



**The Defender Initiative 8th Annual Conference on Public Defense:  
Defenders—Effecting Change, for Clients  
and for the Courts**

March 9, 2018 | WSBA Activity ID #1065756  
7.0 Law and Legal CLE Credits

**Agenda**

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| 8:00 – 8:30 a.m.     | <b>Registration and Coffee Service</b>                                                                                                                                                                                       |
| 8:30 – 8:45 a.m.     | <b>Welcome</b><br><br>Annette Clark, Dean, Seattle University School of Law                                                                                                                                                  |
| 8:45 – 9:45 a.m.     | <b>Session 1: Big Lawsuits and “Small” Crimes: National and State Developments</b><br><br>Robert C. Boruchowitz, Professor from Practice and Director of the Defender Initiative, Seattle University School of Law           |
| 9:45 – 10:45 a.m.    | <b>Session 2: How Defenders Can Challenge Money Bail and Detaining Poor People Pre-Trial</b><br><br>Justin Bingham, Spokane City Prosecutor<br>Jaime Hawk, ACLU-Washington                                                   |
| 10:45 – 11:00 a.m.   | Break                                                                                                                                                                                                                        |
| 11:00 a.m. – 12 Noon | <b>Session 3: Trying Cases and Making Motions with an Eye Toward Appeal</b><br><br>Amy Parker, ACA Division of King County DPD<br>Travis Stearns, Washington Appellate Project<br>Sara Taboada, Washington Appellate Project |



12 Noon	Lunch (2 <sup>nd</sup> Floor Gallery)  <b>Welcome</b> Lori Bannai, Professor of Lawyering Skills and Director, Fred T. Korematsu Center for Law and Equality
12:20 – 1:20 p.m.	<b>Keynote Address</b>  Jeffery P. Robinson, Deputy Legal Director and Director of the Trone Center for Justice and Equality, American Civil Liberties Union
1:20 – 1:45 p.m.	Break
1:45 – 2:45 p.m.	<b>Session 4: Juror Implicit Bias: The Race-Conscious, Not Color-Blind Approach</b>  Judge Theresa Doyle, King County Superior Court Kyana Givens, Assistant Federal Public Defender, Western District of Washington
2:45 – 3:00 p.m.	Break
3:00 – 4:00 p.m.	<b>Session 5: Alternative sentencing, diversion and restorative justice</b>  Anita Khandelwal, Policy Director, King County Department of Public Defense Martina Kartman, Soros Justice Fellow, Public Defender Association
4:00 – 5:00 p.m.	<b>Session 6: Being Creative and Effective with Expert Witnesses—How to Find, Pay, Prepare, and Get Them Admitted</b>  Lauren McLane, DNA Staff Attorney, Innocence Project Northwest
5:00 p.m.	Evaluations and Adjourn



## Faculty Biographies

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### Chairperson

#### **Robert C. Boruchowitz**

Professor Robert C. Boruchowitz is Director of The Defender Initiative at Seattle University School of Law. He was Director of King County's Defender Association for 28 years. He founded the Defender's Racial Disparity Project. He has appeared at every level of state and federal court. He has been an expert witness in systemic denial of counsel litigation and in excessive defender caseload cases. He was co-investigator on a study of the costs of seeking the death penalty. He was lead researcher and co-author of "Minor Crimes, Massive Waste--The Terrible Toll of America's Broken Misdemeanor Courts." He is working on a Justice Department funded project with the Sixth Amendment Center to improve public defense in several states. He developed a seminar and a clinic on Right to Counsel and taught in the Youth Advocacy Clinic and criminal procedure courses. He developed a seminar on Law and the Holocaust and the Abuse of Executive Power. He wrote a paper for the American Constitution Society on diverting and reclassifying misdemeanors. He wrote an article for Seattle Journal for Social Justice on the right to counsel in misdemeanors. As founding president of Washington Defender Association and a founding member of the American Council of Chief Defenders, he has been instrumental in developing defender standards. As a Soros Senior Fellow and with a grant from the Foundation to Promote Open Society, he worked on right to counsel in four states. He has received numerous awards including the NACDL Champion of Indigent Defense Award.

