

VLS' s Michael Mello, Death Penalty Expert, Dies at 51

By SUSAN J. BOUTWELL
Valley News Staff Writer

SOUTH ROYALTON — Vermont Law School Professor Michael Mello, an internationally known expert on death penalty litigation who was involved in the cases of the Unabomber and serial killer Ted Bundy, died Sunday at his home in Wilder. He was 51.

His passing shocked colleagues — many of them older than Mello — and students at the small school in the village of South Royalton. Second year-student Don Hayes said the campus felt “somber” yesterday.

“The suddenness is very difficult for us to grasp,” said Stephanie Willbanks, VLS vice dean. “The students who had him in class saw him last week. ... He was their mentor. And that is a particular loss. It is like losing a member of your family.”

A gathering of remembrance, at which

the public is welcome, is planned for 12:45 p.m. today at the VLS Chase Center.

Willbanks said Mello, a smoker, had been ill for the last several weeks but continued to come in and teach. A cause of death has not been determined.

Mello is survived by his wife, Deanna Mello, a VLS graduate. Funeral arrangements were incomplete yesterday.

His colleagues say Mello inspired legions of students to take up criminal law. And while his influence was strong locally, he also made a name for himself on a much wider stage.

Washington, D.C., attorney David Kendall, who has represented both President Clinton and Sen. Hillary Clinton, said he kept up with the prolific professor's writing and often called Mello, whom he had known for decades, to discuss his latest work.

“He just seemed to be a good guy, cre-

See MELLO—A3



Vermont Law School professor Michael Mello testifies in Montpelier in July. Internationally known for his expertise in death penalty litigation, Mello died Sunday at 51.

AP FILE PHOTOGRAPH — TOBY TALBOT

VLS Professor Michael Mello Worked High-Profile Cases

CONTINUED FROM PAGE A1

ative, academic, with his heart in the right place," said Kendall, a partner at Williams & Connolly.

Mello graduated from the University of Virginia's law school, worked as a clerk in Washington and for a Court of Appeals judge in Birmingham, Ala., before becoming a public defender specializing in death penalty appeals. He worked in a Washington law firm — teaching a capital punishment seminar at the University of Maryland's law school on the side — before he joined the VLS faculty two decades ago.

At a school that attracts many students hoping to specialize in environmental law, the criminal law course requirement wasn't always one students relished. But Mello made the subject come alive, many said.

Hayes said he remembers and understands cases in part because of Mello's stick figure drawings on the board and because Mello had actually worked with people accused of crimes.

"That's priceless supplemental material that isn't in the case book," he said. "People felt compelled to be prepared for class because the discussion was good."

Vermont public defender Rory Malone said he has Mello to thank for igniting his passion to "stick up for indigent people."

"I could never thank him enough for putting me on this path," said Malone, a criminal defense lawyer in Lamoille County and staff attorney in the state's Prisoners Rights Office, who graduated from VLS five years ago.

Mello "helped inspire many people at VLS to go into criminal law," said Windsor County State's Attorney Robert Sand. In addition, having a professor of Mello's national stature raised the profile of the school, Sand said.

"For lawyers, it is a gift to be able to look past the crimes people are accused of, to look at the law."

VLS professor Cheryl Hanna, speaking about Michael Mello

Students say Mello was happy to play the role of contrarian, arguing an opposing opinion. He was known to assign prodigious amounts of reading and famously refused to use e-mail, saying it ultimately gave away too much information about its users.

"He was old school," Malone said. If students wanted to get in touch with Mello, "you needed to call him. The flip side of that is ... he would give you as much time as you needed. He was very giving in that respect."

Mello also felt compelled to give the public lessons in the law. He was frequently quoted in the national media about cases in which he was involved, said Bruce Duthu, a former VLS colleague and now a Dartmouth College professor.

"He saw that as part of the package of being an academic," said Duthu. "Some saw it as showboating. I didn't see it that way." To Duthu, it was part of Mello's legacy of a "broader legal education" for all people.

In his high-profile cases, Mello was profoundly interested in legal questions at the heart of what were very difficult criminal matters, said VLS professor Cheryl Hanna.

"For lawyers, it is a gift to be able to look past the crimes people are accused of, to look at the law," she said.

For about a year in the late 1990s, Mello exchanged letters with Theodore Kaczynski, the radical environmentalist and so-called "Unabomber," who was responsible for letter bombs that killed three people and maimed more than two dozen others. He served as Kaczynski's informal legal adviser, then in 1999 wrote *The United States of America vs. Theodore John Kaczynski: Ethics, Power and the Invention of the Unabomber*, in which he argued that Kaczynski wasn't able to exercise his legal options because his attorneys kept him in the dark about their insanity defense.

Mello represented a number of high-profile Florida inmates, including Joseph "Crazy Joe" Spaziano, a biker sentenced to death for murder, who was released from death row 16 days before his scheduled execution in 1995. In 2001, Mello wrote *The Wrong Man: A True Story of Innocence on Death Row*, about the case.

VLS Dean Geoffrey Shields yesterday remembered Mello as an inexhaustible writer on the death penalty and criminal law matters, with more than 100 publications to his name. But, Shields said, "I will remember

him especially for his mentoring friendship for students and his willingness to contribute in myriad ways to the life of Vermont Law School outside the classroom."

Attorney Paul Perkins of White River Junction worked as a research assistant to Mello for two years while a VLS student. He recalled his former boss as "tireless and demanding" and also gracious and generous.

"It was commonplace to receive telephone calls from him at 11 on a weeknight, or any time of day on holidays and weekends, to discuss progress on a publication in the works," said Perkins. "He thanked everyone who ever helped him, whether providing research, proof-reading or clerical support, by name, in the acknowledgments of his books and law review articles."

When he wasn't at the law school, Mello stuck close to home.

"He was very quiet, we didn't see him much," said Duthu, a Wilder neighbor. "He was working all the time."

Susan J. Boutwell can be reached at sboutwell@vnews.com or at (603) 727-3248.

The ASSOCIATED PRESS contributed to this story.