

ROBERT C. BORUCHOWITZ
Seattle University School of Law
P.O. Box 222000
Seattle, Washington 98122

EDUCATION

Kenyon College, A.B. Political Science, 1970
Northwestern University School of Law, J.D., 1973

BAR ADMISSION

California, 1973 (inactive); Washington, 1974; Western District of Washington, 1974
United States Court of Appeals, Ninth Circuit, 1983; United States Supreme Court, 1996
Qualification: Certified under Washington Special Proceedings Rules as qualified to be appointed as counsel in capital appeals and post-conviction proceedings.

CURRENT EMPLOYMENT: Seattle University School of Law, Visiting Clinical Professor, January 2007-July 2009; Professor from Practice, August 2009-present. Director, The Defender Initiative.

Co-taught Youth Advocacy Clinic (2007-2009, 2011-2013) and Defender Clinic (2022): supervised student representation in truancy and juvenile offender cases, an Indeterminate Sentence Review Board case, and a motion to vacate a conviction, coordinated policy advocacy related to right to counsel in juvenile and misdemeanor courts, taught trial advocacy and related policy issues. Counsel on Court of Appeals case ruling that children have right to counsel in truancy fact-finding proceeding (reversed on appeal in state supreme court).

Other Courses: seminar on Law and the Holocaust and the Abuse of Executive Power (2007-2010; January 2023); Criminal Procedure Adjudicative (2010-2013); seminar on Right to Counsel, Law and Lawyering (2012); Right to Counsel Clinic (January-May 2014). In the Right to Counsel Clinic, won a writ of mandamus hearing that ordered counsel be allowed in a Department of Corrections revocation hearing. Ruling upheld in part, requiring a case-by-case determination of the right to appointed counsel in such hearings. Grisby v. Herzog, 190 Wn. App. 786, 362 P.3d 763 (2015).

Director, Defender Initiative at the Korematsu Center for Law and Equality:

Supervised Calhoun Family Fellowship, a summer program for a small group of students focused on racial equity issues (2018-2021). <https://law.seattleu.edu/centers-and-institutes/korematsu-center/initiatives-and-projects/calhoun-family-fellowship/>.

Conducted U.S. Department of Justice funded public defense assessment and technical assistance project with the Sixth Amendment Center in Utah and Mississippi, Illinois and New Hampshire (2013-2021; three separate grants). Contributed to site visit reports and final reports:

Utah, "The Right to Counsel in Utah: An Assessment of Trial-Level Indigent Defense Services" (2015), Available at https://digitalcommons.law.seattleu.edu/cgi/viewcontent.cgi?referer=&httpsredir=1&article=1026&context=korematsu_center.

Mississippi: “The Right to Counsel in Mississippi: Evaluation of Adult Felony Trial Level Indigent Defense Services” (2018), Available at http://sixthamendment.org/6AC/6AC_mississippi_report_2018.pdf.

Illinois: “The Right to Counsel in Illinois: Evaluation of Adult Criminal Trial-Level Indigent Defense Services” (2021), available at https://digitalcommons.law.seattleu.edu/cgi/viewcontent.cgi?article=1119&context=korematsu_center.

New Hampshire: “The Right to Counsel in New Hampshire: Evaluation of Trial-Level Indigent Defense Representation in Adult Criminal and Juvenile Delinquency Cases”(2022). https://law.seattleu.edu/media/school-of-law/documents/centers-and-institutes/korematsu-center/initiatives-and-projects/defender-initiative/6AC_NHreport_10252022.pdf

Co-conducted with the Sixth Amendment Center a report on “The Right To Counsel in Wayne County, Michigan: Evaluation of the State Defender Office of the Metropolitan Justice Center of Southeast Michigan” (2018), available at https://digitalcommons.law.seattleu.edu/cgi/viewcontent.cgi?article=1091&context=korematsu_center.

Assisted Sixth Amendment Center on research for reports on public defense in Nevada and Oregon (2018; https://sixthamendment.org/6AC/6AC_NV_report_2018.pdf; https://sixthamendment.org/6AC/6AC_Oregon_report_2019.pdf).

Lead researcher on National Association of Criminal Defense Lawyers (NACDL) report: “Minor Crimes, Massive Waste: The Terrible Toll of America’s Broken Misdemeanor Courts” (2009) [available at <https://www.nacdl.org/Document/MinorCrimesMassiveWasteTollofMisdemeanorCourts>].

