



About Our Honoree

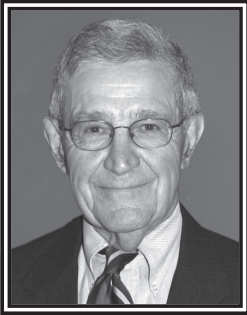


PHOTO BY BECKY CAPUANO

The Peggy Browning Fund Honors Donald J. Capuano

Don is a senior partner at O'Donoghue & O'Donoghue and has been with that firm since he graduated from law school, except for one year when he was asked to serve as a law clerk to Judge Charles McLaughlin of the United States District Court for the District of Columbia. Martin O'Donoghue, the senior partner of the firm at that time, strongly urged him to take that position and then return to the firm. It was excellent advice. Don says that in one year, he was able to put all the pieces of three years of law school courses together.

Don was raised in upstate New York in the small town of Green Island. Don was able to attend the New York State College for Teachers in Albany, now the University at Albany, because its tuition was heavily subsidized by the state. After one stint of practice teaching, however, he was convinced teaching was not part of his career plans. Law school was, however, and he attended Georgetown Law School, where he was a member of the *Law Review*.

Don's career has been focused directly on protecting the interests of working men and women and their unions. O'Donoghue & O'Donoghue has been representing unions since 1934, and many of the original clients are still with the firm.

When Don arrived at the firm, there were only three lawyers, but the firm has grown to 30 lawyers over the years. Unfortunately, there are no O'Donoghues at the firm now. The three O'Donoghues who were members of the firm have passed away.



O'Donoghue & O'Donoghue represents several national unions, including the United Association of Journeymen and Apprentices of the Plumbing and Pipe Fitting Industry of the United States and Canada, the International Union of Elevator Constructors, and the Operative Plasterers' and Cements Masons' International Association. The firm is also utilized by several other national unions for special projects. Many smaller unions are also represented by the firm, and most have been clients for more than 50 years.

The firm also has a very active practice in employee benefits and represents many national multiemployer pension, health and annuity plans, as well as about 120 locals' plans.

Don has been very active in the ABA's Section of Labor and Employment Law, serving as Co-Chair of several committees over the years, culminating in his being elected Chair of the approximate 20,000-member Labor and Employment Law Section of the ABA for the period 1991-1992.

In addition, Don has appeared on many labor law symposiums and programs on labor issues around the country - all in an effort to improve the lives of the working people of America.

Don has also handled many cases before the NLRB, sometimes on the side of the Board and sometimes opposing the Board. Many of these cases wound up before the U.S. Courts of Appeals and he had the honor of representing his clients in those courts. He has also filed several *amicus curiae* briefs in the United States Supreme Court. Also, in his early years, he argued several appeal cases for indigent defendants convicted of various crimes.

Don is a Fellow of the College of Labor and Employment Lawyers and served as a member of its Board of Directors for several years. Don is also a Charter Fellow of the American College of Employee Benefits Counsel.

Don is particularly proud of the fact that the O'Donoghue firm undertook and financed pro bono a death penalty case arising from Virginia, a jurisdiction that has been very unfriendly



to death penalty habeas corpus claims. That case lasted 13 years and ultimately wound up before the Supreme Court of the United States, which reversed the Fourth Circuit Court of Appeals and vacated the death penalty. The success of the case was solely the result of the extraordinary efforts of those partners and associates who spent incredible hours representing their client. It was the first case where the Supreme Court found actual ineffective assistance of counsel in the trial phase of a capital case. These capital habeas cases are a huge undertaking that is usually borne by large firms with hundreds of lawyers. Don was pleased when the ABA produced a recruitment video to encourage small firms to take such cases that was moderated by former Attorney General Benjamin Civiletti and featured the O'Donoghue firm to show that small and medium-sized firms could successfully take such cases with excellent results.

None of the success Don has had in his practice could have happened without the strong support of Carol, his best friend and spouse. Their five children were born very close together, and Carol practically raised them by herself, since Don spent a great deal of his early law firm years on the road litigating against the Board and employers and working on organizing drives.

He and Carol are proud of their family, four of whom are lawyers—Chris, Mary, Pat and David. Their other daughter, Betsy, is a Certified Public Accountant with a major accounting firm. Three of the lawyers, including Don, are card-carrying members of the LCC.