EXECUTIVE DIRECTOR
Stephen P. Hattori

DEPUTY DIRECTOR
Richard S. Dirkx
ADMINISTRATIVE DIRECTOR
Cathyann C. Gogue

# PUBLIC DEFENDER SERVICE CORPORATION
## (Kotperasion Setbision Defensot Pupbleku)

GOVERNMENT OF GUAM
779 Route 4
Sinajåña, Guam 96910
Tel: (671) 475-3100 ◆ Fax: (671) 477-5844

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Rocky P. Kingree
Zachary C. Taimanglo
Kristin D. Smith
Earl Anthony V. Espiritu
Clyde Lemons, Jr.

December 5, 2017

***Hand-Delivered***

Speaker Benjamin J.F. Cruz
I Mina'trentai Kuåttro Na Liheslaturan Guåhån
Guam Congress Building
163 Chalan Santo Papa
Hagåtña, Guam 96910

GL# 34-17-1298
Speaker Benjamin J.F. Cruz

DEC 06 2017
Time: 1130 AM [ ] PM File No.
Received By:

Dear Speaker Cruz,

*Håfa Adai!* Pursuant to §8113.1 of Chapter 8 Title 5 GCA, enclosed you will find one (1) compact disc containing an electronic file of the meeting packet of the Public Defender Service Corporation Board of Trustees' meeting conducted on Tuesday, November 28, 2017.

We appreciate your attention to this matter, and look forward to answering any questions you may have regarding the electronic recording of the aforementioned minutes.

*Dångkolo na Agradesimento*.

Sincerely,

**CATHY GOGUE**
Board Secretary

2017 DEC -6 AM 11:44

Enclosure

**ACKNOWLEDGED RECEIPT**

**Received By:** _____

**Name (please print):** _____

**Date:** _____

1298

**PUBLIC DEFENDER SERVICE CORPORATION**
**Board of Trustees Regular Meeting**
**Tuesday, November 28, 2017 – 12:30 P.M.**
**Conference Room**
**Alternate Public Defender**

**A G E N D A**

**I. Call to Order**

**II. Roll Call**

**III. Proof of Due Notice of Meeting:**

A. Notice: 5 Working Days — The Guam Post, Thursday, November 21, 2017
B. Notice: 48 Hours — The Guam Post, Friday, November 24, 2017

**IV. Determination of Quorum**

**V. Approval of Minutes:** Regular Meeting of Tuesday, October 24, 2017

**VI. Old Business:**
A. Financial Status Update (PDSC, Domestic Violence and APD) Allotment Releases
B. Public Defender Service Corporation Update
C. Alternate Public Defender Update

**VII. New Business:**
A. Attorneys & Investigators Trial Clinic – Lapsed Funds **(EXHIBIT A)**

**VIII. Executive Session:**
A. Personnel Matters

**IX. Public Discussion:**

**X. Adjournment and Next Meeting Date:**

Tuesday, January 23, 2018 at 12:30PM

# Quorum woes affect charter schools' review

By John O'Connor
john@postguam.com

It wouldn't be fair to approve a competing charter school over Career Tech High Academy Charter School based on a deadline because Career Tech submitted its application first, according to Career Tech board Vice Chairman Steven McManus.

Both Career Tech and Science is Fun and Awesome Learning Academy Charter School (SIFA) are aspiring to become the next charter schools on the island, but a limitation in local law may allow only one of them to move forward.

The Guam Academy Charter Schools Council has until Dec. 8 to decide on SIFA's application. The council has until Dec. 19 to decide on Career Tech.

Barring any complications with the applications or changes in law by the deadlines, it appears that a Career Tech rejection would be based on legal limitations on the number of charter schools. There are seven allowable charter schools on Guam and only three can be non-converted public schools, such as Career Tech and SIFA. Only one of these slots remain.

> "Time is of the essence as we have waited for more than six months after submission and official receipt."
>
> – *Appeal from Career Tech High Academy Charter School*

Career Tech submitted an appeal in August asking the council to consider its original application submission date in February.

By contrast, SIFA submitted an application in August, after the council was re-constituted following months without proper membership.

According to McManus, the council determined in August that it would accept both applications at the same time.

Career Tech contended in its appeal that a charter only needed to be filed with the council and that law "does not specify that the council has to receive it in concert nor meet as a quorum to receive it."

"Time is of the essence as we have waited for more than six months after submission and official receipt," the Aug. 31 appeal stated.

"Our school is projected to start in August of 2018 and (we) are running out of time to apply for federal grants to fund the startup of our school. (The) deadline for a grant we are working now is this November. If we start the 45 days now, and then wait up to another 60 days afterwards for approval, we will miss the deadline."

Career Tech has not received a response to the appeal, according to McManus.

### Quorum concerns

Amanda Blas, chairwoman for the Guam Academy Charter Schools Council, said the appeal was to be addressed during the September meeting, but quorum concerns again reared their head when Guahan Academy Charter School contested having a representative in place of the Guam Department of Education superintendent.

This issue is under review and the Career Tech appeal remains a pending matter.

Blas said there was no decision made in September regarding which school would move forward first and that all applications requirements, including fee payment, were finalized in August.

By October, both schools were entering public hearings, a legal requirement before charter approval.

Blas said Career Tech requested to have its hearing delayed due to a family emergency with one of the board members. SIFA was then heard first and received an earlier deadline for decision.

Work sessions were scheduled for both schools this month ahead of a special meeting on the charter applications. But the lack of quorum again prevented the council from acting on the applications during the meeting yesterday.

Only four voting members were present during the meeting. Five is needed to form a quorum and there are only six voting members at the moment. The board is set to meet on Dec. 7, just a day prior to SIFA's deadline.

# Official seeks preservation of late senator's ranch

By Kevin Kerrigan
kevin@postguam.com

Guam State Historic Preservation Officer Linda Aguon is seeking preservation of a ranch on Andersen South claimed by the late Sen. Angel Santos.

In an Aug. 24 letter to the Naval Facilities Engineering Command, Aguon raised concerns about undocumented, and potentially historic, "launches," or ranches, within the planned Urban Combat Training Project in the area.

"We have good reason to believe that one of these farms was occupied by Sen. Angel Anthony Leon Guerrero Santos III when he was arrested by federal authorities for occupying what he believed was the illegal taking of his grandfather's lancho."

In 2000, Santos began a six-month term in federal prison for violating a 1993 court order to stay off federal land near Andersen Air Force Base in Dededo. Santos died in 2003 at the age of 44.

NAVFAC issued its response in the revised Programmatic Agreement Memo No. 2, which was released to the media last Friday.



Angel Santos

Aguon asks for Santos' property "to be clearly identified and protected in place for future generations," noting that Santos was a prominent figure on Guam and "a believer in decolonization."

However, NAVFAC's response memo states that "no domestic artifact scatters were documented in the project area during an archaeological survey."

The memo also notes that the location of the farm claimed by the late senator is not clear.

"If SHPO is aware of documents that could associate a particular location with the senator's farm, we request copies of such records."


## NOTICE OF PUBLIC MEETING

The Public Defender Service Corporation Board of Trustees will conduct its regular scheduled board meeting on **Tuesday, November 28, 2017 at 12:30 P.M.** in the Conference Room of the Alternate Public Defender, located at MVP Phase II Complex, Suite 6A, 777 Route 4, Sinajana, Guam 96910.

Copies of the agenda will be available prior to the meeting at the Public Defender Service Corporation.

Individuals requiring special accommodations are asked to contact Ms. Cathy Gogue at 475-3100.

**/s/ KATHERINE A. MARAMAN**
Chairwoman

This public notice is paid for with government funds.

## GUAM HOUSING AND URBAN RENEWAL AUTHORITY

**Board of Commissioners Meeting**
**12:00 P.M., Wednesday, November 29, 2017**
**GHURA Main Office**
**1st Floor Conference Room**
**117 Bien Venida Avenue, Sinajana**

For special accommodation, contact Ms. Kathy Taitano
Tele No. 475-1322 or TTY #472-3701

## PUBLICATION NOTICE

In accordance with the provisions of Guam Code Annotated, Title XI, Chapter III, Section 3315, notice is hereby given that:

**NELLY M. PASCUAL**
**dba: Marina's Restaurant & Sports Lounge**

has applied for a Class: **4 On Sale Beer Alcoholic Beverage License**
said premises being marked as Lot: **5166-22 LS 14-SEC 2 #244 Florendo Bldg. Harmon Ind. Park, Harmon**

Doc. No. 34GL-17-1249

BLACK FRIDAY

# Blasting through the shopping frenzy

**By Rodion Balbin**
thescoop@postguam.com



**John Sacayan**



**Martin Felisan**

Shoppers and store workers alike have been preparing for the annual Black Friday for weeks now, and now that it's here, it's an all out shopping skirmish over the best business deals in 2017.

The Scoop caught up with high schoolers John Sacayan, Joshua Sanchez, Joseph Lujan and Martin Felisan at the Japanese Autumn Festival in Tumon. The group of friends were enthusiastic about joining the Black Friday shopping spree this year.

"You can get good deals on almost everything," Sacayan said. "The only bad thing about Black Friday is the crowd." He plans on shopping for himself at Kmart or GameStop, but also plans on using the day to buy Christmas gifts for relatives.

Felisan usually tag-teams with his mom through the crazy shopping day. He's usually on the lookout for electronics and active wear while his mom is searching for a homemaker's dream in Macy's.



**Joseph Lujan**



**Joshua Sanchez**

"I only go to Macy's if I'm with my mom because that's like the No. 1 shop moms go to," Felisan said.

The Father Duenas Memorial School student gave some tips for shoppers hoping to avoid Black Friday stress.

"If there's a particular merchandise you want, and there's a limited supply, you have to go early in the morning," Felisan said. "It also helps when relatives help out when you shop, so you guys can span throughout the whole store."

As for Sanchez, he's heading to the exchanges at the island's Air Force and Navy bases. He's already planning to beat other shoppers to the storefront. "You must have a game plan before entering the store," Sanchez said.

Lujan is simply planning to go the gift card route as far as Christmas shopping goes, he said.

### Stores prepare for surge

Stores expected to carry potential Christmas gifts will likely be crowded for the Black Friday frenzy. GameStop is one of these favored businesses, but they have a plan to keep the peace.

According to Kym Torres, assistant manager of GameStop at the Agana Shopping Center, store management will be maintaining a single filed line.

Torres said similar measures are possible at the Micronesia Mall location, but one thing is certain: There will be big gamer crowds at both locations this Black Friday.

MacTech Guam, an electronics store in the Agana Shopping Center, will also be having big Black Friday deals, according to Jermaine Alerta, customer service specialist.

"What we're looking at right now is 50 percent off storewide, except for clearance items, and some of the electronics and services – but the entire store is going to be pretty much on sale," Alerta said.

The Agana Shopping Center will be open one hour earlier on Black Friday. Other shopping outlets and stores are likely to also open earlier for holiday shoppers.



**MACTECH:** *Tiphanie Ngirachelsau, customer service specialist, shows off store goods at MacTech Guam, an electronics store located in the Agana Shopping Center. Post file photo*

**OPTIMISTIC** continued from page 4

by constructing an additional parking lot adjacent to Macy's Men's Store entrance," Schrage added.

Yanson described the Agana Shopping Center's lineup for today. "We are having discounts as big as 75 percent off. We will also have lots of programs and events (today). Not only will the shoppers enjoy the sales, we will also have a Christmas countdown here. ... We are going to light up our big Christmas tree."

