



**James K. Jenkins**  
Atlanta, Georgia

**J**ames K. Jenkins was born in Oak Park, Illinois, an only child of upper middle-class parents. Both of his parents were from rural Nebraska. They graduated from college during the Depression and neither were able to find work as teachers. As a result, his father took a job with a credit and insurance investigation agency. The Jenkins family considered Atlanta, the home office of his father's company, as their home, though they moved every three years for the first 14 years of Jim's life.

Jenkins attended Dartmouth College in Hanover, New Hampshire, majoring in government and urban studies. Though he was an excellent student (graduating Summa Cum Laude in 1971, a member of Phi Beta Kappa), he was also a ski instructor and active in Students for a Democratic Society (SDS) and the anti-

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war movement, both on and off campus.

Despite his stellar academic credentials, Jenkins was rejected by all six law schools where he applied ("those were the days when law school applications required a letter from your college dean which addressed 'disciplinary problems'—a code word for political trouble-maker"). He spent a year writing copy for a public relations firm and working as press secretary to the Majority Leader of the Georgia Senate.

During that year Jenkins was also arrested in an anti-war demonstration at the Pentagon, along with 300 other people, including Chicago Seven defendant Dave Dellinger and anti-war activist and pediatrician Dr. Benjamin Spock. "We were represented by NACDL members Phil Hirschkop and Marvin Miller. Marvin had the unenviable task of coming into the large dorm of male prisoners to communicate each ensuing plea offer, which we insisted on rejecting. After four days of negotiations, we finally agreed to vacate the jail after paying token fines for disorderly conduct."

Jenkins entered law school at the University of Michigan in 1972. "I found it to be filled with grim, humorless individuals, most of whom carried briefcases, whose only desire was to make law review so they could get jobs with Wall Street firms." Nonetheless, he found a group of "kindred spirits" and together they organized active chapters of the National Lawyers Guild and the Black Law Students Alliance. "We did our best to afflict the comfortable at the institution," Jenkins admits.

In one well publicized demonstration

involving Supreme Court Justice William Rehnquist, who had come to judge the moot court finals, representatives of the Black Law Students Alliance marched down the aisle and personally served the Justice with a statement, including quotations from his opinions, as to why he was not welcome at Michigan Law School. At the same time, nine other students, including Jenkins, rose in the middle of the audience, wearing black robes with Nixon pig masks, and led a walk-out from the proceedings. "Great fun was had by all, except the Dean and a major part of the faculty," Jenkins says.

**A**lso during law school, Jenkins worked on the extensive criminal cases which arose out of the rebellion at Attica Prison in 1972. Jenkins worked the first summer in New York with a grant from the Law Students Civil Rights Research Committee (LSCRRC), and thereafter as a volunteer. "This was my first introduction to mass defense work, political cases, and a number of innovative defense techniques that developed into highly effective tools in later years—especially jury composition challenges and other jury work which evolved into the National Jury Project."

Jenkins graduated from law school in 1975, magna cum laude and Order of the Coif. He turned down an invitation to join law review in favor of working on the Attica cases.

Upon graduation, Jenkins returned to Atlanta, where he joined NACDL members Reber Boulton (now of Albuquerque) and Al Horn (who died in 1984) in forming the Law Project, a political coopera-

## NEARY (cont.)

sion, subsequently affirmed by the appellate courts, holding these road blocks to be unconstitutional.

More recently, Neary has developed a specialty representing lawyers under subpoena. In one of his cases, *In Re Nackson*, in which the lawyer had been subpoenaed to testify regarding the location of a fugitive client, the New Jersey Supreme Court, in a unanimous decision, upheld the attorney-client privilege.

Neary says his philosophy of practicing criminal law "is to be effective for my client. I try to be an aggressive trial lawyer, with an easy-going style, respectful to everyone in the courtroom, including the prosecutor; but ready to rip a witness's head off, if necessary."

