

## **2009 Capital Training Program**

*New Approaches to Capital Litigation after the California  
Commission on the Fair Administration of Justice*

Sponsored by: CACJ, ACLU, CPDA and  
The Berkeley Law Death Penalty Clinic

Saturday, September 26, 2009

Center at Cathedral Plaza

555 West Temple Street

Los Angeles, CA 90012

**8:00-8:15am**

**Sign in- Coffee/Tea & Continental Breakfast**

**8:15-8:30am**

**Welcome and Opening Remarks**

*Michael Judge*

Content: Goals for the training, importance of the work.

**8:30-9:30am**

**Overview of Commission Report on the Death Penalty**

*Michael Laurence, Michael Hersek, Natasha Minsker*

Content: Provide summary of Commission findings on the death penalty, highlighting most useful features for litigation, perspective of Commissioners on the experience, and background on all material presented to the Commission, highlighting material that might be useful in litigation even if not used by Commission.

**9:30-10:30am**

**The Best of the Rest: Other Parts of the Commission Report to Use in Litigation**

*Jerry Uelmen, John Philipsborn, Kathleen Ridolfi*

Content: Review Commission recommendations and evidence considered on eyewitness identifications, false confessions, forensic science, informants, Brady, professional responsibility and resources. Emphasis will be on evidence and recommendations that are most useful in litigation (e.g., best practices for eyewitness identification procedures).

**10:30-10:45am**

**BREAK**

**10:45-12:15pm**

**Get the Resources You Need Using the Commission Report and ABA Guidelines**

*Elisabeth Semel, James Thomson, Chris Plourd*

Content: Review ABA Guidelines and evidence presented to Commission on failure to meet Guidelines in CA. Present ideas for challenging the lack of an independent appointing authority, failure to appointment two attorneys, high case loads, flat fee contracts, and limits on funding for ancillary services including limits on use of mitigation specialists.

**12:15-1:15pm**      **LUNCH BREAK** (Lunch provided/included in registration price)

**1:15-2:45pm**      **Litigating Over Breath/ Failure to Narrow/ Arbitrariness/ Proportionality**  
*Steve Shatz, Juliana Humphrey, Tivon Schardl*

Content: Review differences/ distinction between these issues, review status of post-conviction challenges related to issues, discuss strategies for increasing data available through trial litigation; identify any pressure points or other strategies for calling attention to these issues.

**2:45-3:45pm**      **Class and Race: Using the Data Presented to the Commission and Gathering More**  
*Michael Radelet, George Kendall*

Content: Review data currently available; identify data or new research needed. Present post-McCleskey challenges and new approaches to attacking discriminatory charging practices.

**3:45-4:00pm**      **BREAK**

**4:00-5:30pm**      **New Developments in Capital Jury Selection**  
*Craig Haney, Jennifer Friedman, Lois Heaney*

Content: Present new social science research on death qualification, discuss new litigation ideas and strategies using that research, and discuss strategies for expansion of jury pool.

## **7.5 MCLE HOURS**

Legal Specialization Credits:

7.5 Trial Advocacy

1.5 Ethics

1.5 Writs, Appeals and Ancillary Proceedings

1 Elimination of Bias

## 2009 Capital Training Program Speaker Bios

### **Jennifer Friedman**

Jennifer Friedman has been Deputy Public Defender in Los Angeles County for over 21 years. She is the office's Forensic Science Coordinator and represents clients charged with capital murder. She has tried over 125 felony jury trials many of which were sexual assaults and homicides involving complex scientific issues. She is a member of the California Attorneys for Criminal Justice, California Public Defenders Association, National Association of Criminal Defense Attorneys and a member of LA County Public Defender planning committee for the annual capital case seminar and the planning committee for the California Capital Case Defense Seminar. She is a member of the California Crime Lab Task Force. She writes the expert section of the California Death Penalty Manual. She is a frequent lecturer on the use of various forensic sciences in the courts.

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### **Craig Haney**

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### **Lois Heaney**

Lois Heaney has been a trial consultant with the National Jury Project/ West since 1979. She has a resume of thousands of cases encompassing a broad spectrum of federal and state court litigation, including criminal law, civil rights, plaintiffs' personal injury, products liability, asbestos, toxic torts, intellectual property, complex commercial litigation, libel, insurance coverage, and trusts and estates. She has consulted with lawyers and assisted in jury selection in nearly fifty capital cases in jurisdictions including state and federal courts in California, Hawaii, Indiana, New Jersey, Nevada, Oregon, Virginia, and Washington.

