

SECOND ANNUAL
DEFENDER INITIATIVE CONFERENCE
ON PUBLIC DEFENSE

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Friday, March 2, 2012

DEAN'S WELCOME



Mark C. Niles, Dean and Professor of Law

Welcome to the Second Annual Defender Initiative Conference on Public Defense at Seattle University School of Law.

The School of Law and the Korematsu Center are a natural home for The Defender Initiative, which is an unusual law school-based educational, reform, and advocacy effort to improve public defense. We envision the Initiative as a catalyst for change and as a partner with others in ongoing efforts. It fits perfectly with our mission to educate lawyers as leaders for a just and humane world.

We are proud to host this program and hope you enjoy your day here at the School of Law.



MESSAGE FROM THE DIRECTORS

Robert Chang, *(top) Professor of Law and Executive Director of Fred T. Korematsu Center for Law and Equality*

Bob Boruchowitz, *(bottom) Professor from Practice and Director of the Defender Initiative*

Welcome to the second Defender Initiative Conference on Public Defense. The Initiative is a key part of the Fred T. Korematsu Center for Law and Equality. The Center's mission is to advance justice and equality through a unified vision that combines research, advocacy, and education. The Initiative takes the same approach to improving public defense services. It has had an impact both in Washington and nationally, as it has worked to ensure the implementation of the right to counsel in misdemeanor courts. In addition, the Initiative's Director, Professor Robert C. Boruchowitz, has been an expert witness in cases challenging excessive defender caseloads, and he has filed amicus briefs in trial courts on issues including due process in truancy proceedings and appointment and compensation of counsel in misdemeanor cases as well as one in the state supreme court on a sufficiency of evidence claim.



We are excited about this Defender Initiative public defense conference and the opportunity to continue being a partner with others advocating for improvement of public defense services.

ABOUT THE CONFERENCE

Despite budget cuts and many challenges to defenders, there have been a number of positive developments locally and nationally. This Second Annual Defender Initiative Conference on Public Defense provides an additional opportunity to bring together defenders, assigned counsel, and others concerned about effective representation of clients. Among the topics covered will be how defenders can respond to racial disproportionality and race bias in the criminal justice system, the upcoming implementation of a court rule requiring compliance with standards, including caseload limits, the ongoing problems of misdemeanor defendants pleading guilty without counsel, “crimmigration”, and how defenders can use software in trying cases more effectively. We are delighted that Professor Bryan Stevenson, one of the nation’s leading civil rights advocates and champions of the need to provide effective representation for people facing the death penalty, will be our keynote speaker. As we are one year from the 50th anniversary of the *Gideon v. Wainwright* U.S. Supreme Court decision, we can celebrate progress and strategize to overcome continuing challenges.

Keynote Speaker

Bryan A. Stevenson,
Founder and Executive Director
Equal Justice Initiative, Montgomery, Alabama

Bryan Stevenson is the founder and Executive Director of the Equal Justice Initiative in Montgomery, Alabama. Mr. Stevenson is a widely acclaimed public interest lawyer who has dedicated his career to helping the poor, the incarcerated and the condemned. Under his leadership, EJI has won major legal challenges eliminating excessive and unfair sentencing, exonerating innocent death row prisoners, confronting abuse of the incarcerated and the mentally ill and aiding children prosecuted as adults. EJI has recently succeeded in winning a ban on life imprisonment without parole sentences imposed on children convicted of most crimes in the U.S. and has initiated major new anti-poverty and anti-discrimination efforts. Mr. Stevenson’s work fighting poverty and challenging racial discrimination in the criminal justice system has won him numerous awards including the ABA Wisdom Award for Public Service, the MacArthur Foundation Fellowship Award Prize, the Olaf Palme International Prize, the ACLU National Medal Of Liberty, the National Public Interest Lawyer of the Year Award, the NAACP Ming Award for Advocacy, the Gruber Prize for International Justice and the Ford Foundation Visionaries Award. He is a graduate of the Harvard Law School and the Harvard School of Government, has been awarded 13 honorary doctorate degrees and is also a Professor of Law at the New York University School of Law.