Developed and presented two Conferences in coordination with NACDL at the Open Society Institute, New York, and at Seattle University, (2008), and one at Seattle University (2009).

Organized and presented annual Conferences on Public Defense (2011- 2020, 2023).

Conducted Open Society Foundation grant-funded project in four states on right to counsel at first appearance in misdemeanor courts. Helped to organize two conferences on misdemeanor public defense (Louisville, KY, Charleston, SC, 2012).

Appointed counsel in discretionary review in Washington Court of Appeals on issue of shackling children in juvenile court.

Appointed counsel on State v. K.A.B., 14 Wn. App. 2d 677, 682, 475 P.3d 216, 220 (2020), winning reversal of juvenile conviction because of ineffective assistance of counsel and erroneous trial court ruling.

Filed amicus curiae briefs in trial courts on due process in truancy cases, compensation of appointed counsel in misdemeanor appeals, eligibility for appointed counsel. Filed amicus brief in Washington Supreme Court on a personal restraint petition alleging

insufficiency of evidence. With co-counsel, filed petition for writ of mandamus in Island County Superior Court on issue of denial of appointed counsel in a misdemeanor case; settled case with order to provide counsel.

With Washington Defender Association, filed amicus brief in Matter of Lewis, 523 P.3d 760 (Wash. 2023), arguing that the county that assigned as a public defender a lawyer not admitted in Washington who did not comply with the court rule on standards for public defense in effect had denied counsel to the petitioner.

Obtained full pardon of a drug conviction for a pro bono client.

Guest speaker in criminal procedure and externship classes. Helped to organize Criminal Justice Summit convened by the three Washington State law schools (2008-9). Participant, Race and Criminal Justice Task Forces (2010-2012) and (2020-2021).

Key Outside Activities While at Seattle University:

Counsel in state Supreme Court case challenging jury pool in a municipal court. City of Tukwila v. Garrett, 165 Wn.2d 152, 196 P.3d 681 (2008).

Led a committee that wrote a caseload statement for the American Council of Chief Defenders (2006-2007).

https://www.americanbar.org/content/dam/aba/administrative/legal_aid_indigent_defendants/ls_sclaid_def_train_caseloads_standards_ethics_opinions_combined.authcheckdam.pdf

Washington State Bar Association (WSBA) Committee on Public Defense (now the Council on Public Defense) (current emeritus member), Co-chair of the Standards Subcommittee developing standards and performance guidelines. (Ongoing.)

National Association for Public Defense—founding member, co-chair Workloads Committee, member, System Builders Committee

Vice-chair of the Seattle Mayor's Police Accountability Review Panel (2007-2008). Member, Seattle Mayor's Committee on Selection of new Police Chief (2010).

Employment with Defender Association February 1974-December 2006

Executive Director/ Seattle-King County Public Defender Association: October 1978-December, 2006. Administered an office of approximately 125 staff at its height, including 85 lawyers and a budget of approximately \$10 million. Conducted annual contract negotiations with City and County government. Responsible for some client representation on the trial and appellate levels, including four felony jury trials in 1983, one in 1986, and one in 1990, and coordination of reform litigation. Supervised “predator” commitment unit of up to five attorneys. Occasional misdemeanor court representation; supervision of lawyers and law student interns. Consulted on aggravated homicide cases. Obtained initial Federal grant for and oversaw Racial Disparity Project. Designed proposal for state capital defense assistance center accepted by state Office of Public Defense.

Coordinated acquisition of computer equipment and software for word processing, accounting, and case management, and new telephone systems. Conducted periodic

lease negotiations. Led management team in negotiating first collective bargaining agreement with union representing employees, and renewals of that agreement. Edited and published office newsletter (53 issues from 1987). Player-coach office softball team. Participated in state and national efforts to develop public defender standards and a model defender services contract. (Standards have been published by WSBA, American Bar Association, National Legal Aid and Defender Association.) Helped to draft state law requiring local governments to develop public defense standards. I was the primary drafter of revisions to state defender standards approved by the WSBA Committee on Public Defense in August 2007.

Frequent speaker at CLE seminars on a wide range of topics, including ethical issues in public defense, the right to counsel, racial disparity, sex offender commitment, mental illness and criminal law, public defender management, and the death penalty.

Soros Senior Fellow, Open Society Institute, 2003, addressing denial of counsel in misdemeanor and juvenile cases. Successfully moved to set aside several convictions and probation revocations, obtaining more favorable results for clients, including dismissals. Helped to initiate change to provide counsel at arraignment in three different court systems. Wrote articles for state bar and Kentucky defender journals. Made several continuing legal education and judicial education presentations.