According to Yanson, there will be several kick-off events at the Agana Shopping Center, including The Salvation Army campaign and the SM Island Store Care Bears program.

According to Hiles, retail trade spending among Guam residents total just over $1 billion a year – 13 percent of all sales receipts in the economy – with tourist retail trade spending accounting for half of the amount, as explained in the 2012 Economic Census of Guam; the 6.5 percent of tourist retail trade spending amounts to just over $500 million.

Based on expansion in revenues and resident employment over the year, Hiles said it is likely that Guam's holiday sales could be very similar to last year's or even a bit better, especially if tourist arrivals rebound to last year's figures.


## NOTICE OF PUBLIC MEETING

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Copies of the agenda will be available prior to the meeting at the Public Defender Service Corporation.

Individuals requiring special accommodations are asked to contact Ms. Cathy Gogue at 475-3100.

**/s/ KATHERINE A. MARAMAN**
Chairwoman

This public notice is paid for with government funds.

Doc. No. 34GL-17-1298 . *

Guam Memorial Hospital Authority
**Aturidått Espetåt Mimunåt Guåhan**
850 Gov. Carlos Camacho Road
Tamuning, Guam 96913
GMH 2.0

## REQUEST FOR PROPOSAL

**GMHA RFP No. 001-2018**, Guam Memorial Hospital Authority is soliciting proposals to provide Call Center and Collection Services

Submission Time: 8:30 a.m.

All proposals must be sealed and submitted to the Materials Management Department by December 22, 2017.

All interested firms should register with our GMHA Procurement Office to be able to participate in the bid. Please call our office at (671) 647-2165 to register. Registration is required to ensure that all "Amendments" are communicated to all bidders throughout the bid process.

For procurement opportunities, please visit our public information page at www.gmha.org.

/s/ PeterJohn D. Camacho, M.P.H.
Hospital Administrator/CEO

*This advertisement was paid for with government funds.*

**PUBLIC DEFENDER SERVICE CORPORATION**
**BOARD OF TRUSTEES**
**Regular Meeting**
**of**
**Tuesday, October 24, 2017 – 12:30PM**
**Public Defender Service Corporation Conference Room**

**M I N U T E S**

## I. CALL TO ORDER:

The meeting was called to order by the Chairwoman, Chief Justice Katherine A. Maraman, at 12:57 PM.

## II. ROLL CALL:

| | |
|---|---|
| Present: | Chief Justice Katherine A. Maraman, Chairwoman<br>Presiding Judge Alberto C. Lamorena, III<br>Attorney Jacque T. Terlaje, GBA President<br>Attorney Donna M. Cruz, Member<br>Mrs. Annette J.U. Ada, Member |
| Absent: | N/A |
| Others Present: | Attorney Stephen P. Hattori, PDSC Executive Director<br>Richard Dirkx, Deputy Director<br>Attorney AnaMaria C. Gayle, APD Managing Attorney<br>Cathy Gogue, Administrative Director<br>Michael S. Moreno, Chief Fiscal Officer<br>Kenneth A. Lim, Computer Systems Analyst<br>Robbie T. Call, Chief Investigator<br>Jacob M. Perez, Domestic Violence Program Specialist<br>Eleanor Quenga-Rios, Administrative Assistant<br>Audre K. Hattori, APD Secretary Supervisor<br>Cecelia M. Fernandez, Retired Special Projects Coordinator |

## III. PROOF OF DUE NOTICE OF MEETINGS:

"Notice of Public Meeting" was published in the Guam Post on Thursday, October 19, 2017 and Friday, October 20, 2017.

## IV. DETERMINATION OF QUORUM:

With the presence of all five (5) board members, a quorum was determined for the meeting.

**V.** **APPROVAL OF MINUTES:** Minutes of the regular board meeting held on Tuesday, August 22, 2017 were adopted and approved, subject to corrections.

**VI.** **OLD BUSINESS:**

**A. Financial Status Update (PDSC and APD Allotment Releases).** Chief Fiscal Officer Michael Moreno stated that PDSC is operating at 83 percent for FY2017. We are waiting for three more allotments from Department of Administration to complete the FY2017 allotment schedule. Administrative Director, Cathy Gogue has secured an appointment to meet with the Director of Department of Administration, Christine Baleto tomorrow to discuss the release of allotments for the rest of FY2017 and our current FY2018 payments.

**Domestic Violence (STOP 2015 Grant Funding).** CFO Moreno reported that PDSC is currently funding this program up until December 30, 2017. We just received notice from the Governor's office they have just received funding for STOP 2017 grant and it has been approved and accepted. They will be letting us know how much we will be receiving from this grant.

**APD Allotment.** For FY2017, we have received the entire amount for this past fiscal year. We are still waiting for the MOU with Judiciary for FY2018 in order for us to send invoices for the allotment releases for this fiscal year. At this time, we do not have the signed MOU so we have not been able to request for releases. Chief Justice Maraman mentioned they just had a meeting this morning and that PD should be receiving the MOU in the next few days.

AD Gogue asked CFO Moreno to provide the board with an update of APD's FY2017 lapsed funds. According to Moreno, $181,848.00 is what APD has in FY2017 lapsed funds. Based on the MOU, PD will off-set the amount for the next allotment release for APD. AD Gogue mentioned that she already advised AOC John Lizama and Chris Budasi of the lapsed fund balance. Chief Justice Maraman mentioned that the money will go back to the Indigent Defense Fund.

**B. Public Defender Update.** Executive Director Hattori reported to the board that that it has been about two years since we've been fully staffed attorney-wise and there are a couple of matters with regard to attorneys that we will discuss later in the agenda. Right now, we have our caseload numbers for FY2017. Based on the statistics provided in the board packet, PD opened about 1,753 new cases and it is broken down by case type.

PDSC picked up about 623 felony cases and the AG's charged out between 750 to 760 felony cases. The AG's also charged out under 800 misdemeanors and we picked up 676 and of those cases. Of the 1,753 cases we opened in FY2017, we withdrew from 135 cases so those were sent to APD.

Chief Justice Maraman asked if the 1,753 cases are net or gross. ED Hattori explained it is the gross amount of cases and he hopes to see more cases assigned to P. The

Magistrate Judge has been appointing cases to APD directly if they were already represented by APD. ED Hattori informed Magistrate Judge Tolentino that PDSC may not have a conflict any longer and therefore asked that PDSC just be appointed the case first.

C. **Alternate Public Defender Update.** Managing Attorney Gayle reported that from the last board meeting, the board wanted to know their numbers relative to caseload. Mrs. Hattori has prepared a report. All of APD's cases for FY2017 is 473, as stated in the report and are broken down by attorney and case type. The report does not breakdown the cases by pre, post or closed. The report also includes Attorneys Overton and Young, with reduced numbers, since the both have resigned within the year.

**APD Additional Relocation Expenses – Lapsed Budget.** Chief Justice Maraman asked about their move and Managing Attorney Gayle says it is part of the new business but we did have additional moving expenses for chairs and other things they need for their relocation. We did not realize how high the front desk was and now need chairs for the reception desk. We also need office key duplications and trash cans, as well as awaiting for more quotes for visitor chairs. Chief Justice Maraman asked if the request for additional moving expenses is within budget to which Attorney Gayle answered yes. Chief Justice Maraman then inquired if they are requesting for a motion to approve the additional funding for additional expenses in which MA Gayle affirmed.

**There being no further questions or concerns regarding the addition cost needed for APD's relocation, motion was made by Presiding Judge Lamorena and seconded by Trustee Terlaje to approve approximately $8,000 (attachment provide by APD totaled $7,974.48) from APD's lapsed funds for additional expenses needed for their relocation to Sinajaña. Motion carried.**

**Reso. No 01-18**

## VII. ANNOUNCEMENTS:

ED Hattori advised the board that for the next board meeting, we want to bring a budget to the board for our annual trial clinic that we are proposing to have in January. We selected January 17 – 19, since these dates will coincide with the Pacific Judicial Council & American College of Trial Lawyers Conference that is scheduled here on Guam from January 17 – 19, 2018 at the Hilton. Since the judges will be at the Wednesday and Thursday sessions, we would like to hold our trial clinic for our attorneys as well as the private attorney panel on the same days. What we will possibly do is open up the first day (January 17) to the private attorney panel and then the next day will just be for PDSC and APD attorneys and investigators. For the 3rd day, we will give the option for our attorneys to have one-on-one sessions with the trainers to go over strategy for any upcoming trials they may have or have the attorneys attend the PJC conference that is open to them on Friday. What we also would like to do in conjunction with the trial clinic is organize a staff retreat to go over the strategic plan as well as other team building activities for the administrative support staff.

AD Gogue added that we are in our 4th year of organizing this trial clinic, and our expenses have hovered around $9,000 - $12,000. For the training we held this year in February, the budget that was approved by the board totaled $12,407.83. We had split this cost between PD and APD at 60/40. With the training proposed in January 2018, AD suggested to the board that we have a meeting in November or December or address the budget at this meeting based on February 2017's training budget that was held earlier in the year. Presiding Judge Lamorena asked about the proposed agenda. ED Hattori stated that the agenda is still being worked on but some of the topics would include Techniques for Impeaching Witnesses, DNA, Expert Testimony and possibly Ethics Training.

MA Gayle advised the board that APD will also have a nice training room at their office that they can offer for this training. AD Gogue added that this would help keep cost down but that we will need break-out rooms as well as enough room to include the Indigent Private Attorney Panel who may sign up to attend.

Presiding Judge Lamorena suggested that we have a meeting on November 28th, and that we skip the December meeting. Presiding Judge Lamorena suggested that we submit our proposal prior to the November meeting and that we lock in airline travel dates for the trainers to help reduce the cost. Presiding Judge Lamorena also suggested that we charge the private attorney panel a nominal fee to cover the lunch expense.

Based on the board's request relative documents will be prepared prior to the next meeting.

There being no further discussions under New Business, the board called for a recess and went into Executive Session at 1:18 PM.

## VIII. EXECUTIVE SESSION

Reconvening from Executive Session at 1:31 PM, Chief Justice Maraman advised of the following:

A. **Attorney Clyde Lemons, Jr. – Above Step Recruitment**. Approval granted for the Above Step Recruitment as an Attorney 4, Step 7.

**Reso. No 02-18**

B. **Attorney Theresa A. Rojas – Above Step Recruitment**. Approval granted for the Above Step Recruitment as an Attorney 3, Step 3.

**Reso. No 03-18**

C. **MA Gayle's Annual Increment**. Such matter will be discussed at the next board meeting, under Executive Session.

**IX.** **PUBLIC DISCUSSION:** None.

**X.** **ADJOURNMENT AND NEXT MEETING DATE**. Motion to adjourn the meeting was made by Presiding Judge Lamorena and seconded by Trustee Ada. There being no further business to discuss, the meeting adjourned at 1:37PM.

The next regularly scheduled board meeting will be on Tuesday, November 28, 2017, at 12:30PM in the Alternate Public Defender's Conference Room.