CONFERENCE SCHEDULE

Friday, March 2

8:00 - 8:45 a.m. COFFEE SERVICE AND BREAKFAST BREADS

8:45 - 9:00 a.m. WELCOME AND COURSE OVERVIEW

Mark C. Niles, Dean and Professor of Law, Seattle University School of Law

9:00 - 9:50 a.m. MISDEMEANOR RIGHT TO COUNSEL - WHEN WILL THEY EVER LEARN? AND HOW CAN STAFF LAWYERS PERSUADE THEIR SUPERVISORS THAT THE ISSUE IS WORTH FIGHTING FOR?

Bob Boruchowitz, Professor from Practice, Seattle University School of Law

9:50 - 10:00 a.m. BREAK

10:00 - 11:15 a.m. "CRIMMIGRATION" – THE IMPACT OF IMMIGRATION ENFORCEMENT ON WASHINGTON'S CRIMINAL JUSTICE SYSTEM AND ITS IMPACT ON MINORITY COMMUNITIES

Travis Stearns, Washington Defender Association

Ann Benson, Washington Defender Association

Ada Williams Prince, One America

Matt Adams, NWIRP

11:15 - Noon STANDARDS AND IMPLEMENTATION OF THE NEW RULE

Jacqueline McMurtrie, *Professor*, University of Washington School of Law

Dan Fessler, *Director*, Department of Assigned Counsel

Noon - 1:30 p.m. LUNCH AND KEYNOTE SPEAKER

Bryan Stevenson, Professor and Executive Director of the Equal Justice Initiative, New York University

1:35 - 2:40 p.m. RACE AND CRIMINAL JUSTICE TASK FORCE – WHAT DEFENDERS CAN LEARN AND APPLY IN THEIR PRACTICE

Karen Murray, Associated Counsel for the Accused
Mario Cava, Liberty Mutual Group, Inc.
Twyla Carter, The Defender Association
Josephine Wiggs-Martin, Northwest Defenders Association

2:40 - 2:55 p.m. BREAK

2:55 - 4:00 p.m. ADDRESSING RACE BIAS IN DEFENDER PRACTICE

Kim Ambrose, Law Lecturer, University of Washington School of Law
Alexandra Narvaez, The Defender Association

4:00 - 5:00 p.m. HOW TO OBTAIN AND USE SOFTWARE IN TRYING CASES MORE EFFECTIVELY

Russ Aoki, Aoki Law PLLC
Michael Iaria, Law Office of Michael Iaria, PLLC

5:00- 7:00 p.m. ADJOURN AND RECEPTION
Court Level, Sullivan Hall

BIOGRAPHY OF GUEST SPEAKERS

Matt Adams is the legal director for the Northwest Immigrant Rights Project (NWIRP) in Seattle. NWIRP provides direct representation to immigrants who have been placed in deportation/removal proceedings, as well as those who are seeking legal status and citizenship. Matt focuses on litigation in federal courts.

Kimberly Ambrose is a lecturer at the University of Washington School of Law where she teaches Juvenile Justice and a new clinical course she developed, The Race and Justice Clinic. She has previously taught and directed the UW 's Children and Youth Advocacy Clinic and the Legislative Advocacy Clinic. Before joining the faculty at UW she worked for the Washington Defender Association as a resource attorney and spent several years as a public defender representing indigent adults and juveniles in criminal and child welfare proceedings. Professor Ambrose also created and directs the Juvenile Records Sealing Clinic, staffed by student volunteers from the UW and Seattle University chapters of Street Youth Legal Advocates of Washington (SYLAW).

Russell M. Aoki's practice emphasizes criminal defense and business litigation. During his 25 year career, he has served as judge pro tem, mediator, and special master. Mr. Aoki also works a Coordinating Discovery Attorney for the Administrative Office of the U.S. Courts, Office of Defender Services providing technology assistance on complex criminal cases. Mr. Aoki is a member of the U.S. District Court's Technology Working Group for the Western District of Washington and helped create Best Practices Policies for criminal cases involving large volumes of discovery. From 2006 to 2009 Mr. Aoki served on the Washington State Bar Association's Board of Governors. He also served on the Office of Public Defense Advisory Committee for 12 years and is a past Board President of Northwest Defender Association, past President of the Asian Bar Association of Washington and a past Trustee of the King County Bar Association. Currently, he chairs the WSBA's Task Force on the Escalating Cost of Civil Litigation.

