



**Joint Meeting with
the Salmon P. Chase
Northern Kentucky Inn of
Court**

**January 17,
2017**



Program

**Reflections on Criminal Defense Practice,
The American Criminal Justice System
&
Lessons Learned from the
Representation of Steven Avery**

Featuring

Jerome F. Buting, Esq.,
Buting Williams & Stilling, Brookfield, WI

About Jerry Buting

Buting is a criminal defense attorney focusing primarily on the defense of serious and complex criminal offenses, both state and federal, trial and appeal. This includes homicides, sexual assaults, vehicular homicides, drug offenses, white collar, and wrongful convictions. He has expertise in DNA and other forensic sciences.

Education

- University of North Carolina School of Law, Chapel Hill, North Carolina
 - Doctor of Jurisprudence *cum laude* – 1981
- Indiana University, Bloomington, Indiana
 - B.A., Bachelor of Arts *cum laude* - 1978
 - Honors: Phi Beta Kappa

Bar Admissions

- Wisconsin, 1981
- District of Columbia, 1982
- U.S. Federal Courts, 1981
- U.S. Supreme Court, 1992
- United States Court of Appeals for the Seventh Circuit, 2003

Professional Associations and Memberships

- National Association of Criminal Defense Lawyers, Member, 1982 - Present
- National Association of Criminal Defense Lawyers, Board of Directors, 1990 - 1992
- American Bar Association, Member, 1982 - Present
- State Bar of Wisconsin, Member, 1981 - Present
- State Bar of Wisconsin, Criminal Law Section, Board of Directors, 1998 - Present
- State Bar of Wisconsin, Criminal Law Section, Chair, 2005 - 2007
- Wisconsin Association of Criminal Defense Lawyers, President, 1990 - 1991

Q&A Netflix's 'Making a Murderer' attorneys still making their case for justice



Dean Strang and Jerry Buting, defense attorneys for Steven Avery in the Netflix documentary "Making a Murderer," are now on a North American tour called "A Conversation on Justice." (Carolyn Cole / Los Angeles Times)

By **Melinda Newman**

APRIL 23, 2016, 2:23 PM

Not since "To Kill a Mockingbird's" Atticus Finch have bespectacled defense attorneys inspired such passion.

Jerome "Jerry" Buting, 59, and Dean Strang, 55, may have lost their case defending accused murderer Steven Avery, as chronicled on the Netflix docuseries "Making a Murderer," but they won the public's affection for their impassioned, dedicated argument.

The pair are now continuing the discussion about America's legal system with "A Conversation on Justice," a cross-country speaking tour that comes to the Theatre at Ace Hotel on Sunday. Strang and Buting will address the Avery case and criminal justice, as well as answer audience questions. A portion of their fees will go to national and local justice organizations.

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While both continue practicing law in Wisconsin, Buting recently signed a deal with HarperCollins to write a book about the legal system and Strang will host a TV series examining flaws in noted court cases. The attorneys talked by phone from Wisconsin about "Making a Murderer," justice, and their surprising emergence as sex symbols.

How painful is it to relive losing the trial every night?

Strang: Nowhere near as painful as what Steven Avery is experiencing. It's a reasonable sort of discomfort to bear given that we have an opportunity almost no lawyers ever get, which is to speak about systemic weaknesses in our criminal justice system and have relatively large numbers of people willing to listen.

Buting: It's not fun to relive it. It's probably harder watching the actual documentary than it is going around talking about it because watching it, you're really put back in that moment.

In hindsight, is there anything you would have done differently in that courtroom?

Buting: Any time you lose a case you're always second-guessing yourself. I can't say there's any one thing. There are a number of small things. Whether they would have made any difference at all given the overriding problem we had, which was the prejudicial pre-trial publicity from the DA's press conferences, and the inability to point the finger at anybody else who could be a suspect.... Those two problems were really insurmountable.

Do you think "Making a Murderer" would have resonated as much if Avery was of a different ethnicity other than Caucasian?

Strang: No. My hunch is part of the reason this has gained such widespread viewing is it was set in a rural place with kind of an "American Gothic" quality to it, and the people involved are of European descent, which I think potentially makes it more accessible or makes it resonate more with a majority of people in this country. I hope I'm wrong about all of that.

The U.S. has the highest rate of incarceration per capita in the world. Why?

Strang: We also have the longest sentences in Western democracies. My own view and suspicion is that the heterogeneity of the society has something important to do with that because you're always defining some[one] as the other and it's easier to incarcerate the other.... Even more important is we live in a country that ... can afford to lock people up in a sort of futile effort to feel safe.