Respectfully submitted,

CATHY GOGUE
Secretary

**BEFORE THE BOARD OF TRUSTEES**
**OF THE PUBLIC DEFENDER SERVICE CORPORATION**
**RELATIVE TO THE USE OF**
**ALTERNATE PUBLIC DEFENDER'S LAPSED FUNDS**
**TO COVER BUDGETARY SHORTFALLS FOR THE RELOCATION**
**OF THE ALTERNATE PUBLIC DEFENDER'S OFFICE TO SINAJAÑA**

**RESOLUTION NO. 01-18**

**WHEREAS,** Public Defender Service Corporation (PDSC) Board of Trustees Resolution No. 08-04 established the office of the Alternate Public Defender (APD) as a separate section/division of the PDSC, answerable to the PDSC Board of Trustees and subject to funding by the Judicial Client Services Fund under the stewardship of the Guam Judicial Council; and

**WHEREAS,** the PDSC Board of Trustees approved the APD's Fiscal Year 2017 Budget Request through PDSC Resolution No. 14-16; and

**WHEREAS,** the Judicial Council of Guam subsequently approved the APD's Fiscal Year 2017 Budget Request at its meeting on April 28, 2016 through JC16-028; and

**WHEREAS,** through sound fiscal responsibility and frugal measures of spending prior year's appropriations, the APD continues to have lapsed funds available for Fiscal Year 2018; and

**WHEREAS,** the APD, through RFP No. PDSC-RFP-FY2016-02, has relocated from the DNA Building in Hagatña to the MVP Annex in Sinajaña, requiring that the equipment and/or furniture needed for the new office be absorbed through APD's lapsed funds, as identified in the attached worksheet, is imperative for APD's operations and the ability to provide services to its clients; now therefore be it

**RESOLVED,** The Board of Trustees of the Public Defender Service Corporation, in its meeting of October 24, 2017, hereby approves the APD's request for the expenditure of **$7,974.00** of lapsed funds for the purposes described in the attached Additional Moving Expenses Worksheet and the accompanying documents are hereby made a part of this resolution. Such expenditures are to be implemented at the discretion of the APD Managing Attorney in consultation with the Chief Justice and Chairwoman of the Board.

**DULY AND REGULARLY ADOPTED** this 24th day of October, 2017.

Katherine A. Maraman
Chief Justice KATHERINE A. MARAMAN
Chairwoman

ATTEST:

CATHY GOGUE
Secretary

# ALTERNATE PUBLIC DEFENDER

## ADDITIONAL MOVING EXPENSES

| | ITEM DESCRIPTION: | ESTIMATED AMOUNT | ACTUAL AMOUNT | REC'D ITEM DATE | CATEGORY |
|---|---|---|---|---|---|
| | **OFFICE EQUIPMENT AND SUPPLIES** | | | | |
| 1 | Guest Chairs (24 ea) | $ 7,200.00 | pending quotes | | Furnishings |
| 2 | Front Staff/High Stem Chair (2 ea) | $ 600.00 | pending quotes | | Furnishings |
| | **Other** | | | | |
| 3 | Office Keys duplication | | $ 102.00 | | Supplies |
| 4 | Trash cans for Restrooms | | $ 28.48 | | Supplies |
| 5 | Front Door Mats | | $ 44.00 | | Supplies |
| | **TOTAL:** | **$ 7,800.00** | **$ 174.48** | | |
| | **ESTIMATED TOTAL:** | **$ 7,974.48** | | | |

* (24) Guest Chairs replacement of Court Loaned/PDSC Loaned chairs. :dre

* Chair quotes are still pending; vendors confirming s/h costs and duration.

**BEFORE THE BOARD OF TRUSTEES**
**OF THE PUBLIC DEFENDER SERVICE CORPORATION**
**RELATIVE TO THE RECRUITMENT ABOVE-STEP FOR**
**ATTORNEY CLYDE LEMONS, JR.**

**RESOLUTION NO. PDSC 02-18**

**WHEREAS,** Title 4 Guam Code Annotated (GCA), Chapter 6 §6205 provides for the Recruitment Above-Step for government of Guam departments/agencies; and

**WHEREAS,** the Public Defender Service Corporation (PDSC) has experienced challenges in recruiting and retaining seasoned attorneys with the experience and skill-set to immediately enter the courtroom for either trial and/or appeals; and

**WHEREAS,** over the past several years, the PDSC has lost five (5) Attorney Level 4 at Step 7 or higher and two (2) Attorney Level 3 at Step 2 or higher to either government transfers, retirement, resignations and promotions; and

**WHEREAS,** the PDSC continues to be in direr need to hire experienced attorneys to fill the void that exists as a result of the loss in seasoned as well as experienced Assistant Public Defenders to effectively handle the Corporation's caseload; and

**WHEREAS,** PDSC has received applications for attorneys who qualify for the Attorney Level 4, but without trial and/or appellate experience, PDSC needs experienced attorneys to handle complex litigation including any crime that involves a sentence for life imprisonment without parole; and

**WHEREAS,** based on the legal requirements and ramifications PDSC clients face, there is an immediate need to fulfill PDSC's mission of providing effective, efficient and adequate representation of indigent clients of Corporation; and

**WHEREAS,** PDSC needs to have the ability to attract talented and experience attorneys above the Attorney Levels 3 and 4, Step 1; and

**WHEREAS,** at the October 24, 2017 Board of Trustees meeting, a petition was submitted to have Clyde Lemons, Jr., Esq., to fill the vacancy of Attorney Level 4 under Job Announcement JA-18-17; and

**WHEREAS,** Attorney Clyde Lemons, Jr. was interviewed on October 13, 2017 and the panel selected Attorney Lemons and believe that his experience warrants an Above Step Recruitment at Attorney 4, Step 7 at $99,627 per annum based on his exceptional qualifications as an attorney, experienced in all areas of practice that include trial experience in both federal and local jurisdiction as a government attorney as well as a private practice attorney where he supervised and mentored attorneys under his supervision; and

**WHEREAS,** Attorney Lemons has over 37 years of attorney experience in both criminal prosecution and defense, civil litigation, domestic, juvenile and appeals; and

**WHEREAS,** his experience spans from the U.S. Attorney's Office (over 6 years); Office of the Attorney General Guam (4 years); the Alternate Public Defender, Guam (a little over a year); Office of the Attorney General for the Commonwealth of the Northern Marianas Island (CNMI) (over 5 years); Office of the Illinois Attorney General (over 7 years); Office of the Cooks County Public Defender (9 years) to private practice; and

**WHEREAS,** Attorney Lemons, under the U.S. Attorney General, as the Assistant Attorney General, prosecuted cases such as bank fraud, Interstate travel to sexually assault minors and drug cases. He served as the Coordinator of the Organized Crime and Drug Enforcement for Guam and the Northern Marianas Islands; and

**WHEREAS,** Attorney Lemons, while with the Office of the Attorney General Guam as an Assistant Attorney General, he prosecuted homicide, robbery and aggravated assault cases. He was assigned to prosecute criminal sexual conduct cases, government corruption cases and cold case homicides; and

**WHEREAS,** the Public Defender Service Corporation would like to employ Attorney Lemons and have him mentor junior attorneys in criminal defense and appellate briefs; and

**WHEREAS,** the PDSC submitted the Request for Recruitment Above-Step to hire Attorney Lemons at Attorney Level 4 Step 7 at an annual salary of $99,627; and

**WHEREAS,** the PDSC petitioned the Board of Trustees for final approval or rejection authority of all Recruitment Above -Step requests as outlined in Title 4 GCA, Chapter 6 §6205, Recruitment Above-Step; now therefore be it

**RESOLVED,** the Board of Trustees of the Public Defender Service Corporation, in its duly-noticed meeting of October 24, 2017, hereby approves the Corporation's Request for Recruitment Above-Step, pursuant to Title 4 GCA, Chapter 6 §6205, for Clyde Lemons, Jr., Esq., to Attorney Level 4, Step 7 at $99,627per annum after the completion of the required posting and press release to the media.

**DULY AND REGULARLY ADOPTED** this 24th day of October, 2017.

Katherine A. Maraman

Chief Justice KATHERINE A. MARAMAN
Chairwoman

ATTEST:

CATHY GOGUE
Secretary

**BEFORE THE BOARD OF TRUSTEES**
**OF THE PUBLIC DEFENDER SERVICE CORPORATION**
**RELATIVE TO THE RECRUITMENT ABOVE-STEP FOR**
**ATTORNEY THERESA G. ROJAS**

**RESOLUTION NO. PDSC 03-18**

**WHEREAS,** Title 4 Guam Code Annotated (GCA), Chapter 6 §6205 provides for the Recruitment Above-Step for government of Guam departments/agencies; and

**WHEREAS,** the Public Defender Service Corporation (PDSC) has experienced challenges in recruiting and retaining seasoned attorneys with the experience and skill-set to immediately enter the courtroom for either trial and/or appeals; and

**WHEREAS,** over the past several years, the PDSC has lost five (5) Attorney Level 4 at Step 7 or higher and two (2) Attorney Level 3 at Step 2 or higher to either government transfers, retirement, resignations and promotions; and

**WHEREAS,** the PDSC continues to be in direr need to hire experienced attorneys to fill the void that exists as a result of the loss in seasoned as well as experienced Assistant Public Defenders to effectively handle the Corporation's caseload; and

**WHEREAS,** PDSC has received applications for attorneys who qualify for the Attorney Level 3, but without trial and/or appellate experience, PDSC needs experienced attorneys to handle complex litigation including any crime that involves a sentence for life imprisonment without parole; and

**WHEREAS,** based on the legal requirements and ramifications PDSC clients face, there is an immediate need to fulfill PDSC's mission of providing effective, efficient and adequate representation of indigent clients of Corporation; and

**WHEREAS,** PDSC needs to have the ability to attract talented and experience attorneys above the Attorney Levels 3 and 4, Step 1; and

**WHEREAS,** at the October 24, 2017 Board of Trustees meeting, a petition was submitted to have Theresa G. Rojas, Esq., to fill the vacancy of Attorney Level 3 under Job Announcement JA-17-17; and

**WHEREAS,** Attorney Theresa G. Rojas has close to 5-years of experience as a private legal counsel now serving as co-counsel for the Port Authority of Guam; and

**WHEREAS,** Attorney Rojas has performed litigation and transactional legal work for the firm she works at now. She has performed legal research and analysis on sovereign immunity, arbitration, contract formation, Civil Service Commission standards for making decisions on appeal as well as statutory and case law government claims rules; and

**WHEREAS,** Attorney Rojas drafted pre-trial pleadings in areas of civil, probate, special proceedings, and domestic practice, which included preparation and responses to pre-trial discovery and Motions for Summary Judgment particularly for personal injury and civil contract disputes; and

**WHEREAS,** she has extensive Appellate experience and conducted research and writing of briefs – which is of value to PDSC considering the fact that the Corporation's appellate work as well as experience is limited; and

**WHEREAS,** the Public Defender Service Corporation would like to concentrate a major part of Attorney Rojas' work experience on Appellate work so that she is able to share such experience with the PDSC team; and

**WHEREAS,** the PDSC submitted the Request for Recruitment Above-Step to hire Attorney Rojas at Attorney Level 3 Step 3 at an annual salary of $71,446; and

**WHEREAS,** the PDSC petitioned the Board of Trustees for final approval or rejection authority of all Recruitment Above -Step requests as outlined in Title 4 GCA, Chapter 6 §6205, Recruitment Above-Step; now therefore be it

**RESOLVED,** the Board of Trustees of the Public Defender Service Corporation, in its duly-noticed meeting of October 24, 2017, hereby approves the Corporation's Request for Recruitment Above-Step, pursuant to Title 4 GCA, Chapter 6 §6205, for Theresa G. Rojas, Esq., to Attorney Level 3, Step 3 at $71,446 per annum after the completion of the required posting and press release to the media.

