

Right to Counsel National Consortium Second Annual Meeting October 25th, 2016



Michael Barrett, Missouri State Public Defender. Michael Barrettt graduated from the University of North Carolina at Charlotte with a B.A. in Political Science. Later, he graduated from the United States Defense Language Institute in Monterey, California, certified in reading, writing, and speaking Arabic at the intelligence level. He then served as a foreign language interrogator for the Department of Defense and later joined the FBI's Joint Task Force 6, conducting counter-drug operations in Chicago

and Puerto Rico. In 2002, he graduated from Southern Illinois University School of Law where he was Editor-in-Chief of the Journal of Legal Medicine. After law school, Michael returned to his native New York and became a public defender. He went on to serve as the Deputy Commissioner for Criminal Justice Programs under Governors Eliot Spitzer and David Paterson, where he oversaw statewide re-entry and juvenile justice initiatives. Michael also served as a counsel on the New York State Commission on Sentencing Reform and the Governor's Economic Revitalization and Recovery Cabinet. After moving to Missouri, Michael became the Deputy General Counsel for Governor Nixon and later the Director of the Missouri State Emergency Management Agency before returning to work as a public defender, first as the General Counsel for Missouri's Statewide System of Public Defense and then as its Director.



David Carroll, Executive Director, Sixth Amendment Center (6AC). Mr. Carroll is a nationally recognized expert on right to counsel systems and standards. The 6AC is a non-partisan, non-profit organization providing evaluation and technical assistance services to policy-makers and criminal justice stakeholders across the country.



Ivan Dominguez serves as National Association of Criminal Defense Lawyer's Director of Public Affairs and Communications. Ivan brings the Association's activities and positions to the attention of news media and the public, through news releases, opinion essays and the like. He maintains ongoing relationships with key legal affairs, justice, congressional, and Supreme Court reporters, provides background information and/or media referrals to NACDL's

leadership, and prepares spokespersons for media interviews. Ivan also provides robust support for NACDL's white collar crime and overcriminalization initiatives. He edits NACDL's *Daily Criminal Justice Briefing* and hosts NACDL's podcast series, "The Criminal Docket."

Ivan practiced law for more than a decade in New York City prior to joining NACDL in 2008.



He began his career as a litigator at the law firm of Skadden, Arps, Slate, Meagher & Flom LLP. Most recently, Ivan was a litigator and the Director of Diversity, Pro Bono & Community Relations at the firm of Cadwalader, Wickersham & Taft LLP. He served in the House of Delegates of the New York State Bar Association (NYSBA) and on the Board of Directors of the New York County Lawyers' Association (NYCLA).

Ivan is a 1992 graduate of Harvard College, where he received the Judge Charles Wyzanski Award for his commitment to political discourse and concern for the theoretical and practical issues of justice. At Harvard, he also received the Pechet Family Traveling Fellowship, which he used to spend a year traveling through Eastern Europe and the Middle East. Ivan received his Juris Doctor at the New York University School of Law where he served as Executive Editor of the *Journal of International Law & Politics*. And he earned his M.S. in Journalism from the Columbia University Graduate School of Journalism.



Judge Bernice Donald is a Judge on the United States Court of Appeals for the Sixth Circuit. She was nominated to that position by President Barack Obama and was confirmed by a vote in the Senate on September 6, 2011. Prior to that, Judge Donald sat on the U.S. District Court for the Western District of Tennessee. She was appointed to the district court by President William Jefferson Clinton in December 1995. She was sworn

into office in January 1996. She previously served as Judge of U.S. Bankruptcy Court for the Western District of Tennessee, becoming the first African American woman in the history of the United States to serve as a bankruptcy judge. In 1982, she was elected to the General Sessions Criminal Court, where she became the first African American woman to serve as a judge in the history of the State of Tennessee. She received her law degree from the University of Memphis School of Law where she has served as an adjunct faculty member. She also serves as faculty for the Federal Judicial Center and the National Judicial College. In 1996, Chief Justice Rehnquist appointed Judge Donald to the Judicial Conference Advisory Committee on Bankruptcy Rules where she served for six years. She is extremely active in the American, Tennessee, and Memphis Bar Associations, serving in vital leadership roles in key committees. She currently serves as Secretary of the 430,000 member American Bar Association.