### Presenters

#### **Lorraine Bannai**

After earning her J.D., Professor Bannai was a partner with the San Francisco firm of Minami, Lew & Tamaki. While in practice, she was part of the legal team in *Korematsu v. United States*, an action that successfully challenged Mr. Korematsu's conviction for violating military orders removing Japanese Americans from the West Coast during World War II. Prior to joining the Seattle University faculty in 1996, Professor Bannai directed the academic support program at the University of California, Berkeley, Boalt Hall School of Law; taught at the University of San Francisco, the John F. Kennedy, and the New College of California Schools of Law; and was a visiting associate professor in Western Washington University's Law and Diversity Program.

#### **Justin Bingham**

Justin Bingham has served as a prosecuting attorney for the City of Spokane since 2001 and was appointed the City Prosecutor in 2014. During his tenure as a prosecutor, Justin has dealt with every type of crime punishable in the Municipal Court system. He has participated in numerous specialty court models including Mental Health Court, Veterans Court and Domestic Violence Court. Justin has become heavily involved in the criminal justice reform efforts currently taking place in Spokane. Justin sits as a prosecutor representative on the WSBA Council on Public Defense, serves as co-chair of the ABA Criminal Justice Section's Pre-Trial Justice Committee, and is the vice-chair of the Spokane Regional Law



and Justice Council. Justin is a proud graduate of the University of Tennessee, as well as Gonzaga University School of Law. His rules for prosecutors are fairly simple: work hard, be nice to people and seek justice.

### **Theresa Doyle**

Judge Theresa Doyle was elected to King County Superior Court and began her first term in January 2005. She has been Assistant Chief Criminal Judge, and has served on Unified Family Court, Drug Court and on the civil and criminal trial calendars. Judge Doyle began her judicial career in 1998 when she was appointed by the Mayor to Seattle Municipal Court. There, she presided over numerous criminal jury trials and other hearings, and was Mental Health Court Judge from 2003-2004.

Judge Doyle is a member of the Washington State Minority and Justice Commission, and the Washington State Interpreter Commission. She serves on the court's jury committee and courts and community committee. Judge Doyle has written articles and given presentations to judges and attorneys on such criminal justice issues as bail reform, LFO reform, implicit bias, jury diversity, race and sentencing, and race and risk assessments, and race and Evidence Rule 609.

Judge Doyle was a judicial law clerk at the Washington Court of Appeals, Division One, and California Court of Appeal, Division One. She has been an appellate lawyer at the California Public Defender and Washington Appellate Defender Association (WADA), a trial attorney at The Defender Association (TDA), and an associate at a large downtown firm. Judge Doyle was graduated cum laude from Seattle University School of Law. There she served on the law review editorial board.

### **Kyana Givens**

Kyana Givens has been a trial attorney at the Federal Public Defender for the Western District of Washington since 2009 and prior to being at the FPD Office, she was a public defender with the King County Public Defender (TDA) since 2005. Ms. Givens has been committed to mentoring and teaching other defenders throughout her practice. As the Albert M. Sacks Fellow at Harvard Law School, Ms. Givens worked closely with Clinical Professors teaching and training in trial advocacy. While at Harvard, she represented adult and juvenile clients being served by CJI and provided litigation support to Prof. Charles J. Ogletree, Jr on criminal and Civil Rights matters. Ms. Givens' dedication to teaching and mentoring extends beyond the legal community. She has also taught Constitutional Law to undergraduate students at Seattle University. A graduate of Northeastern University School of Law (Boston, MA), Ms. Givens earned a Bachelor of Arts degree from Seattle Pacific University (Seattle, WA). Ms. Givens is a faculty member at The National Criminal Defense College (NCDC) in Macon, Georgia, she is also on the Faculty for the Trial Skills Academy for Federal Defenders and she regularly speaks at CLEs about trials skills.

### **Jaime Hawk**

Jaime Hawk is Legal Strategy Director of the Campaign for Smart Justice at the ACLU of Washington. She previously served as a federal and state public defender for nearly a decade, and as a law clerk to a



federal judge. She began her legal career as an attorney fellow on the U.S. Senate Judiciary Committee staff of Edward M. Kennedy in Washington, D.C. Ms. Hawk has taught Juvenile Law as an adjunct professor at Gonzaga Law School. She is a member of the ABA House of Delegates and serves on the national Council of the ABA Criminal Justice Section. She is also a member of the WSBA Council on Public Defense. In 2008, she received the WDA President's Award for her work in Grant County.

