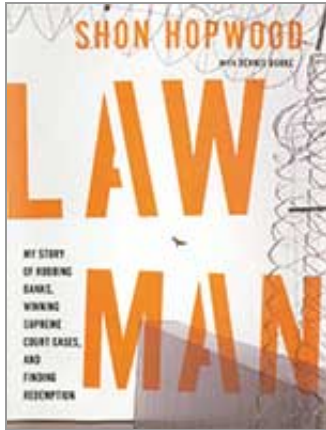


## Ex-con's memoir charts rise from scofflaw to 'Law Man'

by Alex G. Philipson

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The perennial clamor to modernize legal education, and to solve the problem of too many lawyers for too few paying jobs, has done little to discourage Americans from flocking to law school.

Next spring, like so many before, will give bud to a new crop of J.D.s from California to New York. Some will begin their careers with the advantage of having worked as paralegals, victim witness advocates or other legal assistants before law school. Only one, though, will be able to boast of having won victories in the U.S. Supreme Court, not as a staffer at an elite law firm or government office — where any backstabbing would be strictly figurative — but as an inmate at the Federal Correctional Institution in Pekin, Ill.

Meet Shon Hopwood, University of Washington School of Law class of 2014 — and convicted felon. Hopwood's improbable journey from sleepy David

City, Neb., to federal prison, and then to law school, is the stuff of "Law Man: My Story of Robbing Banks, Winning Supreme Court Cases, and Finding Redemption."

For such a stirring tale, Hopwood and co-author Dennis Burke exercise a great deal of restraint in telling it. But whatever pizzazz the memoir lacks in language it delivers in riveting and moving events; it succeeds on its facts.

How does a young man sink from high school basketball star to bank robber? Start with a landlocked hometown that, however pleasing to someone of a tranquil mind, can annoy a jock wishing for a life of more than shoveling cow manure.

Hopwood's irritations were more psychic than physical, though not for a lack of love and support. His parents provided a stable and devoutly religious home. And his father was the one who ignited his passion for basketball. But a sport that might have offered a gateway to a promising future instead proved a trigger for Hopwood's downfall.

On the up side, Hopwood earned a basketball scholarship to a small Nebraska college; on the down side, he was destined not to repeat the star-player status he had achieved in high school.

Dejected, he cut nearly every class and was kicked out of school. He enlisted in the Navy, at his father's insistence, but the military could not tame him; while stationed in Bahrain, he drank himself nearly to death. He returned to the States to finish his service in Maryland, and then ended up back in Nebraska living in his parents' basement.

The spiral continued. What little money he earned shoveling manure 80 hours a week left Hopwood depressed and desperate. One night he and a childhood friend, Tom, were trying to blot out their small-town misery at a local bar when Tom floated the idea of robbing a bank.

To Hopwood, "everything once bleak was now interesting and new." He and Tom would "either go down like Butch and Sundance," or "have the money to really live. Either way, it would be a big improvement."

Unlike in the movie, Hopwood and company pulled off the robbery without a firefight — emboldening Hopwood for future heists. There would be four more bank jobs before Hopwood was caught. His last felony, to which he pleaded guilty, landed him in federal prison for a decade. When he began his sentence, in 1999, he was 23 years old.

The first few months of incarceration found Hopwood working in the penitentiary's kitchen. But at the suggestion of a jailhouse lawyer, Hopwood transferred to the law library where, in exchange for

postage stamps and other prison currency, he began helping other convicts prepare their legal papers.

In 2000, after Hopwood had been at Pekin for about a year, the Supreme Court gave the nation's criminal defendants the gift of *Apprendi v. New Jersey*. That case held that any fact (besides that of a prior conviction) used to enhance a defendant's sentence beyond the statutory maximum had to be found by a jury beyond a reasonable doubt. Because many judges had enhanced defendants' sentences based on the judges' own findings, and by the lesser standard of preponderance of the evidence, prison law libraries around the country exploded with new customers.

The library at Pekin was no exception. Hopwood was inundated with pleas for help. As a ghostwriter, he drafted appeal after appeal to win shorter sentences for his comrades — all without the aid of a word processor, Westlaw or Lexis.

