The Defender Initiative  
Fifth Annual Conference on Public Defense  
March 6, 2015 | 8:30 a.m.-5:30 p.m.  
5.5 General and 1.0 CLE Credits | WSBA Activity ID #395160

Agenda

8:30-8:45 a.m. Welcome by Dean Annette Clark

8:45-9:30 a.m. Session 1: National Trends and Their Impact in Washington  
Professor Bob Boruchowitz will discuss his work as an expert witness in the  
ground-breaking Hurrell Harring case in New York State, its relationship to the  
Wilbur case in Federal Court in Seattle, and how these cases might affect  
issues such as implementation of standards in Washington. He also will  
discuss briefly the recent study on the cost of the death penalty in Washington  
State, a caseload study in Texas, and introduce some of the race bias issues  
to be discussed later in the day.

9:30-10:30 a.m. Session 2: Input and output issues in Criminal Justice  
King County Prosecutor Dan Satterberg will discuss his ideas on diversion and  
re-entry, including the 360 Juvenile Diversion program.

10:30-10:45 a.m. Break

10:45 a.m.-12:00 p.m. Session 3: How to get your client into diversion; how to expand LEAD to other counties  
Lisa Daugaard, Policy Director for the Public Defender Association and  
supervisor of the Racial Disparity Project, Mary Barbosa, Trial Unit Chair, King  
County Prosecutor's Office, and Jim Pugel, Chief Deputy, King County Sheriff's  
Office will discuss the ground-breaking LEAD (Law Enforcement Assisted  
Diversion) program, which allows pre-booking diversion to community-based  
services for low-level drug and prostitution offenders.

12:00 noon Lunch - 2nd Floor Gallery

12:20-12:30 p.m. Welcome from Bob Chang, Executive Director, The Fred T. Korematsu Center for Law and Equality.
12:30-1:30 p.m.  **Keynote Address**  
Frankie Guzman, a lawyer with the National Center for Youth Law, will discuss his work advocating for alternative sentences for juveniles and his own experience as a youthful offender.

1:30-1:45 p.m.  Break

1:45-2:45 p.m.  **Session 4: How to help your client with post sentencing issues before and after sentencing**  
This discussion will focus on what trial lawyers can do to help their clients with post-sentencing issues, with perspective provided by attorneys who work as trial lawyers, appellate counsel and in post-conviction relief. Veteran defender Travis Stearns will moderate a panel that includes Innocence Project Northwest's Anna Tolin, Washington Appellate Project's Nancy Collins and King County Department of Public Defense TDA Division's Daron Morris.

2:45-3:00 p.m.  Break

3:00-3:30 p.m.  **Session 5: Tale of Two Cities**  
Eileen Farley, the court-appointed supervisor for public defense services in the two cities sued in the Wilbur case, will discuss her work there.

3:30-4:30 p.m.  **Session 6: Implementation of the rule on standards in Misdemeanor courts**  
Joanne Moore, Director of The Washington Office of Public Defense, will discuss her office’s report on Misdemeanor Public Defense Costs in Washington, and will have a conversation with Professor Boruchowitz about the implementation of the Supreme Court Rule on standards and caseload limits.

4:30-5:30 p.m.  **Session 7: How defenders can address Implicit Bias in their daily practice**  
Bob Boruchowitz will introduce the discussion which will be led by King County Department of Public Defense TDA Division's felony attorney Twyla Carter and felony supervisor Ben Goldsmith.

5:30 p.m.  **Course Evaluations and Adjourn**
Faculty Biographies

Program Chairperson

Robert C. Boruchowitz

Robert C. Boruchowitz is Professor from Practice and Director of The Defender Initiative at Seattle University School of Law. Before joining the faculty in 2007, he was Director of The Defender Association in Seattle for 28 years. He founded the Racial Disparity Project at The Defender Association. He has appeared at every level of state and federal court. He was an expert witness in the Hurell Harring case in New York State and in the Best v. Grant County case in Washington. Professor Boruchowitz was co-principal investigator on the recently released report, "An Analysis of the Economic Costs of Seeking the Death Penalty in Washington State."