Ann Benson is the Directing Attorney for the Washington Defender Association's Immigration Project. She provides training and technical assistance to defense attorneys, judges and prosecutors to understand the immigration consequences of criminal convictions facing noncitizen defendants and their families. Additionally, Ann works collaboratively with organizations in Washington State and throughout the country to defend the due process rights of immigrant defendants and to reverse the increasing trend of criminalizing immigrant communities. Along the way Ann has worked as the Legal Director of the Northwest Immigrant Rights Project and taught immigration law at the University of Washington School of Law. She has served on the Board of Directors for the National Immigration Project of the National Lawyers Guild, One America (formerly Hate Free Zone) and the National Network to End Violence Against Immigrant Women. In 2005 Ann received the Lexis Nexis Daniel Levy Memorial Award for Outstanding Achievement in Immigration Law. 2009 she was honored with the "Friend of the Judiciary" award from the Washington Women Lawyers Association.

Robert C. Boruchowitz is Professor from Practice and Director of The Defender Initiative at Seattle University School of Law. Before joining the faculty in January, 2007, he was Director of The Defender Association in Seattle for 28 years. He has appeared at every level of state and federal court. He was co-author of a NACDL publication, "Minor Crimes, Massive Waste: The Terrible Toll of America's Broken Misdemeanor Courts". 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 founded the Racial Disparity Project at The Defender Association. He has taught in the Youth Advocacy Clinic and among other projects has pursued due process rights for children in truancy proceedings. He attended a two week training for law teachers at the US Holocaust Memorial Museum and he developed a seminar on Law and the Holocaust. He has taught criminal procedure. He was a Soros Senior Fellow working on access to counsel in misdemeanor and juvenile cases. He is doing a similar project on a current grant from the Open Society Foundation, working in Kentucky and New Hampshire as well as in Washington. He was a co-chair for an American Bar Association project to provide public defender training in four regions of the country. He has received the WSBA Professionalism Award, The WDA Gideon Award, the National Legal Aid and Defender Association Reginald Heber Smith Award, the National Association of Criminal Defense Lawyers Champion of Indigent Defense Award, and the Washington Association of Criminal Defense Lawyers William O. Douglas Award.

Twyla Carter is a staff attorney at The Defender Association. She currently advocates on behalf of juvenile clients accused of misdemeanor and felony crimes. Prior to her current assignment, she represented adults facing misdemeanor domestic violence charges and she appealed misdemeanor convictions. In 2010, Twyla won a published decision from Division One in *State v. Green*, which addressed due process requirements for trespass orders issued by public school districts. Twyla received her undergraduate degree in Criminal Justice, summa cum laude, from Seattle University and her J.D. from Seattle University School of Law. The Loren Miller Bar Association recognized Twyla as a "Young Lawyer of the Year" in 2008, and she was a WSBA Leadership Institute Fellow and Graduate in 2011.

Mario Cava is Field Counsel for Liberty Mutual Group, Inc. He also provides legal counsel to Safeco Insurance Company. His work includes extensive motions practice in addition to appearance on behalf of insured in mediations, arbitrations, and trials. Prior to joining Liberty Mutual, Mario was a trial attorney at Associated Counsel for the Accused (ACA). He managed a caseload of domestic violence cases in Seattle Municipal Court and serious felony matters in King County Superior Court, Juvenile Division. Mario is a WSBA Leadership Institute Fellow and a member of the WSBA Rules of Professional Conduct Committee, where he chairs the Subcommittee on Trusts and Accounts. He serves on the WSBA Court Rules and Procedures Committee, where he chaired the Evidence Rules Subcommittee. Mario has served as a Mock Trial Coach and guest lecturer for the King County Bar Association Future of the Law Institute. He formerly served on the QLaw Membership Committee and is a performing member of the Seattle Men's Chorus. Mario received his B.A. in Politics and Psychology, cum laude, from Whitman College and his J.D., cum laude, from the American University Washington College of Law.

