers will focus on the cases before they go to trial where they advise clients regarding plea deals, potential case dismissal, and other pre-trial proceedings that will favor their clients by avoiding going to trial (Sullivan 2020). However, many cases do not reach a resolution during this stage and must go to trial. To that end, most legal teams require a trial lawyer with expertise in these courtroom proceedings to head legal strategy and client representation under these new circumstances. Regardless, these two sub-specialties often merge with each other. Appellate and post-conviction lawyers, by contrast, have a starker difference since they handle the case when a client is found guilty, and in the consequent stages of challenging convictions and such.

The legal profession is widely male dominated, so it is unsurprising that trial courts are intrinsically sexist in their nature (Kramer and Harris 2023). For centuries, men in England settled most disputes through trials by battle, before transitioning to the trial by jury that is common today (Leeson 2011). Even with this shift to a more civil environment, several elements of the battleground remained. European judicial systems labeled their judicial bodies with masculine names such as Norway’s “laugrettomadr,” or “law-amendment-men” in English, depicting the male order which trial courts preside under (University of Pennsylvania Law Review 1921, 8). In this age-old battle that continues to plague today’s trial courts, judges and juries hold limited space for women in the power hierarchy, particularly female attorneys. The American Bar Association’s Commission on Women in the Profession commissioned a groundbreaking empirical study which found that in criminal cases, men are almost four times more likely than women to be trial attorneys, with 79% of trial attorneys being male (Scharf and Liebenberg 2015). Di Giulio was aware of the gender disparities in her desired profession. She “had a definite sense that, even among the most liberal attorneys, this was considered men’s work” and she would have to “work twice as hard to gain half the respect that a man would walk into court having, deserved or not” (L. Di Giulio, personal communication, April 30, 2024, n.p.). Yet, in 2023, women made up 56.2% of law school students and 50.3% of law firm associates; although the gender makeup of the legal profession is shifting, the archaic social and professional practices do not yet reflect this change (American Bar Association 2024; National Association for Law Placement 2023). An assistant law professor at Louisiana State University Law Center, Kat Macfarlane, pointedly stated: “Women in the public sphere,

who argue cases in federal court ... already find themselves ‘sitting at the table’ ... but once they’ve taken their seats, they still are not recognized as legitimate speakers” (Lee 2016, 234). Constantly having to prove oneself in a professional setting can also contribute to burnout due to how the legal profession demands constant competition, self-sufficiency, and eliminating or neglecting individual emotional needs (Norton, Johnson, and Woods 2016). Case in point, for Di Giulio, living in the Deep South exacerbated this feeling of gender disparity as she constantly had to prove herself and her worth to her male superiors and colleagues alike (L. Di Giulio, personal communication, April 30, 2024).

Di Giulio recalled a specific instance of stark realization that helped her understand the multiple ways that gender bias seeps into trial proceedings. While observing court in a federal drug case involving multiple defendants, she accidentally knocked over a glass of water and one of the more established male attorneys gave her his handkerchief to clean up the small mess. Surprised by this seeming act of chivalry, she found herself feeling grateful at this seeming act of chivalry, only for him to remind her of an unspoken traditional gendered expectation of servitude by instructing her to have it washed and returned to him (L. Di Giulio, personal communication, April 30, 2024). This subtle moment of forced domesticity only added to her dislike of the toxic tone and atmosphere she felt was common in trial courts. Despite valuing the expertise and real-life experience she gained from working in her father’s office, she started getting a sense that becoming a trial attorney was not the path she wanted to take within criminal defense law.

Moving North: Di Giulio’s Path in Law School

In the fall of 1997, Di Giulio was ready to embark on the much-awaited journey to law school. The build-up of a lifetime followed her all the way to Boston University School of Law as summer’s warmth began to fade and leaves started to turn. Though Di Giulio thought the move from Louisiana to Massachusetts might be stark, it ended up being a “very natural progression” and ultimately part of her family legacy (L. Di Giulio, personal communication, April 30, 2024, n.p.). After all, her father had also attended law school in Massachusetts at Harvard Law School in the late 1960s. The maternal side of her family had also lived in Massachusetts for most of her life, “so it had always been like a second home for [her]” (L. Di Giulio, personal communication, April 30, 2024, n.p.).