AS an author and speaker, Ms Heaney participates in public policy issues and jury reform advocacy. She has served as co-chair of the California Attorneys for criminal justice committee to preserve the jury, and as a consultant to the California Commission on the future of the courts. In Conjunction with U.S. District Court Judge Ginger Berrigan (New Orleans), Ms. Heaney developed an interactive workshop for judges on uncovering bias in voir dire. She has testified as an expert witness on survey researched, publicity and voir dire conditions, and is frequently invited speaker and news commentator.

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## **George Kendall**

George H. Kendall is a senior counsel at Holland & Knight, LLP. He spends all of his time working with the firm's Community Services Team, a nine lawyer division that devotes itself entirely to *pro bono* litigation and projects. Mr. Kendall handles capital, criminal and civil rights cases in state and federal courts across the country. From 1983 through 2003, he devoted nearly his entire practice to capital cases, first with the ACLU's Eleventh Circuit Capital Representation Project till 1988, then based in Atlanta, and from 1988 through 2003 with the NAACP Legal Defense & Educational Fund, Inc, based in New York City. During the past two decades, he has closely monitored the Supreme Court and Congress for cases and legislation dealing with capital punishment, *habeas corpus* and racial discrimination. He has taught courses on the administration of the death penalty at Yale, Florida State and St. Johns, and has served as faculty at national capital litigation training conferences for the past twenty-five years. In 2003, he successfully argued on behalf of indigent Texas death row inmate Delma Banks before the United States Supreme Court. *Banks v. Dretke*, 540 U.S. 668 (2004), and was the senior lawyer on the team that successfully represented indigent Tennessee death row inmate Paul House before the Supreme Court in 2006. *House v. Bell*, 126 S.Ct. 2064 (2006).

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## **Natasha Minsker**

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### **John Philipsborn**

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### **Christopher Plourd**

Christopher J. Plourd is a sole practitioner in his law firm, The Law Offices of Christopher J. Plourd, located in San Diego, California. In addition to maintaining a trial practice Mr. Plourd belongs to numerous legal and scientific organizations. Mr. Plourd is a member of the American Academy of Forensic Sciences, the American Association for the Advancement of Science and the American Society of Forensic Odontology. Mr. Plourd is also a member of the State Bar of California, the San Diego County Bar Association, and California Attorneys for Criminal Justice. National Organization for Criminal Defense Attorneys, Mr. Plourd is also committed to lending his talents in educating fellow members of the bar, as a forensic scientific evidence consultant Mr. Plourd regularly lectures attorneys, judges, law enforcement officers and law students on the subject of forensic scientific evidence.

Christopher J. Plourd has been a practicing litigation attorney for the past twenty five years specializing in cases involving forensic scientific evidence. Mr. Plourd has engaged extensively in scientific evidence consulting in legal matters involving forensic DNA identity testing throughout the United States and is considered one of a handful of attorneys in the United States who is proficient in the use of forensic DNA technologies. In addition to DNA evidence Mr. Plourd has considerable experience in cases involving Bite Mark identification evidence and Blood Spatter evidence. Mr. Plourd is frequently asked to appear on television news and radio talk show programs to comment upon DNA and other forensic scientific evidence. In 1998 Mr. Plourd received an appointment by the Chairman of the United States Department of Justice National Commission on the Future of DNA Evidence to a technical working group on Crime Scene Evidence Collection. The Commission on the Future of DNA Evidence was a National commission chartered by United States Attorney General, Janet Reno, to develop national policy and recommendations regarding the use of forensic DNA evidence so as to maximize its value in the American Criminal Justice System. In April of 2003, Mr. Plourd was appointed by Sarah V. Hart, Director of the National Institute of Justice, to a United States Department of Justice, Office of Justice Programs Working Group on Principles of Forensic DNA for Officers of the Court. In February of 2005, Mr. Plourd was appointed by Ronald M. George, Chief Justice of the California Supreme Court, to membership on the California Judicial Counsel of California's Science and Law Steering Committee

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### **Michael Radelet**

Michael L. Radelet is Professor and Chair, Department of Sociology, University of Colorado-Boulder. He received his undergraduate degree Michigan State University, his Ph.D. from Purdue, and completed two years of postdoctoral training in the Department of Psychiatry, University of

Wisconsin Medical School. He then served for 22 years on the faculty at the University of Florida (including five years as Chair of the Department of Sociology) before moving to Boulder in 2001.

