

**ELISABETH SEMEL**

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**EDUCATION**

**University of California, Davis, School of Law, J.D. 1975 (Order of the Coif)**

**Bard College, B.A. 1972 (Major: French, Minor: Political Science)**

**ADMITTED TO PRACTICE**

State of California (1975); U.S. Supreme Court; U.S. Court of Appeals for the Fifth and Ninth Circuits; U.S. District Court for the Central, Southern and Eastern Districts of California

**SPECIALIST CERTIFICATION**

Certified Specialist in Criminal Law by the California State Bar Board of Legal Specialization (1983-September 2013)

**ACADEMIC APPOINTMENTS**

**School of Law**

**University of California, Berkeley**

*Clinical Professor of Law* (July 2005-Present)

*Director, Berkeley Law Death Penalty Clinic* (July 2005-Present)

*Acting Clinical Professor of Law* (July 2001-June 2005)

Direct all aspects of the Berkeley Law Death Penalty Clinic. Supervise students in the representation of the Clinic's capital clients in cases pending in several states at the trial, appellate and post-conviction stages, as well as in related litigation such as *amicus curiae* briefs. Co-teach the Death Penalty Clinic Seminar. Co-supervise the Clinic's Fellow and the two staff attorneys who are responsible for the Clinic's Lethal Injection Project.

**Georgetown University Law Center**

*Adjunct faculty member* (1999-2001)

Taught the Capital Punishment Seminar for three semesters, which included supervising students assigned to work on behalf of defendants in pending death penalty cases.

## **PREVIOUS PROFESSIONAL EMPLOYMENT**

### **American Bar Association Death Penalty Representation Project**

Washington, D.C.

*Director* (September 1997-July 2001)

Responsibilities included recruiting and assisting capital pro bono counsel, training death penalty defense counsel, and directing litigation, legislative, and public affairs programs consistent with the ABA's policies on the death penalty and the rights of persons facing capital punishment. Litigation included drafting *amicus curiae* briefs, expert witness declarations, and other pleadings in cases handled by pro bono and appointed counsel.

### **Semel & Feldman**

San Diego, California

*Partner* (February 1983-August 1997)

Private practice limited to the defense of criminal cases in state and federal courts with an emphasis on representation of clients accused of serious felonies at the trial level, including homicides and capital cases.

### **Law Office of Elisabeth Semel**

San Diego, California

*Solo Practice* (September 1980-January 1983)

Private practice limited to the defense of criminal cases in state and federal courts with an emphasis on representation at the trial level.

### **Defenders, Inc.**

San Diego, California

*Trial and Supervising Attorney* (March 1979-September 1980)

Represented indigent clients at a non-profit community defender office in state court at the trial level, including some writ and appellate practice. Clients were charged with misdemeanors and felonies, including homicides. Also supervised attorneys in the South Bay branch office.

### **Solano County Public Defender Office**

Fairfield and Vallejo, California

*Deputy Public Defender* (December 1975-April 1978)

Represented indigent clients in state court at the trial level. Clients were charged with misdemeanors and felonies.

## PUBLICATIONS

### Articles and Book Chapters

Elisabeth Semel & Tom Meyer, *Batson and the Discriminatory Use of Peremptory Challenges in the 21st Century* in *Jurywork: Systematic Techniques* (West, 2012-13 Ed.).

Elisabeth Semel, *January 2007 – August 2014 Batson Case Summaries*.<sup>1</sup>

Elisabeth Semel, *Reflections on Justice Stevens's Concurring Opinion in Baze v. Rees: A Fifth Gregg Justice Renounces Capital Punishment* (Symposium on the Honorable John Paul Stevens), 43 UC DAVIS L. REV. 783 (2010).

Elisabeth Semel, *January 2007 – July 2009 Batson Case Summaries*.

Elisabeth Semel, *January 2004 – December 2006 Batson Case Summaries*.

Elisabeth Semel, *January 2004 – February 2005 Batson Case Summaries*.

Elisabeth Semel, 2003 *Batson Case Summaries*, CALIF. DEFENDER (Spring 2004) at 64, and 31 CACJ FORUM (2004) at 13.

Elisabeth Semel, *Breathing Life Into Batson*, 2003 CALIF. CRIMINAL DEFENSE PRACTICE REPORTER (June 2003) at 261.

Elisabeth Semel, *January 2002 - February 2003 Batson Case Summaries*.

Death Penalty Symposium, *Representation at All Stages of the Proceedings: The Loss of State and Federal Post-Conviction Review*, 4 N.Y. CITY L. REV. 128 (Spring 2002).

