

NLADA Site Team Biographies

Nancy Bennett is deputy chief counsel for the Private Counsel Division of the Committee for Public Counsel Services (CPCS), Boston, MA. Beginning as a public defender handling felony trials from 1981-89, for the past 18 years Bennett has been engaged in developing systems for statewide oversight of the more than 2000 private attorneys who provide over 90 percent of the criminal defense representation to the indigent in Massachusetts. These systems include certification requirements, performance standards, mentoring, performance evaluations of private counsel, affirmative action to increase the ethnic and linguistic diversity of assigned counsel, required continuing legal education and client complaint investigation. Bennett is a contributing author to E. Blumenson, ed., *Massachusetts Criminal Defense*, Butterworth Legal Publishers, 1990, has been guest faculty annually at Harvard Law School's Trial Advocacy Workshop 1993-2005. A member of the American Council of Chief Defenders, Bennett was a presenter at the 2006 Annual Conference of NLADA. Bennett earned her B.A. at Yale University and her J.D. degree at Northeastern University School of Law.

Mary Broderick served as team leader for the NLADA evaluations of the Cook County (IL) Public Defender and the San Bernardino County (CA) Public Defender and developed a Projected Indigent Defense System Budget for San Diego (CA). She was also a team member for the NLADA evaluations of the Public Defender Service of the District of Columbia, Montana indigent defense system and the Riverside County (CA) Public Defender. As executive director of California Attorneys for Criminal Justice (CACJ), the largest statewide association of criminal defense lawyers and allied professionals, Broderick was responsible for policy development; supervision of the legislative, professional education and publications programs; public education and media relations; liaison with other organizations; technical assistance; and administration. She led the CACJ legislative effort that preserved unanimous jury verdicts in California. Broderick was also director of NLADA's Defender Division, where she conceived and edited NLADA's *Standards for the Appointment and Performance of Counsel in Death Penalty Cases* and its *Standards for the Administration of Assigned Counsel Systems* and supervised development of NLADA's *Performance Guidelines for Criminal Defense Representation; Indigent Defense Caseloads and Common Sense: An Update; The Lay of the Land: Statewide Defender Programs; FINAL REPORT: Indigent Defense and the FY 91 BJA Formula Grant Program; and the National Directory of Death Penalty Mitigation Specialists*. She designed and launched NLADA's *Life in the Balance* death penalty defense training, and NLADA's *Defender Management Training*, and supervised its *Appellate Defender Training*. She also led NLADA's effort in Congress to preserve *habeas corpus*.

Robert Boruchowitz graduated from Northwestern University School of Law in 1973. He is visiting clinical professor and director of The Defender Initiative at Seattle University School of Law, teaching in the Youth Advocacy Clinic and a seminar on *Law and the Holocaust*. He was director of The Defender Association in Seattle from 1978 through 2006. He

was president of the Washington Defender Association for 20 years. He is a member of the Washington State Bar Association Committee on Public Defense and served as the chair of the American Council of Chief Defenders (ACCD) Committee on Emerging Systems, of which he now is a member. He led an ACCD committee that drafted a statement on case-loads and workloads. He is qualified to be counsel in capital appeals and post-conviction proceedings. He co-counseled the first King County "sexual predator" commitment jury trial and the subsequent appeals and retrial and led the eventual argument in the U.S. Supreme Court. He established The Defender Association's Racial Disparity Project with a federal grant, and the Death Penalty Assistance Center funded by the state Office of Public Defense. He has participated in state and national efforts to develop public defender standards and a model defender services contract and helped to draft state law requiring local governments to develop standards for public defense. He has been an expert witness on effective assistance of counsel in death penalty cases and in a habeas corpus proceeding challenging a persistent offender conviction, and in the recent Grant County systemic ineffectiveness litigation.

Boruchowitz has served on site visit and evaluation teams for the National Legal Aid & Defender Association in Louisiana; Las Vegas; Washington, D.C.; Ada County, Idaho; and Michigan. He has served on the boards of NLADA and the ACLU of Washington. He has written several articles on the sexual predator law and on public defense issues. He was a *Soros Senior Fellow* addressing the denial of counsel in misdemeanor and juvenile cases. He has received the WDA *Gideon Award*, the Washington Association of Criminal Defense Lawyers *Douglas Award*, the ACLU *Civil Libertarian Award*, the NLADA *Reginald Heber Smith Award*, the King County Bar *Friend of the Profession Award*, the WSBA *Professionalism Award*, and the Mothers for Police Accountability *Paul Robeson Peace and Justice Award*. He also is the player-manager for the Defender Softball Team.