Radelet's research focuses on capital punishment, especially the problems of erroneous convictions, racial bias, public opinion, and medical involvement. In 1987 he coauthored (with Hugo Adam Bedau) a paper in *Stanford Law Review* that documented some 350 defendants who were erroneously convicted of potentially capital crimes, a paper that is widely credited with introducing the problem of erroneous convictions into the modern death penalty debate. Among his studies on race and death sentencing was one in Illinois, conducted for Governor George Ryan and used by Governor Ryan as part of the rationale for commuting 167 death sentences in 2003. More recently, Radelet has coauthored (with Glenn Pierce) a series of statewide studies on race and death sentencing for the Death Penalty Moratorium Project, American Bar Association.

While in Florida Radelet worked with scores of death row inmates, and went through last visits with approximately 50. He has testified in approximately 75 death penalty cases and in front of legislative committees in a dozen states. He is also a member of the Board of Directors of Families of Homicide Victims and Missing Persons, a Colorado group of 350 families of homicide victims in cases in which the homicide has never been solved. This spring he is teaching a death penalty seminar at the University of Colorado Law School.

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### **Kathleen Ridolfi**

Kathleen "Cookie" Ridolfi is a tenured member of the SCU law faculty. Professor Ridolfi founded the Northern California Innocence Project in 2001 and in 2004 co-founded the Innocence Network, a collaboration of 49 innocence projects in the United States and in four other countries. From 2004-2008, she served as Commissioner of the California Senate Commission on the Fair Administration of Justice. Professor Ridolfi was a trial lawyer with the Defender Association of Philadelphia where she served in the Special Defense Unit. She was a pioneer and innovator in the early development and application of social science to jury selection and a leader in the development of expert testimony for use in cases of battered women raising claims of self-defense. She had received numerous accolades for her classroom work including the prestigious Russell Galloway Professor of the Year. She teaches criminal law and a seminar on Righting Wrongful Conviction: Policy and Legislative Reform

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### **Tivon Schardl**

Tivon "Tim" Schardl is one of the two supervising attorneys in the Capital Habeas Unit of the Federal Defender for the Eastern District of California in Sacramento. He is also an adjunct professor at the McGeorge law School where he teaches a seminar on habeas corpus. Prior to joining the Federal Defender Office, Tim was the litigation coordinator for the Office of the Capital Collateral Regional Counsel in Tallahassee, Florida, a contract position he started in while working in the Law Offices of Mark E. Olive, P.A. Tim has been working on capital cases since 1995, and has worked on cases in California, Florida, Georgia, Alabama, Texas, Virginia, South Carolina, and Tennessee. His experience includes all stages of capital litigation from trial through federal habeas, and clemency proceedings.

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### **Elisabeth Semel**

After graduating from UC Davis School of Law, Elisabeth Semel became a deputy public defender. In 1980, she entered private practice and, in 1983, formed the firm of Semel & Feldman. Ms. Semel has defended criminal cases in the state and federal courts with an emphasis on representation at the trial level, including homicides and capital cases. In 1997, she left private

practice to serve as the director of the American Bar Association Death Penalty Representation Project in Washington, D.C.

Ms. Semel joined the Boalt faculty in 2001, as the first director of the Death Penalty Clinic. In that capacity, Semel represents clients under sentence of death in states such as Alabama and California and engages in related litigation such as amicus curiae briefs, petitions for writs of certiorari, clemency petitions, and pretrial motions in capital cases. Semel and her students have prepared amicus curiae briefs that were filed in the U.S. Supreme Court in several death penalty cases, including *Miller-El v. Cockrell*, *Miller-El v. Dretke*, and *Snyder v. Louisiana* (all dealing with race discrimination in jury selection).