Judge Donald has served as faculty for numerous international programs, including Romania, Turkey, Brazil, and Russia. Judge Donald lectured in various Republics of the former Soviet Union, including Kazakhstan, Kyrgystan, Kazan, Moscow, and Kransnador. In 2003, Judge Donald led a People to People delegation to Johannesburg, and Capetown, South Africa. In June 2003, Judge Donald traveled to Zimbabwe to monitor the trial of a judge accused of judicial misconduct.

Judge Donald has served as President of the National Association of Women Judges and the Association of Women Attorneys. She has chaired the Memphis Diversity Institute and the Commission on Opportunities for Minorities in the legal profession. She currently works with Leadership Memphis to provide leadership training for Memphis Housing Authority residents.



And in June 2003, Judge Donald co-founded 4-Life, and skills training and enrichment program for students 6 - 15 designed to teach children to become positive productive citizens.



Eileen Farley, Public Defender Supervisor for the cities of Mount Vernon and Burlington (Washington). Ms. Farley was appointed by Judge Robert Lasnik to serve as the Court-Designated Public Defense Supervisor following his decision in, No. C11-1100RSL (W.D.Wash.). In that capacity she works with the Cities of Mount Vernon and Burlington, Washington and Mountain Law, the Cities' public defense firm, and the contract attorney panel to strengthen public defense services and access to counsel. Before her

appointment Ms. Farley was Director of Northwest Defenders Division, King County Department of Public Defense and, previous to that, Executive Director of Northwest Defenders Association. In those positions she oversaw operation of 60+ attorneys and staff providing legal representation to approximately 5,000 indigent clients per year. Staff attorneys represented adults and juveniles charged with felony and misdemeanor offenses, parents and children in Dependency proceedings, and respondents in family support contempt motions.

Ms. Farley is a member of the Interpreter Commission (nominated by Justice Steven Gonzalez and appointment confirmed by Supreme Court Administrative Committee) and the Washington State Bar Association Council on Public Defense. She is a past Member of the Washington State Bar Association Rules Committee, the Washington State Sentencing Guidelines Commission. (As a Commission member, with Judge Anne Ellington(ret.), she wrote the state "work crew" legislation proposed by the Commission and enacted by the Washington State Legislature), past member and president of the Board of Directors, Washington Defender Association (WDA), the Board of Directors, Washington Women Lawyers, (WWL) King County Chapter (Co-chair, with Colleen Kinerk, WWL State Judicial Evaluation Committee) and Co-author, with Judge Linda Portnoy of *Washington Criminal Practice in Courts of Limited Jurisdiction*, 1st and 2nd editions. (Judge Portnoy is sole author of the Third Edition.)



Lisa Foster, Director, Access to Justice, U.S. Department of Justice. Lisa Foster is the Director of the Office for Access to Justice at the United States Department of Justice. Before joining the Justice Department, she served for ten years as a California Superior Court Judge in San Diego where she presided over criminal, civil and family law departments. Foster was the Presiding Judge of the San Diego Court's Appellate Division, the Assistant Presiding Judge of the Family Division, and served as a member of the Judicial Council Appellate Advisory Committee.

After serving as a law clerk to the Honorable Marianna R. Pfaelzer of the Central District of California, Foster began her legal career as a Staff Attorney at the Center for Law in the Public Interest in Los Angeles and later joined the Legal Aid Foundation of Los Angeles. She also served as the Executive Director of California Common Cause and was Of Counsel to the law



firm of Phillips & Cohen, representing whistleblowers under the federal and California False Claims Acts. Foster also taught courses on sex discrimination, federal courts and election law as an Adjunct Professor at the University of San Diego School of Law. Foster received a B.A. in American Studies from Stanford University and J.D., *magna cum laude*, from Harvard Law School.



Vanita Gupta, Principal Deputy Assistant Attorney General, The Civil Rights Division, U.S. Department of Justice. Vanita Gupta is the Assistant Attorney General for the Civil Rights Division and the top civil rights prosecutor for the United States Department of Justice. Formerly, she was a civil rights lawyer and the Deputy Legal Director of the American Civil Liberties Union (ACLU), where she oversaw the ACLU's national criminal justice reform efforts.

