

JESSICA E. LEVIN

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PROFESSIONAL EXPERIENCE

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

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, Korematsu Center, September 2019 – June 2024

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

Staff Attorney, Civil Rights Clinic, December 2013 – 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 rights and other civil rights issues, with a focus on racial justice; engaging in select civil rights 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

Supervised 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.

GORDON TILDEN THOMAS & CORDELL LLP, Seattle, WA

Associate Attorney, 2010 – 2012

Represented corporate and individual clients in commercial litigation, with a focus on policyholder-side insurance litigation, in both state and federal courts

JUDICIAL CLERKSHIPS

Law Clerk, Chambers of the Honorable James R. Verellen, Seattle, WA, 2012 – 2013

Law Clerk, Chambers of the Honorable Marlin J. Appelwick, Seattle, WA, 2008 – 2010

Drafted bench memoranda and opinions in a wide range of civil and criminal cases before Division One of the Washington State Court of Appeals

EDUCATION

SEATTLE UNIVERSITY SCHOOL OF LAW, Seattle, WA

Academics: J.D., *Magna Cum Laude*, May 2008
Seattle Journal for Social Justice, Editor in Chief

Honors: Law Trustee's Scholarship

UNIVERSITY OF WASHINGTON

Academics: B.A., Comparative History of Ideas, June 2003
B.A., European Studies (Jackson School of International Studies), June 2003

Honors: Best Honors Thesis Award, Jackson School European Studies Department

PUBLICATIONS

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

Jessica Levin, *A Path Toward Race-Conscious Standards for Youth: Translating Adultification Bias Theory into Doctrinal Interventions in Criminal Court*, 35 UC Law SF J. Gender & Just. 83 (2024)

Jessica Levin, *A Cross-Clinic Collaboration: How an Amicus Brief Helped Create Judicial Recognition of Adultification Bias in Juvenile Sentencing*, 35 UC Law SF J. Gender & Just. 127 (2024)

Task Force 2.0, *Report and Recommendations to Address Race in Washington's Juvenile Legal System: 2021 Report to the Washington Supreme Court*, Seattle U. L. Rev. 45 Seattle U. L. Rev. 1025 (2022); Gonzaga L. Rev. 57 Gonz. L. Rev. 636 (2022).

SELECTED CASES, AMICUS BRIEFS & OTHER ADVOCACY

RACIAL JUSTICE

Amicus Briefs in State v. Zamora and State v. Bagby (Wash. Supreme Ct., Nos. 99959-7 and 99793-4) (with Melissa Lee 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 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 2.0 on Race and Washington's Criminal Justice System – Chair, Juvenile Justice Subcommittee

(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. Chaired the Juvenile Justice Subcommittee of Task Force 2.0 on Race and Washington's Criminal Justice System. Coordinated and oversaw the research and drafting of the subcommittee's report and recommendations that address racial disparity in Washington's juvenile legal system. Solicited system-involved youth of color to lead recommendations process.)

Brief of Fred T. Korematsu Center for Law and Equality et al. as Amici Curiae in Support of Petitioner, State v. Rivers (Wash. Supreme Ct., No. 100922-4) (supporting Mr. Rivers's request for Court to ensure that people accused of crimes have an effective way, under our state constitution, to challenge a jury venire that is not representative of a fair cross section of their community; arguing that an effective remedial approach to fair cross section claims under our state constitution (1) will help counteract our country's racist history of excluding Black people from jury service; (2) is a principled development of this Court's anti-discrimination jurisprudence that accounts for the operation of systemic racism; and (3) recognizes important empirical evidence that diverse juries engage in a more thorough—and more fair—deliberative process)

Brief of Fred T. Korematsu Center for Law and Equality as Amicus Curiae in Support of Petitioner, PRP of Asaria Miller (Wash. Ct. of Appeals, No. 52119-9-II) (arguing for a conclusive presumption of prejudice for individuals requesting resentencing who were sentenced as juveniles in adult court and were sentenced before youth was required to be considered as a mitigating factor; arguing that youth of color are more likely to have received harsher sentences, as the failure to consider youth leaves race to operate as an aggravator due to implicit racial bias and adultification of Black youth)

Brief of Amici Curiae Washington Defender Association et al. in Support of K.W., In re Dependency of K.W., a Minor Child (Wash. Supreme Ct., No. 99301-7) (setting forth historical and empirical evidence of the family regulation system's racism against Black families; arguing that the placement statute must be interpreted to reorient toward placing children with their own families, including kinship care; discussing how system's invocation of "best interests" standard gives cover to agency decision makers in unwarranted removal of Black children from their families and is evidence of the system's implicit preference for the white nuclear family)

Brief of Fred T. Korematsu Center for Law and Equality as Amicus Curiae in Support of Petitioner, State v. Dacarius Holliday (La. Supreme Ct., No. 2017-KA-1921) (urging the Court to recognize the importance of adequate representation of Black men in the jury venire in capital cases; arguing the unique experience of Black men in America, both historically and currently, qualifies them as a distinct group under *Duren v. Missouri*; presenting empirical analyses of capital cases demonstrating that more diverse juries engage in a more robust and accountable deliberative process; some of these studies also revealed that the presence of even one Black man on a Black capital defendant's jury decreases the likelihood of a death sentence)

Brief of Fred T. Korematsu Center for Law and Equality as Amicus Curiae in Support of Petitioner, State v. Boot (Wash. Ct. of Appeals, No. 35408-3-III) (with Melissa Lee 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)

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 Melissa Lee) (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)