Ms. Semel has written numerous articles about criminal defense practice, including: "The Lone Star State is Not Alone in Denying Due Process to Those Who Face Execution" (July 1999); "Racial Injustice: Work to be Done Outside the Courtroom" (June 1998); "Talk to the Media About Your Client? Think Again" in the *Champion* (with C. Sevilla, November 1997); "Breathing Life into Batson" (2003); "The Good, the Bad and the Evil: News from the Hill" (1997); and "Victims' Rights: New Amendment to the Federal Constitution?" in the *California Criminal Defense Practice Reporter* (1996). Beginning in 2003, her annual annotated summaries of cases dealing with *Batson v. Kentucky* (race or gender discrimination in jury selection) have been posted electronically and included in various criminal defense publications. Semel frequently provides commentary in the mainstream media on issues relating to the rights of individuals accused of crime, particularly those facing the death penalty.

Ms. Semel has received many awards, including the Distinguished Alumni Award (UC Davis School of Law, 2000), John Dewey Award for Distinguished Public Service (Bard College, 1997), the Marshall Stern Award for Legislative Advocacy (NACDL, 1996), the Civil Rights Award (San Diego League of Women Voters, 1995) and the E. Stanley Conant Award for Protecting the Rights of the Indigent Accused (Defender Programs of San Diego, 1982).

Education: B.A., Bard College (1972) J.D., UC Davis (1975)

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### **Steven Shatz**

Steven F. Shatz is the Philip and Muriel Barnett Professor at the University Of San Francisco School Of Law, where he has been teaching since 1972. He is also the director of the school's Keta Taylor Colby Death Penalty Project, which, for the past eight years, has sent Bay Area law students to the South for summer internships with capital defense attorneys. Professor Shatz is

The author of two casebooks – *Cases and Materials on the Death Penalty* (1st and 2nd Eds) (Thomson/West, 2001, 2005) (with Nina Rivkind) and *California Criminal Law: Cases and Problems* (1st and 2nd Eds) (Lexis, 1999, 2004) – as well as articles on the California death penalty. During the last fifteen years, Professor Shatz has been conducting empirical research focused on death-eligibility in California, and he has testified regarding this research in court and before the California Commission on the Fair Administration of Justice. He has also filed declarations concerning his findings in more than 100 California capital cases.

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### **James Thomson**

James Thomson is in private practice in Berkeley, California. His practice is limited to the defense of criminal cases in state and federal courts. The overwhelming majority of Jim's practice is the defense of capital cases. For some 30 years, Jim has represented capital clients at trial, on appeal and in post-conviction proceedings in state and federal courts in a number of jurisdictions, including California, Tennessee, Florida, Arizona, Montana, Nevada and American Samoa. He has testified as a /Strickland/ expert in a number of capital post-conviction

cases. Jim is a past president of California Attorneys for Criminal Justice. He provided oral and written testimony to the CCFAJ on California's clemency procedures.

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## **Gerald Uelmen**

Gerald F. Uelmen was born in Greendale, Wisconsin, in 1940 and came to California with his family at the age of 14. After graduating from Loyola Marymount University in Los Angeles with a B.A. in political science, he attended Georgetown University Law Center, where he earned his J.D. in 1965. As a Prettyman Fellow at Georgetown, he did indigent criminal defense work while earning an LL.M. degree. He returned to California to serve in the U.S. Attorney's Office in Los Angeles, prosecuting organized crime cases. In 1970, he joined the faculty of Loyola Law School in Los Angeles, where he taught Criminal Law and Procedure, Evidence, Trial Advocacy, Legal Ethics, and Counseling and Negotiation, and authored a casebook on drug abuse law. He also served as associate dean for two years and maintained an active part-time criminal defense practice, participating in the defense of Daniel Ellsberg in the Pentagon Papers trial and successfully challenging the murder conviction of Gordon Castillo Hall.

