

High Court's Montgomery Ruling Fuels Demand For Pro Bono

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Kathleen Wach, along with two other members of the Association of Pro Bono Counsel, co-authored an article discussing the U.S. Supreme Court's ruling in *Miller v. Alabama* and its impact on the demand for *pro bono* legal services. The Supreme Court held in *Miller* that sentencing juveniles to mandatory life sentences without the possibility of parole violated the Eighth Amendment's prohibition against disproportionate sentencing schemes. "But the *Miller* decision left one question unanswered: What about the 1,000-plus children who were sentenced to mandatory life without parole prior to *Miller*? Should the Supreme Court's holding be applied retroactively or not?" the authors said. Shortly after *Miller* in 2012, the Campaign for Fair Sentencing of Youth (CFSY) coordinated with Washington, DC and Virginia law firms, seeking *pro bono* counsel for the juveniles in the Commonwealth.

"As previously sentenced juvenile lifers find themselves back in court for another sentencing hearing, the need for trained, qualified *pro bono* attorneys is greater now than ever -- particularly in stale cases that will require extensive investigation to present the evidence contemplated by *Miller*," the authors said. "With training and support from CFSY and defender networks nationwide, *pro bono* lawyers will play an important role in seeking justice on behalf of these vulnerable juvenile offenders."

Miller & Chevalier lawyers serve as *pro bono* counsel to two individuals in Virginia and Pennsylvania, who are challenging their life-without-parole sentences pursuant to the *Montgomery* decision, which established that all juveniles sentenced to life terms under mandatory schemes prior to *Miller* must have their sentences modified.