JUVENILE SENTENCING

In re the Personal Restraint Petition of Raymond Mayfield Williams, Jr. (Wash. Ct. of Appeals & Wash. Supreme Ct., 100222-0) (with Robert Chang & Melissa Lee) (in post-conviction proceedings, representing individual who is sentenced to life without parole under the three strikes law where one of the strikes was committed as a juvenile, 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)

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 Melissa Lee) (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 Court, No. 95814-9) (with Melissa Lee, Robert Chang & Lorraine Bannai) (advancing state constitutional argument that the 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)

Brief of Amicus Curiae Fred T. Korematsu Center for Law and Equality, Columbia Legal Services, TeamChild, and Washington Defender Association as Amici Curiae in Support of Respondent, State of Washington v. Brian Bassett (Wash. Supreme Court, No. 94556-0) (with Robert Chang) (arguing that the cruel punishment provision of the Washington constitution mandates a categorical bar on juvenile life without parole, and providing the court with additional argument on how the *Gunwall* factors should be utilized to develop a principled and independent body of cruel punishment jurisprudence under the state constitution)

Brief of Amicus Curiae Fred. T Korematsu Center for Law and Equality In Support of Petitioners, State of Washington v. Zyion Houston-Sconiers and Treson Roberts (Wash. Supreme Court, No. 92605-1) (with Robert Chang & co-counsel at Perkins Coie, LLP) (arguing that the cruel punishment provision of Washington’s constitution renders the auto-decline statute unconstitutional, as it subjects juvenile offenders to the risk of unconstitutional punishment)

OTHER CIVIL RIGHTS ISSUES

Native Village of Hooper Bay et al. v. Guay et al. (Superior Court for the State of Alaska at Anchorage, No. 3AN-14-05238 CI) (with Robert Chang, serve as co-counsel with Alaska Legal Services Corporation, in a case concerning the due process rights of native foster children who are involuntarily admitted for emergency care to a private psychiatric hospital; case seeks to secure the right to judicial review to justify continued detention; trial court has awarded preliminary injunctive relief to the Tribes, and there is a pending motion for summary judgment)

Brief of Fred T. Korematsu Center for Law and Equality as Amicus Curiae in Support of Petitioner, Martinez-Cuevas et al. v. Deruyter Bros Dairy, Inc. et al. (Wash. Supreme Ct., No. 96267-7) (with Robert Chang and Charlotte Garden) (in case challenging the constitutionality of the exclusion of agricultural workers from the state’s minimum wage act, arguing for application of intermediate scrutiny test in recognition that the exclusion has a disparate impact on a protected racial group, as agricultural workers are virtually all Latinx)

Brief of Amicus Curiae Fred T. Korematsu Center for Law and Equality in Support of S.K.-P. and E.H., In re the Dependency of E.H., and In re the Dependency of S.K.-P. (Wash. Supreme Court, No. 94798-8) (with Lorraine Bannai & Robert Chang) (arguing that the due process clause of Washington’s constitution categorically entitles children in dependency proceedings a right to counsel)

Brief of Amicus Curiae Fred T. Korematsu Center for Law and Equality In Support of Appellant, State of Washington v. Allen Eugene Gregory (Wash. Supreme Court, No. 88086-7) (with Robert Chang) (arguing that Washington's death penalty statute is unconstitutional under both the Washington and federal constitutions, that Mr. Gregory's statistical evidence of racial disproportionality in the imposition of the death penalty in Washington provided the Court a basis on which to revisit the constitutionality of the statute, and discussing the extra-legal factors such as racial bias that continue to influence the administration of the death penalty)

Anthony Merrick v. Inmate Legal Services, et al. (Ninth Circuit Court of Appeals, No. 15-15338) (co-counsel with Charlotte Garden & student counsel) (represented Mr. Merrick in his appeal of his § 1983 claim alleging that Inmate Legal Services violated his First Amendment right of access to the courts when it failed to file his pro se motion for reconsideration of his criminal appeal in the Arizona Court of Appeals, as well as his claim under the Religious Land Use and Institutionalized Persons Act)

SELECTED MEDIA APPEARANCES

Washington Supreme Court Considers Racial 'Quotas' in Jury Pools, [Northwest Politicast](#), September 30, 2022 (regarding state constitutional remedy for underrepresentation of distinct groups in jury pools)

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

SELECTED PANELS & PRESENTATIONS

Adultification Bias Symposium (with Melissa Lee)

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 Melissa Lee)

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 Melissa Lee)

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 Melissa Lee)

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

Task Force 2.0: Presentation to Washington Supreme Court

Along with other Task Force 2.0 juvenile justice subcommittee members, presented the subcommittee's findings and recommendations regarding the juvenile legal system, education system, and family regulation system to the Court and other stakeholders, July 2022

Second Chances: Preparing for a Resentencing Hearing (with Melissa Lee)

Panel on Investigating and Litigating Race and Disproportionality for Resentencing Hearings in two-part CLE program presented by Washington Defender Association, March 2021

A Friend of the Court: An Introduction to Amicus Advocacy (with Melissa Lee)

Presentation for CLE organized by Washington Defender Association, February 2021

Exploring Issues of Bias in the Context of Appellate Lawyering (with Lorraine Bannai)

King County Bar Association Appellate Division, January 14, 2019

Washington Appellate Lawyers Association CLE Presentation, May 3, 2019

Washington Attorney General's Office, June 18, 2019

Examining Implicit Bias in Advocacy and in Doctrine (with Lorraine Bannai)

Presentation for CLE organized by Washington Defense Trial Lawyers' Annual Convention, July 20, 2019

Do You See What I See: Implicit Bias and Priming in the Court, Seattle University School of Law, August 7, 2015

BAR ADMISSIONS

Washington State Bar, 2008

United States District Court for the Western District of Washington, 2010

United States Court of Appeals for the Ninth Circuit, 2010