Uelmen served as dean at Santa Clara from 1986 to 1994. In 1994-95, he served on the defense team for the trial of People v. O.J. Simpson. His account of the trial was published as Lessons from the Trial in 1996, and his collection of evidence problems from both the civil and criminal trials was published as The O.J. Files: Evidentiary Issues in a Tactical Context in 1997. The co-author of two collections of legal humor, he has written numerous articles concerning the California Supreme Court, the death penalty, legal ethics, drug abuse, and related topics. In 2005, he published The Wizard's Guide to California Evidence. He has served as president of California Attorneys for Criminal Justice, California Academy of Appellate Lawyers, and Santa Clara County Bar Association Law Foundation. In 1984, he won the ABA Ross Essay Prize. In 1996, he authored a one-actor play on the life of William Jennings Bryan, which has been produced in Omaha, Chicago, and Santa Clara. Serving as pro bono counsel for patients asserting the right to use medicinal marijuana, Uelmen argued cases before the U.S. Supreme Court and California Supreme Court. In 2006, he was appointed Executive Director for the California Commission on the Fair Administration of Justice, created by the California State Senate to examine the causes of wrongful convictions and propose reforms of California's criminal justice system.

Uelmen is married to Martha A. Uelmen, a retired family law lawyer-mediator. They have three grown children. He is a history buff, an avid collector of political campaign buttons and pop-up books, and sings Gilbert and Sullivan arias in the shower. At the slightest provocation, he will play his accordion.

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### **Christopher Plourd**

Christopher J. Plourd is a sole practitioner in his law firm, The Law Offices of Christopher J. Plourd, located in San Diego, California. In addition to maintaining a trial practice Mr. Plourd belongs to numerous legal and scientific organizations. Mr. Plourd is a member of the American Academy of Forensic Sciences, the American Association for the Advancement of Science and the American Society of Forensic Odontology. Mr. Plourd is also a member of the State Bar of California, the San Diego County Bar Association, and California Attorneys for Criminal Justice. National Organization for Criminal Defense Attorneys, Mr. Plourd is also committed to lending his talents in educating fellow members of the bar, as a forensic scientific evidence consultant Mr. Plourd regularly lectures attorneys, judges, law enforcement officers and law students on the subject of forensic scientific evidence.

Christopher J. Plourd has been a practicing litigation attorney for the past twenty five years specializing in cases involving forensic scientific evidence. Mr. Plourd has engaged extensively in scientific evidence consulting in legal matters involving forensic DNA identity testing throughout the United States and is considered one of a handful of attorneys in the United States who is proficient in the use of forensic DNA technologies. In addition to DNA evidence Mr. Plourd has considerable experience in cases involving Bite Mark identification evidence and Blood Spatter evidence. Mr. Plourd is frequently asked to appear on television news and radio talk show programs to comment upon DNA and other forensic scientific evidence. In 1998 Mr. Plourd received an appointment by the Chairman of the United States Department of Justice National Commission on the Future of DNA Evidence to a technical working group on Crime Scene Evidence Collection. The Commission on the Future of DNA Evidence was a National commission chartered by United States Attorney General, Janet Reno, to develop national policy and recommendations regarding the use of forensic DNA evidence so as to maximize its value in the American Criminal Justice System. In April of 2003, Mr. Plourd was appointed by Sarah V. Hart, Director of the National Institute of Justice, to a United States Department of Justice, Office of Justice Programs Working Group on Principles of Forensic DNA for Officers of the Court. In February of 2005, Mr. Plourd was appointed by Ronald M. George, Chief Justice of the California Supreme Court, to membership on the California Judicial Counsel of California's Science and Law Steering Committee

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### **Michael Radelet**

Michael L. Radelet is Professor and Chair, Department of Sociology, University of Colorado-Boulder. He received his undergraduate degree Michigan State University, his Ph.D. from Purdue, and completed two years of postdoctoral training in the Department of Psychiatry, University of

Wisconsin Medical School. He then served for 22 years on the faculty at the University of Florida (including five years as Chair of the Department of Sociology) before moving to Boulder in 2001.

Radelet's research focuses on capital punishment, especially the problems of erroneous convictions, racial bias, public opinion, and medical involvement. In 1987 he coauthored (with Hugo Adam Bedau) a paper in *Stanford Law Review* that documented some 350 defendants who were erroneously convicted of potentially capital crimes, a paper that is widely credited with introducing the problem of erroneous convictions into the modern death penalty debate. Among his studies on race and death sentencing was one in Illinois, conducted for Governor George Ryan and used by Governor Ryan as part of the rationale for commuting 167 death sentences in 2003. More recently, Radelet has coauthored (with Glenn Pierce) a series of statewide studies on race and death sentencing for the Death Penalty Moratorium Project, American Bar Association.