**DULY AND REGULARLY ADOPTED** this 24th day of October, 2017.

Katherine A. Maraman

Chief Justice KATHERINE A. MARAMAN
Chairwoman

ATTEST:

CATHY GOGUE
Secretary

**EXHIBIT A**

# Agenda Item #VII-A

# Attorneys & Investigators Trial Clinic January 2018

**EXHIBIT A**

**PDSC/APD Trial Clinic for Attorneys & Investigators**
**January 17 -19, 2018**

In its 4th year, the Public Defender Service Corporation and Alternate Public Defender will organize its annual trial clinic for the organization's attorneys and investigators. The subjects requested by PDSC/APD will help improve attorney/investigator skills for trial. For this particular training, the Shanks-Kindlon team have partnered with Deputy Chief of Investigations at the Public Defender Services of D.C., Faheemah Downs. She is able to teach on many topics, e.g. cell phone analysis, social media investigation and retrieval, crime scene investigation, taking statements, etc. Ms. Downs' CV and that of Shanks-Kindlon are attached to this exhibit.

As with last year, we are proposing a 60/40 split in cost between PDSC and APD for the following:

**Training Budget**

| | |
|---|---|
| Airline Tickets Kindlon-Shanks (Albany, NY to Guam – RT - $4,557) | $9,114.00 |
| Airline Tickets Downs (Baltimore, MD to Guam – RT - $4,) | $4,169.71 |
| Hotel Accommodations | $3,000.00 |
| Banquet Charges | $5,980.00 |
| **TOTAL** | **$22,263.71** |

**PD Share = $13,358.00**
**AP Share = $8,906.00**

Attached are the details for the training sessions.

# Trial Clinic Agenda for Investigators & Attorneys

# PROPOSED AGENDA FOR TRIAL SKILLS TRAINING

## WEDNESDAY, JANUARY 17, 2018

9:00 – 10:30: ETHICAL PROBLEMS CONFRONTING CRIMINAL DEFENSE ATTORNEYS

10:30 – 10:45: BREAK

10:45 - 12:15: LECTURE – CROSS-EXAMINATION OF THE DNA EXPERT

12:15 – 1:30: LUNCH

1:30 – 2:30: LECTURE ON IMPEACHMENT

2:30 - 4:30: BREAKOUT SESSION – IMPEACHMENT EXERCISES

## THURSDAY, JANUARY 18, 2018

9:00 - 10:00: LECTURE: FINDING IMPEACHMENT INFO ON SOCIAL MEDIA

10:00 – 10:45: WORKING WITH YOUR INVESTIGATOR AND DEVELOPING A CASE PLAN

10:45 – 11:00: BREAK

11:00 - 12:00: LECTURE – INTRODUCTION OF EVIDENCE – THE “DANCE”

12:00 – 1:00: LUNCH

1:00 - 2:30: BREAKOUT SESSIONS – INTRODUCTION OF EVIDENCE

2:30 -- 3:30: LECTURE: OBJECTIONS AND MAKING A RECORD ON APPEAL

3:30 - 3:45: BREAK

3:45 - 4:30: BRAINSTORMING CURRENT CASES?

# PROPOSED AGENDA FOR TRIAL SKILLS TRAINING

## TUESDAY, JANUARY 16, 2018

Introduction to Defense Investigation

Life of a Criminal Case/Criminal Justice System (arrest through sentencing)

Case File Management: Getting Organized

New Age of Investigation and Investigating the Evidence: Social Media Extraction to Cell Phone Analysis

Crime Scene Investigation

Mock Case Scenario – Creating an Investigative Plan

Interview and Statement Training

Report Writing and Testifying

Investigating a Homicide Case

Investigating a Wrongful Conviction

# Curriculum Vitae for Presenters

**LAURIE SHANKS**
7 West Bayberry Road
Glenmont, NY 12207
Lauries1224@gmail.com

**EDUCATION:**

Arizona State University College of Law
(now Sandra Day O'Connor College of Law)
J.D. May, 1977

Arizona State University; 1970-1974
B.S. in Political Science

**BAR ADMISSIONS:**

United States Supreme Court
2nd Circuit Court of Appeals
9th Circuit Court of Appeals
Northern District of New York
District of Arizona

Arizona, May 1977
Indiana, March 1989
New York, December 1989

## EMPLOYMENT:

**1/89 to present**

**Partner, Kindlon & Shanks, P.C., Albany, New York.** I maintain a limited private practice with my husband, Terence L. Kindlon. I have handled several complex civil and criminal cases, including the defense of midwives charged in connection with a home birth, a young woman charged with murder after giving birth in her home, a woman charged with murder by smothering her terminally ill husband, a battered woman charged with murder, a civil case involving a woman whose neck was broken in a traffic collision, a civil suit involving the death of a young child in a wave pool, a young man accused of murdering his father and attempting to murder his mother and parents who were accused of severely abusing their infant daughter. I recently tried a sec.1983 in the Northern District of New York. While I was teaching at the law school, I primarily handled the cases on a *pro bono* basis, although I was retained on some of them.

**1/2006 to 7/2014**

**Clinical Professor of Law, Albany Law School:** I taught Client Interviewing and Counseling, Pre-Trial, Trial Advocacy, Trial Skills and Negotiation courses. These skills courses were intensive simulation courses. The Trial Practice course culminated in a trial held in a ceremonial courtroom in downtown Albany presided over by a sitting federal or state court judge with community members acting as jurors who deliberated and came to a verdict in a criminal case. Both the judge and the jurors provided feedback to the students at the conclusion of the trial. The negotiation course required students to engage in simulation problems that were videotaped so that in addition to my critique the students could watch the video and provide self and peer reflections. In addition to the skills courses, in my last year at the law school I was responsible for expanding and directing the Semester in Practice and Summer in Practice program in which students were placed full-time in government, judicial and non-profit offices. I made site visits, trained the supervisors and supervised the students in the programs. In 2014 I retired and now hold the status of Emerita Clinical Professor of Law.

**9/00 to 1/06** **Clinical Professor of Law, Albany Law School, Albany New York.** I taught Trial Advocacy and served as the Director of the Field Placement Project. Each semester, I placed 100 -150 students with a variety of public agencies, non-profit groups and in judicial chambers. I was responsible for selecting and overseeing the Adjunct Professors and on-site supervising attorneys and I met with the students individually and in classroom sessions throughout the course of the semester. (In 1998, I was evaluated by the faculty and awarded the first long-term contract at Albany Law School. In 2001, I was given the title of Assistant Clinical Professor of Law, and in 2002 I was promoted to Clinical Professor of Law by a vote of the faculty and the Board of Trustees of Albany Law School.)

**9/98-9/00** **Clinical Instructor, Albany Law School, Albany New York.** Director of the Domestic Violence Project of the Clinical Legal Studies Department. The Project was a year-long educational experience with dual goals: to educate law students in the substantive, ethical, and procedural areas of law involved in Family Court cases and to provide zealous and effective legal services to the victims of domestic violence. I directly supervised the students as they learned and practiced essential lawyering skills such as client counseling, witness interviewing, fact investigation, drafting, and negotiation. Students were given the opportunity to participate in hearings, trial and oral arguments. I also taught a classroom component that covered substantive and procedural law and policy considerations involved in domestic violence issues.

**9/93-9/98** **Clinical Instructor, Albany Law School, Albany New York.**
I was the Director of the Placement and Externship Programs in the Clinical Legal Studies Department. I oversaw the Adjunct Professors and on-site supervising attorneys and met with the students individually and in classroom sessions throughout the course of the semester. In addition to my duties with the Clinical Program, I taught a Trial Tactics and Methods class. The class utilized a combination of lecture, demonstration, and student exercises to teach trial advocacy skills such as *voir dire*, direct and cross-examination, opening and closing arguments and evidentiary problems.

**1/89-9/93** **Clinical Instructor, Albany Law School, Albany, New York.**
I developed and taught a Trial Tactics and Lawyering Skills seminar for all law students in the Disabilities Law Clinic, the AIDS Clinic and the Litigation Clinic at Albany Law School. These classes covered ethical issues confronting students, trial preparation and case file management, trial strategy and techniques, oral and written advocacy, client interaction, interviewing techniques, and negotiation skills. I also supervised students in the Disabilities Law Clinic, in which students represented clients with developmental disabilities, and were involved in administrative hearings, Committee on Special Education meetings, and trials in state and federal court.

**1/88-1/89** **Training Director, Maricopa County Public Defender's Office, Phoenix, Arizona.**
I established a training program for new lawyers at the Public Defender's Office and a Continuing Legal Education program for all attorneys employed by the Public Defender. There were approximately 125 attorneys in the program. I directly supervised approximately 45 new lawyers and was responsible for teaching them all aspects of the criminal justice system, overseeing their caseloads, supervising their contact with clients, and teaching them trial tactics. With respect to the experienced lawyers in the office, I organized seminars on specific criminal law areas such as the defense of driving under the influence of alcohol and negligent homicide cases, and the problems encountered in interviewing child witnesses and victims.

**3/83-1/88** **Law Firm of Friedl and Richter, Phoenix, Arizona.**
Private practice in a small law firm. The firm specializes in personal injury, domestic relations, and criminal defense work. I began as an associate and was made a partner after eighteen months. My practice was concentrated in domestic relations and criminal defense work, with limited personal injury and civil jury trials.

**2/80-3/83** **Deputy Public Defender, Maricopa County, Arizona**
As an attorney in the felony trial section, my duties included the representation of indigents charged with felonies at the initial appearance, preliminary hearing, investigation, and trial stages of criminal proceedings. I also assisted in the supervision of the Defender Internship Program in conjunction with the Arizona State University College of Law.

**4/79-2/80** **Deputy County Attorney, Maricopa County, Arizona**
As an attorney in the felony trial bureau, my duties included the preparation and presentation of the State's case in felony prosecutions. My area of specialty was the prosecution of individuals charged with sexual offenses against children.

**10/77-4/79** **Assistant City Prosecutor, Phoenix, Arizona**
As an attorney in the trial section, my duties included the preparation and presentation of the State's case in criminal misdemeanor trials. The caseload included motion practice, minor traffic matters, bench trials, and jury trials. During the final six months that I was a City Prosecutor, I was the training supervisor and was responsible for training and supervision of new lawyers and student interns.

## SERVICE TO THE PROFESSION AND THE PUBLIC

**Pro Bono Murder Trial:** In the summer of 1992 members of the New York State Commission approached me for the Prevention of Domestic Violence and the New York State Defenders Association to undertake the representation of a young woman accused of felony murder. The woman was a victim of severe domestic violence, and had been in jail for approximately fifteen months awaiting trial. It was the strong belief of advocates at both agencies that the woman was innocent of any crime. It was further their belief that her court-appointed attorney was not prepared to adequately represent her. The trial judge refused to substitute me as her court-appointed attorney, and would consent to her request for my representation only if I agreed to try the case without compensation and without any requests for extension to assist in preparation. I undertook the representation, and tried the case to jury verdict. My client was acquitted and reunited with her young son.

