

Jonathan Shapiro

In the winter of 2007, 16-year-old John Odgren entered a bathroom at Lincoln-Sudbury Regional High School, pulled out a knife and randomly killed a fellow student he had never met.

As James Alenson, 15, lay dying on the floor, a bystander heard Odgren crying out, "Oh God, what have I done? What have I done?"

Odgren's attorney, Jonathan Shapiro of Stern, Shapiro, Weissberg & Garin in Boston, later argued that the teen was legally insane when he killed Alenson. He said Odgren had struggled since childhood with emotional disorders, including attention deficit hyperactivity disorder, depression and Asperger's syndrome, a mild form of autism.

The "awkward" and "geeky" teen was also the target of bullying and harassment at school and had simply snapped in the bathroom as he and Alenson crossed paths, Shapiro told jurors.

Prosecutors painted a different portrait of Odgren. They described him as a cold-blooded killer who planned the attack and had discussed committing "the perfect murder" in the days before the stabbing.

After deliberating for about 12 hours last April, a jury in Middlesex Superior Court convicted Odgren of first-degree murder. He was later sentenced to life in prison.

Shapiro may have lost the difficult case, which gained national attention, but his defense of Odgren sparked an important dialogue about bullying and the impact of mental disease on juveniles that promises to continue well into the future.



MERRILL SHEA

Q. How did this case affect you emotionally?

A. This case was particularly draining because it was such a tragedy for both families involved. Each family has suffered a terrible loss. Dealing with my client on a daily basis was emotionally draining. And dealing with the family, seeing them in the courtroom every day was draining. There's just no time for anything else because you're working 14- to 16-hour days. This would certainly be among the most difficult cases I've ever had.

Q. This was an extremely emotional case, but what was the toughest legal hurdle?

A. It was a difficult case in many ways. Foremost was the fact that the only defense was not guilty because of lack of criminal responsibility, the so-called insanity defense. It's rarely successful. One of the biggest problems is that jurors don't fully understand that a verdict of not guilty by lack of criminal responsibility means a person is not going to go free. They don't understand it is likely to lead to a lifetime of incarceration in a mental hospital, rather than a prison. The [jury] instruction that the court gives does explain that the judge may commit somebody to a state hospital, but it sounds as if it's a very discretionary thing.

Q. Describe your first meeting with Odgren; what was your initial impression of him?

A. I met John at the courthouse just hours after the stabbing, right before the arraignment at Framingham District Court. At the time, he was completely overwrought, having trouble believing what had just happened, not understanding what had happened.

Q. Looking back on the trial, do you have any regrets or have you identified missteps

Age: 70

Education: Harvard Law School (1964); Columbia College (1961)

Bar admission: 1973

Professional experience: Founding partner, Stern, Shapiro, Weissberg & Garin (1973-present); assistant counsel, NAACP Legal Defense Fund, New York City (1968-1973); staff attorney and assistant chief counsel, Lawyers' Committee for Civil Rights Under Law, Jackson, Miss. (1966-1968); associate, Szold, Brandwien, Blumberg & Altman, New York City (1964-1966)

Jonathan Shapiro on ...

His most memorable moment at law school: "The moment on Nov. 22, 1963, when I learned that President Kennedy had been assassinated. All of the promise for the future that had motivated me to go into law seemed doomed. Instead of being defeated, I chose to become part of Kennedy's legacy of civil rights and went to Mississippi as a volunteer lawyer in the summer of 1965. I later moved to Mississippi where I worked for the Lawyers' Committee for Civil Rights Under Law, spearheading the enforcement of the newly enacted civil rights laws."

Highlight of his legal career: "Almost 40 years ago, Max Stern and I started our law firm. I continue to be proud that our firm is still going strong and is still committed to the goals that inspired us: equal rights, criminal justice and dedication to the public interest. The highlight of my career? That's yet to come."

One thing about him that might surprise other people: "I am married to Hank Phillippi Ryan, Channel 7 investigative reporter and award-winning mystery author."

Favorite book or film: "For Whom the Bell Tolls" by Ernest Hemingway."

What has kept him in the practice of law: "It's always interesting. It's always challenging. And every day it provides the opportunity to work for justice and make a difference in peoples' lives."

that you made that, if reversed, could have led to a different verdict?

A. There's never a case where one doesn't have second thoughts about how it was

handled. There will be a number of issues coming up on appeal, and I can't get into all the specifics. I can say that I don't think any of the second thoughts I've had would

have made the slightest bit of difference in the outcome.

Q. What stage of the appellate process is the case in now?

A. We're still in the process of filing a challenge to the constitutionality of a life without parole sentence in the Superior Court. The Superior Court will get first crack at deciding whether life without parole for a person at the age of 16 is unconstitutional.

Q. Are you aware of this issue ever being argued in the commonwealth?

A. It hasn't come up squarely in the past in Massachusetts. This is an issue that has reached the Supreme Court, although not in a murder case. I think there is a good chance that the [Supreme Judicial Court] will agree with us that it is unconstitutional. I think a change in the law would be important looking forward. And for the people serving these sentences, it would give them hope that someday they could be released.

Q. Since Odgren has been incarcerated, has he been able to gain a better understanding of what happened in that bathroom, of what caused the stabbing?

A. The experts who interviewed John say they think that his lifetime of having to deal with the fear engendered by all of the bullying and teasing, and the paranoia that became a regular fixture of his life, and the obsessions he developed as a result of it, came to a head. He was just no longer able to deal with it. But he is really the only person who would be able to tell us why he did it; he just doesn't have the memory of what it was.

Q. Are juveniles diagnosed with Asperger's more prone to violent behavior?

A. Asperger's itself is not associated with violent conduct. It is a disorder which, on one level, affects the ability of a person to have normal social interactions. The consequences are different depending on the individual and the particular circumstances. Mental illness doesn't affect everybody the same way. It's a combination of the illness, the circumstances and the individual.

Q. Your defense of Odgren helped raise awareness about mental illness among young people as well as the impacts of bullying. But did the administrators at Lincoln-Sudbury enact any changes after the incident?

A. The special needs program that John was in at the school, it was called Great Opportunities, was discontinued. I think the school authorities, to a certain extent, blamed the program for what happened.

Q. Have the Odgrens had any contact with the Alenson family since the trial?

A. No. At one point John's parents reached out to the Alensons to express their sorrow for what happened and indicated an intention in having some relationship. That was very definitely rebuffed by the Alensons.

Q. Where is Odgren being held and is he receiving mental health treatment?

A. They have him in the Bridgewater State Hospital. He was committed for a six-month period for evaluation and treatment. We're hopeful that the treatment is adequate and helping him.

— PHILLIP BANTZ