

MELISSA R. LEE

Seattle University School of Law
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(206) 398-4394 | leeme@seattleu.edu

PROFESSIONAL EXPERIENCE

SEATTLE UNIVERSITY SCHOOL OF LAW | CIVIL RIGHTS AND CRITICAL JUSTICE CENTER,
Seattle, Washington

Director, Civil Rights and Critical Justice Center, July 2024 – Present

Director, Civil Rights Clinic, July 2023 - Present

Visiting Assistant Clinical Professor, Civil Rights Clinic, July 2023 – Present

Assistant Director, Fred T. Korematsu Center for Law and Equality, September 2019 – Present

Adjunct Clinical Professor, Civil Rights Clinic, August 2021 – June 2023

Staff Attorney, Fred T. Korematsu Center for Law and Equality, Civil Rights Clinic,
October 2016 – June 2021

Oversee and support the Center’s litigation and advocacy efforts, including co-teaching the Civil Rights Clinic, identifying and developing amicus curiae briefs in state and federal courts on constitutional and other civil rights issues, with a focus on racial justice, engaging in select impact litigation, and developing and sustaining relationships with advocacy organizations to support their work.

Calhoun Family Fellowship – Co-Director, May 2022-July 2022; May 2023-July 2023

Supervise group of rising 2L Seattle University law students in a ten-week, full-time summer fellowship program focused on equal justice and racial equity. Lead a trip to Montgomery, Alabama, to ground the fellows in the legacy of racism in the United States. Plan a series of speakers throughout the summer to expose fellows to racial justice advocacy and perspectives of legal professionals and individuals with lived expertise. Supervise advocacy projects focused on developing legal skills to implement in future career opportunities.

Adjunct Professor of Legal Skills, August 2018 – May 2019

Taught second-year law students the fundamentals of legal research, persuasive writing, oral argument, and citation.

COLUMBIA LEGAL SERVICES – INSTITUTIONS PROJECT, Seattle, Washington

Directing Attorney, May 2011 – October 2016

Directed the Institutions Project’s litigation and advocacy efforts, including supervising a team of attorneys and support staff, handling the strategic planning and administrative needs of the Project. Served as counsel in impact litigation related to conditions of confinement for institutionalized persons, and advocated for legislation to benefit client community. Collaborated with partner organizations, and conducted outreach. Engaged in and supported fund-raising efforts on behalf of the Institutions Project. Engaged in occasional training and teaching for client groups, service providers, law students, attorneys, judges, and court staff.

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Staff Attorney, September 2006 – May 2011

Represented institutionalized persons in Washington through impact litigation and legislative advocacy. Completed research and report drafting on policy issues impacting clients. Assisted in supervising volunteers and law student interns.

GEORGIA LEGAL SERVICES PROGRAM, INC. – FARMWORKER DIVISION, Atlanta, Georgia

Staff Attorney, August 2004 – September 2006

Investigated, negotiated, and litigated in federal court a broad spectrum of employment claims on behalf of agricultural workers throughout the state of Georgia. Performed extensive outreach to farmworkers at labor camps and in communities of rural Georgia.

NEW YORK UNIVERSITY IMMIGRANT RIGHTS CLINIC, New York, New York

Law Student Intern, August 2003 – May 2004

Served as lead co-counsel in a case addressing underpayment of wages to agricultural workers heard in federal court in the Southern District of New York, and on an asylum case in immigration court, under the supervision of NYU Law clinical faculty members.

EDUCATION

NEW YORK UNIVERSITY SCHOOL OF LAW, New York, New York

Academics: J.D., May 2004
Honors: Dean’s Scholarship

SEATTLE UNIVERSITY, Seattle, Washington

Academics: B.A. in International Studies and Spanish, minor in Economics,
summa cum laude, June 2000
Honors: Presidential Scholarship
Rotary Scholarship
Academic All-American
President’s List
Dean’s List
Athletics: Varsity Women’s Soccer

UNIVERSIDAD DE CONCEPCIÓN, Concepción, Chile

Study abroad program, Spring 1998 (Program sponsored by State University of New York, Plattsburgh). Completed coursework in Latin American history and politics as part of an immersion program.

