

Obituaries

Carol Donovan, 55; lawyer worked for society's outcasts

By Bryan Marquard

GLOBE STAFF

Murder convictions were reversed in four cases Carol Donovan handled as a public defender representing indigent clients.

"For any appellate litigator, that would be pretty special," said her boss, William Leahy, chief counsel for the Committee for Public Counsel Services. "For Carol, it's a footnote."

An appellate attorney for more than 20 years, Dr. Donovan defended the constitutional rights of the most vulnerable and the most loathed people who appear in court. She was a zealous advocate for children in state custody, buffeted by a legal system they could not fathom. And in the face of barbarous public criticism, she also represented what her husband, Robert Lange, called "the people that society would just throw in the garbage" — convicted murderers, accused rapists, and sex offenders.

Dr. Donovan, whose work helped prompt courts and lawmakers to pay closer attention to the due process rights of everyone from children to those convicted of sex crimes, died Feb. 18 in her Wayland home. She was 55 and had been diagnosed with brain cancer 7½ years ago.

"Laws and judges and rulings and governmental actions had to pass the Carol Donovan test," Leahy said. "And that test was are they wise, are they effective, are they fair, and are they fairly applied. And if they didn't pass that test, she was on them like a laser."

The second of 10 children, Carol Ann Donovan was born in Pittsburgh, and as a child attending Catholic schools, she already showed signs of the drive that would impress future colleagues.

"She started reading at a very



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early age," said her older sister, Mary Pat of San Anselmo, Calif. "She used to take her little books with her to kindergarten and read to all the other kids. . . . If you ever wanted to think of a kid who was a Type A, it was Carol."

She graduated from Carnegie Mellon University in Pittsburgh in 1972 with a bachelor's degree and in 1974 with a master's, both in philosophy.

Caught up in the spirit of the era, "she was always very socially minded and into social justice," her sister said. "That was a very strong thread that went through her entire work."

Dr. Donovan received a doctorate in philosophy from the University of Pittsburgh in 1977 and taught at Brandeis University and the University of North Carolina at Chapel Hill. She found academia unappealing, however, and left to get a degree from Yale Law School in 1982.

She met Lange while at Brandeis and embarked on a 29-year relationship — sometimes together, sometimes not in the early years. "We were one of those couples who just didn't bother with

marriage," he said. They married in 1999 after Dr. Donovan was diagnosed with cancer.

In 1982 she began her law career as an associate at Zalkind and Sheketoff in Boston and switched to the Committee for Public Counsel Services in 1985, where she had been special litigation director in the public defender division since 1995.

"As a lawyer, not many people knew she had a doctorate in philosophy and logic, but you could tell in the way she wrote and in the way that she had a laser-like focus on the issues," Leahy said. "She really could go for the jugular, which made her tremendously successful as an appellate litigator."

Her litigation on behalf of clients listed on the state's Sex Offender Registry helped prompt the state to institute individual hearings before each person was classified according to the potential risk of committing a new crime. Armed with studies and statistics, she was highly critical of the registry's basic approach.

"The people who are most likely to perpetrate crimes against children are not people whose names are likely to be in this registry," she told the Globe in 2004. "To me, it's an ugly approach to public safety — ugly and unlikely to work."

Though driven at work, she "always took the time to sit down on a bench for a sandwich or deliver a pithy observation about a recent movie or observe the activity of a hummingbird," Leahy wrote in a tribute, adding that by example she was a mentor for many colleagues professionally and personally.

Dr. Donovan had structured her work so it would not interfere with the time she devoted to her

daughters, Annie and Nora.

"She never worked on weekends or nights the whole time she did this incredible legal work that everyone was so impressed with," her husband said.

Still, he said, despite a legal career marked by successes, "she never felt that this was kind of a permanent accomplishment, because the Legislature can change the laws and politics can swing back this way or swing back that way, so the work is never really done."

Several years ago, Dr. Donovan and her husband were silent as they left a theater after watching "Dead Man Walking," the movie about a nun who gives spiritual sustenance to a prisoner on death row and the families of his murder victims.

"And finally Carol started crying. And she said, 'I don't have to pray for them. She doesn't have to defend them. I can never do enough for them,'" said her husband. "She spent years of her life trying to help these poor guys who did something 20 years ago try to get their lives back. She believed in redemption. She believed people should have a chance to get their lives going again."

In addition to her husband and daughters, who live in Wayland, and her sister Mary Pat, Dr. Donovan leaves her mother, Elizabeth (Reinhart) of Pittsburgh; five sisters, Elizabeth of Wellesley, Colleen Hart of Seattle, Nellie of Santa Cruz, Calif., and Suzanne and Annie, both of Washington, D.C.; and four brothers, James of Ross, Calif., John of Saratoga, Calif., Michael of Ellicott City, Md., and Tim of Hingham.

A memorial service will be held at 2 p.m. Saturday in First Parish Unitarian Church in Wayland Center.