



# SIXTH DISTRICT APPELLATE PROGRAM

## SPRING APPELLATE SEMINAR

FRIDAY, MAY 1, 2020, 8:30 A.M. - 2:00 P.M.

MILTON MARKS CONFERENCE CENTER

STATE BUILDING

350 McALLISTER STREET, SAN FRANCISCO, CA

- 8:30 - 9:00 a.m.**                    **REGISTRATION, REFRESHMENTS**
- 9:00 - 10:00 a.m.**                **HOW TO WRITE A GREAT OPENING BRIEF (AS IF I KNEW...)**  
*by Assistant Director William Robinson*
- 10:00 - 11:00 a.m.**                **CLEARING PROCEDURAL HURDLES: GETTING YOUR CASE BEFORE THE COURT OF APPEAL**  
*by Staff Attorneys Lori Quick and Joseph Doyle*
- 11:00 - 11:15 a.m.**                **INTERMISSION**
- 11:15 - 12:15 p.m.**                **ARGUING JUDICIAL BIAS AND JUDICIAL MISCONDUCT ON APPEAL**  
*by Staff Attorney Anna Stuart and Executive Director Patrick McKenna*
- 12:15 - 1:15 p.m.**                **FEDERALIZATION IN CRIMINAL AND NON-CRIMINAL APPEALS**  
*by Staff Attorneys Jonathan Grossman and Paul Couenhoven*
- 1:15 - 1:30 p.m.**                    **PRESENTATION OF GERALD Z. MARER AWARD FOR PANEL EXCELLENCE**
- 1:30 - 2:00 p.m.**                    **LUNCH**

**PAUL COUENHOVEN** graduated from Wayne State University Law School in 1983. After spending two years with the Alameda County Public Defender's Office, he began his practice as a panel attorney before joining the SDAP staff in 1997. Paul's victories include *People v. Hofsheier* (2006) 37 Cal.4th 1185; *In re Grunau* (2008) 169 Cal.App.4th 997; *Lewis v. Superior Court* (2008) 169 Cal.App.4th 70; and *People v. Kanda* (2009) H031532. More recently, Paul won the reversal of a jurisdictional finding in a dependency case on the grounds of inadequate ICWA notice (*In re J.B., et al.*, H042411).

**JOSEPH DOYLE** graduated from the University of Virginia School of Law in 2010. He worked briefly for Sidley Austin LLP in New York City before becoming a staff attorney with the Legal Aid Society's Criminal Defense Practice in Staten Island. While practicing as a public defender in Staten Island, Joe helped establish the Staten Island Bad Cop Database, a forerunner to the Legal Aid Society's Cop Accountability Project. In 2017, he moved to California and became a Deputy Public Defender in Monterey County. He joined SDAP in July 2019.

**JONATHAN GROSSMAN** is a 1991 graduate of Hastings College of Law. Jonathan worked as a Deputy Public Defender in San Joaquin County from 1991 to 1999 where he handled numerous law and motion and appellate matters in both criminal and child dependency cases. Jonathan joined SDAP in 1999. Among his notable victories are *Juan H. v. Allen* (9th Cir. 2005) 408 F.3d 1262, in which he obtained federal habeas relief to reverse his client's murder and attempted murder convictions due to insufficiency of the evidence and *People v. Whaley* (2008) 160 Cal.App.4th 779, reversing a life commitment as a sexually violent predator imposed retroactively following a revision of the SVP law.

**PATRICK McKENNA** became SDAP's Executive Director in July 2019 after working as a staff attorney since June 2012. He is a 2010 graduate of the University of San Diego School of Law. During law school, he spent one year as a law clerk with Appellate Defenders, Inc. (ADI). Following graduation, he worked as a research clerk at the Santa Clara County Public Defender's Office. After being admitted to the State Bar, he moved into private practice, working as

an attorney at Nolan, Armstrong & Barton, LLP in Palo Alto and as a panel attorney for both ADI and SDAP. Patrick's victories include *People v. Gonzales* (2015) 232 Cal.App. 4th 1449 and *People v. Rios* (2013) 222 Cal.App.4th 542, among others.

**LORI QUICK** graduated from the University of San Francisco School of Law in 1990. Between 1990 and 1992, she was a Deputy Public Defender in Marin County. In 1992, Lori joined the Public Defender's Office in Santa Cruz. Lori became a SDAP staff attorney in 1996. Lori's litigation victories include obtaining a grant of habeas corpus from the Ninth Circuit for a Three Strikes client due to instructional error concerning use of domestic violence propensity evidence (*Acosta v. Lewis*, 04-17017) and a full reversal of multiple sex offense convictions and resulting 162 year to life sentence in *People v. Ojeda*, H029199. Her published victories include: *People v. Santos* (2019) 38 Cal.App.5th 923 and *People v. Miller* (2006) 145 Cal.App.4th 206.

**WILLIAM ROBINSON** is a 1980 graduate of UC Davis Law School. Bill has been a criminal defense lawyer ever since. He joined the SDAP panel in 1987, and the SDAP staff in 1998. Bill became SDAP's Assistant Director in 2012. He has prevailed in numerous published cases, including *People v. Mendoza* (1998) 18 Cal.4th 1114, *People v. Le* (2006) 136 Cal.App.4th 925 and *People v. Miller* (2009) 175 Cal.App.4th 1109. He recently obtained an OSC from the Sixth District in a Three Strikes case on an IAC claim due to counsel's failure to contest an alleged prior strike for infliction of great bodily injury where the People could not prove the victim was not an accomplice, and obtained a favorable decision in the superior court.

**ANNA L. STUART** graduated from the Monterey College of Law in 2015. Prior to attending law school, she worked as a financial analyst for 10 years. After a brief stint as a panel attorney and as a supervisor with the San Jose State University Record Clearance Project, Anna joined the SDAP staff in October 2016. Among her appellate successes is *People v. Christian* (H044243), where the court reversed her client's 25 year to life sentence after finding trial counsel ineffective for failing to object to judicial misconduct.

**RESERVATION**

The seminar fee includes breakfast refreshments and lunch. Attendees may request either an electronic copy of the seminar syllabus or a traditional bound copy. The electronic version will be available on-line on April 29, 2020. To receive the electronic version, please include your e-mail address below. The bound copies will be distributed at the seminar. If you cannot attend the seminar and would like a bound copy of the syllabus, please remit a check for \$45 and the syllabus will be mailed to you after May 3.

***ALL ADMISSION FEES ARE NONREFUNDABLE.***

- 1.) Seminar attendance and electronic copy \$60
- 2.) Seminar attendance and hard bound copy \$75
- 3.) No attendance, hard bound copy requested \$45

All checks payable to: **SIXTH DISTRICT APPELLATE PROGRAM**

Name: \_\_\_\_\_ State Bar #: \_\_\_\_\_

Address: \_\_\_\_\_

\_\_\_\_\_

E-mail: \_\_\_\_\_ Phone #: \_\_\_\_\_

An application requesting MCLE credit for this activity is pending for approval by the State Bar of California. The application seeks four hours of credit including one hour for ethics. SDAP will advise all participants as soon as approval is granted. SDAP certifies that this activity conforms to the standards for approved education activities prescribed by the rules and regulations of the State Bar of California governing minimum continuing legal education.

***RESERVATIONS MUST BE RECEIVED BY APRIL 21, 2020***



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