Prior to joining the department, Gupta served as Deputy Legal Director of the American Civil Liberties Union and Director of its Center for Justice. Previously, she was an attorney for its Racial Justice Program. Over her career, Gupta has earned a reputation for working closely and collaboratively with law enforcement, departments of corrections and across the political spectrum to advance smart policing and criminal justice reforms. Through her work with the ACLU, she has been involved in reform initiatives around the country pertaining to federal and state policing, sentencing, drug policy and criminal law. Her recent work has focused on building a bipartisan consensus to end overreliance on incarceration.

Gupta began her career as a lawyer with the NAACP Legal Defense and Educational Fund. In addition to her work with the ACLU and NAACP Legal Defense Fund, Gupta has taught civil rights litigation and advocacy clinics at New York University School of Law since 2008. She received a B.A., magna cum laude, from Yale University and J.D. from New York University School of Law.



William Leahy, Director, Office of Indigent Legal Services, New York. After practicing for 10 years as a trial and appellate public defender for the Massachusetts Defenders Committee, he became the first Deputy Chief Counsel for the Public Defender Division of the Massachusetts Committee for Public Counsel Services (CPCS) from 1984 to 1991, when he became the second Chief Counsel of that statewide agency until his retirement in July, 2010.

In February 2011, Bill began his tenure as Director of the Office of Indigent Legal Services for New York State, with the mission to improve the quality of representation for poor people in the criminal and family courts throughout the state. His office is currently implementing the landmark settlement between the New York Civil Liberties Union and the State of New York in the right to coursel case of *Hurrell-Harring v. The State of New York*.

From 2002-2011, Bill served as adjunct professor at Brandeis University, teaching courses in American Criminal Law and International Criminal Law and Human Rights. In July, 2011 he gave the keynote speech at the New York State Defenders Association 44th annual training



conference in Saratoga, entitled *The Curious Creation, Perilous Present and Favorable Future of the Office of Indigent Legal Services.* In December, 2012, he spoke at the International Conference on Criminal Legal Aid Systems in Beijing, China, where he presented a paper entitled *An Assessment of the Right to Counsel in the United States.*



Marc A. Levin, Esq., is the director of the Center for Effective Justice at the Texas Public Policy Foundation (<u>www.texaspolicy.com</u>), the state's freemarket think tank, and Policy Director of its Right on Crime initiative (<u>www.rightoncrime.com</u>). In 2010, Levin developed the concept for the Right on Crime initiative, which has become the national clearinghouse for conservative criminal justice reforms. Marc led the drafting of the Right on Crime Statement of Principles in 2010, which has been signed by conservative

luminaries such as Newt Gingrich, Jeb Bush, J.C. Watts, Ed Meese, and Rick Perry. In 2014, Marc was named one of the "Politico 50" in 2014, the magazine's annual "list of thinkers, doers, and dreamers who really matter in this age of gridlock and dysfunction." Marc has testified on criminal justice policy on four occasions before Congress and has testified before legislatures in states such as Texas, Nevada, Kansas, Wisconsin, and California. He has also met personally with leaders ranging from President Barack Obama to Speaker Paul Ryan to share his ideas on criminal justice reform. Marc has published dozens of policy papers on criminal justice and his articles have appeared in newspapers such as the *New York Times, Wall Street Journal*, and *Dallas Morning News*. In 2007, he was honored in a resolution unanimously passed by the Texas House of Representatives that stated, "Mr. Levin's intellect is unparalleled and his research is impeccable." Levin served as a law clerk to Judge Will Garwood on the U.S. Court of Appeals for the Fifth Circuit and Staff Attorney at the Texas Supreme Court.



Karol Mason, Assistant Attorney General, Office of the Justice Programs, U.S. Department of Justice. Karol Mason was nominated to be Assistant Attorney General for the Office of Justice Programs by President Barack Obama on February 13, 2013. Her appointment was confirmed by the U.S. Senate on April 25, 2013. As head of the Office of Justice Programs, she oversees an annual budget of more than \$2 billion dedicated to supporting state, local, and tribal criminal justice agencies; an array of juvenile justice programs; a wide range of research, evaluation, and statistical efforts; and

comprehensive services for crime victims.