SELECTED CASES, AMICUS BRIEFS & OTHER ADVOCACY

RACIAL JUSTICE

State v. Zamora and *State v. Bagby* (Wash. Supreme Ct., Nos. 99959-7 and 99793-4) (with Jessica Levin and Robert Chang) (supporting appellants’ argument that trial tainted by race based prosecutorial misconduct by relying on empirical research to explain how racially coded language can prime jurors, activating implicit biases and causing jurors to view the defendant in a less favorable light and arguing for

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application of the objective observer standard in this context as well as a per se prejudice rule in race based prosecutorial misconduct cases).

Task Force on Race and Washington's Criminal Justice System 2.0, (Convened by the deans of Washington's three law schools, Task Force 2.0 seeks to contribute to the racial justice movement, which calls national attention to the devaluation of Black lives by police, but which also calls broader attention to systemic discrimination in the criminal legal system. Serve as a member of the Oversight Working Group overseeing and coordinating the work of the Task Force; member of the Research Working Group through which I oversaw a team researching and drafting an appendix to the report focused on race disproportionality and disparities in Washington's prisons; co-chair of the Recommendations Working Group, helping to coordinate and facilitate process for developing recommendatio report prepared for Columbia Legal Services, Seattle, Washington, 2010. ns based on data and findings in the report of the Research Working Group and drafting final recommendations report; co-planned Presentations of the Task Force 2.0 to the Washington State Supreme Court on September 29, 2021 and July 13, 2022, including developing and coordinating panels and speakers).

Brief of Amici Curiae Pioneer Human Services, Tenants Union of Washington, Fred T. Korematsu Center For Law And Equality, and ACLU of Washington In Support of Appellee, Yim, et al. v. City of Seattle (Ninth Circuit Ct. of App., No. 21-35567) (with Robert Chang) (supporting the City of Seattle on appeal from summary judgment order upholding an ordinance restricting the ability of landlords to conduct criminal background checks on prospective tenants, by detailing the impact of the ordinance on community members, providing the historical context of housing discrimination against communities of color, along with the disproportionality of people of color with a criminal record, and arguing that this combination of factors necessitates government action to proactively address disparate effects).

Brief of LLS Anti-Racism Center, et al. in Support of Respondent, K.L. v. R.H., (CA Ct. of App., 4th App. Dist., Div. 3, No. G059109) (with Robert Chang and co-counsel James Thuerwachter) (filed brief on behalf of group of Race Centers located at law schools across the country supporting respondent's challenge of domestic violence protection order entered against her, where she is a survivor of significant intimate partner violence, by providing information and context to the court regarding the negative bias, stereotyping, and discrimination that Black women experience when seeking protection from violence in the courts).

Brief of Fred T. Korematsu Center for Law and Equality as Amicus Curiae in Support of Petitioner, State of Washington v. D.L. and State of Washington v. M.S. (Wash. Supreme Ct., Nos. 96143-3 and 96894-2) (with Lorraine Bannai and Robert Chang) (supporting youth challenging lack of due process protections where a manifest injustice sentence is sought in juvenile offender matters by providing context to the Court related to the racist history of the juvenile legal system, the jurisprudential shift toward greater due process protections in juvenile court matters as those proceedings have shifted toward punishment and away from rehabilitation, and the discriminatory impact of the exercise of discretion on children of color).

Brief of Fred T. Korematsu Center for Law and Equality as Amicus Curiae in Support of Petitioner, State of Washington v. John Jackson, Sr. (Wash. Supreme Ct., No. 97681-3) (with Robert Chang and Civil Rights Clinic students) (supporting respondent's challenge the lack of a hearing prior to being shackled in court during pretrial proceedings before the judge by presenting empirical research related to judicial bias, including the operation of unconscious bias on judicial decision-making).

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*Brief of Fred T. Korematsu Center for Law and Equality as Amicus Curiae in Support of Petitioner, State of Washington v. Kevin Boot (Wash. Ct. of Appeals, No. 35408-3-III) (with Jessica Levin and Nicholas Doherty) (arguing that sentencing courts, when sentencing a juvenile prosecuted in adult court, must acknowledge and incorporate race-based trauma as part of the cumulative trauma that *Miller v. Alabama* recognizes as diminishing the culpability of young offenders).*

Report to King County Council regarding Restructuring of King County Civil Rights Commission (with Robert Chang) (conducted research commissioned by members of the King County Council regarding national best practices related to local government civil and human rights commissions, the possibilities for broadening the reach of the County's Civil Rights Commission, and how to enhance protections for county residents; drafted report documenting research and recommendations; presented findings at a meeting of the King County Council; testified before King County Council in support of proposed ordinance to implement new commission in Spring 2024).