David Carroll is the director of research for the National Legal Aid & Defender Association (NLADA). Carroll has conducted assessments of the right to counsel in Montana, Idaho, New York, the District of Columbia, Clark County (Las Vegas) Nevada, Santa Clara County (San Jose) California, and Venango County Pennsylvania. Carroll has consulted with numerous public defender organizations and state supreme courts, and he co-authored a report for the U.S. Department of Justice on the Implementation and Impact of Indigent Defense Standards.

In 2004, NLADA released *In Defense of Public Access to Justice*, a comprehensive report detailing the impact Louisiana's systemic deficiencies had on one judicial district – Avoyelles Parish. A legislative Task Force on Indigent Defense subsequently retained Mr. Carroll to advise them on different models for delivering indigent defense services. The Louisiana State Bar retained NLADA to document issues in post-Katrina New Orleans and to create a road map for a legislative fix to the state's systemic deficiencies. The report, primarily authored by Mr. Carroll and released in September 2006, was the starting point for a legislative advisory group put together by the Chair of the House Criminal Justice Committee that eventually led to the passage of the Louisiana Public Defender Act of 2007.

For five and a half years, Carroll worked as a senior research associate & business manager for the Spangenberg Group (TSG). TSG is a national and international research and consulting firm specializing in criminal justice reform. Since 1985, TSG has been the research arm of the American Bar Association on indigent defense issues. Mr. Carroll di-

rected numerous projects on behalf of TSG, including: a jail-planning study for Pierce County (Tacoma) Washington; a study of indigent defense cost recovery efforts in Jefferson and Fayette Counties (Louisville and Lexington), Kentucky; a statewide assessment of West Virginia's Public Defender Services; and principal analysis on a statewide public defender, court, and prosecutor case-weighting study in Tennessee. He provided analysis and re-design of the New York Legal Aid Society's Criminal Defense Division and Criminal Appeals Bureau's case management information systems. Carroll also was chosen to provide on-site technical assistance to statewide Task Forces in Illinois, Nevada, Alabama, and Vermont under the auspices of the American Bar Association and the U.S. Department of Justice, Bureau of Justice Assistance.

Nicholas L. Chiarkas is the director of Wisconsin's State Public Defender Agency. Under his leadership, the agency received three consecutive awards for excellence. In addition, he is the founder of Justice Without Borders, is an adjunct professor of law at the University of Wisconsin Law School and was a visiting lecturer in law at Justus-Liebig-Universität, Gießen, Germany. Previously Chiarkas served as the deputy chief counsel and research director to the President's Commission on Organized Crime; deputy chief counsel to the United States Senate Permanent Subcommittee on Investigations; professor of law; professor of criminology; and a New York City police officer. In 1996, he became the nation's first public defender to receive the *Law Enforcement Commendation Medal* awarded by The Sons of the American Revolution. In 2006, Chiarkas served as part of an assessment team for the Department of Justice along with American University that examined New Orleans justice system. He previously participated in evaluations of public defender systems in Israel, Gaza and Japan.

John Digiacinto is the chief defender of the Private Defender Program (PDP), a controlled assigned counsel program in San Mateo County, California. He graduated from Lincoln University School of Law in 1977 and was admitted to the bar that same year. In private practice he represented indigent clients as a PDP lawyer for 12 years. He handled the complete range of criminal and juvenile cases, beginning his career with misdemeanors and advancing to the defense of the most serious of felonies, including capital murder cases. He has taught trial advocacy to public defenders and assigned counsel from around the country by invitation of the Institute of Criminal Defense Advocacy in San Diego. He became the assistant chief defender of the PDP in October 1989 and the chief defender in July 2000.

In addition to leading the innovative and well-respected PDP, Digiacinto was appointed by the State Bar Board of Governors to the 10-member commission tasked with revising the 1990 *Indigent Defense Guidelines* for California. This working group presented its proposed revised *Guidelines* to the State Bar Board of Governors, which approved and promulgated them in January 2006. He is also a member of the National Legal Aid & Defender Association's American Council of Chief Defenders, the California Public Defenders Association, California Attorneys for Criminal Justice and the National Association of Criminal Defense Lawyers.

Richard Goemann is the director of Defender Legal Services for the National Legal Aid & Defender Association. Previously, he was an assistant federal public defender for the Eastern District of Virginia and served as the executive director for Virginia's Indigent Defense

Commission, and as the executive and deputy director for the IDC's predecessor agency, the Public Defender Commission. Goemann also served as the public defender for Fairfax, Virginia, and was an assistant and senior assistant public defender in Alexandria, Virginia. Prior to coming to Virginia, he was a staff attorney in the criminal division of the D.C. Law Students in Court Program, where he was an adjunct professor and clinical supervisor for law students from George Washington University and Catholic University law schools.