**Lawyers' Assistance Task Force:** As a member of the Lawyers' Assistance Task Force of the NACDL I was asked to represent an attorney in the Monroe County (Rochester) Public Defenders Office. The attorney was threatened with contempt by a county court judge over his refusal to divulge an attorney-client confidence. I reviewed the file, researched the confidentiality issue, and assisted in the preparation of an appeal to the Appellate Division. I flew to Rochester to represent the attorney at the contempt hearing. After several hours of meetings, we were able to convince the Judge

to reverse his previous order. The attorney was not forced to testify against his client.
**NACDL:** I served on the Board of Directors of the National Association of Criminal Defense Attorneys (NACDL) from 1988 through 1995. During that time I was active in the Continuing Legal Education Committee, the Lawyers' Assistance Strike Force, and the Women and Minorities Committee, which I chaired for three years. In 1996, the President of the organization, Judy Clarke, appointed me to serve as Parliamentarian. As such, I became a member of the Executive Committee, as well as maintaining my position on the Board of Directors. I was responsible for assisting in the governance of the organization, including its decision to file a lawsuit that resulted in the release of the FBI Lab Report to the public. I also served as the Co-Chair of the Law School Committee on Death Penalty Clinics.

**COMMISSION ON JUDICIAL CONDUCT:** I was appointed to serve as a referee and hearing officer on the New York Commission on Judicial Conduct in 1993 and have actively continued to serve in that capacity. My responsibilities concern judges against whom allegations of judicial misconduct have been made. As a referee I am responsible for reviewing pleadings, scheduling and overseeing pre-trial meetings with the attorneys, and presiding over trials when necessary. The Commission further charges me with the responsibility of making findings of fact and conclusions of law, and preparing a Referee's Report for use.

**DEATH PENALTY SCREENING PANEL:** I was appointed to the initial Screening Panel for the Appellate Division, Third Department with respect to death penalty cases, and served as its Chair for three years. The Screening Panels set proposed rates of compensation for attorneys appointed to represent indigent defendants facing the death penalty. In addition, it was our responsibility to set standards and to screen and approve attorneys in the Department to be placed on a list for such appointments. We also served as advisors to the Capital Defenders' Office to help it ascertain which attorneys in our Department should receive training in death penalty work. Our work came to an end when the New York Court of Appeals ruled that the death penalty statute was unconstitutional.

**CAPITAL DISTRICT WOMEN'S BAR ASSOCIATION:** During each election year from 1994 to 2012 I served on the Capital District Women's Bar Association Committee on Judicial Candidate Screening and Rating. The Committee performed an extensive background check and conducted interviews of candidates for all contested judicial elections in the Third Department. We then rated each candidate and publicized the ratings so that voters could make informed voting decisions. I served as Co-Chair of the Committee for two years.

**CONVOCATION ON THE FACE OF THE PROFESSION:** The Hon. Judith Kaye, Chief Judge of the State of New York, The New York State Judicial Institute on Professionalism in the Law, and the New York State Bar Association sponsored the two day Convocation to facilitate communication among the academy, practitioners, and the Bar Associations. At the request of the Dean, I represented Albany Law School. I was

a presenter on a panel composed of academics and practitioners asked to address the issue of "Socialization of Law Students Into the Profession."

**ALBANY-TULA ALLIANCE:** From 2002 to 2004, I served as a Board Member and Chair of the Law Committee of the Albany-Tula Alliance, an organization devoted to improving relations between the United States and Russia through joint activities of Albany and her sister city, Tula. In May of 2002, I traveled to Tula to teach on "Criminal Procedure and Jury Selection in the United States." I taught classes at Tula State University and the Tula Pedagogical University. In addition, I presented a seminar to the criminal court judges of the Tula Region who began conducting jury trials for the first time in July 2002.

**NEW YORK STATE BAR ASSOCIATION:** I was the 3rd Department representative to the Executive Committee of the Criminal Justice Section of the State Bar Association from 2002-2006. The Committee addressed issues such as standards for indigent defense, the Patriot Act, reinstatement of the death penalty, the taping of confessions, and the reform of the Rockefeller Drug Laws. I also served as a member of the Nominating Committee for Criminal Justice Section Awards.

In 2004, I was appointed to serve on the President's Special Committee to Ensure Quality of Mandated Representation, a Committee concerned with the provision of competent representation of indigent individuals in the criminal justice and family court systems. We were charged with developing a comprehensive set of standards for appointed counsel in New York State. During the course of 2004 and 2005, the Standards were developed by the Committee, sent to other interested Committees of the Bar for comment, and were adopted by the Board of Governors at their April meeting.

**COMMISSION ON THE FUTURE OF INDIGENT DEFENSE SERVICES:** I was appointed by Chief Judge Judith Kaye to serve on the Commission. This Commission was charged with the task of determining the state of services throughout New York State and with making recommendations for the future delivery of such services. I participated in meetings of the Commission and in the public hearings in New York City, Rochester, Albany, and Ithaca.

**STATE BAR TASK FORCE ON WRONGFUL CONVICTIONS:** I served on the Task Force and was Chair of the Subcommittee on Mistaken Identification. We conducted an extensive review of cases throughout New York to isolate and examine the causes of wrongful conviction. We then make recommendations for procedural and legislative actions that should be taken to reduce miscarriages of justice in the future. We worked with the legislature to draft appropriate language to implement our recommendations.

**Quality Legal Representation: Definition, Measurement, Theory & Practice.** I am the Albany Law School representative to a working group begun in 2015 to bring together social scientists, lawyers and representatives of the client community to stimulate scientific investigation into the nature and importance of high quality legal

representation. The initial workshop was sponsored by the National Science Foundation and co-hosted by the New York State Office of Indigent Legal Defense and the State University of New York at Albany.

**BREAST CANCER SURVIVOR NETWORK:** I have counseled and offered support to women who have been diagnosed with breast cancer since 1997.

**SCHUYLER CENTER FOR ANALYSIS AND ADVOCACY (SCAA):** I am on the Board of Directors of the SCAA, a non-profit organization that conducts policy research, analysis and advocacy to promote economic security, health and justice. The primary focus is on child welfare, early care and learning and amelioration of poverty through a living wage and access to high quality physical, dental, and behavioral heath services.

**Albany County Bar Association Judicial Screening Committee:** In 2015 and 2016, I was appointed to serve on the Bar Committee to interview and rate judges running for office at the County and Supreme Court level.

**Advisory Committee on Judicial Appointment:** In 2016 I was appointed by Albany Mayor Kathy Sheehan to serve on an Advisory Committee to interview 24 applicants for two open seats on the City Court and to make recommendations to the Mayor as to the most qualified candidates.

## PUBLICATIONS

"Whose Story is it, Anyway? – Guiding Students to Client-Centered Interviewing Through Storytelling." *Clinical Law Review*. Vol. 14, No. 2, Spring 2008.

"Evaluating Children's Competency to Testify: Developing a Rational Method to Assess a Young Child's Capacity to Offer Reliable Testimony in Cases Alleging Child Sex Abuse." *Cleveland State Law Review*. Vol. 58, No. 3, 2011.

"Child Sexual Abuse: How to Move to a Balanced and Rational Approach to the Cases Everyone Abhors." *American Journal of Trial Advocacy*. Vol. 34, No. 3. Spring 2011.

"The Mirror Exercise – A Quick and Easy Method to Begin Discussing Race, Gender, Ethnicity, Age and Other Differences with Your Students." *The Law Teacher*. Spring 2012.

# INTERNATIONAL PRESENTATIONS AND TEACHING

May 2002: "Criminal Procedure and Jury Selection in the United States." I taught classes at Tula State University and the Tula Pedagogical University explaining substantive and procedural criminal law in the United States. In addition, I presented a seminar to the criminal court judges of the Tula Region as Russia began conducting jury trials for the first time in July 2002. The Chief Judge of the Tula Region also traveled to the United States where I served as his guide. I took him to observe a jury trial and explained the proceedings to him. I also arranged for him to meet with a local criminal court judge.

July 2007: Presentation at the City University Inns of Court, School of Law in London, England. I was selected to make a presentation based on my article, "Whose Story Is It, Anyway? - Teaching Client-Centered Interviewing Through Storytelling" at the International Storytelling in Law Conference "Once Upon a Legal Time: Developing the Skills of Storytelling in Law" sponsored by the Legal Writing Institute.

January 2011: Lecture to visiting students and faculty from China on "The Criminal Justice System in the United States." After my lecture we had a very spirited discussion and question and answer period concerning the rights of criminal defendants in the United States. In addition, I provided an overview of the federal and state systems and the role of judges and juries in trials in the United States. The students and faculty had many questions about what happens at the time of arrest, the meaning and effectiveness of the Miranda warnings, the prison system and police interaction with citizens. Albany Law School

June 2013: I was selected by the Deans of Albany Law School and Golden Gate University School of Law School in California to teach a comparative trial practice class at the University of Paris Ouest Nanterre La Defense. I co-taught with a French law professor. We focused on one criminal case and one civil case and explored with international students the similarities and differences among French, EU and United States law. The course culminated in a mock trial presented by the students with feedback from the professors. We also took the students to observe a criminal trial and had a meeting and question and answer session with the judge presiding over the case.

September 2015: I was invited to lecture at the 2015 Pacific Judicial Council in Pohnpei, Micronesia. The Pacific Council includes the chief judges and justices of Guam, Micronesia, Palau, America Samoa, Saipan, Chuck, the Mariana Islands, Yap and Kosrae. I gave one lecture on the law regarding search and arrest warrants and another on the foundational requirements for the admission of expert testimony in civil and criminal trials. I prepared a set of hypothetical fact patterns illustrating recent Supreme Court decisions on these areas of the law that I used to facilitate discussion and explain the legal concepts. As some of the judges are not legally trained, this method allowed the judges to work together to better understand the rulings that they will be required to implement.

September 2015: I presented a day-long training to the attorneys at the Guam Public Defenders Office. The primary topics were client-centered representation, developing a theory and theme in cases involving allegations of child sexual abuse and establishing rapport with difficult clients.

February 2016: My husband and I designed a three-day training for the Guam Public Defender's Office and the Conflict Defenders Office. We sent a case file prior to our arrival that involved an allegation of child sexual abuse. Using a combination of lecture, demonstrations and hands-on training with feedback, we instructed the attorneys on areas of trial including direct and cross-examination, opening statements and closing arguments and interactions with clients, witnesses and the court. Students from the local university and staff members acted as witnesses and jurors.

April 2017: We returned to Guam for an additional three-day training for the Guam Public Defender's Office and the Conflict Defender's Office. This training was specifically designed for both the attorneys and the investigators in both offices. The emphasis was on client-centered representation and included topics such as dealing with difficult and mentally ill clients and preparing for competency hearings involving the testimony of expert witnesses. The course also covered preparing lay and expert witnesses for trial and utilized a combination of lecture, faculty demonstration and hands-on exercises with feedback.

## TRIAL PRACTICE INSTITUTES

**NCDC:** I have been a faculty member at the National College of Criminal Defense in Macon, Georgia (Mercer Law School) since 1988. The College is a two-week intensive trial advocacy program for criminal defense attorneys. Faculty members and participants are drawn from throughout the United States, and the program is designed for both new and experienced criminal defense attorneys in public and private practice. As a faculty member, I critique participants in small group sessions and give lectures and demonstrations on specific trial components.

**NYSDA:** I taught each summer from 1988 to 2010 at the New York State Defenders Association Basic Trial Practice Institute held at R.P.I. in Troy, New York. The Institute is an eight-day course patterned after the National College. The Institute is devoted exclusively to training Public Defenders and court appointed attorneys, and the vast majority of the participants are quite recently admitted lawyers with limited trial experience. Again, I am responsible for lecturing, giving demonstrations, and critiquing.

**ST. JOHN'S UNIVERSITY SCHOOL OF LAW:** In May 2010, I was a faculty member at the Intensive Trial Academy. I taught small groups of students in trial advocacy skills and gave a lecture to the entire group on "Cross-Examination."