Legal work while Director included:

Co-counseled first King County "sexual predator" commitment jury trial, and appeal in state supreme court, and remand to superior court. Co-counseled four-week hearing challenging conditions of confinement and subsequent jury trial on less restrictive alternatives for "predator" client. Co-counsel on initially successful Federal Habeas Corpus challenge to "predator" law. (1995.) Argued state's appeal in the Ninth Circuit (1996) and remand in Federal District Court (1998). Lead counsel in Ninth Circuit review ordering remand for hearing on punitive conditions. Young v. Weston, (9th Cir. 1999), reversed and remanded, Seling v. Young, 531 U.S. 250 (2001). Argued case in U.S. Supreme Court (2000). Co-counsel on Ninth Circuit review, 2002-03.

Lead counsel in successful motion in Superior Court for order for increased funding for defense representation in "predator" cases, 2005-2006. Led similar motion in 2003 that resulted in compromise with the state for increased funding.

Amicus Curiae in U.S. Supreme Court in Kansas v. Hendricks (1997).

Lead appellate counsel and co-counsel at trial in In re Young and Cunningham (1993), case of first impression reversing a "sexually violent predator" commitment and requiring that certain due process protections be provided in such proceedings.

Superior Court habeas corpus proceeding challenging failure of District Court to provide preliminary appearance hearings for 23 in-custody clients. (1990).

Amicus curiae on behalf of Washington Defender Association in Mount Vernon v. Weston (1992), holding that denial of a motion to withdraw by over-worked trial counsel was abuse of discretion and new counsel should be appointed on appeal.

Amicus curiae in State v. Trull, Court of Appeals, upholding right to counsel for juveniles. (1990).

Amicus curiae in Court of Appeals case involving effective assistance of counsel and excessive public defender caseloads (1988). (Underlying case decided in State v. Lass, 55 Wn. App. 300 (1989).)

Consulted with three-attorney defense team on aggravated homicide, resulting in dismissal of death penalty allegation by state supreme court (State v. Dearbone (1994)). Consulted with two other defense teams on aggravated homicide focusing on pretrial mitigation package preparation resulting in prosecutor decisions not to charge death penalty.

Member of four-attorney defense team on aggravated homicide, focusing on pretrial mitigation conference with prosecutor resulting in decision not to charge death penalty.

Appointed counsel in Federal Court habeas corpus action challenging consecutive sentences as punishment for appeal, In re Taylor (1988-89), and Ninth Circuit appeal of habeas ruling (9th Cir. 1990).

Successful state habeas corpus action in 1987, challenging action of Indeterminate Sentence Review Board in incarcerating client beyond release date, obtaining judicial order releasing client.

Several appellate cases, including State v. Moore (1981), remanding case to trial court for consideration of admissibility of prior conviction.

July, 1977-October 1978: Staff attorney, Appellate Division, Defender Association, briefed and argued cases in Washington Supreme Court and Court of Appeals. Assisted in pretrial preparation and hearings in death penalty case, resulting in dismissal of the death penalty allegation. Cases included issues relating to post arrest silence, application of double jeopardy protections, erroneous knowledge instruction. Kreck v. Spalding (E.D. Wash.1980): Amicus curiae; conviction reversed because charging information was constitutionally insufficient.

September, 1976 - July, 1977: Staff attorney, Felony Division, Defender Association. Tried approximately 10 jury trials, several bench trials; specialized in diminished capacity and insanity defenses.

September, 1974 - September, 1976: Staff attorney, Juvenile Division, Defender Association. Tried scores of cases, obtained stay of proceedings from State Supreme Court in solitary confinement case, which led to reform of detention center practices.

February, 1974 - August, 1974: Staff attorney, Misdemeanor Division, Defender Association. Represented approximately 150 clients including numerous bench and jury trials in Municipal and Superior Courts. Coordinated successful attack on city prowling ordinance, culminating in Seattle v. Shoemaker (1975), and amicus curiae in Bellevue v. Miller (1975).

Washington Defender Association: served as President from 1984-2004, Board member until December 2006. Helped to found voluntary membership organization representing more than 800 lawyers and staff representing indigent accused; consulted with executive director; testified in State Legislature; represented defenders before State Bar Board of Governors, other task forces and committees; appeared as amicus curiae on right to counsel issues; member, executive, personnel, and amicus committees.

