



Opening General  
Session & Keynote  
Sponsored by LexisNexis  
KEYNOTE SPEAKER  
**SHON HOPWOOD**  
"A Law Library Saved My Life"  
Sunday, July 14  
9:00 a.m. - 10:15 a.m.

Shon Hopwood takes you on his personal journey of rising through the legal system, from prison inmate to practicing attorney to associate professor at Georgetown to criminal justice advocate. His path toward a law career began quite unexpectedly when he started working in the prison law library.

# MEET SHON HOPWOOD

2019 AALL Annual Meeting & Conference  
Keynote Speaker

**SHON HOPWOOD'S** path to becoming associate professor of law at Georgetown University Law Center and co-owner of Prison Professors LLC is somewhat unusual. His journey began not at a law school, but rather, federal prison, where he learned to write briefs for other prisoners while serving a 12-year sentence for bank robberies. While incarcerated, he prepared two petitions for certiorari, which were later granted review by the U.S. Supreme Court—he also won cases for other prisoners in federal courts across the country.

Hopwood received his JD from the University of Washington School of Law as a Gates Public Service Law Scholar. He then clerked for Judge Janice Rogers Brown at the U.S. Court of Appeals for the District of Columbia Circuit, and served as a teaching fellow at the Georgetown University Law Center's Appellate Litigation Program, where he litigated criminal, immigration, civil rights, and federal statutory cases in federal courts of appeals. Since becoming a licensed attorney, Hopwood's record of success has continued. In 2016 alone, he won three federal habeas appeals before the Fourth and Eighth Circuit Courts of Appeals.

Hopwood is an expert on federal courts, criminal procedure (including federal sentencing), and prisoners' rights. His amazing story of success has been featured in *The New York Times*, *The Washington Post*, *The New Yorker*, and on NPR and *60 Minutes*. He co-wrote a memoir titled *Law Man: Memoir of a Jailhouse Lawyer*, and his scholarship on courts and the criminal justice system have been published in the *Harvard Civil Rights-Civil Liberties*, *Fordham Law Review*, *Washington Law Review*, and *American Criminal Law Review*, as well as *Georgetown Law Journal's Annual Review of Criminal Procedure*.

**Q** When you were in prison, you worked in the law library. What made you open up the books and start investigating the law? When did you decide to start helping other prisoners?

Well, I didn't open any books right away. In fact, those books were big, they were thick, and they were intimidating; when I did pull one off the shelf, it felt like it was written in another language. But on June 26, 2000, something major happened—the Supreme Court of the United States issued a decision that allowed inmates to appeal their sentences to the court to try and get a sentencing reduction. Of course, none of us really knew how that worked, but that didn't stop

anyone from trying. So, I started researching my own case and reading law books for the first time. This was probably around my second or third year in prison.

What I discovered was that I kind of liked this process of solving a legal puzzle and then writing out the solution. And for some strange reason, even though I hadn't taken freshman undergrad English and knew nothing about the law, I was always able to pick the law up easily and, in a way that I never could with Algebra or Calculus.

Eventually, I wrote a brief for my own case that I pecked out on a prison typewriter and promptly filed in the incorrect court. I mostly just started writing memos to friends of mine,

lawyers, and pointed out what I thought could be potential issues. Most of the time, the attorneys completely ignored what we sent them. I was a jailhouse wannabe lawyer who hadn't completed an undergrad degree, let alone attended law school. So, what ended up happening was instead of writing memos, I started writing briefs for other prisoners. Of course, I was never able to get any relief for my own sentencing, but I was able to get shorter sentences for other inmates. And that was the start of my legal career; after that happened, I was hooked.

**Q: As you dug into the cases of fellow inmates, what were the most common mistakes you uncovered? Or did you notice particular patterns in their journeys through the justice system?**

I noticed defense lawyers missing things that impacted their defendant's sentencing. The law itself is very complex and difficult, and defense lawyers, especially public defenders, have way too many cases and are too often overworked. So, it's hard for everyone to catch everything all the time. About 97 percent of federal cases end in a guilty plea, so a lot of the inmates' cases that I reviewed had not actually gone to trial. But what I found was that a lot of lawyers had missed objections to calculations under the guidelines and sometimes it cost their clients up to 10 or 15 years of additional imprisonment.

**Q: You entered law school with a lot of legal experience already. What surprised you the most when you finally started law school?**

I was surprised by how much my classmates stressed over law school. But, of course, this observation comes with perspective. I had 10 or 15 years on most of my classmates, and unlike other students, going to law school for me was a privilege. Frankly, I was just happy that I didn't have to worry about anyone chasing me around with a toothbrush sharpened into a knife! In comparison to prison, law school seemed tame. I also didn't have to work nearly as hard in law school because I had mastered the art of reading cases and finding out

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where the important parts were located. By the time I started law school I hadn't been in a real school for a long time, so I was concerned about whether or not I could translate my litigation experience into good grades.

**Q: You're an advocate for criminal justice reform. Why is this issue so important in today's legal environment?**

First of all, you can't claim that the United States is the land of liberty on one hand and on the other know that we incarcerate people at a greater rate than almost any other country on the planet. Not only do we have way too many people locked up, but as someone who studies the system, I think it's very counterproductive and makes us less safe to have that many people in prison cells in America. For me, obviously, this is a pretty personal issue. I just don't think prison and criminal law fixes most of our societal problems. But the current system in place sure seems to suggest that our government does.

**Q: What do you think would improve the system?**

Well, that's a big question. There are lots of things; for instance, shorter sentences across the board, and prisons that operate under the notion of correcting or rehabilitating people, rather than just being a place for punishment. We also need to be staffing prisons with more social workers and less prison guards and cutting back on the amount of criminal laws we have. We need additional funding for defense attorneys in the same way the system currently funds prosecutors' offices—there are a host of things that we currently do wrong that could be improved.