**PACE:** In February of 1993 I was asked to be a faculty member at the Battered Women's Justice Center at Pace University in White Plains, New York. The Justice

Center held a week long Battered Women's Trial Advocacy Training. I worked with attorneys who had agreed to accept *pro bono* cases involving battered women. Topics covered were client counseling, finding and utilizing expert witnesses, educating judges and juries, and trial strategies.

## LECTURES & PRESENTATIONS iN THE MAINLAND U.S.

October 1992: New York State Bar Association. Basic Criminal Practice, Practical Skills Seminar. Overall chair for the Albany location. "Cross-examination." Albany, New York

December 1992: Onondaga County Bar Association Assigned Counsel Program. "An Opening Statement: Demonstration and Analysis." Syracuse, New York

September 1993: new Hampshire Public Defenders' Office. "Cross-examination in a Case of Child Sexual Molest." Waterville Valley, New Hampshire

October 1993: Kansas Association of Criminal Defense Attorneys. Statewide continuing legal education program. "Cross-examination of a Child Witness" and "Use of an Investigator in a Case of Child Molesting." Wichita, Kansas

October 1993: New York State Bar Association. Trial of a Felony Case. "Developing a Theory of Defense." Albany, New York

June 1994: Kentucky Department of Public Advocacy Annual training Conference. "Cross-examination in a Case of Child Sexual Molest." Northern Kentucky-Cincinnati, Ohio. September 1994: New Mexico Public Defender Department Annual Training Conference. "Cross-examination of Police Offices and C.P.S. Workers." Albuquerque, New Mexico

February 1995: Maryland Public Defenders' Office. "Cross-examination in a Case of Child Abuse: taking on Cops, Kids, and DSS Workers." Prince Georges County, Maryland

March 1995: Advanced Cross-examination Institute. During the three-day program, sponsored by the National College of Criminal Defense, I taught small groups of lawyers cross-examination and impeachment skills and performed a demonstration of the cross-examination of a testifying codefendant. Atlanta, Georgia

March 1995: American Trial Lawyers Association (ATLA) Boardwalk Seminar 1995. "Cross-examination of the Child Witness." Atlantic City, New Jersey.

June 1995: Maine Association of Criminal Defense Lawyers, Sex on Trial Seminar. "The Child Witness." South Portland, Maine

June 1995: New York State Bar Association. Prosecution and Defense of the Sexual Abuse Case. "Cross-Examining the complainant - Special Considerations for the Child Complainant – When Do Children Misrepresent Allegations of Sex Abuse." Albany, New York

September 1995: New York State Defenders' Association 28th Annual Meeting and Conference. "Cross-examination of the Child Witness." Albany, New York

November 1995: New York State Bar Association. Basic Criminal Law Practice. "Cross-examination, Jury Charge and Closing Arguments." Albany, New York

February 1996: The Gonzaga University School of Law Externship Program 1996 Trial Lecture Series. "Theories and Themes in Trial." Spokane, Washington

April 1996: American Association of Trial Lawyers (ATLA - New Jersey) Boardwalk Seminar. "Theories and Themes." Atlantic City, New Jersey

April 1996: Louisiana Association of Criminal Defense Lawyers. Sixth Annual Law and All That Jazz Seminar. "Cross-examination of a Child Witness." New Orleans, Louisiana

March 1997: Texas Criminal Defense Lawyers Association. Defending Child Abuse Cases. "Cross-examination of a Child Witness." Dallas, Texas

October 1997: New York State Bar Association. Successfully Trying a Criminal Case. "Developing the Theory of the Defense." Albany, New York

April 1998: Panelist for Kate Stoneman Day celebration at Albany Law School. "Women in the Legal Profession." Albany, New York

April 1998: School of Criminal Justice, University at Albany. The Death Penalty in New York: Law and Research in Action. "The Role of the Screening Panel in Defense Representation." Albany, New York

May 1998: Vermont Association of Criminal Defense attorneys. Two-day seminar on Defense of a Sexual Abuse Case. "Theories of Defense in Child Abuse Cases: Openings, Closing, and Cross-examination." Burlington, Vermont

May, 1998: Informal presentation to the Women's Law Caucus at Albany Law School. "Gender Issues in the Legal Profession." Albany, New York

May 1998: Albany Law School Continuing Legal Education. "Acting for Lawyers." Co-presenter with Jeremy Solomon, an actor and producer.
September 1998: Albany Law School. Guest lecturer for the Professional Responsibility Classes. "Ethical Considerations for Criminal Defense Attorneys." Albany, New York

September 1998: Together with the Women's Bar Association, the Domestic Violence Project hosted a full-day seminar "Representing Domestic Violence Victims in Family Court." Albany, New York
December 1998: National Organizations for the Reform of Marijuana Laws Annual Key West Legal Seminar. "Ending with a Bang - Effective Closing Arguments." Key West, Florida

December 1998: Capital Leadership Legal Session. I lectured briefly, answered questions about the criminal justice system, and gave a demonstration on *voir dire*. Albany, New York

February 1999: Public Service Workshop Series. Half-day public service workshop for state employees on "Investigative Interviewing." Albany, New York

April 1999: Together with the Women's Bar Association, the Domestic Violence Project hosted a half-day seminar on "Litigating Family Offense Matters in Family Court." Albany, New York

April 1999: Albany Legal Assistants Association. Dinner speaker on "Role of a Criminal Defense Attorney." Albany, New York

May 1999: Third Judicial District Gender Fairness Committee. At the request of the Chair, Honorable Victoria Graffeo, I gave a presentation on "Domestic Violence Issues in the Court System." Albany, New York

October 1999: National College of Criminal Defense Advanced Cross-examination Program. Four-day intensive trial advocacy training for experienced criminal defense attorneys. Small group sessions, lectures, and demonstrations. Demonstration of the cross-examination of an alleged rape victim. Atlanta, Georgia

October 1999: Moderator, Women's Law Caucus Panel on Domestic Violence and Criminal Justice Issues. Albany Law School. Albany, New York

November 1999: Government Law Center Sixth Annual Senior Citizen's Law Day. "How to Choose An Elder L aw Attorney." Albany, New York

December 1999: Law Matters. Cable TV spot on domestic Violence. College of St. Rose, Albany, New York

February 2000: Guest Lecturer in Mediation Class: "Is Mediation Appropriate in Cases Involving Domestic Violence?" Albany Law School, Albany, New York

April 2000: Capital District Women's Bar Association Luncheon speaker. "Can You Be A Good Mother While Trying a Murder Case?" Albany, New York

April 2000:  United States v. B.B. Wolf in the matter of Little Red Riding hood.  Mock trial presentation and fund raiser for the Literacy Volunteers of America. “Albany, New York

April 2000: Louisiana Association of Criminal Defense Attorneys Annual Law and All That Jazz Seminar.  Presentation on "Closing Arguments."  New Orleans, Louisiana
June 2000: National College of Criminal Defense. "Opening Statements."  Macon, Georgia

August 2000: Guest lecturer in Client Counseling Class. “Client-Centered representation.”  Albany, New York

September 2000: Federal Defenders Office of the Northern District and the NYSACDL. The Carnivore’s Guide to Litigation: An Advanced Federal Practice Seminar.  “Tying it all Together - Theory and Theme in Criminal Defense.”  Albany, New York

November 2000: 26th Annual Arson seminar.  “You’ve Investigated the Fire - Now What?”  New York State Fire Academy, Contour Falls, New York

November 2000: Government Law Center 7th Annual Senior Citizen’s Law Day. “Choosing an Elder Law Attorney.”  Albany Law School

December 2000: National Organizations for the Reform of Marijuana Laws (NORML) Annual Key West Seminar.  “Ethical Concerns for Criminal Defense Practitioners.”  Key West, Florida

October 2001: Advanced Cross-examination.  “Cross-examination of the Difficult Witness.”  Atlanta, Georgia

November 2001:  Albany Law School’s Senior Law Day.  "Choosing an Elder Law Attorney."  Albany, New York

January 2002: Guest lecturer at Rensselaer High School.  "Role of an Attorney in Civil and Criminal Cases."  Troy, New York

March 2002: Co-hosted a conference to explore the feasibility of establishing an innocence/wrongful conviction project consortium among upstate law schools.  Faculty attended from Cornell, SUNY Buffalo, and Syracuse Law Schools, as well as representatives from schools of criminal justice, social work, psychology, and journalism.  Albany Law School

May 2002: Consultant for Court TV on the death penalty arguments at the New York Court of Appeals.  Provided commentary for courttv.com webcast and explanations to the live reporters concerning the legal arguments.

May 2002: “Criminal Procedure and Jury Selection in the United States.” I taught classes at Tula State University and the Tula Pedagogical University. In addition, I presented a seminar to the criminal court judges of the Tula Region who began conducting jury trials for the first time in July 2002. Tula, Russia

June 2002: Albany Law School representative to the Committee for Modern Courts and the New York Bar Association presentation: "Integrated Domestic Violence Courts: Steps in the Right Directions and the Need for Court Restructuring." Albany, New York

June 2002: Public Service Workshop. "Investigative Interviewing." Albany, New York

June 2002: Advanced Trial Skills Workshop presented by Defender Services Division of the Administrative Office of the U.S. Courts, Federal Public and Community Defenders. Three-day training for federal public defenders and Criminal Justice Act panel attorneys from around the country. Small group sessions on trial techniques and the use of technology in complex criminal trials. Team-taught with computer systems administrators from the Federal Defender system. Also gave a presentation on "Persuasive Closing Arguments." Memphis, Tennessee

October 2002: Advanced Cross-examination. “The Experienced Witness.” Atlanta, Georgia

November 2002: Albany Law School’s Senior Law Day. "Choosing an Elder Law Attorney." Albany, New York

November 2002: Guest lecture in Poverty Law class on "Poverty and the Criminal Justice System." Albany, New York

November 2002: OCA Legal Update Seminar for Court Attorneys. Lecture "Trial Skills: Cross-Examination of Expert Witnesses." Saratoga Springs, New York

February 2003: Public Service Workshop for government attorneys. "Witness Preparation for Attorneys." Albany, NY

February 2003: Testimony on behalf of the Capital District Chapter of New Yorkers Against the Death Penalty before the Albany Common Council in favor of a resolution calling for a moratorium on capital punishment in New York State. The resolution was passed.