Goemann received his J.D. degree from New York University School of Law and was selected as an *E. Barrett Prettyman Graduate Fellow* at Georgetown University Law Center where he earned an LL.M. degree in advocacy.

Theodore Gottfried is the director of the Office of the Illinois State Appellate Defender, a statewide appellate public defender office representing over 40,000 criminal cases in the Appellate and Supreme courts of Illinois. He has participated in numerous committees and task forces, including Illinois Capital Punishment Reform Study Committee (2004), the Criminal Law Edit, Alignment and Reform Initiative (to rewrite the Illinois Criminal Code – 2004), the Governor's Commission to Study the Death Penalty (2000), the Task Force on Professional Practice in the Justice System (1999-2000), and the Speaker of the House's Task Force on the Death Penalty (1999). Since 1969, Gottfried has worked with NLADA to evaluate 16 defender systems across the United States. Some of these evaluations include: the Office of the Riverside County California Public Defender (1999), the Appellate Defender Program of Arkansas (1981), the State Appellate Defender Program of Iowa (1981), the State of Arkansas, Feasibility Study for a possible State Appellate Defender Office (1979), the Wisconsin State Appellate Defender (1975) and the State Public Defender of California (1979), also an appellate office. A member of the American Council of Chief Defenders and a former member of the NLADA board of directors, Gottfried has received NLADA's prestigious *Reginald Heber Smith Award* for outstanding achievements of an attorney employed by an organization supporting defender services (1992). He received an honorary doctor of laws degree from the John Marshall Law School in 2001 and was presented with the Gideon Award by the Illinois Public Defender Association in May 2000. Additionally, the Illinois Office of the State Appellate Defender was awarded NLADA's *Clara Shortridge Foltz Award* (1986), in recognition of outstanding achievements in the provision of criminal defense representation services.

Fern Laethem began her legal career as a deputy district attorney in Sacramento, California and was later appointed as an assistant U.S. attorney for the Eastern District of California. In 1981, she opened a solo criminal defense practice that she maintained until 1989 when California Gov. George Deukmejian appointed her as the state public defender of California to oversee direct appeals in capital cases statewide. Gov. Pete Wilson reappointed her for two more terms. Laethem retired as state public defender in 1999 and accepted a position with Sacramento County as the executive director of Sacramento County Conflict Criminal Defenders.

Laethem has served as a member of the California Committee of Bar Examiners, the California Judicial Council Appellate Standing Advisory Committee, the California Council on Criminal Justice and a California Senate appointee to the California Advisory Commission on Special Education. Laethem has participated as a trainer for NLADA's National

Defender Leadership Institute for many years and is a consultant to contract public defender programs in other jurisdictions.

William J. (Bill) Leahy grew up in Boston, graduated from the University of Notre Dame in 1968 and Harvard Law School in 1974. Between college and law school, he taught elementary school students at P.S. 20 in Hunts Point, the Bronx. His legal career has been dedicated to the representation of indigent persons, first as a trial and appellate defender with the Massachusetts Defenders Committee for 10 years, then as the first leader of the Public Defender Division of the Committee for Public Counsel Services (CPCS) from 1984 to 1991, and since 1991 in his current position as CPCS chief counsel.

Leahy was a member from 1991 to 2005 of the Massachusetts Supreme Judicial Court Standing Advisory Committee on the Rules of Criminal Procedure and was a member of the Boston Bar Association Executive Council from 2003 to 2006. He has been an Adviser to the American Law Institute's Model Penal Code sentencing project since 2001. He has served on the Boston Bar Association/Crime and Justice Foundation Task Force on Justice, the Superior Court Criminal Justice Study Committee, the Criminal History Systems Board, and the executive board of the Massachusetts Association of Criminal Defense Lawyers. He is an active member of the National Legal Aid and Defender Association and is currently a member of the Executive Committee of the American Council of Chief Defenders. In April 2007, Leahy was appointed to serve on Gov. Deval Patrick's Anti-Crime Council.

In September 2005, he received the *Award for Legal Excellence* from the New England Bar Association, and the *Outstanding Professional Achievement Award* in June 2005, from the Boston Inn of Court. In June, 2004, he received the *Clarence Earl Gideon Award* from the Massachusetts Association of Criminal Defense Lawyers, and in October 2004, he received the Juvenile Bar Association's *Judge Leo Lydon Award*. Leahy was lead counsel in the landmark right-to-counsel case of *Lavallee v. Justices in the Hampden Superior Court*, 442 Mass. 228 (2004).