Symposium, *The Imposition of the Death Penalty Is "Fraught with Error": Where Do We Go From Here?*, 4 N.Y. CITY L. REV. 229 (Spring 2002).

Elisabeth Semel, *The Lone Star State Is Not Alone in Denying Due Process To Those Who Face Execution*, THE CHAMPION (July 1998) at 28.

Elisabeth Semel, *Representing Death Row Inmates at the Outskirts of the Southern Front: One Year in Washington, D.C.*, CACJ FORUM (February 1999) at 37.

Elisabeth Semel, *Representing Death Row Inmates at the Outskirts of the Southern Front*, 1998 CALIFORNIA CRIMINAL DEFENSE PRACTICE REPORTER 387 (July 1998).

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<sup>1</sup> *Batson* case summaries include all published opinions of the U.S. Supreme Court, federal circuit courts of appeal, and the California Supreme Court. They are published in capital defender training materials and available on capital defense websites and listservs.

Elisabeth Semel, *Racial Injustice: Work to be Done Outside the Courtroom*, THE CHAMPION, June 1998, at 33.

Elisabeth Semel & Charles Sevilla, *Talk to the Media About Your Client? Think Again*, THE CHAMPION (November 1997) at 10; reprinted in CALIFORNIA DEFENDER (Second Quarter 1999) at 46.

Elisabeth Semel, *The Good, the Bad, and the Evil: News From the Hill*, 1997 CALIFORNIA CRIMINAL DEFENSE PRACTICE REPORTER 215 (June 1997) (analysis of criminal justice bills pending in the 105th Congress).

Elisabeth Semel, “*Victims’ Rights*”: *New Amendment to the Federal Constitution?* 1996 CALIFORNIA CRIMINAL DEFENSE PRACTICE REPORTER 555 (November 1996) (analysis of proposed amendment and discussion of developments during 104th Congress).

Elisabeth Semel, *The Republican Road to Habeas Corpus “Reform” - Leading to Execution of the Innocent*, 1995 CALIFORNIA CRIMINAL DEFENSE PRACTICE REPORTER 125 (April 1995) (analysis of the habeas corpus reform provisions of H.R. 729 and S.3).

Elisabeth Semel, *Contract on America*, SAN DIEGO TRIAL BAR NEWS (February 1995) at 11 (analysis of Republican “Contract with America” provisions relating to criminal justice issues).

Elisabeth Semel, *Laying the Groundwork for Evidentiary Hearings in Federal Capital Habeas Proceedings*, 1994 CALIFORNIA CRIMINAL DEFENSE PRACTICE REPORTER 35 (February 1994) (guide to evidentiary hearings prior to the passage of the Antiterrorism and Effective Death Penalty Act (AEDPA)).

Contributing Writer, CACJ/CPDA DEATH PENALTY MANUAL (1989 and 1990).

Elisabeth Semel, Glorene Franco & Juliana Humphrey, *Video Tape Reenactment*, CACJ FORUM (January-February 1987) at 34 (analysis of case law concerning the use of videotaped “reenactments” in criminal trials).

Elisabeth Semel, *Getting Started and Succeeding in Criminal Defense Practice*, CACJ FORUM (September-October 1985) at 22 (moderated and edited interview series).

Elisabeth Semel, *Meeting the Challenge of the Child Witness in Sexual Abuse Cases*, CACJ FORUM (September-October 1985) at 12.

Elisabeth Semel, *Avoiding Incompetent Counsel Claims*, SAN DIEGO TRIAL BAR NEWS (February 1984).

### **Opinion Pieces**

Elisabeth Semel, *Why Oklahoma matters in California*, L.A. DAILY J. MAY 9, 2014 (op-ed concerning the relevance of the botched execution of Clayton Lockett in Oklahoma to the administration of California’s death penalty).

Elisabeth Semel, *End secrecy in lethal injection executions*, CNN.COM, Jan. 16, 2014 (op-ed concerning department of corrections' efforts to shield lethal injection protocols from public and judicial scrutiny), available at <http://www.cnn.com/2014/01/15/opinion/semel-lethal-injection/>.

Elisabeth Semel & Charles Sevilla, *Is the SAFE Initiative Vote Safe?*, DAILY JOURNAL, June 5, 2012, available at <http://www.law.berkeley.edu/13555.htm> (op-ed concerning the ballot initiative to repeal California's death penalty).

Elisabeth Semel, *Capital Punishment Politics*, L.A. TIMES, September 28, 2010, available at <http://www.latimes.com/news/opinion/commentary/la-oe-semel-execution-20100928,0,7349382,print.story> (op-ed concerning the election-season timing of the first scheduled California execution in five years).