September 2003: "Cross to Kill XVI - Superstar CLE." Lecture on "Cross-Examination in a Sex Case" at an all day seminar sponsored by the New York Association of Criminal Defense Attorneys. Ithaca, New York
October 2003: "Theories and Themes of Cross-Examination," Mississippi Public Defender Office’s Fall Seminar. Jackson, Mississippi

October 2003: "Sex, Lies, & Video Tape." "Cross-Examination in a Sexual Abuse Case." Missouri Association of Criminal Defense Attorneys Fall Conference. Blue Springs, Missouri

April 2004: "Representing the Defendant as Victim," Criminal Defense Tactics and Techniques Trainer sponsored by the New York State Defenders Association. Rochester, New York

May 2004: I gave a lecture and served on an all-day panel for judges in the 3rd and 4th Department on the topic of "Child Witnesses in the Courtroom." The training was sponsored by the Family Violence Task Force and was held in Saratoga Springs, NY

May 2004: Annual Meeting of the Mississippi Public Defender Office. "Cross-Examination of a Child Witness, the Social Worker and the Cop in Sex Cases." Choctaw, Mississippi

June 2004: New Mexico Association of Criminal Defense Attorneys. "Preparation for Sex Abuse Cases: How to Cross a Kid." Albuquerque, New Mexico

October 2004: Advanced Cross-Examination Program of the National Criminal Defense College. "Cross-Examination of the I.D. Witness." Atlanta, Georgia

November 2004: "How to Choose an Elder Law Attorney" Annual Senior Law Day at Albany Law School, Albany, New York

April 2005: "Fantasy vs. Reality – Redefining Competency with Child Witnesses." 15th Annual Law & All That Jazz seminar sponsored by the Louisiana Association of Criminal Defense Lawyers. New Orleans, Louisiana

May 2005:"Client-Centered Representation: Tools and Techniques." Nassau Academy of Law. Nassau County, New York

June 2005: "Theories, Themes, & Brainstorming," Basic Trial Institute--New York State Defenders Association. Troy, New York

June 2005: "Effective Voir Dire: An Introduction," Basic Trial Institute--New York State Defenders Association. Troy, New York

July 2005: National Criminal Defense College. "Developing Persuasive Theories and Themes." Macon, Georgia

October 2005: Advanced Cross-Examination Program of the National Criminal Defense College. Demonstration on "Cross-Examination of the Sympathetic Witness." Atlanta, Georgia

November 2005: "Theories and Themes in Criminal Defense," Advanced Trial Workshop sponsored by the Federal Defender of New York and Vermont. Albany, New York

February 2006: Lecture on "Practical Considerations in Cases Involving Child Witnesses." Vermont Association of Criminal Defense Attorneys, Burlington, Vermont

June 2006: New York State Defender's Association Trial Practice Institute. "Theories and Themes" and "Opening Statements." Troy, New York

December 2006: Testimony before the New York State Senate Judiciary Committee on "Diversity in the Judiciary - Perception & Perspective." Albany, New York

April 2007: Guest lecture to Professional Responsibility classes at Albany Law School: "Professional Ethics and Pre-Trial Publicity." Albany, New York

May, 2007: Speaker at the annual Domestic Violence Task Force Judicial CLE. "Evidentiary Questions in Domestic Violence Cases." Saratoga Springs, New York

June 2007: "The Most Useful CLE Ever" - New Mexico Criminal Defense Lawyers Association Annual Meeting. Albuquerque, New Mexico

June 2007: New York Defender Institute. “Opening Statements." Troy, New York

July 2007: Presentation at City University Inns of Court, School of Law in London, England. I was selected to make a presentation based on my article, "Whose Story Is It? - Teaching Client-Centered Interviewing Through Storytelling" at the international Storytelling in Law Conference "Once Upon a Legal Time: Developing the Skills of Storytelling in Law" sponsored by the Legal Writing Institute. London, England

June 2008: “Cross-Examination and Impeachment.” National Criminal Defense College. Macon, Georgia

July 2008: “Use of Familial DNA Testing.” Extended press conference for use in local and national media markets. Albany, New York

September 2008: Vox Pop – local public radio call in and informational show. “Military Tribunals and Civil Rights. Albany, New York

June 2009: “Opening Statements – How to Start Strong.” New York Defender’s Association. Troy, New York

October 2009: “Defending Sexual Offense Cases in the Post-Jacques Landscape – Investigation, Motions and Trial Preparation.” Vermont Association of Criminal Defense Attorneys. White River Junction, Vermont

May 2010: "Work and Life Balance: Is It Possible to Try High Profile Cases While Being a Mom?" Luncheon Speaker for Women's Bar Association. Albany, New York

June 2010: "Voir Dire." New York State Defenders Trial Practice Institute. Troy, New York

June 2010: "Effective Opening Statements." NYSDA Trial Practice Institute. Troy, New York

November 2010: "Effective Voir Dire." Schenectady County Bar Association. Schenectady, New York

January 2011: Lecture to visiting students and faculty from China on "The Criminal Justice System in the United States." After my lecture we had a discussion and question and answer period concerning the rights of criminal defendants in the United States. In addition, I provided an overview of the federal and state systems and the role of judges and juries in trials in the United States. Albany Law School

March 2011: Workshop for Department of Health employees on "How to Testify." Menands, New York.

March 2011: Workshop with engineers and policy consultants from the Adirondack Park Agency to prepare them to testify concerning the resort development proposal for Tupper Lake, New York. Lake Placid, New York

March 2011: "Cross-examination of Children" "How Does *Crawford* Change Our Practice?" Bronx Defenders. Bronx, New York

September 2011: Along with professors from Rutgers and Faulkner Law School, I organized a conference on "Teaching Client Interviewing and Counseling." Albany Law School hosted the workshop, which was attended by faculty from over twenty law schools nationwide. I served as the moderator on a panel entitled, "Learning From Other Professions," which included a medical doctor, an investigative reporter and a mental health professional. Albany, New York

December 2011: NORML Annual Key West Seminar. "Impactful Opening Statements." Key West, Florida

February 2012: Collaborative class with Professor Sundquist. "Evidentiary Issues in the Christopher Porco Murder Case." Albany Law School

April 2012: Why Me? Racial Profiling in the Wake of the Travon Martin Shooting. Panel Discussion following remarks by Ben Jealous, President of the NAACP. Albany Law School

June 2012: "Voir Dire: Effective Jury Selection." New York State Defenders Trial Practice Institute. Troy, New York

October 2012: Presentation to the faculty of the University of Arkansas Law School on my publication, "The Mirror Exercise." The paper describes an exercise to use in class to facilitate a discussion of racial and ethnic diversity in law school, the legal community and attorney-client relationships. Little Rock, Arkansas

November 2012: Moderator – "Medical Malpractice Suits – Are They Effective in Improving Patient Care and Compensating Injured Patients?" Albany Law School

November 2012: "Testifying in Administrative Hearings." Full day workshop for investigators from the Office of the Medicaid Inspector General. Menands, New York

March 2013: "Role of a Criminal Defense Attorney." Schenectady Community College Criminal Justice Department. Schenectady, New York

April 2013: "Bringing the Client Into the Classroom: Telling the Story Behind the Case." I tried a very long and complicated termination of parental rights cases in which my clients were at risk both of losing their children and being charged with attempted murder. In fact, their daughter suffered from a rare medical condition that caused the injuries blamed on the parents. My client came to my Client Interviewing and Counseling class to help my students understand the case, the law and the process from the client's point of view. I described both the case and the classroom exercise to faculty from other law schools so that they could incorporate similar experiences in their classes. 6th Annual Midwest Family Law Consortium Workshop – Making and Teaching "Real" Family Law: A Celebration of the Scholarship and Service of Professor Margo Melli. University of Wisconsin Law School. Madison, Wisconsin

June 2013: During the summer of 2013 I was selected by the Dean of my school and the Dean of Golden Gate University School of Law School in California to teach a comparative trial practice class at the University of Paris Ouest Nanterre La Defense. I co-taught with a French law professor. We focused on one criminal case and one civil case and explored with international students the similarities and differences among French, EU and United States law. The course culminated in a mock trial presented by the students with feedback from the other professor and me. Paris, France

November 2013: "Gender and the Law: Do We Have Equality Yet?" Siena College. Loudonville, New York

March 2014: "Addressing Sexual Assault in the Military." Sage College. Albany, New York

April 2014: "Client Interviewing: Establishing Rapport." Mississippi Association of Criminal Defense Attorneys. Natchez, Mississippi

April 2014: "Faith in Practice: How Does Your Religious Belief Impact on Your Legal Practice?" Christian Law Students Panel Discussion. Albany Law School

May 2014: "Cross-Examination of a Child Witness." Oneida County Bar Association. Utica, New York.

June 2014: "Winning Opening Statements." Arkansas Association of Criminal Defense Lawyers Annual Meeting. Little Rock, Arkansas

February 2015: "Diversity – How to Acknowledge Our Bias, Address Our Differences and Avoid Discrimination." Capital District Women's Bar Association. Albany, New York

July 2015: "Cross-Examination of Child Witnesses – Implanting a False Memory." New York State Defenders Association 48th Annual Meeting and Conference. Saratoga, New York

September 2015: "Search Warrants and Arrest Warrants." "Expert Witnesses." Lectures on Expert Witnesses and on 4th, 5th and 6th Amendments to the Judges of the Pacific Judicial Council. 2015 Pacific Judicial Council Biennial Conference. Pohnpei, Micronesia

September 2015: Client Centered Representation and Cases Involving Allegations of Child Sexual Abuse. Guam Public Defenders Office. Guam

October 2015: "Developing the Theory of the Case." Nuances of Defending a Drug Case. Vermont Association of Criminal Defense Lawyers and the Office of the Defender General. Middlebury, Vermont

November 2015: "Developing a Theory and Theme: Fundamentals in Trial Strategy." Federal Criminal Defense Practice Seminar presented by the Office of the Federal Public Defender for the Northern District of New York and the New York State Defenders Association

February 2016: My husband, Terence Kindlon, and I designed a three-day training for the Guam Public Defender's Office and the Conflict Defenders Office. We sent a case file prior to our arrival that involved an allegation of child sexual abuse. Using a combination of lecture, demonstrations and hands-on training with feedback, we instructed the attorneys on areas of trial including direct and cross-examination, opening statements and closing arguments and interactions with clients, witnesses and the court. Students from the local university and staff members acted as witnesses and jurors. Guam

November 2016: "Client Interviewing: I Want a Real Lawyer." "Jury Selection: Lecture and Demonstration." Federal Criminal Defense Practice Seminar presented by the

Office of the Federal Public Defender for the Northern District of New York and the New York State Defenders Association. Albany, New York

November 2016: "Child Witnesses: Interviewing Child Witnesses" (presentation to investigators) and "Cross Examining Children" (presentation and demonstration to attorneys). Wisconsin Public Defender's Annual Criminal Defense Conference ***Their Voices Matter.*** Milwaukee, Wisconsin

January 2017: Testimony before the Criminal Justice and Public Safety Committee of the New Hampshire state legislature on HB 106. I was contacted by a state representative who requested assistance in drafting a bill with respect to evidentiary requirements in cases involving child sexual abuse. He had read one of my publications on the topic and asked for help both in understanding the issues and in explaining them to the members of the Committee who will consider the Bill. Concord, New Hampshire

April 2017: Guest lecture to law school class of Pro Bono Scholars on ethics of criminal defense, client-centered representation and professionalism. Albany, New York

June 2017: Lecture and demonstration on Client Interviewing at the National Criminal Defense College. Teaching in small groups on topics covering the trial practice skills. Providing individual feedback to participants.