Ms. Mason previously served the Department of Justice as Deputy Associate Attorney General. At DOJ her primary responsibilities were to oversee the grant making components: the Office of Justice Programs, the Office on Violence Against Women, and the Office of Community Oriented Policing Services. In a cross-department initiative to address criminal justice issues in New Orleans, she led a team of representatives from each of the Department's grant components, as well as the Civil Rights Division, the Office of U.S. Attorneys, the FBI, the DEA and the Community Relations Service. She led Attorney General Holder's Defending Childhood Initiative, and helped create its Task Force on Children Exposed to Violence, bringing in the Departments of Education and Health and Human Services as partners. Ms. Mason was responsible for the implementation of the Combined Tribal Assistance Solicitation (CTAS), which consolidates all of the Justice Department's tribal grants under a single solicitation.



Prior to her federal government service, Ms. Mason practiced law at the Atlanta law firm of Alston & Bird, where she concentrated on public and project finance, once chaired its management committee.

Ms. Mason received her J.D. from the University of Michigan Law School and her A.B. from The University of North Carolina at Chapel Hill.



Preeti P. Menon, Senior Policy Advisor, Justice Programs Office at American University. Ms. Menon has extensive experience in justice system policy development and criminal justice program operations as well as project management. Ms. Menon has also provided training and technical assistance to state and local justice agencies, coordinated roundtables, workshops and forums, and provided research and analytical support in justice related initiatives. Prior to joining American University, she served

as a consultant with AU for BJA's Drug Court Training and Technical Assistance Project and, previously, at the U.S. Department of Justice for eight years as a Policy Advisor on Adjudication for the Bureau of Justice Assistance and as a Social Science Program Specialist for the Office of Juvenile Justice and Delinquency Prevention. Prior to joining the federal government, she worked as a Planning Specialist on contracts with the Maryland Department of Juvenile Justice and the U.S. Department of Justice, National Institute of Justice. She has co-authored and provided writing and editing support for analytical papers on criminal justice case management and integration. In addition, while working with Federal Data Corporation as a Research Assistant, she provided research support for the supplement to the Surgeon General's Report on Mental Health: Culture, Race, and Ethnicity, and the Surgeon General's Report on Youth Violence.



Denise E. O'Donnell, Director, Bureau of Justice Assistance, U.S. Department of Justice. Denise E. O'Donnell was sworn in as the Director of the Bureau of Justice Assistance (BJA) on June 6, 2011, after being nominated for the post by President Obama and confirmed by the United States Senate. BJA is a national leader in the development and implementation of data-driven, research-based criminal justice policy and sound grant administration. BJA currently oversees a portfolio of over 4,000 open grants in excess of \$2 billion dollars. In 1985, Director O'Donnell joined

the U.S. Attorney's Office in the Western District of New York and worked as a career federal prosecutor for more than a decade. She was appointed United States Attorney by President Clinton in 1997 and served as the top federal prosecutor in Western New York from 1997-2001. Prior to joining BJA, s served as the Deputy Secretary for Public Safety in New York State and as Commissioner of the New York State Division of Criminal Justice Services. Director O'Donnell served as Chairs of the New York State Commission on Forensic Science from 2009-2011 and Sentencing Reform from 2010-2011. Director O'Donnell obtained a Master's Degree in Social Work from the State University of New York at Buffalo, and graduated summa cum laude from the University at Buffalo Law School.





Christina Perry, Idaho State Representative (District 11B – Nampa). Threeterm Rep. Perry spearheaded the recent reforms, by both creating and empowering the Idaho Public Defense Commission (IPDC) with authority to promulgate rules and enforce standards. She currently serves as Vice-Chair of the IPDC, serves on the Idaho House Judiciary, Rules and Administration Committee, Local Government Committee, the House Health and Welfare Committee and is Chairman of the House Ways and Means Committee. She holds a B.A. in political science and an MPA, both from Boise State

University. Her professional experience includes serving on the executive board of the United Way of Treasure Valley, board member of the God and Country Festival of Treasure Valley, and co-owns a gun shop with her husband, Matt.