Worse, because copying cases from the reporters was too expensive, Hopwood had to rely on his memory to make use of his research. Holding the cases in his mind allowed him to see them as "puzzle pieces" that sometimes, in a moment of creativity, fell into place and formed a picture.

Word got around that Hopwood was becoming an expert on the law and, for the first time in his life, he began to enjoy helping others. Competition for his aid motivated some prisoners to get creative: One, a Chicagoan of Italian descent, secured Hopwood's attention by promising a special linguini Alfredo. The burgeoning counselor even made other jailhouse lawyers jealous by taking away some of their "clients."

Hopwood had become the "Law Man" of Pekin. He began to fantasize about becoming a bona fide lawyer when he got out of prison and, in a step toward that goal, took correspondence courses to earn his bachelor's degree.

Meanwhile, even without a B.A., much less a J.D., he would win his first petition for certiorari to the Supreme Court. The beneficiary was fellow Pekin resident John Fellers, who was serving 12 years for a methamphetamine offense. Fellers had lost his appeal to the 8th Circuit, and his trial attorney told him that a petition for cert was a lost cause. Refusing to give up, Fellers tried the "Law Man," with only six weeks before the cert deadline.

Hopwood came up with a novel argument that a post-indictment confession that Fellers had given to the police violated his Sixth Amendment right to counsel. It was Hopwood's first cert petition to the Supreme Court (of course, filed under Fellers' name).

Some months later, Hopwood learned from a newspaper story that the petition had been granted, and the inevitable question arose: Who would argue the case?

At the urging of the National Association of Criminal Defense Lawyers, and at Fellers' request, former Solicitor General Seth Waxman agreed to take the case — provided that Hopwood stay involved. Waxman and an associate at WilmerHale, Noah Levine, drafted the merits brief but frequently consulted with Hopwood, jokingly calling him "in-house counsel."

The team of Waxman, Levine and Hopwood won a partial victory in the Supreme Court, and Hopwood found himself inexorably on the path to sunnier days.

Hopwood would secure yet another Supreme Court victory before finishing his prison term. His second winning cert petition was based on post-*Apprendi* sentencing rulings in *United States v. Booker* and *Blakely v. Washington*. Capitalizing on those decisions, Hopwood helped a friend shave time off a life sentence that had been unfairly imposed based on the federal sentencing guidelines.

Hopwood was freed from prison in October 2008. Not surprisingly, he struggled to find a job. The position he eventually found, though, was almost too fitting to believe: reviewing and editing attorneys' briefs for Cockle Printing, the nation's largest printer of Supreme Court briefs.

Cockle happened to be located in Omaha, Neb., a few miles from the halfway house where Hopwood was then living. Among the briefs Hopwood dealt with were those filed in the infamous *Citizens United* case and in matters handled by heavy hitters such as Richard Friedman of the University of Michigan Law School.

Through Friedman, reporter Adam Liptak of The New York Times learned of the extraordinary Hopwood, and in February 2010, Liptak took Hopwood public in a newspaper piece tantalizingly titled: "A Mediocre Criminal, but an Unmatched Jailhouse Lawyer." Radio and television interviews followed; Hopwood was ascendant.

With encouragement from Waxman and Levine, Hopwood applied to law school to realize his dream of one day putting his own name on the cover of a brief. Happily, he was accepted not only to the University of Washington School of Law but to its Gates Program, a scholarship funded by billionaire Bill Gates that fully underwrites a student's tuition in exchange for the student's agreeing to work in the public interest for five years. As Hopwood had already been working in the public interest for a decade, the scholarship was a natural for him.

In the final pages of "Law Man," we part with Hopwood as he is about to begin law school. When we hear from him next, he will undoubtedly have traded "Law Man" for "Esquire."

*Alex G. Philipson is founder of the appellate boutique Philipson Legal in Newton Centre, Mass.*

"Law Man: My Story of Robbing Banks, Winning Supreme Court Cases, and Finding Redemption"

By Shon Hopwood with Dennis Burke

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