Phyllis Mann is the director of the National Defender Leadership Institute, within the National Legal Aid & Defender Association. Prior to joining NLADA, she was a consultant in criminal defense, providing expert testimony in both state and federal courts in capital defense, research and writing in systemic areas of criminal defense, and serving as the curriculum coordinator for NLADA's *Life in the Balance* capital defense training. Before returning to her home state of Texas, where she still resides, Phyllis practiced exclusively criminal defense – trial and appeal, state and federal – in Louisiana. At various times in her career she served as a public defender for Rapides Parish, as an appellate public defender for the Louisiana Appellate Project, as a court appointed capital defender certified by the Louisiana Indigent Defender Assistance Board, and as a court appointed CJA attorney for the Western and Middle Districts of Louisiana. In 2005, Phyllis secured the unanimous opinion from the Louisiana Supreme Court in *State v. Citizen & Tonguis*, establishing the authority for trial court judges to halt capital prosecutions in Louisiana where there is no funding for the defense of the accused. Following Hurricane Katrina, she established and led an *ad hoc* group of criminal defense attorneys in their *pro bono* efforts to interview, counsel, and document the approximately 8,500 prisoners and detainees evacuated from south-eastern Louisiana jails and to represent them where appropriate in

habeas corpus and bond proceedings. She received the 2006 *Arthur von Briesen Award* from NLADA for her contributions as a private attorney to indigent defense in Louisiana. Phyllis is a past president of the Louisiana Association of Criminal Defense Lawyers and was the recipient of LACDL's 2005 *Justice Albert Tate Jr. Award* for lifetime achievement in criminal defense.

Jon Mosher is research associate for the Research & Evaluations division of the National Legal Aid & Defender Association. He assists in the direction of NLADA's numerous standards-based assessments of indigent defense systems, including: an evaluation of public defender services in Hamilton County (Cincinnati) Ohio; a study of public defense in Orleans Parish (New Orleans) Louisiana; a statewide study of the right to counsel in Idaho's trial-level adult criminal and juvenile delinquency systems; an evaluation of the Idaho State Appellate Defender's Office; and a study of public defender services in the State of New York. He joined NLADA in 2003 as resource coordinator with Defender Legal Services, serving as primary staff liaison to the American Council of Chief Defenders. He is a graduate of George Washington University.

Gerard A. Smyth is the former chief public defender for the State of Connecticut and served as co-chair of the American Council of Chief Defenders (ACCD) from 2004-06. He had a 30-year career as a public defender in Connecticut, including misdemeanor representation, felony trials and supervision of the Capital Defense & Trial Services Unit of the CT Division of Public Defender Services. He served as chief public defender from 1994 until 2006. He is also the founder of the CT Innocence Project and has served on numerous criminal justice advisory boards and commissions. He currently is affiliated with the Institute for the Study of Crime & Justice at Central Connecticut State University and is an adjunct professor in the Department of Criminology & Criminal Justice. He has served as a consultant to the National Legal Aid & Defender Association and has been involved in indigent defense evaluations in several jurisdictions throughout the United States.

Phyllis Subin completed two gubernatorial appointment terms as the chief public defender for the state of New Mexico in 2003. In that capacity, she was the leader of New Mexico's largest statewide law firm, the New Mexico Public Defender Department, which had a budget of more than \$30 million and employed 320 staff members (160 attorneys) with more than 100 contract attorneys. At the time of her first appointment, Subin was an assistant professor at the University of New Mexico School of Law and the director of the Criminal Defense Clinic. She has a long history in the teaching and training of law students and public defender attorneys. Following years as a trial and appellate public defender, Subin was the first director of training and recruitment at the Defender Association of Philadelphia (PA), a large county public defender system, where she developed and taught a nationally recognized training program for lawyers and law interns.

Subin served as chair of NLADA's Defender Trainer's Section, was instrumental in writing and developing NLADA's national training and development standards and assisted in the creation of NLADA's *Defender Advocacy Institute*. Subin has consulted privately for a number of indigent defense programs, including the Kentucky Department of Advocacy.

Jo-Ann Wallace is president and CEO of the National Legal Aid & Defender Association

(NLADA). Before coming to NLADA, she was director of the Public Defender Services of the District of Columbia. There, she previously served as the deputy chief of the appellate division, coordinator of the juvenile services program and as a trial and appellate attorney. Wallace was a founder of the American Council of Chief Defenders (ACCD). She has extensive experience as a lecturer on criminal justice topics, including public defense management and leadership issues.

The National Legal Aid & Defender Association (NLADA), founded in 1911, is the oldest and largest national, nonprofit membership organization devoting all of its resources to advocating equal access to justice for all Americans. NLADA champions effective legal assistance for people who cannot afford counsel, serves as a collective voice for both civil legal services and public defense services throughout the nation and provides a wide range of services and benefits to its individual and organizational members.



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