



Just Rewards

Bill Beck and Mike Abrams recover financial restitution for the wrongfully convicted

BY TREVOR KUPFER



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Bill Beck and Mike Abrams were doing insurance recovery work when Ellen Reasonover's case came to them.

After Reasonover had served 10 years in prison for the 1983 murder of a cashier in Dellwood, Missouri, two organizations, Centurion Ministries, a New Jersey nonprofit, and Barry Scheck's firm, Cochran Neufeld & Scheck (now Neufeld Scheck & Brustin), helped prove it was a wrongful conviction. A suit was filed against Dellwood for financial restitution.

One problem: "The city didn't have the assets to pay," says Beck. "So we were asked to look at the city's insurance coverage profile to see what we could make of it. By the time we got done, she settled for about 15 times as much as the insurance company was saying it had in coverage."

Twenty-five years later, Beck and Abrams are pioneers in the area. They've handled more than 25 such cases nationally.

"We work with the plaintiff, and the civil rights litigation proceeds to the point where the defendant—whether it's a city, county or police officer—would like to settle the case but needs help from their insurance company. We step in to help show the insurance companies why they have coverage and how they might structure a settlement that would be advantageous to everybody," Beck says. "It puts us in an odd position: [Our clients] went to prison because police officers—or a sheriff's deputy or a city or county or state—violated their civil rights, and we're suing them. Nonetheless, in pursuing the insurance, we have a common goal because they want to settle the case. So our work is a major benefit in the sense that we're getting rid of a major liability with someone else paying the money."

The duo sometimes litigates the civil side, too. For Philip Bivens, Bobby Ray Dixon and Larry Ruffin—three African-American men convicted in the rape and murder of a white woman in Mississippi in 1980 who collectively served 83 years before their 2010 exoneration—they did just that. "It was a really important and difficult civil rights case because it involved Klan activity and beatings to induce confessions," Beck says.

It's the case Abrams is most proud to have worked. "Not only for the historical impact, but the impact it had on that

community ... the fact that we were able to play a role in bringing justice to these men and healing to that community was incredibly satisfying."

Beck says some cases have taken years and gone to appellate courts to work out coverage issues, but the majority of cases settle. The price consideration can be \$1 million per year jailed. Occasionally, they go to trial, "and those have truly explosive potential," Beck says. "The amount of money juries want to award people who have went through this is very high because they're viscerally affected, and judges rarely do anything to disturb those verdicts."

When it comes to arguing a price, Beck says they first rely on the experienced litigation firms they work with—like MacArthur Justice Center, Winston & Strawn, Loevy & Loevy and Goodwin Procter. "Then it depends if the entity has money," Beck adds. "If it's the city of Chicago—where we just settled for [four men wrongfully convicted as teenagers known as the] Englewood Four for \$31 million—they have money. Some towns or individual police officers, if they don't have coverage, they don't have much of anything. The strength of the coverage claim is vitally important. You weigh all of it: How strong is the civil rights case, has the person been declared innocent by DNA, what are the jurors and record in that jurisdiction like, and is there money on the other side of the table?"

The biggest hurdle is identifying which policies apply. "It's known as trigger," Abrams says, "and that gets argued a lot."

"Since we're talking about insurance for the entire time someone has been in prison, which can be decades, it may involve a bunch of different carriers—which leads to a discussion of which should pay how much," Beck says.

"We're hoping to trigger policies all along the way," Abrams continues, "whereas insurers are trying to say, 'No, it's only the policy when he was arrested or exonerated and not any while he was incarcerated.'"

The duo has brought about resolutions in nearly every case they've handled. Says Beck: "I especially like when the young lawyers in our firm say, 'That's the kind of thing I went to law school to work on.'" **SL**



Book Case

If the good work Bill Beck and Mike Abrams are doing inspires you, we think you'll dig this round-up of nonfiction titles (yes, John Grisham *does* write nonfiction) that we've curated with a little assist from The Innocence Project (and Oprah Winfrey):

Actual Innocence JIM DWYER, PETER NEUFELD AND BARRY SCHECK
The Innocence Project co-directors' work examines the groundbreaking emergence of DNA testing, and what it reveals about the how and why of wrongful convictions.

The Innocents TARYN SIMON
This hardback collection of poignant portraiture is much more than a coffee table book. Photographer Simon traveled the nation to photograph wrongfully convicted individuals at significant locations—the scene of the crime, for example.

Surviving Justice LOLA VOLLEN AND DAVID EGGERS
Human rights activist Vollen and bestselling author Eggers sit down with 13 wrongfully convicted men and women, who share their firsthand accounts of injustice and exoneration.

The Innocent Man JOHN GRISHAM
Athlete Ron Williams of Ada, Oklahoma, was heading to the Major Leagues. But he lost his way and turned to womanizing, alcohol and drugs. One night in 1982, cocktail waitress Debra Sue Carter was murdered. Flimsy evidence and unlikely witness accounts pointed to Williams. The true story of murder and injustice in small-town America reads like fiction.

The Sun Does Shine: How I Found Life and Freedom on Death Row
ANTHONY RAY HINTON AND LARA LOVE HARDIN
The instant *New York Times* best seller and Oprah's Book Club pick is Hinton's story of hope and survival on death row for a capital murder he didn't commit. Charged at only 29, Hinton had nowhere to turn for justice in the South in 1985. The legendary Bryan Stevenson stepped in, and Hinton won release in 2015.