By winter, Di Giulio had begun work in the Criminal Trial Clinic. Although she had not enjoyed trial work in the past, she decided to give it one last try. Unsurprisingly, she found that the toxicity she had experienced in Louisiana trials was not very different in Boston. It quickly became clear to her that “the constant fights with prosecutors and the disdain and apathy from the trial court judges would be impediments to the long-term and meaningful career [she] envisioned” (L. Di Giulio, personal communication, April 30, 2024, n.p.). Her experience at the Criminal Trial Clinic reaffirmed that she “was not born to be a trial lawyer,” and she has not worked in a trial office since (2024).

Instead, Di Giulio found herself drawn to capital appeals and post-conviction cases. From her early beginnings, she felt an interest for this work deep down due to the complex emotional labor it required. She felt compelled to address the systemic barriers that disproportionately target minorities and other disadvantaged populations (2024). According to the United Nations Commission on Human Rights, people from lower socio-economic backgrounds, in this case, indigent defendants, have limited access to quality legal assistance, little to no means to post bail, and a narrow understanding of their rights (Callamard et al. 2017). These circumstances make it more likely a jury will impose a death sentence, mainly due to a weak defense or due to bias from law enforcement and prosecutors. Notably, 1997, the year that Di Giulio began law school, saw the highest number of executions nationwide since the death penalty was reinstated in 1976 (DPIC 1997).

These inequities, coupled with her innate search for equality in the criminal justice system, led Di Giulio to seek an internship focused on capital defense. By 1999, she was working at the Center for Death Penalty Litigation in North Carolina (CDPL), a nonprofit law firm focusing on capital defense representation with a particular commitment to exposing “racism within the criminal punishment system” (CDPL 2022, n.p.). In 1999, North Carolina ranked fifth among states with the most prisoners under the death penalty, holding 5.7 percent of inmates across the country (CDPL 2022, n.p.). Nationwide, 43% of prisoners on death row were Black, and the percentage of inmates who had not received an education beyond eighth grade was larger than that of those who had attended college (Snell 2000). According to the UC Davis Center for Poverty and Inequality Research, the historical disproportionate access to education in predominantly Black communities is directly linked to this racial gap persisting in incarceration rates (Eriksson 2018) Evidently, race, poverty, and incarceration are deeply related. To that end, Di Giulio saw capital appeals and capital post-conviction work as more than just pleas for mercy. She viewed defending the guilty’s constitutional rights as “the most substantial civil and human rights work that one could do as a criminal defense attorney,” and so her work began (L. Di Giulio, personal communication, April 30, 2024, n.p.).

Empathy at a Cost? Harvey Green’s Plea

While interning at the CDPL, Di Giulio had the opportunity to work on Harvey Green’s case. Harvey Lee Green Jr. was born in the predominantly Black city of Bethel, North Carolina to a Black share cropping family of a socioeconomically disadvantaged background (Capital Punishment Clemency Petitions n.d.; Data USA 2023). As a teenager, Green dropped out of high school and enlisted in the U.S. Army. A month before his arrest in 1983, Green returned to his hometown after the Army discharged him for bad conduct (Capital Punishment Clemency Petitions n.d.). He had no money, was a substance abuser, and had no opportunities at his disposal. He entered a dry cleaner carrying a toy gun with the intent to rob the establishment, eventually using a pipe he found at the scene to bludgeon Sheila Bland and John Edmunson. He confessed to the murders weeks after the killings, cooperating with the police by providing the location of the murder weapon and the bloody pants he was wearing when the crime took place. The judge determined that the murders were not premeditated, yet the Court sentenced him to death on two counts of first-degree murder and two counts of common law robbery in November 1983 (*State v. Green* 1994). To that end, Green became one of many young Black men on death row. In 1992, Green received a new sentencing due to erroneous jury instruction during his initial trial. The appeal courts rejected a claim where his defense alleged that his sentencing was tainted by racism, given the prosecutor’s systematic removal of black people during the jury selection process (Amnesty International 1999). Green’s defense team was concerned about potential racial bias given Green was a Black man with two white victims. During the jury selection process for his initial trial, “the prosecutor removed five of six prospective Black jurors, but only one of 26 white jurors” (Amnesty International 1999, n.p.). The re-sentencing hearing presented the same issue, with only one Black juror amongst 11 white counterparts. Despite this hurdle, Green prepared a statement of remorse, which he hoped to read to the jury. In the 10-page statement, he wrote:

I am truly sorry for the crime and pray that the families would forgive me. I pray that they would find it in their hearts to forgive. I know that their pain is great and sometimes unbearable. If it were in my power to reverse things, I would. Not for my sake, but so that they would be able to fulfill the void left in their hearts. I lost all my morals and value and worth as a human being and hope and pray that society would forgive me. You, of the jury, will decide my

fate, whether life or death. Thank you for listening to me and for taking the time to sit upon my jury. (Amnesty International 1999, n.p.)

He was not granted the possibility of addressing the jury, his claim of racial discrimination was rejected, and he was re-sentenced to death.

In 1999, Di Giulio's summer internship at the CDPL was coming to an end. Her time spent on Green's case in North Carolina reaffirmed her determination and dedication to this area of the law, showing her that much work was still to be done. Although she was simply an intern, his case highlighted the structural inequalities and challenges young Black men in the U.S. had to face. Socioeconomic hardships and systemic racism limited the opportunities available to these young Black men. Di Giulio saw his creative talents and his kind demeanor and wondered what his life would have looked like if his circumstances had been different and if he had not had to fight against a system working against him.

Back in Boston and ready to start her final year of law school, she found herself staring at the artwork Green had shared with her, which was a striking piece, but also of the thoughtful nature of his character. Inmates found comfort in creative outlets while serving their sentences. Many of the people sitting on death row were extremely talented individuals who dedicated their free time while serving their sentences to these hobbies. Many participate in Restitution, a program allowing inmates to sell their art with the intent that the proceeds go to the families of their victims or a charity of their choice. His victims' families denied the donation, so he chose a charity focused on preventing children from becoming involved in criminal activities (Amnesty International 1999).

On September 24, 1999, Harvey Lee Green received the lethal injection after a number of failed appeals and petitions. In Pitt County, where the crime took place, 88 murder cases were prosecuted from 1983 to 1992. Three of the four cases where the state sought the death penalty had white victims and Black defendants, even though two thirds of the 88 murders had Black victims (Amnesty International 1999). Harvey Green became another statistic that reflected the apparent disparities in sentencing which were an inevitable aspect of the criminal justice system, according to the U.S. Supreme Court (*McCleskey v. Kemp* 1987, n.p.). For Di Giulio's story, his death marked a pivotal point in her career trajectory.

A Commitment to Capital Defense: Compromising Sanity

While grappling with this loss, the more emotionally demanding aspects of post-conviction work became clear to Di Giulio. Although the legal profession generally exerts an emotional toll similar to any other helping professions, attorneys in practice areas like criminal, family, or juvenile law are particularly vulnerable to compassion fatigue. Compassion fatigue refers to the "cumulative physical, emotional and psychological effect of exposure to traumatic stories or events when working in a helping capacity" (American Bar Association n.d.). Unfortunately, compassion fatigue is one of many aspects of the cost of caring. This term refers to the occupational hazards helping professionals experience as a result of working with vulnerable and traumatized populations (Figley 1995). Further, conditions such as professional burnout, vicarious trauma, and secondary traumatic stress are exacerbated due to the extremely competitive nature of law, the isolated work conditions in private practice, and the overall effect of such an adversarial system which encourages competition and fosters stressful environments in attorneys' personal and professional lives (Tavassoli 2016; Norton, Johnson, and Woods 2016).

Furthermore, in capital defense, there is a long-term empathetic engagement at play that aggravates and prolongs the effects of trauma fatigue in attorneys (Norton, Johnson, and Woods 2016). Starting at the crime itself, post-conviction attorneys must familiarize themselves with every aspect of the case. In Di Giulio's words, "just reading testimony about the facts of the

crime, looking at photographs of the deceased victim(s), reading testimony about the impact that the loss of the victim has had on the family” induced secondary trauma for her (L. Di Giulio, personal communication, April 30, 2024, n.p.). Moreover, interviewing the clients and investigating their life stories, many of which detailed accounts of extreme sexual, psychological, and physical abuse, can be draining and burdensome. Nonetheless, it is necessary for attorneys to build such connections to their clients in order to represent them accurately and humanize them to judges and jurors alike. Without knowing every single fact about the case and the defendants themselves, it is difficult for post-conviction attorneys to create these empathetic connections that are vital to building a defense that will grant them mercy.