#### **Martina Kartman**

Martina Kartman is a Soros Justice Fellow at the Public Defender Association where she partners with community leaders in Seattle-King County, and The UW Center for Human Rights' Rethinking Punishment Project to support community based responses to interpersonal and state violence. Prior to joining PDA, Martina worked at the Seattle Office of Civil Rights as a Civil Rights Analyst, and Columbia Legal Services Institutions Project. Martina is a recipient of the UW Bonderman Fellowship, Karin Stromberg Contribution to Social Justice, the Herring Phelps Award for Scholarly Activism, and the Meena Vashee Scholarship for Survivors. Martina holds a JD from the University of Washington School of Law, where she was a William H. Gates Public Service Law Scholar.

#### **Anita Khandelwal**

#### **Lauren McLane**

#### **Amy Parker**

Amy Parker has been practicing criminal law at the King County Department of Defense-ACAD since 2005. She has practiced mainly in felony and misdemeanor trial courts during the last 13 years. In 2016, she was assigned to ACAD's RALJ unit where she has written RALJ appeals, motions for discretionary review, and writs. During that time she has learned a tremendous amount about how to write persuasively and effectively and has presented on issues regarding appeals.

#### **Jeffery P. Robinson**

Jeff Robinson is a Deputy Legal Director and the Director of the Trone Center for Justice and Equality, which houses the ACLU's work on criminal and racial justice and reform issues. Since graduating from Harvard Law School in 1981, Jeff has three decades of experience working on these issues. For seven years, he represented indigent clients in state court at The Defender Association and then in federal court at the Federal Public Defender's Office, both in Seattle. In 1988, Jeff began a 27 year private practice at the Seattle firm of Schroeter, Goldmark & Bender where he represented a broad range of clients in local, state, and federal courts on charges ranging from shoplifting to securities fraud and first degree murder. He has tried over 200 criminal cases to verdict and has tried more than a dozen civil cases representing plaintiffs suing corporate and government entities. Jeff was one of the original members of the John Adams Project, which enabled him to work on the behalf of one of five men held at Guantanamo Bay charged with carrying out the 9-11 attacks.



In addition to being a nationally recognized trial attorney, Jeff is also a respected teacher of trial advocacy. He is a faculty member of the National Criminal Defense College in Macon, Georgia, and has lectured on trial skills all over the United States. He has also spoken nationally to diverse audiences on the role of race in the criminal justice system. He is past President of the Washington Association of Criminal Defense Lawyers and a life member and past member of the board of directors of the National Association of Criminal Defense Lawyers. Jeff is also an elected fellow of the American College of Trial Lawyers.

#### **Travis Stearns**

Travis is an advocate for the right to counsel for all disenfranchised persons. He has worked in public defense most of his career, currently with the Washington Appellate Project and formerly with the Legal Aid Society of New York City, the Whatcom County Public Defender and the Washington Defender Association. Travis is an adjunct professor at Seattle University School of Law, the director of NLADA's Appellate Defender Training Program, and the chair of the National Alliance of Indigent Defense Educators. He is also a member of the Washington State Supreme Court's Minority and Justice Commission, the Washington State Bar Association's Commission on Public Defense. He has been recognized for his pro bono work and his mentorship of law students and young lawyers.

#### **Sara Taboada**

Sara Taboada is a 2016 graduate of Seattle University School of Law and an attorney at the Washington Appellate Project, where she drafts appeals for indigent clients appealing criminal convictions, orders of dependency, and orders terminating parental rights. Before joining the Washington Appellate Project, Sara interned at the Campaign for the Fair Sentencing of Youth, the Youth Advocacy Clinic, and Columbia Legal Services. Additionally, she served as a Research and Technical Editor for the Seattle Journal for Social Justice. Through her work, Sara is committed to fighting the racial and economic disparities in the criminal justice and child dependency systems.