OTHER TEACHING EXPERIENCE

I have been a guest speaker at law schools of University of Washington, Northwestern University, Seattle University, New York University, and Cornell University.

I also have spoken to classes at the Seattle University Department of Criminal Justice.

On October 12, 2020, I spoke on The Cost of The Death Penalty for a college class on The Death Penalty at Penn State University, Harrisburg, Pennsylvania [by video].

CONSULTING, EVALUATION, AND EXPERT WITNESS EXPERIENCE

Expert Witness Work:

Smith v. Office of the Alameda County Public Defender, et al.,

United States District Court, N.D. Cal. Case No. 20-cv-08534-JST (KAW). Provided an expert witness report on the Alameda County public defense system and its provision of public defense counsel to Reginald Smith in a sex offender commitment proceeding. (2023).

New York County Lawyers Association, et. al., vs. the State of New York, et. al., filed an expert witness report concluding that the \$75 per hour and \$60 per hour compensation rates for assigned counsel in New York City, unchanged since 2004, result in a severe, unreasonable, and unacceptably high risk that their clients will be denied effective assistance of counsel. The plaintiffs' attorneys filed this in a New York city case which resolved favorably and recently in a New York State case which is pending. [*New York State Bar Association v. State of New York.*]

Allen v. Edwards, litigation by Southern Poverty Law Center alleging systemic denial of effective public defense representation in Louisiana (pending). I have provided three reports. I testified in a deposition.

Buckley v. Asotin County, NO. 20-2-00163-02, Superior Court of Washington for Asotin County, December 2020, I presented an expert witness declaration. I was asked to offer my opinion on the following question: Does a county's providing an unlicensed attorney to serve as a public defender fall below Washington's standards for public defense?

Hearing in New Orleans trial court, provided by video expert testimony on excessive caseload in Defender office, November 2015.

Hurrell-Harring, litigation by NY Civil Liberties Union involving denial of counsel in five counties in New York State (2013-014), resulting in settlement favorable to the plaintiffs. I filed a report and testified in a deposition.

<https://www.ils.ny.gov/files/Judge%20Approves%20Settlement%20Over%20Indigent%20Criminal%20Defense%20-%20NYLJ%20031815.pdf/>

The New York Supreme Court Appellate Division found that I qualify as an expert "on the operation of indigent defense systems and the evaluation of such systems in light of prevailing professional standards." Hurrell-Harring v. State, 119 A.D.3d 1052, 1053, 990 N.Y.S.2d 286, 288 (N.Y. App. Div. 2014).

Consultant to American Civil Liberties Union on litigation in South Carolina and Mississippi regarding counsel and fines and fees in misdemeanor courts (2018-19).

King County Superior Court evidentiary hearing on effective assistance of counsel. [State v. Gay 2007]

Best v. Grant County. Class action seeking injunctive relief from systemic ineffective assistance of counsel in Grant County, Washington. Case settled favorably to the plaintiffs (2005). <https://www.aclu-wa.org/news/grant-county-agrees-overhaul-public-defense-system>.

Federal habeas corpus proceeding challenging a persistent offender conviction for ineffective assistance of counsel. Thorne v. DuCharme, Western District of Washington. The case resulted in a stipulation and order to issue writ of Habeas Corpus and to direct the Superior Court to vacate the judgment and conviction in the state trial court. (2001).

2011: Declaration in support of writ filed by a professor challenging failure to provide counsel at misdemeanor arraignments in Manchester, N.H. court.

2009: Declaration in support of the motion filed by the Miami-Dade Public Defender to withdraw because of excessive caseload in Florida v. Bowens. [Florida Supreme Court later found that the Defender had demonstrated cause for withdrawal in felony cases. Pub. Def., Eleventh Judicial Circuit of Fla. v. State, 115 So. 3d 261 (Fla. 2013).]

2009: Affidavit in support of a summary judgment motion filed by the Kentucky Public Advocate in a declaratory judgment action about excessive defender caseloads.

Consulting:

I serve as the Assessor for Public Defense Services for the City of Edmonds, Washington. I participated in the selection process for the current Edmonds Municipal Court Judge.

Evaluations:

2008: Site visit evaluation for National Legal Aid and Defender Association (NLADA) to Idaho Falls, Idaho, assessing public defender system. Prepared written report.