Derek P. Pullan, Utah Fourth District Judge (serving Juab, Millard, Utah, and Wasatch counties). Judge Pullan is a graduate of Brigham Young University's J. Reuben Clark Law School where he served as an adjunct professor teaching the law of evidence. Over his career he worked as a Utah Supreme Court law clerk, a deputy county attorney and the elected Wasatch County Attorney. Pullan served on the Utah Judicial Council Study Committee on the Representation of Indigent Criminal Defendants. His article *The Constitutional Right to Counsel: Evaluating the Health of Utah's Indigent Defense System*

(Utah Journal of Criminal Law. 1 Utah Crim. L. J. 5) served as both the basis of a statewide evaluation of indigent defense services and the resulting legislative reforms.



Corey Stoughton, Senior Counsel, U.S. Department of Justice Civil Rights Division. Corey Stoughton is senior counsel in the Civil Rights Division at the U.S. Department of Justice. Prior to joining the Civil Rights Division, Stoughton was a senior supervising attorney at the New York Civil Liberties Union, where she focuses on statewide civil rights and civil liberties impact litigation and advocacy campaigns. She has litigated cases involving racial and economic justice, national security and civil liberties, student's rights

and religious freedom. She was lead counsel in Hurrell-Harring v. State of New York, a statewide indigent criminal defense reform case. Stoughton is also an adjunct clinical professor at NYU School of Law, where she teaches a civil rights clinic.

Before working at the NYCLU, she was the Karpatkin Fellow at the American Civil Liberties Union, where she litigated a major racial profiling case against the Maryland State Police and worked on various matters related to race discrimination, education reform and national security. She also served as the Civil Rights Fellow at Relman & Associates, in Washington, D.C., where she litigated race, gender and disability discrimination cases in employment, lending and the provision of public accommodations. Stoughton recently completed a Fulbright research grant where she studied indigent criminal defense reform measures in Turkey.



Stoughton graduated with high honors from the University of Michigan in 1998 and magna cum laude from Harvard Law School in 2002. After law school, she clerked for the Honorable Cornelia Kennedy on the United States Court of Appeals for the Sixth Circuit.



Colette Tvedt serves as the Director of Public Defense Training and Reform. In that capacity, she focuses on developing and delivering training programs for public defense providers nationwide. She also partners with other national organizations on projects such as an initiative to increase pretrial release and implementation of workload studies to ensure the best representation of accused persons, regardless of their means.

Colette has devoted her career over the past 25 years to representing poor people accused of crimes. She spent 18 of those years as a public defender in Massachusetts and Washington State. Immediately prior to joining NACDL, she spent seven years in private practice with the Seattle law firm, Schroeter, Goldmark & Bender, where she continued to represent accused individuals by court appointment in state and federal court, in addition to serving on the board of one of Seattle's public defender providers.

Colette Tvedt also has extensive experience training attorneys. She has organized training programs for hundreds of defense lawyers and served for several years as a Clinical Professor of Law as the director of the Suffolk Defenders Clinical Program at Suffolk University Law School in Boston. In recent years, in addition to her practice, she has served as professor of advanced trial advocacy at the University of Washington School of Law and at Seattle University School of Law. She is a faculty member of the National Criminal Defense College (NCDC) in Macon, Georgia. Colette Tvedt is an honors graduate of Rutgers University, where she also attended law school.



Jo-Ann Wallace is the President and CEO of the National Legal Aid & Defender Association (NLADA), the oldest and largest national membership organization devoting all of its resources to equal justice. Recognizing the gap between rich and poor is greater than any time in our history, under her leadership NLADA will commemorate its centennial by launching a bold new strategy for changing justice in America: Blueprint for Justice: Rethink. Retool. Rebuild. Throughout her career Jo-Ann has

challenged the status quo by fostering innovative programs to ensure

that people in economic distress have access to legal aid to help meet basic human needs and to guarantee that the quality of justice does not depend on how much money a person has. Under her direction, the Public Defender Service for the District of Columbia challenged the efficacy of separating criminal and civil legal aid and created programs to reduce recidivism by addressing the societal challenges that often result in crime, raised the quality of appellate representation and championed legislation that ensured



high-quality public defense services. Wallace is a founder of the American Council of Chief Defenders

(ACCD), a leadership council of the top defender executives from across the United States. She received her J.D. from New York University School of Law



John E. Wetzel, Secretary, Pennsylvania Department of Corrections. Secretary Wetzel is widely recognized as one of the thought leaders in corrections today.