In addition, the public and the criminal justice system brutally dehumanize defendants who have been found guilty of violent crimes, especially in death penalty jurisprudence (Purden 2024). Society views capital defendants as reprehensible, bottom-tier individuals as a result of their convictions, often rendering their attorneys as their sole advocates. Thus, post-conviction work is often done in solitude and can lead to long hours of isolation combined with constant scrutiny by their communities (Tavassoli 2016). Outsiders question their work by asking: how can you represent those people? Without a deep understanding of the circumstances leading up to defendants’ crimes, outsiders tend to dehumanize the accused by judging them solely for their crimes. According to several studies in psychology and criminology, many of these individuals were not born killers and are often victims of severe childhood abuse and subsequent trauma (Davies 2018). Outsiders misconstrue capital defense work which adds to the compassion and trauma fatigue as it denies “the human dignity of capital defendants and death row inmates,” consequently disenfranchising the experiences of those who speak up for their lives (American Bar Association 2024; Tavassoli 2016, xi). Their work is morally compromising in the eyes of the public, adding to their alienation in an otherwise seemingly respectable line of work.

To that end, Di Giulio found it particularly troubling to work within a system bent on killing her clients since “there is no manual for a lawyer on how to fight for your client’s life while helping him die” (Tavassoli 2016, 29). Post-conviction attorneys often offer support and personal counsel to their clients once they reach a certain point in their path to execution. Knowing that attorneys were often trapped in bearing the responsibility of restoring the defendant’s humanity, voice, and right to life, Di Giulio found herself staring down the barrel of a harrowing career path. When losing means death, capital defense attorneys must navigate the grief of losing someone akin to a friend and with the guilt of knowing they couldn’t prevent it (L. Di Giulio, personal communication, April 30, 2024).

The possibility of a client dying is painfully real, evident in Di Giulio’s early career experience with Green’s execution. The harsh reality is that clemencies are extremely rare in capital cases. Since 1976 less than two clemencies, on average, have been granted per year in the U.S. (DPIC 2017). Combined with the usual high case load these attorneys handle, many argue that law is one of the few professions where practitioners must deal with such loss and pain without much support or guidance (Tavassoli 2016). However, for Di Giulio, the conviction to keep fighting for the underdog despite the professional and personal challenges was hard to revert. Having come face to face with this transformative experience that opened her eyes to the surprisingly devastating and helpless aspect of her profession, Di Giulio faced a monumental decision (L. Di Giulio, personal communication, April 30, 2024). Should she continue down an emotionally taxing yet rewarding path that honored her family legacy of fighting for justice, or should she alter her legal trajectory to shield herself from the hurdles of capital defense?

Even as she re-acquainted herself with the bustling corridors of academia, her experience in North Carolina lingered. Sitting at her desk again, she peered at Harvey’s

artwork, disheartened that she still had it after he had been executed when she had hoped to return it to him. Instead, she put pen to paper in order to send it to his parents. With each stroke of the pen on the envelope, she felt a strange sense of resolution tinged with apprehensive determination. In that moment, she allowed herself one final look at the kaleidoscope of colors that seemed to represent all the different roads she could take. With the sun setting on her law school career, she knew deep down the answer to her question. Grappling with the implications of this potential decision, she knew that this would not only mold her career, but it would also give new meaning to her search for equality as an advocate for justice.

Conclusion: The Key to Capital Defense

Following Green's execution, Di Giulio came to a very simple conclusion. The nature of capital defense work, at its core, lies in the fundamentally human aspect of it:

One human kills another human; then, humans who make up the government decide that the other human should die for killing a human; and my job is to remind the humans sitting in judgment that we are all—the client, the judges, the juries, the attorneys—just flawed humans. (L. Di Giulio, personal communication, April 30, 2024, n.p.)