2007: Member of two-person evaluation team of NLADA on a three-day visit to Ada County, Idaho, assessing public defense system. Prepared written report.

2007: Member of two-person evaluation team of NLADA on a three-day visit to Grand Traverse County, Michigan, assessing public defense system. Prepared written report.

2006: Member of evaluation team of NLADA on a three-day visit to Orleans Indigent Defense Program, New Orleans, focusing on capital case defense. Prepared written report.

2005, Member of NLADA evaluation team on a four-day visit to Public Defender Service, Washington, D.C.

2003, Member of NLADA evaluation team on a three-day visit to Avoyelles Parish, Louisiana.

2002: Member of NLADA evaluation team of on a two-day visit consulting with the Las Vegas, Nevada, Public Defender.

1986: Consultant to study by Spangenberg Group of System for Conflicts of Interest Cases in Los Angeles County.

Other Employment

In law school, I worked as a Research Assistant and Herbert Harley Fellow, American Judicature Society, Chicago, and a Legal Intern, U.S. Attorney, Southern District of New

York. I was a volunteer, Legal Aid Society of Hawaii, Honolulu, doing research and writing on effects of aircraft air pollution. During college, I was a recreation coordinator, New York City Housing Authority, and Editor, youth section, weekly newspaper, The Westfield Leader, Westfield, New Jersey.

PUBLICATIONS

King County Can Celebrate Strong Public Defense 60 Years after Gideon v. Wainwright, March 2023, <https://www.kcba.org/For-Lawyers/Bar-Bulletin/PostId/1948/king-county-can-celebrate-strong-public-defense-60-years-after-gideon-v-wainwright>

"Readers respond: Preserve independence of public defense" - Lead author on letter to the editor on the need for independence in public defense in Oregon. <https://www.oregonlive.com/opinion/2022/08/readers-respond-preserve-independence-of-public-defense.html>

"Protecting the Independence of Public Defenders", Washington State Bar News, June 2022. <https://wabarnews.org/2022/06/09/protecting-the-independence-of-public-defenders/>

"Former Defender Mark Mitshkun Dies at 71", King County Bar Bulletin August 2020, at <http://www.kcba.org/For-Lawyers/Bar-Bulletin/PostId/1194/former-defender-mark-mitshkun-dies-at-71>.

"We Need More Defenders", King County Bar Bulletin May 2020, at <http://www.kcba.org/For-Lawyers/Bar-Bulletin/PostId/1109/we-need-more-defenders>.

"Prosecutors and Defense Attorneys Coordinate Coronavirus Response", King County Bar Bulletin, April 2020, at <http://www.kcba.org/For-Lawyers/Bar-Bulletin/PostId/1099/prosecutors-and-defense-attorneys-coordinate-coronavirus-response>.

Book review on Professor Alexandra Natapoff's "Punishment Without Crime, How Our Massive Misdemeanor System Traps the Innocent and Makes America More Unequal" the NACDL Champion, May 2019 edition, available at <https://www.nacdl.org/Champion.aspx?id=55712>.

"Judges Need To Exercise Their Responsibility To Require That Eligible Defendants Have Lawyers", 46 Hofstra Law Review 35(2017).

"Justice Shortchanged--Assigned Counsel Compensation in Wisconsin", co-author, Sixth Amendment Center, May 2015.

"SU Study Assesses Costs of Seeking Death Penalty", King County Bar Bulletin March 2015.

"Major Public Defense Changes Postponed", King County Bar Bulletin, January 2015.

"Fifty Years after Gideon: It is Long Past Time to Provide Lawyers for Misdemeanor Defendants Who Cannot Afford to Hire Their Own", Seattle Journal for Social Justice, Vol. 11, Issue 3 (2013).

"[Division Autonomy Crucial in Defender Restructuring](#)", co-author, King County Bar Bulletin, October 2013.

"Future of Public Defense Still in Flux: Comment Period Open until August 26," August 2013 King County Bar Bulletin.

"50 years later, fulfilling right to counsel", Everett (WA) Herald, with Washington Attorney General Bob Ferguson, March 18, 2013.

"The Right to a Lawyer", Louisville (KY) Courier Journal, March 17, 2013.

"Caseload limits a win for public defenders, clients — and justice", Seattle Times, July 18, 2012.

"State Supreme Court Issues Historic Order on Defender Standards", 2012 Bar Bulletin.

"Defenders Spread Thin by Budget Crunch", Bar Bulletin, 2011.