With over 26 years of experience, his career began in Lebanon County (PA) as a corrections officer in 1989. His time there was followed by 9 years at Berks County (PA) where he served as a Correctional Officer, Counselor, Treatment Supervisor and finally Director of the Training Academy. Then, in January of

2002, he began his 9-year tenure as Warden of the Franklin County (PA) Jail. It was there where he was credited with leading an effort that resulted in the transformation of their correctional system. Under his leadership, Franklin County saw a 20% reduction in their population while the crime rate declined. Franklin County was at the forefront of maximizing their correctional continuum to reduce reliance on incarceration while focusing on improving outcomes for offenders. Specifically, they developed a Day Reporting Center, established a Jail Industries Program and initiated several programs targeting improved services for mentally ill offenders, not the least of which being a Certified Peer Specialist program in 2006.

A national consultant and speaker whose areas of expertise include staffing, vulnerability assessment, mentally ill offenders, developing employment opportunities for formerly incarcerated offenders, population management, mitigating impacts on the families/children of incarcerated individuals and effecting system change.

He was appointed to the PA Board of Pardons, by then Governor Edward Rendell (D), as the Board's Corrections Expert where he subsequently led a change in the pardons process resulting in an increased production of the Board while alleviating an elevated waiting time for applicants.

In December of 2010, he was selected as the 11th Secretary of Corrections for the Commonwealth of Pennsylvania by Governor-elect Corbett. His tenure there saw an elimination of a 24-year average growth of 1500 inmates per year, presiding over the first population reduction in PA in over 4 decades. Additionally, he oversaw the restructuring of the Community Corrections system, the mental health system and a re-engineering of internal processes to yield a more efficient system of program delivery.

In January of 2015, Governor Tom Wolf asked Wetzel to continue as the Secretary of Corrections making him the 12th person to hold that position for the Commonwealth of Pennsylvania.

He is a member of Harvard's Executive Session on Community Corrections which is a joint project of Harvard's John F. Kennedy School of Government and the National Institute of Justice



(NIJ). Consisting of 30 of the leading policymakers, practitioners and researchers from across the country, the intent is to shape the meaning and future of community corrections policy in the United States. The Executive Session will develop best practices and thinking for professionals across the public safety and criminal justice spectrum. He has been selected as the Vice Chair of the Council of State Government Justice Center Executive Board and is a member of the Colson Task Force on federal prison overcrowding. He is also vice president of ASCA (Association of State Correctional Administrators). In May 2016, the Indiana University of Pennsylvania presented to him an honorary doctor of laws.

Finally, the Secretary is the former offensive line coach for Shippensburg University and a founding member of the St. Seraphim homeless shelter. He also initiated a program to positively impact disadvantaged youth by inviting private sector/higher education entities to develop programs specifically focused on them, similar to the president's My Brother's Keeper initiative.



The Honorable Sally Q. Yates, Deputy Attorney General. Ms. Yates was confirmed as Deputy Attorney General on May 13, 2015. President Obama formally nominated her for the position on January 8, 2015.

A native of Georgia, Ms. Yates has served in the Department of Justice for twenty-seven years. She began her public service career in September 1989 as an Assistant U.S. Attorney in the U.S. Attorney's Office in the Northern District of Georgia. Over the next two decades, she prosecuted a wide range

of cases, including numerous white-collar fraud and political corruption matters, and served as the lead prosecutor of Olympic bomber Eric Rudolph. Ms. Yates held several supervisory positions within the office until 2010, when she was appointed by President Obama to lead the office as its first female United States Attorney.

As Deputy Attorney General, Ms. Yates oversees day-to-day operations of the Department of Justice. Her responsibilities include oversight of all facets of the Department's work, including its four law enforcement agencies (the Federal Bureau of Investigation, Drug Enforcement Administration, Bureau of Alcohol, Tobacco, Firearms, and Explosives, and the United States Marshals Service), its prosecutorial, litigating, and national security components, the Federal Bureau of Prisons, and the Department's various grant-making and legal services offices.

During her tenure, Ms. Yates has focused her efforts on strengthening public safety, reforming the criminal justice system, ensuring individual accountability for corporate wrongdoers, and enhancing our prison system for the 21st century.

Before joining the Department of Justice, Ms. Yates graduated magna cum laude from the University of Georgia School of Law and practiced commercial litigation at a law firm in Atlanta. She and her husband Comer have two children.