Professor Boruchowitz developed a Right to Counsel Clinic, which won a writ of mandamus on right to counsel in Department of Corrections revocation hearings. He has taught in the Youth Advocacy Clinic where he pursued due process rights for children in truancy proceedings. He has taught criminal procedure and a seminar on Right to Counsel. He wrote "Diverting and Reclassifying Misdemeanors Could Save $1 Billion per Year: Reducing the Need For and Cost of Appointed Counsel," published by the American Constitution Society. As the founding president of the Washington Defender Association and a former member of the Executive Committee of the American Council of Chief Defenders, he has been instrumental in developing defender standards in Washington and nationally. He was a Soros Senior Fellow working on access to counsel in misdemeanor and juvenile cases. He worked on a similar project on a grant from the Foundation to Promote Open Society, working in Kentucky, South Carolina, and New Hampshire as well as in Washington. He has received numerous awards including the National Association of Criminal Defense Lawyers Champion of Indigent Defense Award, the Washington Association of Criminal Defense Lawyers William O. Douglas Award, and the Washington Defender Association Gideon Award.

The Defender Initiative is working with the Sixth Amendment Center on a grant from the U.S. Department of Justice in Utah and Mississippi. One of the Initiative's first projects was a study of misdemeanor defense, resulting in the report "Minor Crimes, Massive Waste: The Terrible Toll of America's Broken Misdemeanor Courts", published by the National Association of Criminal Defense Lawyers.

Keynote Speaker

Frankie Guzman

Frankie Guzman is the recipient of the highly prestigious Soros Justice Fellow, and serves as an attorney at the National Center for Youth Law. Frankie’s fellowship project challenged the practice of prosecuting and jailing children in California's adult criminal justice system and advocate for alternative sentencing and local treatment for youth charged with serious offenses.

After graduating from UC Berkeley, Frankie worked at the Greenlining Institute and the National Center for Youth Law before attending UCLA School of Law. As a law student, Frankie served as President of La Raza Law Students Association and Pacific Regional Director of the National Latino Law Students Association. He has clerked at the Prison Law Office, and Public Counsel Law Center. Frankie is a recipient of the Paul and Daisy Soros Fellowship for New Americans and the Outstanding Achievement Award from the California Department of Corrections and Rehabilitation, Division of Juvenile Justice.

There are few people better qualified to do this work. Frankie is himself a product of the juvenile justice system. When he was just 15 years old, he was convicted of armed robbery and sentenced to 15 years in the California Youth Authority. After serving six years, he was released on parole. After his release, he enrolled in Oxnard College and later transferred to UC Berkeley, where he earned a BA in English. The rest, as they say, is history.
Presenters

Mary Barbosa
Mary Barbosa is a Senior Deputy Prosecuting Attorney with the King County Prosecutor's Office. For the past 17 years, Mary has prosecuted a variety of crimes ranging from drugs and property crimes to sexual assault and homicide. Currently, Mary is the chair of the Felony Trial Unit in Seattle. Since 2011, Mary has been the King County Prosecutor’s Office’s liaison to the Law Enforcement Assisted Diversion (“LEAD”) program.

Twyla Carter
Twyla Carter, SU Law ’07, is a staff attorney handling felonies at The Defender Association Division of the newly formed King County Department of Public Defense. Prior to her current assignment, Twyla represented youth charged with crimes in juvenile court, adults charged with domestic violence crimes in district court, and defendants who appealed their municipal and district court convictions. In 2011, Twyla won a published decision from the Court of Appeals, Division One, in State v. Green, which addressed due process requirements for trespass orders issued by public school districts. Twyla is a member of the Loren Miller Bar Association (LMBA), which awarded her the “Young Lawyer of the Year” award in 2008. Twyla was recently named to King County’s Equal Employment Opportunity/Affirmative Action Advisory Committee, becoming the first public defender to join the 21-member committee. While a student at Seattle University School of Law, she served as the President of the Black Law Students Association (BLSA), and under her leadership, Seattle University’s BLSA chapter was recognized as the largest chapter in the western region and was named the region’s Chapter of the Year. Twyla has maintained close ties to the law school, serving as a mentor, guest speaker, panelist, mock trial judge and evaluator, BLSA and ARC supporter, and donor.