Buting: We have our priorities messed up as a society and a lot of that, frankly, is the fault of politicians who try and out-tough each other on criminal [issues] and scare people into thinking that we need to lock these people up and throw out the key. Except they're getting out, most of them, after very long sentences

with the likelihood of their returning to a criminal lifestyle much higher than if we had dealt [with them] at the front end before they ever went to prison to try and rehabilitate them.

What's the most important thing the average citizen can do to make the justice system fairer?

Strang: When you get summoned as a juror, treat it like a duty welcomed and embraced and do it honestly. If you live in a state that elects judges, get involved in judicial elections and don't get suckered in by tough-on-crime canards and easy rhetoric.

What law would you eliminate to make the justice system more equitable?

Buting: Mandatory minimums would be first on my list. They're totally unjustified and they really pigeonhole everyone into the same box, even though the crime and the person can be completely different.

What is California doing right when it comes to justice?

Strang: California is a good example of a state that is rolling back [the three-strikes law] that is beginning to de-institutionalize some people who have been serving long sentences and don't belong in prison. We are beginning to see some progress in at least blunting some of the sharper and uglier edges of criminal justice and California is a good example of that.

You've inspired such Twitter accounts as Dreamy Dean Strang and Sexy Jerry Buting. There was even a line of Valentine's Day cards featuring you. Can you make any sense of that?

Buting: That part of it was probably the biggest surprise to both of us. I can see the interest in us as good, ethical, impassioned defense attorneys, but then when we became sex symbols, that one came out of left field.

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Making a Murderer One Year Later: How Life Has Changed For Steven Avery and Brendan Dassey

By Steve Helling•@stevelling

Posted on December 21, 2016 at 1:29pm EST

<http://people.com/crime/making-a-murderer-one-year-later-how-life-has-changed-for-steven-avery-and-brendan-dassey/>

A little more than a year ago, Steven Avery sat in jail, convicted for the 2005 murder of 25-year-old Wisconsin photographer Teresa Halbach. His nephew, Brendan Dassey, was also behind bars for his part in the killing. Most Americans knew nothing about the case.

But that was before Making a Murderer, the Netflix docuseries that premiered on December 18, 2015. The ten-episode series explored the evidence against Avery and Dassey, raising the possibility that they could be innocent.

Making a Murderer was a commercial and critical success, with millions of viewers. The series sparked controversy and outrage across America. More than 500,000 people signed a petition asking the White House to pardon Avery. (President Barack Obama replied that he had no authority to intervene in a state criminal case.)

However, Halbach's family has rebuked the show, claiming it was one-sided.

A year after the docuseries' release, things have changed significantly for both Dassey and Avery. **Steven Avery: Still Appealing His Conviction**

Avery, 53, continues to maintain his innocence and is appealing his conviction.

In August, his attorneys filed a motion to have experts test the evidence that had been used to convict him. Avery has long claimed that the evidence was planted in retribution for a \$36 million lawsuit he had against the police.

In September, Avery announced his engagement to legal secretary Lynn Hartman. The couple appeared on Dr. Phil in their first television interview, speaking about how they fell in love.

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“Steven deserves every bit of happiness that comes his way,” Avery’s attorney Kathleen Zellner told PEOPLE at the time. “He is very much in love and happy with Lynn so we are happy for them.”

But the relationship didn’t work out: Within a few weeks, the couple had split.

Brendan Dassey: Conviction Overturned

In August, a federal judge overturned Dassey's murder conviction.

PEOPLE obtained a copy of Judge William Duffin's decision, in which he characterized the "misconduct" of Dassey's first attorney, Len Kachinsky, as "indefensible."

Dassey confessed to the killing during his his 2006 interrogation, but later recanted, saying the confession was coerced. He has since denied involvement in Halbach's death.

The judge's order claims the detectives who were investigating Halbach's murder promised Dassey prosecutorial leniency in exchange for his cooperation during his interrogation. Dassey is described by multiple people on the show as having severe learning disabilities.

"The investigators repeatedly claimed to already know what happened on Oct. 31 and assured Dassey that he had nothing to worry about," the decision reads. "These repeated false promises, when considered in conjunction with all relevant factors, most especially Dassey's age, intellectual deficits, and the absence of a supportive adult, rendered Dassey's confession involuntary under the Fifth and Fourteenth Amendments."

Despite the decision, Dassey currently remains in jail while prosecutors [appeal the decision](#).

Making A Murderer: A Second Season

After the success of the first season, filmmakers Laura Ricciardi and Moira Demos will [venture back into the case](#) for a second season. The new installments will follow the appeals process for both Avery and Dassey.

According to a Netflix press release, the second season will "provide an in-depth look at the high-stakes post-conviction process, as well as the emotional toll the process takes on all involved."

The release date and the number of episodes have not been revealed.



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BY STEVE HELLING · @STVEHELLING

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