"In addition to trial skills, I try hard to develop my talents as an appellate lawyer. I enjoy writing a persuasive brief and arguing it successfully before a court." Neary once argued two cases in front of the New Jersey Supreme Court on the same day and won both cases 7-0! In March, Neary both briefed and argued the issue of the right to jury trial for DWI offenses before the New Jersey Supreme Court for the amicus, the Association of Criminal Defense Lawyers of New Jersey.

Neary says he first became involved with NACDL in 1983 "through the urging of my dear friend, Ira London." He attended his first NACDL meeting in Tucson in 1985 and has been a regular attendee ever since. Neary has served as a Vice Chair of the NACDL Membership Committee for the past two years and has co-authored an *Amicus* brief to the U.S. Supreme Court for NACDL. He has also served as a trustee of the Association of Criminal defense Lawyers of New Jersey (an NACDL Affiliate), is active in the Bergen County Bar Association, and serves on the New Jersey Supreme Court's Committee on Criminal Practice. For the past eight years Neary has also been an Adjunct Professor at Rutgers Law School, teaching legal writing and oral advocacy. He currently teaches a seminar on criminal trial presentation (which includes courtroom experiences which are videotaped).

Neary teaches for the National Institute of Trial Advocacy and is certified as a criminal trial attorney by the New Jersey Supreme Court and by the National Board of Trial Advocacy.

Neary is married to Michelle Neary, who is active in the Friends of NACDL, where she currently serves as Secretary. They have two sons, Aedan (age 6) and

Liam (age 4) both of whom are NACDL meeting attendees. "Both boys are still talking about the fun they had at the opening reception at the Miami meeting."

Of NACDL, Neary has the following to say. "NACDL is like my extended family. I have brothers and sisters throughout the country to travel with, to visit both here in the metro New York area and in their home towns, and to rely upon for professional advice and aid. When one of my clients gets into trouble, anywhere in the country, I have a cadre of top-notch colleagues to call upon. And I am never without help from a James Campbell or a Jeff Weiner when I have a tough problem. Their advice is but a phone call away." ■

## JENKINS (cont.)

and Gerry Goldstein coordinated his defense, along with NACDL member Jim Lawson of Boston. When their Motion to Quash was denied, Jenkins continued to refuse to testify. His lawyers successfully convinced the state that it was not going to obtain Jenkins's testimony—regardless of what action the state took. Jenkins was released "on call," but was never called to testify, and the unnamed client was later acquitted.

Following that experience, Jenkins founded the Lawyers Assistance Committee for the Georgia Association of Criminal Defense Lawyers (and has served as its Chair since 1982) and has worked on a number of cases for NACDL's Lawyers Assistance Strike Force.

An NACDL member since 1978, Jenkins was elected to the Board for his first term in 1987, and re-elected in 1990. He has served on the Death Penalty Committee, Lawyers Assistance Strike Force, and Future Sites Committee. He is currently Chair of the Membership Committee and the Immediate Past Chair of the Law Students Committee, on which he has worked with the Chair (his wife, Wendy Jenkins) to completely reorganize and revitalize the law student program. The Law Student Division will be hosting the first National Criminal Trial Competition this fall in Santa Fe.

Jenkins has also done his share of teaching and lecturing around the country, most recently for the Texas Criminal Defense Lawyers Association and the Tennessee Association of Criminal Defense Lawyers, on the subject of "Defending the Defenseless Drug Case." Since 1985, he has served on the faculty of the National Criminal Defense College. He is currently an Adjunct Law Professor at Georgia State University, teaching Advanced Criminal Litigation.

Jenkins is married to Wendy Jenkins, Esq., the Director of the Clinical Law Program at the University of Georgia School of Law in Athens, Georgia, and a former Pretyman Fellow at Georgetown University.

Jenkins also has handled a number of death penalty cases, beginning with a case in 1978 that arose from a prison riot in the Georgia State Prison in rural Reidsville, Georgia. Black inmates from two dormitories had seized a wing of the prison, which had just been re-segregated under court order. The prison population was overwhelmingly black; the administration and all of the guards were white. By the time the prison was retaken, two white inmates and one guard were dead; another guard had survived 27 stab wounds. An initial group of 26 black inmates were identified, from which six were initially indicted. The Governor of

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Jenkins, who went into solo practice in 1978, spent 1979-1983 as a partner in a multi-state criminal firm involving Keith Stroup, Gerry Goldstein, and others, with offices initially in five states. Says Jenkins, "It was the first national criminal defense firm and probably the last. We handled a lot of interesting cases, earned a lot of money, and spent a lot more money than we earned. Everyone had fun except our accountants."