Robert Chang
Robert S. Chang is a Professor of Law and Executive Director of the Fred T. Korematsu Center for Law and Equality at Seattle University School of Law. He has also previously served as Associate Dean for Research and Faculty Development. He joined the School of Law from Loyola Law School in Los Angeles, where he was Professor of Law and J. Rex Dibble Fellow. A graduate of Princeton and Duke Universities, he writes primarily in the area of race and interethnic relations. He is the author of “Disoriented: Asian Americans, Law and the Nation-State” (NYU Press 1999) and more than 50 articles, essays, and chapters published in leading law reviews and books on Critical Race Theory, LatCrit Theory, and Asian American Legal Studies.

He has received numerous recognitions for his scholarship and service. He was the 2009 co-recipient of the Clyde Ferguson Award, given by the Minority Groups Section of the Association of American Law Schools, which is “granted to an outstanding law teacher who in the course of his or her career has achieved excellence in the areas of public service, teaching and scholarship.” Most recently, he was the co-recipient of the 2014 Charles A. Goldmark Distinguished Service Award from the Legal Foundation of Washington for his leadership role in a statewide task force on race and the criminal justice system. In addition to co-chairing the task force, he led the research team that produced its Preliminary Report on Race and Washington’s Criminal Justice System that was presented to the Washington Supreme Court and was published simultaneously in the Gonzaga Law Review, the Seattle University Law Review, and the Washington Law Review.

He is currently serving as co-counsel representing high school students in Tucson who have challenged the constitutionality of an Arizona statute that has resulted in the termination of the Mexican American Studies Program in the Tucson Unified School District. That case is now before the U.S. Court of Appeals for the Ninth Circuit. Students from his Civil Rights Amicus and Advocacy Clinic the past several years have assisted on this case.

Nancy Collins
Nancy Collins served as a public defender at the Legal Aid Society in New York for five years before joining the Washington Appellate Project in 1999. She handles appeals in both state and federal court and is certified to represent capital defendants in the Washington Supreme Court. Cases Nancy has argued and won in the Washington Supreme Court include State v. Barrara Garcia (2014); State v.

Lisa Daugaard
Lisa Daugaard supervises the RDP. Lisa has been a felony and misdemeanor lawyer at the Defender Association, and supervised its misdemeanor division from 2002-2006. In 1999, as a staff attorney, she led the successful defense of hundreds of activists falsely arrested during the WTO demonstrations. Prior to becoming a public defender in 1996, she directed the Urban Justice Center Organizing Project and was Legal Director of the Coalition for the Homeless, both in New York City. She was also a fellow at the ACLU National Legal Department, where she helped to coordinate the successful campaign and litigation to shut down the internment camp for HIV+ Haitian refugees at Guantanamo Bay Naval Base. Lisa graduated from the University of Washington in 1983, obtained an M.A. in Government from Cornell University in 1987, and a J.D. from Yale Law School in 1992.

Eileen Farley
Eileen Farley is the Court-Designated Public Defense Supervisor for the cities of Mount Vernon and Burlington. Before that she was director of the Northwest Defenders for 11 and 1/2 years. She has 12 years of experience as a judge pro tem and worked in private practice for six years after three years at The Defender Association. She was President of the Washington Defender Association Board from 2011-2012. She is a graduate of the University of California Davis Law School.

Benjamin Goldsmith
Benjamin Goldsmith is Acting Felony Supervisor for The Defender Association-Division King County Department of Public Defense. He received a J.D. from University of Michigan, cum laude and an LLM from Georgetown University Law Center, where he was an E. Barrett Prettyman Fellow.

Joanne Moore
Joanne Moore has been the Director of the Washington State Office of Public Defense since 1998. She oversees the state's programs on indigent appellate defense, civil commitment defense under RCW 71.09, and parents' representation in dependency and termination cases, as well as Washington’s RCW 10.101 public defense improvement program. Joanne is an active, longstanding member of the WSBA Council on Public Defense, and has been a leader in implementing the Supreme Court Standards for Indigent Defense. She co-chaired the House Judiciary Workgroup on Misdemeanor Public Defense Costs. She has authored numerous articles on public defense issues, and is Editor of Immigrants in Courts, published by the University of Washington Press, and a chapter on Reforming the Legal System, to be published by the ABA in 2015. Joanne has received several awards for her indigent representation work, including WDA's President's Award and WACDL's Champion of Justice Award.