Brief of Fred T. Korematsu Center for Law and Equality as Amicus Curiae in Support of Plaintiff-Appellee and for Affirmance, Fair Housing Center of Washington v. Breier-Scheetz Properties, LLC et al. (Ninth Circuit Court of Appeals, No. 17-35898) (with Robert Chang and Jessica Levin) (supporting FHCW's request to affirm trial court's determination that defendant-landlord's occupancy restrictions had a disparate impact on families and thus constituted housing discrimination under the Fair Housing Act, by providing historical context demonstrating that occupancy restrictions have and continue to have a disproportionate impact on families of color, and asking the court to affirm the award of punitive damages, arguing that their deterrent effect is as important in disparate impact cases as it is in cases of intentional discrimination).

Brief of Fred T. Korematsu Center for Law and Equality as Amicus Curiae in Support of Plaintiff's Motion for Preliminary Injunction, Northwest Immigrant Rights Project v. Sessions (U.S. Dist. Ct. for the W.D. of Wash., No. 2:17-cv-00716-RAJ) (with Robert Chang and counsel at Dorsey & Whitney, LLP) (supporting the Northwest Immigrant Rights Project's request for a preliminary injunction preventing the United States Department of Justice from enforcing the terms of a cease and desist order in which the DOJ instructed NWIRP and other legal aid providers that they could no longer provide limited legal services to immigrants by examining the historical context of this and other cases where those in power have attempted to silence marginalized communities through attacks on their advocates).

Brief of Amici Curiae Fred T. Korematsu Center For Law And Equality and ACLU of Washington In Opposition To Plaintiffs' Motion For Summary Judgment and in Support of Defendant's Cross-Motion for Summary Judgment, Yim, et al. v. City of Seattle (U.S. Dist. Ct. for the W.D. of Wash., No. 2:18-cv-736-JCC) (with Robert Chang) (supporting the City of Seattle's motion for summary judgment to uphold an ordinance restricting the ability of landlords to conduct criminal background checks on prospective tenants, by providing the historical context of housing discrimination against communities of color, along with the disproportionality of people of color with a criminal record, and arguing that this combination of factors necessitates government action to proactively address disparate effects).

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JUVENILE SENTENCING

State of Washington v. Miguel Gaitan, (Yakima Cty. Superior Ct., No. 93-1-01018-0) (co-counsel with Paul Holland) (represented individual sentenced to serve a sentence of life without the possibility of parole for a crime committed at the age of 14 in a resentencing hearing pursuant to the *Miller*-fix statute and new case law finding that children are inherently less culpable than adults and are therefore less deserving of the harshest punishments).

Brief of Fred T. Korematsu Center for Law and Equality as Amicus Curiae in Support of Petitioner, State of Washington v. Timothy Haag (Wash. Supreme Ct., No. 97766-6) (with Robert Chang and Jessica Levin) (argued on behalf of amicus curiae) (advancing state constitutional argument that courts must set sentences at or near the statutory minimum of 25 years where a child convicted of aggravated murder is found to be less culpable and not irreparably corrupt and advocating for the recognition of Mr. Haag's sentence as a de facto life sentence where he would not have the opportunity to seek release until he had served at least 46 years for a crime committed when at age 17).

Brief of Fred T. Korematsu Center for Law and Equality as Amicus Curiae in Support of Petitioner, State of Washington v. Jeremiah James Gilbert (Wash. Supreme Ct., No. 95814-9) (with Jessica Levin, Robert Chang, and Lorraine Bannai) (advancing state constitutional argument that court must interpret sentencing statutes to guarantee a juvenile offender a meaningful opportunity for release, consistent with Washington's categorical bar of juvenile life without parole and its recognition that *Miller v. Alabama* applies to both *de facto* and actual juvenile life without parole sentences).