"Diverting and Reclassifying Misdemeanors Could Save \$1 Billion per Year: Reducing the Need For and Cost of Appointed Counsel", American Constitution Society, December 2010. Available at https://papers.ssrn.com/sol3/papers.cfm?abstract_id=1783057. [299 Downloads.]

'You (might) have a right to a lawyer ...', Bar Bulletin, July 2010.

"Citizen's Voice: Public defenders underfunded in Tennessee", Knoxville News Sentinel, June 5, 2010, <https://archive.knoxnews.com/opinion/columnists/citizens-voice-public-defenders-%20underfunded-in-tennessee-ep-408318489-358694861.html>.

"The Defender Association Celebrates 40 Years," Bar Bulletin, 2009.

Lead researcher, "Minor Crimes, Massive Waste: The Terrible Toll of America's Broken Misdemeanor Courts" (2009). Available at <https://www.nacdl.org/getattachment/20b7a219-b631-48b7-b34a-2d1cb758bdb4/minor-crimes-massive-waste-the-terrible-toll-of-america-s-broken-misdemeanor-courts.pdf>.

"At 45, Gideon Right to Counsel Remains Elusive", 2008, Bar Bulletin.

"Enough is Enough! Defenders Act on Excessive Caseloads", 29 NLADA Cornerstone, Jan-Apr 2008, at 12.

"Lawyers for juveniles not automatic", Seattle Post Intelligencer, January 2, 2008.

"Right to Counsel Remains Threatened in Washington," Washington Bar News, February 2007.

"State has chance to provide equal justice", Seattle Post Intelligencer, January 25, 2006, with Anne Daly.

"How to Deal with the Denial of Counsel in Misdemeanor Cases Post-*Shelton*", The Advocate, January 2004.

"The Right to Counsel: Every Accused Person's Right", Washington State Bar News, January 2004.

"Anniversary of Gideon case spotlights right to court-appointed attorney", Seattle Post-Intelligencer, March 16, 2003. <https://www.seattlepi.com/news/article/Anniversary-of-Gideon-case-spotlights-right-to-1109661.php>

"Soapbox", Seattle Post-Intelligencer, October 5, 2002.

"Fair law enforcement requires honest data", with other City Council Racial Profiling Task Force members, Seattle Times, July 5, 2002.

"Better court practices, not impoundment, have reduced DWLS", co-authored with Judge Fred Bonner, Seattle Post-Intelligencer, February 7, 2001.

"Reasons To Change City's Impound Law", co-authored with County Council member Larry Gossett, Seattle Post-Intelligencer, May 2, 2000.

"Lessons from The United States Experience", presented at International Legal Aid Conference, Vancouver, B.C.(1999).

"Sex Predator Law Unworthy of Defense", Viewpoint, News Tribune, June 18, 1997.

"Reader's Journal", Honolulu Advertiser, February 1, 1997.

"Gideon at 30--Still a Long Way to go to Protect rights of Indigent," Washington Criminal DEFENSE, May 1993.

Sexual Predator Law--The Nightmare in the Halls of Justice, 15 University of Puget Sound Law Review 827 (1992).

"Has the Rule of Law Changed?" Seattle-King County Bar Association Bar Bulletin, August, 1991.

"Op Ed" Article, Seattle Times, May 1989, on collateral relief legislation.

"An Echo of Trumpets", Washington Criminal DEFENSE, September 1987.

"Funding Crisis Threatens Right to Counsel", 41 Washington State Bar News 15 (1987).

"'Bail Reform' Hits Rights of Innocent", Seattle Post-Intelligencer, May 10, 1986.

"Most Parolees Go Straight", "Op Ed" article, Seattle PI, June 30, 1981.

"Tardy Justice Is No Justice At All", Seattle PI, September 12, 1980.

"Former Collegian Editor Recalls Ambiguities of the Late 60's", Kenyon College Alumni Bulletin, Fall 1979.

Article on Jury System, Seattle Facts, May 31, 1978.

Victimless Crimes, 57 JUDICATURE (1973).

Several Letters to the Editor- Seattle Times, Seattle PI, Seattle Weekly, The Stranger.

CONTINUING EDUCATION

Three-week intensive National Institute of Trial Advocacy, Reno, Nevada, 1974.

Operating a Defender Office, Portland, Oregon, 1979.

Attended numerous other local and national seminars, including Vera Institute National Defender Leadership Project seminars, Harriman, N. Y., 1998, 2000.