L. Daniel Fessler is the current Director of the Yakima County Department of Assigned Counsel. Dan is a 1975 graduate of Willamette University College of Law and has practiced law in and around Yakima since that time, with over 30 years of experience in both private practice and organized public defender programs, including felony practice, misdemeanor practice, civil commitments, and appellate practice in the state and federal courts. In 1988 he was appointed the Administrator of the Superior Court public defender program and was instrumental in establishing the Yakima County Department of Assigned Counsel. In 1989 he was appointed as its Director. Dan has also served as a municipal court judge, WSBA local disciplinary counsel, an appointed member of the Washington Sentencing Guidelines Commission, a member of executive committee of the WSBA Criminal Law Section, the Washington Defender Association's Board of Directors, and WACDL's Board of Governors. He is currently Past-President of the Washington Defender Association. Dan is an active member of the WSBA Council for Public Defense.

Michael Iaria is a 1982 graduate of the University of Puget Sound School of Law. He was a staff attorney at the New Jersey Office of the Public Defender and at The Defender Association before entering private practice in 1987. He is currently the President of the Board of Directors of Northwest Defender Association. His practice emphasizes the defense of white-collar, death penalty, homicide, and other serious matters in state and federal courts. Additionally, he is a program attorney in the Mexican Capital Legal Assistance Program, working with Mexican consular officials to ensure that Mexican nationals facing the death penalty in this country receive the best representation possible. He has received WACDL's President's Award for "distinguished service in the highest traditions of the criminal defense bar." His peers have voted him a "Super Lawyer" each year since Washington Law & Politics Magazine began the award in 1999 and Seattle Business Monthly has listed him as one of the best lawyers in Seattle. He has received Martindale-Hubbell's AV rating.

Jacqueline McMurtrie joined the University of Washington School of Law faculty in 1989 to teach the Criminal Law Clinic after working at The Defender Association. She has taught Criminal Law, Criminal Procedure, and Evidence and founded the Innocence Project Northwest (IPNW) Clinic. Since its formation in 1997, the IPNW has overturned the convictions of thirteen wrongly convicted inmates. Professor McMurtrie's research and teaching interests revolve primarily around criminal law and appellate/post-conviction practice, with a particular emphasis on wrongful convictions. She is on the Board of the Integrity of Justice Project, a non-profit that furthers policy changes to avoid erroneous convictions. She has received awards from the Washington Defender Association, Washington Association of Criminal Defense Lawyers and the National Law Journal for her work with the IPNW. She has been recognized as a Philip A. Trautman Teacher of the Year and she received a Pacific Coast Banking Faculty Service Award. She is vice-chair of the WSBA Council on Public Defense. She obtained her undergraduate and law degrees from the University of Michigan.

Karen W. Murray has been a public defender at Associated Counsel for the Accused since 1992. Currently she is Senior Staff Attorney and Seattle Municipal Court Supervisor. She is an executive committee member of the Task Force on Race and the Criminal Justice System and active member of the Minority and Justice Commission, the YWCA People of Color Executive Council, the KCBA Board of Directors Future of the Law Institute and member of the Task Force Working Group. Karen is Past President of the Loren Miller Bar Association, former co-chair of the Drug Policy Project's Disparate Impact Task Force and the KCBF Future of the Law Institute Board of Directors. She has received the KCBA 2001/2010 President's Award, King County Bar Foundation Champion of Diversity Award, Loren Miller Bar Association Excellence in the Practice of Law Award and Outstanding Dedication and Commitment Award, and Special Recognition Award in Advancing Diversity in the Law from Seattle University Law School Black Students Association. Karen earned a B.A. in Sociology and a M.P.A. in Public Administration from the University of Washington and her J.D. from Seattle University.