August 2017: Presentation on Cross-Examination of Child Witnesses at the Annual Meeting of the National Association of Criminal Defense Attorneys. Over 500 attorneys were in attendance. I demonstrated techniques to be used in interviewing and examining young children with the 8-year-old son of one of the attorneys present. San Francisco, California

# RESUME

Terence L. Kindlon
Kindlon, Shanks & Associates
74 Chapel Street
Albany, New York 12207
518-434-1493

Professional

Criminal Defense Lawyer: 1974—Present
Trial and Appeal, State and Federal Courts
Assistant Albany County Public Defender: 1974—1980
Qualified in Capital Defense, New York State and Federal Courts

Professional Organizations

Founding/Life Member, New York State Association of Criminal Defense Lawyers
New York Defenders Association
National Association of Criminal Defense Lawyers
New York State Bar Association
American Bar Association
American Trial Lawyers Association

Civil Liberties Organizations

New York Civil Liberties Union
American Civil Liberties Union
Amnesty International

Veterans Organizations

Disabled American Veterans
Veterans of Foreign Wars
Marine Corps League
Military Order of the Purple Heart

Pro Bono Legal Work -- Typically devote around 20% - 25% of my professional time to pro bono clients/cases -- notable examples set forth below

VA Veterans Outreach Center -- 1980's

Conducted weekly legal clinic for Vietnam veterans

Pro Bono Legal Work (continued)

*In Re Agent Orange* -- 1980's -- Prepared claims for over 200 Capital District Vietnam veterans for submission in products liability class action suit in SDNY

Numerous felony trials and appeals: Criminal defense for indigent defendants, emphasis upon Vietnam veterans -- throughout 1980's and 1990's

Same sex marriage case: Albany County Supreme Court; Appellate Division, Third Department; New York Court of Appeals -- 2004 – 2006

*"John Doe"* Sex Offender Registration Declaratory Judgment Actions -- Successfully Contesting Validity of County Laws Restricting Residency

Sampling of Prominent Cases/Clients

*People v. Guy Scott* -- 1992 -- Search and Seizure; Constitutional Law. New York Court of Appeals, 79 NY2d 474, "New Federalism" case, reversed and dismissed "open fields" marijuana cultivation/possession conviction and established the principle that New York's Constitution can provide a greater degree of protection against unlawful search and seizure than US Constitution (4-3 Decision—still good law after 23 years)

Murder Trials (Representative Sample)

*People v. Paul Palmer* -- Convicted of Murder, 1985; conviction reversed and acquitted of Murder, at retrial, in 1988 (Rensselaer County)

*People v. John Spencer* -- 1994 -- Retrial of "Trout Creek Murder Case" in Delaware County, New York. Pro Bono. Spencer (a Vietnam Veteran) was initially convicted of burglary, robbery and double homicide but conviction was set aside after it was discovered that defendant's fingerprints were "planted" at murder scene by New York State Police.

*People v. Jeff Williams* – Two Different Murder trials, both in Albany County, first was in 1996, Acquitted of murdering Rosalina Tulao; two years later, in a separate prosecution, convicted of murdering Karolyn Lonczak.

*People v. Warren Powell* -- 1998-- Columbia County, Convicted of murdering his pregnant wife; conviction reversed by Third Department 2003.

*People v. Alan Johnson* -- First Albany County Capital Prosecution under Governor Pataki's new death penalty law. In 1998, after two years of *very* intensive motion practice, Albany County District Attorney withdrew Notice to Seek Death Penalty

*People v. Paul Perone* -- 2002, Rensselaer County. Pro bono. Acquitted of murdering El-Shareem Noisette (despite 5 page written confession)

*United States v. Christopher McMillian* -- 2003, United States District Court, Northern District of New York, Binghamton, NY, Capital Prosecution, "Death Notice" withdrawn by federal government in fourth week of jury selection

*People v. Christopher Porco* -- 2005-2006, Albany County, Convicted of murdering his father, Peter Porco, assaulting mother, Joan Porco; affirmed in Appellate Division, Second Department and New York Court of Appeals; cert denied, US Supreme Court

Providing Material Support to Terrorist Organization (Security Clearance Required)

*United States v. Yassin Aref* -- 2005-2006, United States District Court, Northern District of New York, Convicted of Providing material support to a terrorist organization; conviction upheld by Second Circuit; cert denied, US Supreme Court

Lectures, Op-Eds, Awards and Miscellaneous

Have lectured on various criminal trial practice topics at seminars sponsored by bar groups in New York State, Mississippi, Arkansas, Vermont (and scheduled to speak to Federal Public Defenders in Guam in February, 2016)

Speaking engagements, on capital defense and other criminal trial practice issues, at Albany Law School, St. John's University School of Law and Syracuse University School of Law

Numerous speaking engagements on War in Vietnam and various criminal law subjects in local colleges, and, until recently I routinely acted as "Lawyer in the Classroom" in numerous local high schools on behalf of New York State Bar Association (my son and colleague, Lee Kindlon, has taken over in this role during the past few years)

Have written numerous Op-Ed pieces, published in Albany Times Union, frequently reprinted in other newspapers and Blogs, on Vietnam War

Licensed pilot (multi engine and instrument ratings) and have routinely provided "Angel Flight" air transport to patients traveling for medical treatment in my Twin Cessna

Various awards/commendations from organizations such as Veterans Administration Vietnam Veterans Outreach Program, New York State Bar Association, New York State Defenders, New York State Association of Criminal Defense Lawyers and NAACP

Former Sergeant, USMC, medically retired as consequence of wounds received during Tet Offensive, Vietnam, 1968; received Purple Heart Medal and Bronze Star with combat "V"

# Faheemah Downs

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**EDUCATION**

**University of California Santa Barbara**, Santa Barbara, CA
**Major: Law and Society, B.A., June 2002**
Selected Activities/Affiliations: Counseling & Career Services - Peer Advisor (1999-2000);
National Society of Black Engineers - Program Chair (1999/2000),
National Society of Black Engineers - Secretary (2000/2001)

**Public Defender Service for the District of Columbia**, Washington, DC (September 2002 to present)
***Deputy Chief of Investigations (2014 to present)***

- Responsible for fully participating with, and assisting the Chief, Investigations Division, in all aspects of the planning, direction, and coordination of the functions and operations of the Division and overseeing, including: (1) planning, conducting and coordinating investigations of alleged crimes or suspected violations of criminal laws committed by indigent persons for their criminal defense representation; (2) designing, developing and implementing the Criminal Justice Act (CJA) investigator training and certification program for the recruitment, training and certification of investigators to assist private attorneys appointed by the court under the Act to provide indigent defense representation; (3) Overseeing a division of 35 staff investigators and and (3) administering and coordinating the Criminal Law Internship Program designed for the recruitment, training and assignment of intern-investigators to work with defense attorneys in performing pre-trial investigations of indigent defense cases
- Coordinates the activities of 35 subordinate staff. Assists in the development, implementation, and oversight of internal policies, procedures, and standards that assure high quality work performance of staff. Assists in interviewing candidates for positions in the Division; recommends selection, appointment, promotion, or reassignment to such positions. Evaluates the performance of subordinate staff and reviews written evaluations of nonsupervisory employees rated by supervisory investigators.
- Keeps current on the technical advances in the field of investigations with regards to issues, practices, and procedures. Adapts and implements new techniques, practices, and methods to keep abreast of the latest developments in the field.
- Works with the Chief in formulating and justifying an annual operating budget for the Division; collects and analyzes budget data and develops justifications for budget request. Establishes and maintains control on budget execution.
- Responsible for identifying and developing training needs of staff. Develops training outlines and topics to be covered in the monthly sessions of the Investigator Practice Group designed for continuing development and training of investigators; coordinates and oversees such sessions. Provides for and oversees staff training in the use of computer systems and software as a tool of investigations.
- Responsible for several projects at one time dealing with Investigation Division and agency wide projects that flow from the Investigations Division

***Supervisory Investigator*** (2007 to 2014)

- Provide overall management and supervision of Staff Investigators to ensure that every client is provided with quality investigation as part of zealous legal representation.
- Set and direct policy initiatives for the Investigations Division.
- Develop and coordinate training for the different practice groups in the Investigation Division, as well as training for CJA Investigators
- Directly supervise between 5-6 Staff Investigators, who handle cases ranging from gun and drug cases to homicide and sex abuse cases
- Conduct comprehensive assessments of investigators' performance
- Directly assist attorneys representing indigent clients accused of serious felony charges, maintaining an

active caseload of complex criminal cases, typically involving scientific evidence
- Heavily involved in approximately fifty trials in D.C. Superior Court
- Hold monthly Investigative Practice Group meetings with supervisees to discuss cases, investigation practices and strategies, professionalism, ethics, forensic evidence, criminal procedure, and substantive criminal law as it impacts investigations
- Serve as a member of the Forensic Practice Group to provide training and assistance on collection of evidence, with particular emphasis on DNA evidence in criminal cases
- Provide and direct overall management of investigation for the Chief of the Special Litigations Division, which handles innocent project cases and a wide variety of litigation that vindicates the constitutional rights of PDS clients, ensuring equal justice to all in the DC courts, and reforming unfair systemic criminal justice practices
- Provide and direct overall management of investigation for the six attorneys in the Civil Division, which handles landlord and tenant, special education, neglect, civil forfeiture and paternity cases
- Participate in hiring of Staff Investigators by reviewing application materials and interviewing applicants

***Staff Investigator*** (September 2002 to October 2007)
- Simultaneously investigated for up to 3 attorneys in the Trial Division and maintained an active caseload of 15 to 30 cases
- Located, interviewed, and took written statements from witnesses
- Obtained a wide variety of documents from local, state and federal agencies, as well as private entities
- Performed multi-jurisdictional criminal background searches and served subpoenas
- Wrote detailed memos concerning witness interviews and other investigative tasks
- Attended court proceedings, created demonstrative exhibits for use at trial (including diagrams and photographs of crime scenes), transcribed statements
- Coordinated defense witnesses for trial (including travel arrangements and vouchers)
- Testified at trials and other hearings
- Chosen by PDS to work on special assignments with attorneys outside of PDS
- Traveled across the country to conduct investigations

**County of San Mateo Family Support Division**, San Mateo, CA
***Assistant Program Manager*** (June 1999 to September 1999)
- Assisted family support supervisors in closure of family support cases

***Administrative Tech*** (June 1998 to Sept 1998)
- Located non-custodial parents to ascertain residency and employment
- Verified wage garnishment attachment pertaining to court orders
- Assisted additional family support officers as needed by updating and maintaining child support cases.
- Rushed filing for court signatures, credit checks
- Prepared WOCO lien and lien releases, DMV releases and revocations, and corresponded with government agencies as required

## COMPUTER PROGRAMS AND DATABASES

Microsoft Office 2007, Microsoft Visio, Accurint, CLEAR, TLO, Lexis-Nexis, Westlaw, JUSTIS (D.C. Superior Court), JACCS (DC DOC)

## SELECT LECTURES, TRAININGS AND PRESENTATIONS

"Investigating Homicide Cases"
Maryland Office of Public Defender Spring Conference, MD (March 2007)

"Interviewing, Report Writing and Testifying"
National Defender Investigator Association, Las Vegas, NV (April 2008)

"Deconstructing Police Investigation"
National Juvenile Justice Defender Leadership Summit, Washington, DC (October 2010)

"Interviewing and Statement Taking"
Northern Virginia Capital Defender Office Annual Law Clerk and Intern Training, Arlington, VA (May 2010 and 2011)

"Case Round/Demonstrations: Investigation, Preliminary Hearings, Motions, Cross Examinations, and Closing"
10th Annual Forensic Science Conference, Litigating Eyewitness Issues in Superior Court, Washington, DC (July 2012)

"Knowing the Law is Nice, But…: How Investigation Wins Cases"
2012 Public Defender, Hiring & Training Conference (PATH), Washington, DC (July 2012)

"Attacking the Crime"
2012 CPI Conference, Reinventing Criminal Defense for a Tech- Driven Society, Washington, DC (September 2012)

"Investigations 101 –Investigating Juvenile Cases"
2013/2014 UDC-DCSL Suspension Project – UDC, Washington, DC (September 2013 & 2014)

"Introduction to Investigations"
2015/2016/2017 Arnold & Porter Pro Bon Training – Washington, DC (May 2015, April 2016, April 2017)

"Investigating Wrongful Convictions"
2017 Regional National Defender Investigator Association Conference, New Orleans, LA (September 2017)