ADVOCACY TRAINING

I have served as a judge in a number of law school student appellate and trial competitions. I was a faculty member for four sessions of the National Institute for Trial Advocacy (NITA) in Seattle and for "Training the Child Advocate", NITA, Northwestern University School of Law, 1995.

Judge/Faculty, Defender Association Trial Advocacy Programs, various years.

SEMINAR PRESENTATIONS AND PUBLIC TESTIMONY AND APPEARANCES

I have presented or moderated panels at more than 135 events, mostly continuing legal education and judicial education seminars, in many states and in two Canadian provinces. I have spoken about public defense representation, the right to counsel generally and specifically in misdemeanor cases, criminal justice funding, death penalty case representation, racial disparity, sex offender commitment, jury selection, sentencing, legislative advocacy, legal ethics, defender caseloads and standards, representing mentally ill clients, and pretrial release issues, and I have participated in a variety of trial skills and defender management training programs.

I have spoken on Law and the Holocaust, including about ideas on teaching it, at Seattle University, Temple Beth Am in Seattle, and Northwestern University.

Some examples of recent presentations:

March 17, 2023: I spoke [by video] at The Defender Initiative's Conference on Gideon at 60, on Recent Developments in Public Defense. I organized the conference and secured all the speakers.

January 10, 2023, I spoke on a panel for a webinar on Public Defender Independence for the American Bar Association Section of Civil Rights and Social Justice.

November 7, 2022, Speaker, [by Zoom] The Law & Mental Health Conference of the Mental Health Association of Portland, Oregon, on Civil Commitment, on "Discussion of Young v. Selig, the Beginning of Washington's Sex Offender Commitment Law". I also was on a panel discussion for the conference.

April 21, 2022, I spoke on a panel on "Limiting and Managing Workloads" at the American Bar Association Public Defense Summit.

May 8, 2021, I was a co-presenter for a webinar hosted by the Southern Methodist University Human Rights Program on "A Costly Failure: Why the Death Penalty Must Be Abolished."

March 6, 2020, I spoke on right to counsel in misdemeanor cases for a Seattle Journal for Social Justice Symposium on *Reforming Pre-Trial Release, Bail, and Parole*.

I have spoken at the ten earlier Conferences on Public Defense I presented at Seattle University.

I testified by video in the Washington Senate Law and Justice Committee in favor of SB 5772, to provide appointed counsel in post-conviction proceedings.

I was an invited witness to the United States Senate Judiciary Committee on Protecting the Constitutional Right to Counsel for Indigents Charged with Misdemeanors, May 13, 2015, testimony available at <https://www.judiciary.senate.gov/meetings/protecting-the-constitutional-right-to-counsel-for-indigents-charged-with-misdemeanors>.

I have been an invited witness, Washington State Advisory Committee, U.S. Commission on Civil Rights, (1979), ABA/NLADA Hearing on Indigent Defense Funding, Boston (1982), ABA "Hearings on the Right to Counsel 40 Years After Gideon v. Wainwright" (2003), Seattle, WA.

I was an invited participant, Public Affairs Conference Center seminar on Crime and Punishment, Kenyon College (1983).

I have been an invited speaker to Rotary Groups in three cities in Washington.

I have been a speaker, panelist, or interviewee on a variety of radio and television shows, including "The Prosecutor's Post", March, 2010, King County television, "Dave Ross Show", KIRO Radio, October 2009, April, 2000; "The Conversation", KUOW Radio, November 2003, and August 2002; "Justice Talking Live", February 2001; CBS TV "60 Minutes", January 1998; "7 Live", KIRO TV, June 1997; KIRO Radio, March 1995; News Hour with Jim Lehrer, PBS, January 1996; "60 Minutes Australia", August 1996, and KOMO-TV "Town Meeting", October 1993.

AWARDS AND FELLOWSHIP

John Henry Wigmore Key, Northwestern University School of Law, 1973.

Reginald Heber Smith Award, National Legal Aid and Defender Association, 1987.

Certificate of Appreciation, Washington Association of Criminal Defense Lawyers (WACDL), 1990.
Civil Libertarian Award, American Civil Liberties Union of Washington, 1990.
Order of the Coif, University of Washington Law School, 1991.
William O. Douglas Award, WACDL, 1993.
Friend of the Profession, King County Bar Association, 2000.
Senior Fellow, Open Society Institute, 2003 to 2004.
Gideon Award, Washington Defender Association, 2004.
Professionalism Award, Washington State Bar Association, 2004.
“Super Lawyer”, Washington Law and Politics, 2006
Paul Robeson Peace and Justice Award, Mothers for Police Accountability, 2007.
Champion of Indigent Defense Award, National Association of Criminal Defense Lawyers (2006), awarded in 2007.
Champion of Justice award, WACDL (2014).
Innovation in Criminal Justice Education Award from the Seattle University Crime and Justice Research Center (2021).