Though this choice may be difficult for many, it was only natural for Di Giulio. Her experience on Green's case unquestionably strengthened her determination to become a capital defense attorney. Her choice came down to this humanity element, for it was the experience of meeting a client, knowing the ins and outs of their life stories, and having the privilege to help them restore their livelihoods that ultimately drove her passion. Her interactions with Green confirmed a belief she had always held: there are no monsters on death row (2024). Reflecting on this loss, Di Giulio said:

Learning that the State had executed [Green] – this thoughtful, remorseful, and fundamentally decent person, not long after I returned to law school for my final year—convinced me that it was the State that does not know right from wrong. (2024, n.p.)

Reaffirmed in her path to law, Di Giulio continued to graduate from law school in Boston, eventually moving to Chicago to start her career handling criminal appeals for the Illinois Appellate Defender. However, wanting to be closer to her family before starting her own, she moved back to Louisiana. This move signified the beginning of a career devoted almost exclusively to capital clients. After spending eight years with The Capital Appeals Project and The Capital Post-Conviction Project, she opened her own law practice, Law Office of Letty S. Di Giulio, LLC, where she has handled a range of capital and serious felony cases, as well as pro bono work, for the past 13 years. In 2024, she joined the Federal Public Defender's Office as a capital habeas researcher and writing specialist.

Though she holds firm commitment to capital defense, Di Giulio still acknowledges the heavy emotional and mental tolls of the job, particularly for women. She recognizes how common trauma fatigue is amongst attorneys, having experienced it herself, especially in capital defense. Di Giulio said: "In Louisiana more than many other states, you have to get used to losing even when you are right and even when your client is innocent" (L. Di Giulio, personal communication, April 30, 2024, n.p.). She tries not to feel demoralized by these losses by reminding herself that initial legal outcomes can always change, both through subsequent proceedings and through changes in legislation. After all, the capital clients she filed clemency

applications for are still going through litigation in state post-conviction or federal habeas corpus (2024).

Women working for justice are burdened by several invisible struggles, therefore, it is crucial to acknowledge the labor being done to move closer to an equitable system through institutional change and examples from attorneys like Di Giulio. In many ways, her work is one that reflects a deeply personal commitment to justice and advocating for the humanity of those behind bars. Her commitment to her work is not only connected to her passion for law, but also to her continued dedication to advocating for and preserving the dignity of those society has forgotten.

At the heart of it, the reason why she has managed to continue working on these harrowing cases for the past 25 years is because of the relationships she has built with her clients. Di Giulio believes that “other than a firm grasp on the law, one of the most basic requirements for a successful career in capital defense is empathy” (2024, n.p.). Through this empathetic engagement, which she says has deepened since becoming a mother, she has become her clients’ ultimate advisor and advocate. The only way for her to represent, and therefore, humanize them in this way is to become their friend and their family as well. Though one might think this would make the losses weigh heavier, the reality is that the only way to deal with their deaths is through this connection (2024). In becoming family, she gains as much from her relationship with her clients as they do, if not more. After all, how can justice be served equally for all if we refuse to empathize with those caught within the grasps of the criminal system?

In many ways, Di Giulio’s story goes beyond the victories and losses of her cases. Working in the male-dominated and racially biased legal system has shown her that compassion does not compromise strength. It is the compassion fostered in these human relationships, both within and outside her work, that has allowed her to lead with relentless conviction. This understanding of capital defense work challenges us to reimagine our conception of justice in this country and who is truly benefited by criminal systems. Further, it leads by example, showing that empathy is a key aspect of humanity and a tool that allows for transformation. If we cannot recognize the humanity of those we condemn, then is it even justice that we are upholding?

Like Supreme Court Justice William J. Brennan wrote in his dissenting opinion in *McClesky v. Kemp*, “Those whom we would banish from society or from the human community itself often speak in too faint a voice to be heard above society's demand for punishment” (1987, n.p.). Letty Di Giulio’s role in elevating and restoring capital defendants’ voices could not be possible without the trust she builds with each client, paving the way for their pleas to be heard so their humanity could finally be recognized.

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