Daron Morris
Daron Morris is the deputy director and felony supervisor for the TDA division of the King County Department of Public Defense. His previous experience includes working with the Legal Aid Society of New York City and as a private attorney in Seattle, where his work included providing post-conviction relief.

Jim Pugel
Jim Pugel is the Chief Deputy at the King County Sheriff’s Office, located in Seattle Washington. As Chief Deputy, Jim oversees Patrol Operations Division, Criminal Investigation Division, Special Operations, Training, 911 Communications Center, Records and Data as well as the 16 cities and agencies that contract for services with the Sheriff's Office. Prior to that Jim was Interim Chief at the Seattle Police Department.
He began his career at the Seattle Police Department as a volunteer officer and was hired as a police officer in 1983, was on the SWAT and then promoted to Sergeant in 1990 where he worked patrol and the Training Academy. As a lieutenant he worked as a Watch Commander before commanding the Sexual Assault Unit. He became Captain of the West Precinct in 1999. Jim was promoted to Assistant Chief in 2001. He served as the Operation Bureau Chief, Field Support Bureau Chief and Criminal Investigation Bureau chief. Jim retired in April of 2014 after 31 years of service. Jim then joined the King County Sheriff's Office in September of 2014, working directly for Sheriff John Urquhart.

While an assistant chief Jim was the department's executive sponsor working closely with numerous community groups, non-profit organizations and government groups in creating the Law Enforcement Assisted Diversion (LEAD). LEAD is the only initiative of its kind in North America where low level, non-violent drug users, dealers and sex workers are given a chance to divert to treatment and other care at point of arrest instead of being put in jail. Jim serves on the Kennedy School of Government Executive Session on Community Corrections, and the VERA Institute Advisory Panel of Justice Reform for Healthy Communities. Both groups focus on ways to better divert people from prison and integrate released offenders while improving the health of all.

Jim is a graduate of the University of Washington with a BA in Political Science and English. He graduated from the FBI National Academy in 1997, the Senior Management Institute for Police at Boston University in 2002 and the Cascade Executive Management Program, Evans School of Public Policy, University of Washington in 2006. He lives in Seattle is involved in community organizations.

Dan Satterberg

Dan Satterberg was elected King County Prosecuting Attorney in November 2007 to succeed his longtime friend and mentor, the late Norm Maleng. He was re-elected in 2010 without opposition. Dan served as Chief of Staff for Norm Maleng for 17 years, and was responsible for the management and operation of the Prosecuting Attorney's Office, including budget, human resources, technology, legislative and policy matters. The Prosecuting Attorney's Office employs more than 210 attorneys, 230 staff, and has a budget of over $55 million. Before 1990, Dan was a trial attorney in the Criminal Division, where he spent rotations in the Special Assault Unit, Drug Unit, and served as the office's first gang prosecutor in 1988. Dan was born and raised in South King County and attended Highline High School. His father was a lawyer in White Center and his mother was a nursing instructor at Highline Community College. He graduated from the UW undergraduate school (Political Science and Journalism) and the UW Law School.

Travis Stearns

Travis Stearns has represented clients and worked on criminal justice reform his entire career. He is an adjunct professor at Seattle University School of Law, working formerly with the Washington Defender Association, the Whatcom County Public Defender and the Legal Aid Society of New York City. He currently represents criminal defendants in state and federal court at the trial and appellate level. He has written numerous articles and briefs on the obligations attorneys have to their clients post conviction.

Anna Tolin

Anna Tolin is the deputy director of the Innocence Project Northwest and a law lecturer at the University of Washington School of Law. She supervises law students investigating claims of wrongful conviction and represents prisoners seeking post-conviction relief. She has spoken frequently on post-conviction obligations and works steadily to overturn wrongful convictions. She provides management and supervisory support to IPNW, develops and implement case management policies, provides media and outreach communication, and coordinates with Advisory Council and Innocence Network members.