When I went to prison, I thought I would be surrounded by nothing but

murderers and rapists and people like that. But the truth is, most of the people in prison are serving 10- to 15-year sentences for a burglary or a handful of crack cocaine. It's astounding to see the length of sentences for crimes that, yes, were violent in nature, but there was no actual physical violence done to another person. When people think about prison, they think that only the Larry Nassars and the Jerry Sanduskys of the world end up there. But I saw a lot of people that committed relatively minor crimes serving several years of imprisonment.

To take it a step further, prisons are the biggest welfare system in America. Not only are you paying for that one individual, everything from their health-care to their food, but so many of the people that go to prison are married and have kids. And when the husband or the wife goes to prison, the rest of the family goes on public assistance. So, then you're paying for it twice. Not to mention that incarcerating someone for that long has all sorts of negative consequences, not the least of which is that it's hard for that person to ever get back up and have a law-abiding successful life. If the system makes people worse, not better, then it's not a good system.

**Q: Your time in prison gave you an unusual perspective on the law, sentencing, and the dramatic growth of incarceration in the United States. What does this number look like and do you think it's likely to change in the coming years?**

Right now, there are roughly 2.2 to 2.3 million people in American prisons. I think more Americans are waking up to the fact that our criminal justice system has huge problems and needs solutions. There was an article that came out in *USA Today* in December, 2018 stating

that about 113 million Americans have someone in their immediate family who has spent time in jail or prison. Part of the reason we're finally starting to see some reform of the system is because the system's gotten so big that it's impacting more and more Americans than it ever has in the past. It used to be the case that you rarely knew anyone that had gone to prison. Now, 113 million Americans have someone in their immediate family who has spent time in jail or prison. And it is estimated that 20 million Americans have felony convictions and up to 75 million Americans have misdemeanor convictions. These are huge numbers. I hope those numbers change, and if I have anything to do with it, they will change.

**Q: In what ways does racial bias affect these outcomes?**

The whole criminal justice system disproportionately targets people of color and poor people across the board, from charging decisions to interactions with police to sentencing disparities. You are much more likely to get a mandatory minimum sentence if you're black than if you're white. It's pernicious all the way through the system, from the very front end to the very back end. Re-entry into society is another issue. If you get out of prison with a felony, you're going to have a much easier time getting a job if you are white than someone who gets out of prison and is a person of color. Even if we had the best policies in place, which we don't, and even if we held more police accountable when they shoot people in cold blood, which again, we don't, I still think there will be places, such as Chicago, where it will take time to repair the damage that some communities feel has been done by having been targeted by police.

**Q: What issues are currently affecting the American incarceration system, and can they be fixed?**

The number of people we put in prison is certainly something that can be fixed. But it took 30 years for the build-up of mass incarceration and it will probably take 60 to break it down. No one bill

is going to make this problem go away. It's going to have to be a sustained effort and an effort not only on policy reform but through cultural change as well. Before I went to prison, my family and I thought that prison was a place where evil people go, because we had no experience with it. And when I got there, I realized it wasn't evil people, it was just people that for whatever reason made really poor decisions. Most of these people have the power to turn it around—they just need some help. If we move from less punishment to more rehabilitation across the board, we'll have a better system and we'll all be safer.

**Q: Why do you think our justice system keeps failing?**

Because we rely too much on incarceration. I think that's at the core of it. We are just too punitive. If somebody breaks the law, we get really mad and angry, and for too long, we've let emotions, rather than sound public policy decisions, drive the criminal justice system.

**Q: What role do legal information professionals play in the justice system? Are there things they can do to help alleviate the problem?**

I think law librarians could be a big help in providing access to courts for poor people who can't afford lawyers and who go to public law libraries to try and figure out how to investigate their cases because they can't afford attorneys. From that perspective, law librarians and those in the legal information field can help a great deal by providing access to courts and judicial opinions that a lot of Americans can't locate on their own.

**Q: Your book *Law Man: Memoir of a Jailhouse Lawyer* portrays your journey through the justice system to getting on your tenure track at Georgetown Law. What audience were you trying to reach, and what impact were you hoping to make?**

I was going for a broad audience. I just wanted to tell my story and maybe shed some light on the American prison system and the fact that we should be a country that encourages second chances

and opportunities for people, even those who have made bad decisions.

**Q: How does your past inform your teaching? Is there a message you wish to impart to your students that might be unique to their own law school experience?**

There are not many law professors who can answer some of the practical questions about how the law plays out in the criminal justice system, especially in prison. So, I use a lot of real-life examples from things I witnessed to illustrate certain points about how the rule of law applies to the criminal justice system—which is to say: not fairly and equitably to everyone.

When I'm teaching, I'm just trying to teach students the law and give them guidance for their careers. And if, along the way, I encourage some to go into criminal law—either prosecution or defense—I like to do that. But for the most part, I don't try to turn my students into criminal justice reform advocates, at least not deliberately. They may become that way after we talk for an entire semester, but it's not deliberate.

**Q: Your book *Law Man* carries with it a message of hope, the idea that with enough determination, you can break down barriers and change not only your life but others' as well. What trends are you seeing that give you cause for hope?**

I worked on a federal criminal justice reform bill for a year that was passed overwhelmingly by Congress in December 2018 and I watched President Trump sign it; that has given me a lot of encouragement. The federal system takes the longest to penetrate because of the political problems with trying to get criminal justice reform through the U.S. Senate. So, I was greatly encouraged to see all of that happening. And then my client, Matthew Charles, was the first person to be released under that bill and I got to watch him tell his story on *NBC Nightly News*. I think things are moving in a positive direction—we are just not going to get as much reform as we want as quickly as we want it. ■