While in Florida Radelet worked with scores of death row inmates, and went through last visits with approximately 50. He has testified in approximately 75 death penalty cases and in front of legislative committees in a dozen states. He is also a member of the Board of Directors of Families of Homicide Victims and Missing Persons, a Colorado group of 350 families of homicide victims in cases in which the homicide has never been solved. This spring he is teaching a death penalty seminar at the University of Colorado Law School.

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### **Kathleen Ridolfi**

Kathleen "Cookie" Ridolfi is a tenured member of the SCU law faculty. Professor Ridolfi founded the Northern California Innocence Project in 2001 and in 2004 co-founded the Innocence Network, a collaboration of 49 innocence projects in the United States and in four other countries. From 2004-2008, she served as Commissioner of the California Senate Commission on the Fair Administration of Justice. Professor Ridolfi was a trial lawyer with the Defender Association of Philadelphia where she served in the Special Defense Unit. She was a pioneer and innovator in the early development and application of social science to jury selection and a leader in the development of expert testimony for use in cases of battered women raising claims of self-defense. She had received numerous accolades for her classroom work including the prestigious Russell Galloway Professor of the Year. She teaches criminal law and a seminar on Righting Wrongful Conviction: Policy and Legislative Reform

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### **Tivon Schardl**

Tivon "Tim" Schardl is one of the two supervising attorneys in the Capital Habeas Unit of the Federal Defender for the Eastern District of California in Sacramento. He is also an adjunct professor at the McGeorge law School where he teaches a seminar on habeas corpus. Prior to joining the Federal Defender Office, Tim was the litigation coordinator for the Office of the Capital Collateral Regional Counsel in Tallahassee, Florida, a contract position he started in while working in the Law Offices of Mark E. Olive, P.A. Tim has been working on capital cases since 1995, and has worked on cases in California, Florida, Georgia, Alabama, Texas, Virginia, South Carolina, and Tennessee. His experience includes all stages of capital litigation from trial through federal habeas, and clemency proceedings.

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### **Elisabeth Semel**

After graduating from UC Davis School of Law, Elisabeth Semel became a deputy public defender. In 1980, she entered private practice and, in 1983, formed the firm of Semel & Feldman. Ms. Semel has defended criminal cases in the state and federal courts with an emphasis on representation at the trial level, including homicides and capital cases. In 1997, she left private

practice to serve as the director of the American Bar Association Death Penalty Representation Project in Washington, D.C.

Ms. Semel joined the Boalt faculty in 2001, as the first director of the Death Penalty Clinic. In that capacity, Semel represents clients under sentence of death in states such as Alabama and California and engages in related litigation such as amicus curiae briefs, petitions for writs of certiorari, clemency petitions, and pretrial motions in capital cases. Semel and her students have prepared amicus curiae briefs that were filed in the U.S. Supreme Court in several death penalty cases, including *Miller-El v. Cockrell*, *Miller-El v. Dretke*, and *Snyder v. Louisiana* (all dealing with race discrimination in jury selection).

Ms. Semel has written numerous articles about criminal defense practice, including: "The Lone Star State is Not Alone in Denying Due Process to Those Who Face Execution" (July 1999); "Racial Injustice: Work to be Done Outside the Courtroom" (June 1998); "Talk to the Media About Your Client? Think Again" in the *Champion* (with C. Sevilla, November 1997); "Breathing Life into Batson" (2003); "The Good, the Bad and the Evil: News from the Hill" (1997); and "Victims' Rights: New Amendment to the Federal Constitution?" in the *California Criminal Defense Practice Reporter* (1996). Beginning in 2003, her annual annotated summaries of cases dealing with *Batson v. Kentucky* (race or gender discrimination in jury selection) have been posted electronically and included in various criminal defense publications. Semel frequently provides commentary in the mainstream media on issues relating to the rights of individuals accused of crime, particularly those facing the death penalty.

Ms. Semel has received many awards, including the Distinguished Alumni Award (UC Davis School of Law, 2000), John Dewey Award for Distinguished Public Service (Bard College, 1997), the Marshall Stern Award for Legislative Advocacy (NACDL, 1996), the Civil Rights Award (San Diego League of Women Voters, 1995) and the E. Stanley Conant Award for Protecting the Rights of the Indigent Accused (Defender Programs of San Diego, 1982).