COMMITTEE APPOINTMENTS AND ELECTED POSITIONS

American Council of Chief Defenders: One of founding members, former member of Executive Committee, Standards Committee, and Committee on Developing Systems and Reform. I led a three-person group that drafted a Statement on Caseloads and Workload approved by the full ACCD in 2007.

Washington State Bar (WSBA) Committee on Public Defense: Executive Committee; Chair, Subcommittee on System Efficiencies and Legislative Change, 2005-2009. Member, WSBA Council on Public Defense, 2009-present (I am currently an emeritus member). Chair, Standards Committee.

National Association for Public Defense, Founding Member, Member Workload Committee (current co-chair), Systems Builder Committee
WSBA Task Force on Public Defense Funding Gap, 2004.
Seattle Mayor's Police Accountability Review Panel, 2007-8, Vice Chair.
Seattle Mayor's Chief of Police Selection Committee (2010).

Washington State Minority and Justice Commission, Technical Support Member, 1991-2006; Commission member, 2007-present (I am now an emeritus member). Member, Evaluation and Implementation Committee; Chair, Subcommittee on Pre-Trial Release Rule (1999-2002).

Seattle University Criminal Justice Department Advisory Group, current member.

ABA Indigent Defense Advisory Group, current member. Member of Ten Principles Revision Working Group.
ABA Criminal Law Section—several committees, various years.
ABA Juvenile Indigent Defense Working Group, 2004.
ABA Individual Rights Section Corrections Committee former Chairperson.

Seattle City Council Citizen Task Force on Racial Profiling 2001-2002.
King County Public Defense Study Oversight Committee, 1999-2003

WSBA Criminal Justice Institute Steering Committee, various years.
Brennan Center Community Justice Institute Advisory Board, New York University, 2001-2002.
Member, Peer Group, Criminal Justice/Mental Health Consensus Project, Council of State Governments, 2001.
NLADA Board of Directors and Defender Council, 1995-2000. Workload Standards Committee, 1996-1999; Contract Defender Committee, 1996-1999; Conference Committee, 2002-2003. Defender Management Training Advisory Committee, 1990, 1994.

Washington Defender Association, President, 1983-2003. Co-chair, legislative committee for various years. Member, Board of Directors, 1983-2006.

King County Juvenile Justice Operational Master Plan Oversight Committee, 1999-2000; 2007-2016.
Seattle-King County Advisory Group on Reinvesting in Youth, 2000; Steering Committee, 2002-2009.
King County Task Force on Mentally Ill Offenders, 1997.
Crime Policy Forum, University of Washington Institute for Public Policy and Management, 1997-2001.
Committee to Examine Appellate Representation in Capital Cases in Washington, Washington Supreme Court, 1995-96.
WSBA Criminal Law Section: Chairperson, 1981-1982, 1984-1985; Secretary, 1989-1993. Editor, Criminal Law in Brief newsletter.
WSBA Courts and Judicial Selection Committee (former member)
Washington Board on Prosecutor Training Standards and Education, appointed by Governor, 1980-1986.
Washington Indigent Defense Task Force, Subcommittee on Standards, 1988; Alternate Task Force Member, 1989-1990.
Board of Directors, American Civil Liberties Union of Washington, 1981-1984. Chair, Personnel Committee, 1985-1995. Awards Committee, 1989.
Seattle-King Co. Bar Association Awards Committee, 1990, 1991.
Classical Music Supporters of Washington, Board of Directors, 1986-1990; Vice-President, 1987-1989. Chair, Long Range Planning Committee.
University of Washington School of Law Visitors Committee (completed term 1993).
University of Washington Society and Justice Program Visitors Committee (1997-9)
Washington State House Institutions Committee Advisory Task Force-Sentencing.
Washington Judicial Council

Other Interests: I have traveled extensively in Europe, Hawaii, and North America, and briefly in India, Argentina, Japan, South Korea, and very briefly in the western Caribbean. I have moderate conversational ability in French. I continue to play softball and manage the Defender softball team.