Jenkins moved to Savannah in 1984 where he practiced as a solo practitioner for three years. He returned to Atlanta in 1987 and is in practice there with partner Bruce Maloy, who is currently President of the Georgia Association of Criminal Defense Lawyers (an NACDL Affiliate).

In 1981 Jenkins received one of the early subpoena attacks on lawyers, when a Vermont federal prosecutor subpoenaed him to testify against a former client in a Vermont RICO case.

## JENKINS (cont.)

Georgia at the time announced the indictments at a press conference, adding that he would volunteer to personally pull the switch to execute the inmates as soon as they were convicted.

Jenkins was lead counsel for the first defendant to be tried in the county where the prison was located.

After voir dire had been completed and 42 "qualified" jurors selected, on the weekend prior to the final jury selection, civil rights leaders Dick Gregory and Hosea Williams concluded a march from Savannah to Reidsville (about 100 miles). The marchers were greeted by a burning cross at the city limits. When it was discovered that one of the qualified panel was involved in the cross burning, Jenkins offered the charred cross in evidence and called the juror as a witness. The juror admitted his involvement and was excused from the trial, but the judge denied a renewed change of venue motion. The case was tried to an all-white jury. Jenkins's client was found guilty of murder; not guilty of the stabbing; and the jury voted unanimously for life rather than death.

After that trial two additional cases were tried in different counties. After one hung jury, and one not guilty verdict, all other charges were eventually dropped. Despite an affirmance by the Georgia Supreme Court and the federal district court, Jenkins was able to obtain a reversal of his client's convictions by the Eleventh Circuit in 1985, in a sweeping rejection of the jury procedures of the trial court. *Jordan v. Lippman* 763 F.2d 1265 (1985). His client entered a plea to lesser charges and was released 18 months later.

Jenkins has remained active in the death penalty area, currently working on two death penalty cases in Georgia. He has agreed to serve as lead trial counsel on remand of a death case in which the jury trial will be solely on the issue of the client's mental retardation, under a new Georgia statute that precludes execution of mentally retarded defendants.

Jenkins says, "My experience in capital cases in the deep South has demonstrated to me the importance of active participation by criminal lawyers in private practice, in both individual death cases and system-wide issues relating to capital representation.

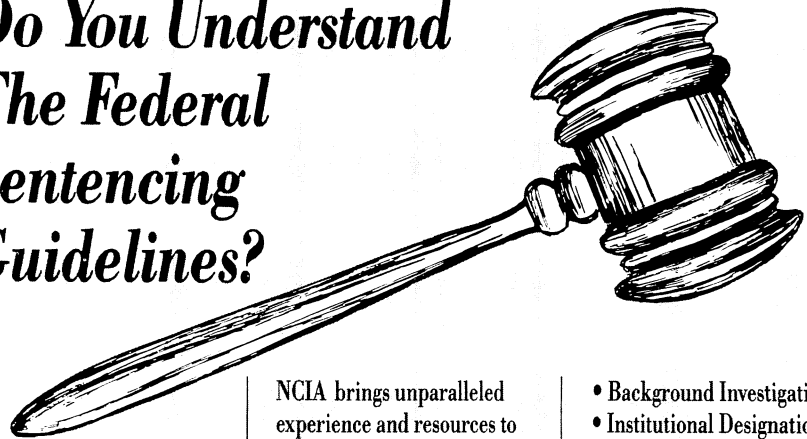
"As my own practice has evolved over recent years from drug defense to an increasing involvement in white collar representation, I have tried to build an economic base and support system that will increase my ability to contribute in the capital arena, where the needs continue to dramatically outstrip our response." ■

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