Alexandra Narvaez is a public defender with The Defender Association (TDA). She is in her fourth year with the agency and has worked in the misdemeanors, civil commitment, and juvenile divisions. She is a graduate of Seattle University School of Law and attended undergraduate school at the University of Washington. She was born and raised in Seattle, Washington and throughout her life has volunteered with various community agencies in the greater Seattle area. In addition to her work with TDA, she also serves as a board member of Campaña Quetzal, which is a non-profit educational advocate organization focusing on Latina/o youth.

Ada Williams Prince is the Policy and Advocacy Director for One America. OneAmerica is the largest immigrant advocacy organization in Washington State, organizing in and advocating for and with a diversity of immigrant communities including Latino, African, and Asian. OneAmerica also plays a leading role in national coalitions within the immigrant rights and due process arenas. Prior to OneAmerica, Ada was the Senior Advocacy Officer for the Women's Refugee Commission, leading advocacy efforts with the UN and the NGO community, pushing for global systemic change to improve the lives and protect the rights of refugees and displaced persons. She has worked with many organizations including the International Rehabilitation Council for Torture Survivors, Save the Children UK, Refugees International, the Office of Foreign Disaster Assistance/USAID and has served on the board of the Refugee Women's Alliance in Seattle and as Chair of the Board of Directors of Wandsworth Women's Aid UK, a domestic violence shelter.

Travis Stearns is the deputy director of the Washington Defender Association, an advocacy and education association whose primary purpose is to advocate for the rights of indigent persons accused of crimes and to improve resources for public defenders. He has worked primarily a public defender his entire career. After graduating from George Washington University, he worked for New York County Legal Aid Society before working briefly in corporate law. He moved to Washington and was a public defender in Whatcom County for ten years, where he acted as the juvenile court supervisor and director of training. At WDA, Travis develops and coordinates a state-wide training program, advocates for indigent defense and access to justice issues before the state legislature, submits amicus briefs to state and federal courts, and oversees the technical assistance program, which includes twelve years of successfully advising attorneys of the immigration consequences of their client's cases. He is an adjunct professor at Seattle University School of Law, where he teaches an externship clinic for law students working in criminal law.

Bryan Stevenson is the founder and Executive Director of the Equal Justice Initiative in Montgomery, Alabama. Mr. Stevenson is a widely acclaimed public interest lawyer who has dedicated his career to helping the poor, the incarcerated and the condemned. Under his leadership, EJI has won major legal challenges eliminating excessive and unfair sentencing, exonerating innocent death row prisoners, confronting abuse of the incarcerated and the mentally ill and aiding children prosecuted as adults. EJI has recently succeeded in winning a ban on life imprisonment without parole sentences imposed on children convicted of most crimes in the U.S. and has initiated major new anti-poverty and anti-discrimination efforts. Mr. Stevenson's work fighting poverty and challenging racial discrimination in the criminal justice system has won him numerous awards including the ABA Wisdom Award for Public Service, the MacArthur Foundation Fellowship Award Prize, the Olaf Palme International Prize, the ACLU National Medal Of Liberty, the National Public Interest Lawyer of the Year Award, the NAACP Ming Award for Advocacy, the Gruber Prize for International Justice and the Ford Foundation Visionaries Award. He is a graduate of the Harvard Law School and the Harvard School of Government, has been awarded 13 honorary doctorate degrees and is also a Professor of Law at the New York University School of Law.

Josephine Wiggs-Martin was born and raised in Seattle. She pursued a law degree at the University of Washington. While there, she quickly became involved in organizations like the Northwest Immigrant Rights Project and the Black Law Student's Association, under which she played a leading role in developing From the Bench, an idea borne from The Honorable Monica Benton, which consisted of a legal lecture series that bridged law students and the judiciary through presentations about current legal issues. Josephine is a criminal defense attorney at the Northwest Defenders' Association where she has represented indigent clients in a wide range of cases. As a presenter at Continuing Legal Education programs focusing on issues of race and the criminal justice system she has continued to use her position as a platform to address what she sees as legal and social imperatives---diversity in our legal profession and access to justice.

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