In re the Personal Restraint Petition of Raymond Mayfield Williams, Jr. (Wash. Ct. of Appeals & Wash. Supreme Ct., 100222-0) (with Jessica Levin and Robert Chang) (representing individual who was sentenced to life without parole under the three strikes law, where one of the offenses was committed as a juvenile, in post-conviction proceedings arguing that the use of a juvenile strike to support the state's harshest punishment is a violation of the Washington constitution, due to the intrinsic nature of youth that undercuts the penological justifications for imposing harsh punishment).

In re the Personal Restraint Petition of Light-Roth (Wash. Supreme Ct., No. 94950-6) (with Robert Chang and co-counsel Jeffrey Ellis) (represented Mr. Light-Roth, who was convicted of murder when he was 19, arguing that the Washington Supreme Court should hold that its decision in State v. O'Dell, where the court held that courts may consider whether the mitigating qualities youth diminishes the culpability of young offenders (i.e., over the age of 18 but still young), applies retroactively).

State v. Scott (Wash. Supreme Ct., No. 94020-7) (with Robert Chang and co-counsel Jeffrey Ellis) (represented Mr. Scott and argued that a future opportunity for parole cannot substitute for a juvenile defendant's constitutional right to have his or her characteristics of youth fully considered at sentencing, in light of Miller v. Alabama and Montgomery v. Louisiana).

OTHER CIVIL RIGHTS

Village of Kotlik, et al. v. Frontline Hospital, et al. (Superior Court for the State of Alaska at Anchorage, No. 3AN-17-06569 CI) (with Robert Chang and co-counsel with Alaska Legal Services Corporation) (representing individuals and an Alaskan Native Village in a lawsuit against Frontline Hospital and The Office of Children's Services of the Alaska Department of Health and Social Services, seeking to enjoin the administration of psychotropic medications to Native Alaskan foster children in non-crisis situations,

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and alleging that the practice of subjecting children to this type of medication violates the Alaska Constitution's guarantees of liberty and privacy, and violates statutes that allow individuals to withhold or give consent to psychotropic medications).

Farris, et al., v. Franklin Co., et al., (U.S. Dist. Ct. for the E.D. of Wash., No. 4:14-cv-05083-SAB) (represented class of prisoners in an Eastern Washington county jail in a case seeking injunctive relief under the Eighth Amendment to address unconstitutional conditions and practices in the jail, including improper use of restraints and chemical spray, 23 hours per day cell confinement, and insufficient medical and mental health care).

Ramirez-Martinez, et al. v. Immigration and Customs Enforcement, et al. (U.S. Dist. Ct. for the W.D. of Wash., No. 3:14-cv-05273-RJB) (with co-counsel at the ACLU of Washington) (represented immigrant detainees seeking declaratory and injunctive relief prohibiting ICE from retaliating against detainees by subjecting them to solitary confinement for engaging in protected expressive activity and seeking a Temporary Restraining Order (TRO) for the detainees' immediate release from solitary confinement).

Teamsters Local Union No. 117 v. Washington State Department of Corrections (U.S. Dist. Ct. for the W.D. of Wash., No. 3:11-cv-05760-BHS; Ninth Circuit Ct. of App., No. 13-35331) (with co-counsel at the Public Interest Law Group) (represented class of Intervenor-Defendants who were class members in the Jane Doe v. Clarke lawsuit, to support the Department of Correction's designation of certain positions in its women's prisons as women-only bona fide occupational qualifications, and resulting in a favorable opinion from the Ninth Circuit).

Jane Doe, et al. v. Clarke, et al. (Thurston Cty. Superior Ct., No. 07-2-01513-0) (with co-counsel at the Public Interest Law Group) (represented class of current and former women prisoners in the custody or supervision of the Washington State Department of Corrections in case seeking injunctive and declaratory relief to address widespread sexual abuse and misconduct by prison employees toward class members, resulting in sweeping changes to increase the safety of women in Washington's prisons).

BAR ADMISSIONS

Washington State Bar
Georgia State Bar (membership resigned)
United States District Court for the Eastern District of Washington
United States District Court for the Western District of Washington
United States Court of Appeals for the Ninth Circuit

COMMUNITY INVOLVEMENT

TEAMCHILD, Seattle, Washington
Board Member, August 2013 – December 2023; **Secretary**, February 2015 – January 2016;
Vice-President, January 2016 – December 2017
Supported and oversaw legal services organization that uses its legal expertise and community partnerships to break down barriers to community services to overcome the root causes of a youth's involvement in the juvenile legal system.