Education: B.A., Bard College (1972) J.D., UC Davis (1975)

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### **Steven Shatz**

Steven F. Shatz is the Philip and Muriel Barnett Professor at the University Of San Francisco School Of Law, where he has been teaching since 1972. He is also the director of the school's Keta Taylor Colby Death Penalty Project, which, for the past eight years, has sent Bay Area law students to the South for summer internships with capital defense attorneys. Professor Shatz is

The author of two casebooks – *Cases and Materials on the Death Penalty* (1st and 2nd Eds) (Thomson/West, 2001, 2005) (with Nina Rivkind) and *California Criminal Law: Cases and Problems* (1st and 2nd Eds) (Lexis, 1999, 2004) – as well as articles on the California death penalty. During the last fifteen years, Professor Shatz has been conducting empirical research focused on death-eligibility in California, and he has testified regarding this research in court and before the California Commission on the Fair Administration of Justice. He has also filed declarations concerning his findings in more than 100 California capital cases.

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### **James Thomson**

James Thomson is in private practice in Berkeley, California. His practice is limited to the defense of criminal cases in state and federal courts. The overwhelming majority of Jim's practice is the defense of capital cases. For some 30 years, Jim has represented capital clients at trial, on appeal and in post-conviction proceedings in state and federal courts in a number of jurisdictions, including California, Tennessee, Florida, Arizona, Montana, Nevada and American Samoa. He has testified as a /Strickland/ expert in a number of capital post-conviction

cases. Jim is a past president of California Attorneys for Criminal Justice. He provided oral and written testimony to the CCFAJ on California's clemency procedures.

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## **Gerald Uelmen**

Gerald F. Uelmen was born in Greendale, Wisconsin, in 1940 and came to California with his family at the age of 14. After graduating from Loyola Marymount University in Los Angeles with a B.A. in political science, he attended Georgetown University Law Center, where he earned his J.D. in 1965. As a Prettyman Fellow at Georgetown, he did indigent criminal defense work while earning an LL.M. degree. He returned to California to serve in the U.S. Attorney's Office in Los Angeles, prosecuting organized crime cases. In 1970, he joined the faculty of Loyola Law School in Los Angeles, where he taught Criminal Law and Procedure, Evidence, Trial Advocacy, Legal Ethics, and Counseling and Negotiation, and authored a casebook on drug abuse law. He also served as associate dean for two years and maintained an active part-time criminal defense practice, participating in the defense of Daniel Ellsberg in the Pentagon Papers trial and successfully challenging the murder conviction of Gordon Castillo Hall.

Uelmen served as dean at Santa Clara from 1986 to 1994. In 1994-95, he served on the defense team for the trial of People v. O.J. Simpson. His account of the trial was published as Lessons from the Trial in 1996, and his collection of evidence problems from both the civil and criminal trials was published as The O.J. Files: Evidentiary Issues in a Tactical Context in 1997. The co-author of two collections of legal humor, he has written numerous articles concerning the California Supreme Court, the death penalty, legal ethics, drug abuse, and related topics. In 2005, he published The Wizard's Guide to California Evidence. He has served as president of California Attorneys for Criminal Justice, California Academy of Appellate Lawyers, and Santa Clara County Bar Association Law Foundation. In 1984, he won the ABA Ross Essay Prize. In 1996, he authored a one-actor play on the life of William Jennings Bryan, which has been produced in Omaha, Chicago, and Santa Clara. Serving as pro bono counsel for patients asserting the right to use medicinal marijuana, Uelmen argued cases before the U.S. Supreme Court and California Supreme Court. In 2006, he was appointed Executive Director for the California Commission on the Fair Administration of Justice, created by the California State Senate to examine the causes of wrongful convictions and propose reforms of California's criminal justice system.

Uelmen is married to Martha A. Uelmen, a retired family law lawyer-mediator. They have three grown children. He is a history buff, an avid collector of political campaign buttons and pop-up books, and sings Gilbert and Sullivan arias in the shower. At the slightest provocation, he will play his accordion.

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# 2009 Capital Training Program

Sponsored by CACJ, ACLU, CPDA, & the Berkeley Law Death Penalty Clinic

Saturday September 26, 2009  
Center at Cathedral Plaza  
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Los Angeles, CA 90012

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