

SHON HOPWOOD, STEPHEN GLASS AND SECOND CHANCES IN AMERICA

Say what you will about District of Columbia Circuit Court of Appeals Judge Janice Rogers Brown, and much has indeed been said by both sides of the ideological divide, but she has done something truly remarkable and admirable. Brown has accepted Mr. Shon Hopwood to be one of her clerks.

From Tony Mauro at the Blog of Legal Times:

Shon Hopwood's unique career in the law has taken a dramatic new turn. The onetime jailhouse lawyer who served time in federal prison for robbing banks has been hired as a 2014 law clerk for Judge Janice Rogers Brown of the prestigious U.S. Court of Appeals for the D.C. Circuit.

"I'm amazed at the opportunities and second chances I have been given," said Hopwood Wednesday after returning home to Seattle from his interview with Brown on Monday. Hopwood said the judge offered him the job soon after the interview. "I quickly said yes."

While in Washington, D.C. Hopwood, 38, also visited former solicitor general Seth Waxman, who has been something of a mentor to Hopwood for more than a decade. They made contact after a certiorari petition Hopwood wrote for a fellow inmate while in prison was granted review by the Supreme Court. The 2004 case was *Fellers v. United States*. Hopwood chronicled his experiences in the 2012 book *Law Man: My Story of Robbing Banks, Winning Supreme Court Cases, and Finding Redemption*.

Redemption is right, and a wonderful story of it this is. You see, Hopwood was not a simple wayward youth in minor scrapes with the law, as he told Adam Liptak in 2010 (in a really must read piece):

"We would walk into a bank with firearms, tell people to get down, take the money and run," he said the other day, recalling five robberies in rural Nebraska in 1997 and 1998 that yielded some \$200,000 and more than a decade in federal prison.

Ugly stuff. From which a flower of brilliance has bloomed from the second chance of American opportunity. Just how special the rehabilitation and dedication of Hopwood has been comes in a rather amazing exchange between Hopwood and the federal judge who sentenced him, Richard G. Kopf of the Nebraska District. Kopf, it turns out, has a blog and took to it to state how wrong he had been about Hopwood:

Hopwood proves that my sentencing instincts suck. When I sent him to prison, I would have bet the farm and all the animals that Hopwood would fail miserably as a productive citizen when he finally got out of prison. My gut told me that Hopwood was a punk—all mouth, and very little else. My viscera was wrong.

As if such a heartfelt admission by a seasoned federal judge were not enough, Hopwood appeared in the comments to engage in a remarkable interaction with Kopf, and said:

I wouldn't say that your sentencing instincts suck. While I meant what I said at sentencing, I was hardly the person that could back it up. I was a reckless and selfish young man back then. I changed. I think most of us change from the age of 22 to 38. And

many, like me, outgrow the irresponsibility and foolishness. I can't tell you how many law enforcement officers (including prosecutors) have come up to me and said something similar to this: I know your story and I too committed some crimes when I was young (although not in the category of bank robberies), and I was lucky enough to not get caught. They changed and channeled their energies and became responsible professionals. I did, too.

It is all pretty breathtaking and fantastic, and hat's off to both Shon Hopwood and Janice Rogers Brown for having the courage and conviction to make this happen. On other days I would likely be taking fairly strong issue with Brown's legal handiwork, but not today, and not here.

But the story of American second chance is a fickle and uneven one. For every Shon Hopwood, there are a lot of broken dreams of redemption left scattered, and shattered, on the ground.

This is where the hope of Hopwood meets the flip side of the coin of chance, and both have strong nexus to the Supreme Court of California. From whence Janice Rogers Brown once came, the second part of this story now resides in the name and form of Stephen Randall Glass.

Mr. Glass never robbed a bank, terrorized citizens with firearms or stole money, but he took something extremely precious – truth and honesty – from readers of his journalism. In pretty much exactly the same time frame Mr. Hopwood was robbing banks, Mr. Glass was robbing his readers.

Stephen Glass also, like Shon Hopwood, has a story of bottom to top redemption with a culmination in the love, study and practice of law – or at least hope to do so. Glass' case is now before the California Supreme Court (yes the prior haunt of Janice Rogers Brown) and has been for over a year and a half waiting...waiting...for a

decision.

Let his attorney, Jon Eisenberg, paint the picture from the merits brief lodged on January 3, 2012:

Second chances are an American story. This case is such a story – one of redemption.

Stephen Glass has applied for admission to the California bar. For more than 13 years he has worked diligently to build a good and honest life. His present moral character is outstanding.

But he has had much to overcome. From 1996 to 1998, when Glass was 23 to 25 years old, he committed egregious misconduct, writing 42 fabricated articles for The New Republic (TNR) and other magazines until his lies were exposed and his journalism career ended. Yet Glass, now age 39, has rehabilitated himself during the past 13 years, successfully negotiating a long and difficult road. The law looks with favor upon bar applicants who redeem themselves from prior misconduct. (Pacheco v. State Bar (1987) 43 Cal.3d 1041, 1058 (Pacheco).)

After a ten-day trial with 27 witnesses and thousands of pages of documentary evidence, the State Bar Court's Hearing Department and Review Department both concluded that Glass has achieved the good moral character required to practice law. The Committee of Bar Examiners (Committee) disagrees. This court will decide.

Indeed, the California Supreme Court will decide.

The parallels between the tracks of the two men are stunning. Both have displayed a contrite determination to redeem and improve themselves

over the same fourteen year period, and both have found their way in the law.

Yet one man, Hopwood, the one who quite arguably committed the worse, and definitively violent criminal, conduct is being given a chance in the hallowed halls of the second highest federal court in the land. A chance he has well and admirably earned. But if that is the case, and it is, then so too has Stephen Glass. The Supreme Court of California has inexplicably kept his case on ice for over a year and a half.

The American dream of redemption and second chance only is meaningful if it exists in more than isolated instances. Chief Judge Tani Cantil-Sakauye and the other justices of the California Supreme Court have a chance to follow the admirable lead of their former colleague Janice Rogers Brown by giving Glass a shot at redemption. Will they take it? Will all the internet and print writers and pundits who have rightfully applauded Shon Hopwood's second chance do the same for their once famed, and now disgraced, colleague? Where lies the fickle line of possibility for redemption?