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SELECTED PANELS, PUBLICATIONS & MEDIA INTERVIEWS

Justice Is Not a Game: The Devastating Racial Inequity of Washington’s Three Strikes Law (with Jessica Levin) Report prepared on behalf of Seattle University School of Law Civil Rights Clinic and Fred T. Korematsu Center for Law and Equality, Seattle, Washington, June 2024.

Addressing Racial Bias – Ethics Pre-conference

Presented overview of strategies to leverage existing law, social science, and race disproportionality data to address the role of racial bias criminal cases, with a focus on how to employ these arguments in the trial courts; Washington Association of Criminal Defense Attorneys Annual Conference, June 6, 2024.

Adultification Bias Symposium (with Jessica Levin)

Presented at the UC Law SF Adultification Bias Symposium regarding how to leverage seminal empirical literature on adultification bias into new legal standards that account for that bias, including when youth are transferred to adult court for prosecution, and when youth of color are sentenced in either juvenile or adult court; UC Law at SF Adultification Bias Symposium, April 5, 2024.

The Whole Picture: Looking Outside the Record to Make Your Case for Racial Injustice (with Jessica Levin)

Presented CLE exploring how principles of amicus practice can be effectively engaged to make arguments on appeal to address racial injustice, leveraging “legislative facts” that can appropriately supplement the record on appeal; Office of Public Defense Annual Appellate Defender Conference, May 31 & June 1, 2023.

Tools for Developing a Record on Race (with Jessica Levin)

Presented a comprehensive overview of strategies to leverage existing law, social science, and race disproportionality data to ensure courts continue to address the role of race in the criminal legal system, with a focus on how to employ these arguments in appellate process; The Defender Initiative’s Gideon at 60 conference, March 17, 2023.

Tools for Litigating Race and Racism in the Lifecycle of a Criminal Case (with Jessica Levin)

Presented a comprehensive overview of ways to leverage existing law, social science, and race disproportionality data to ensure courts continue to address the role of race in the criminal legal system in CLE presented by Office of Public Defense Spring Training CLE, March 10, 2023.

Legal Writing is Fun(ny)!, Presentation regarding amicus brief filed by The Onion in support of petition for certiorari to the United States Supreme Court in *Novak v. City of Parma, Ohio*, focusing on the purpose and impact of amicus briefs at Seattle University School of Law, Seattle, Washington, October 2022.

Task Force 2.0: Presentation to Washington Supreme Court, Along with other Task Force 2.0 recommendations working group members, presented the recommendations regarding the adult criminal legal system to the Court and other stakeholders, July 2022.

Second Chances: Preparing for a Resentencing Hearing, Panel on Investigating and Litigating Race and Disproportionality for Resentencing Hearings in two-part CLE program presented by Washington Defender Association, Seattle, Washington, March 2021.

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A Friend of the Court: An Introduction to Amicus Advocacy, Presentation for CLE organized by Washington Defender Association, Seattle, Washington, February 2021.

Medical and Psychiatric Care Cases, Panel at Pro Se Conference for the Ninth Circuit Judicial Council, Seattle, Washington, September 2014.

Washington's Three Strikes Law: Public Safety & Cost Implications of Life Without Parole, report prepared for Columbia Legal Services, Seattle, Washington, 2010.

Seattle's Morning News, Interviewed regarding release of final recommendations of Task Force on Race and Washington's Criminal Justice System 2.0, KIRO News Radio, October 13, 2022.

Seattle's Morning News, Interviewed regarding presentation of draft recommendations of Task Force on Race and Washington's Criminal Justice System 2.0 to the Washington Supreme Court, KIRO News Radio, July 13, 2022.

Court Gives Blessing to Women-Only Prison Jobs, The News Tribune, June 17, 2015.

Suit Accuses Franklin County Jail of Inhumane Practices, Seattle Times, August 4, 2014.

After Lawsuit, ICE Releases Hunger Strikers from Solitary Confinement, The Nation, April 4, 2014.

Federal Prison Rape Law Challenges State to Do Better, Crosscut, October 16, 2012.