Elisabeth Semel, *Can Californians afford to keep the death penalty?* SAC. BEE, May 17, 2009, available at <http://www.sacbee.com/opinion/v-print/story/1866190.html> (op-ed concerning the cost of the continued administration of the state's capital punishment system in the context of a three-year execution moratorium because of challenges to the state's lethal injection protocol).

Elisabeth Semel, *Forum: Arthur Who?* L.A. DAILY J., August 5, 2008, at 4 (op-ed concerning the California Supreme Court's opinion in *People v. Lenix*, 44 Cal. 4th 602 (2008), applying U.S. Supreme Court precedent to California state court *Batson* decisions).

Elisabeth Semel, *Fearing Too Much Justice*, NAT'L LAW J., May 12, 2008, available at <http://www.law.com/jsp/nlj/PubArticleNLJ.jsp?id=1202421171423&slreturn=1> (op-ed concerning the Supreme Court's decision in *Baze v. Rees*, 535 U.S. 35 (2008)).

Elisabeth Semel, *The Death Penalty Doesn't Pay*, L.A. TIMES, January 13, 2006 at B11 (op-ed concerning the arbitrariness and expense of California's capital punishment system amid calls to speed-up executions).

Elisabeth Semel, *98 Wrongful Convictions Launch Change of Heart*, VENTURA COUNTY STAR, September 28, 2001 (op-ed concerning the influence of death row exonerations in changing the views of death penalty proponents).

Elisabeth Semel, *The Many Lives Touched by an Execution*, CHICAGO TRIB., June 25, 2001, at 12 (op-ed concerning the execution of Juan Garza, the second person executed by the federal government in the "modern" era).

Elisabeth Semel, *Viewpoint: Exonerations Prove System Isn't Perfect*, L.A. DAILY NEWS, April 21, 2001, at A1 (op-ed arguing that death row exonerations confirm the capital punishment system's failure).

Elisabeth Semel, *Don't Overreact to Crime*, USA TODAY, September 3, 1998, at A14.

Elisabeth Semel, *Megan's Law Is a Knee-Jerk Reaction to a Senseless Personal Tragedy*, CORRECTIONS TODAY, October 1997, at 21 (op-ed arguing that Megan's Law represents a costly, ill-conceived overreaction to child sex offenses).

Elisabeth Semel, *Judicial Blame Game*, L.A. DAILY J., May 1, 1997 (op-ed concerning attacks on the judiciary).

Elisabeth Semel, “*Victims’ Rights’ Amendment’s Ambiguity Would Encourage Litigation*,” STATE-FEDERAL JUDICIAL OBSERVER, No. 14, April 1997, at 3.

Elisabeth Semel, *Celebrity Victims Make Bad Law*, L.A. TIMES, June 24, 1996, at B5 (op-ed discussing the decision in a “three strikes” case, *People v. Superior Court (Romero)*, 13 Cal.4th 497 (1996)).

Elisabeth Semel, *We Shouldn’t Give Away Liberties*, S.F. CHRON., April 18, 1996 (op-ed concerning the Anti-Terrorism and Effective Death Penalty Act (“AEDPA”)).

Elisabeth Semel, *A View from Israel: Media Misses as Congress Tinkers*, JEWISH BULLETIN, April 12, 1996, at 23 (op-ed concerning the AEDPA).

Elisabeth Semel, *GOP’s Crime Plan Spells Disaster*, S. F. CHRON., February 23, 1995 (op-ed concerning the “Contract with America” proposed by the Republican Party during the 104th Congress).

Elisabeth Semel, *Three Strikes and California Is Broke*, S. D. UNION-TRIBUNE, May 17, 1994 (op-ed concerning the profoundly adverse fiscal consequences of “three strikes” legislation).

Elisabeth Semel, *Death Penalty Costs More Than Money*, Open Forum, S.F. CHRON., August 24, 1993 (op-ed concerning the execution of David Mason in California).

Elisabeth Semel, *Who Should Represent Crime Victims?*, STATE BAR BULL., March 1993, at 1 (point/counterpoint concerning “reforms” proposed by crime victim advocates).

Elisabeth Semel, *Myths About Habeas Corpus*, L. A. DAILY J., June 22, 1992 (op-ed concerning the U.S. Supreme Court’s decision in *Keeney v. Tamayo-Reyes*, 504 U.S. 1 (1992)).

Elisabeth Semel, *The State Constitution Is Alive and Well*, L.A. DAILY J., February 13, 1991 (op-ed concerning the California Supreme Court’s decision in *Raven v. Deukmejian*, 52 Cal.3d 336 (1990), construing independent state constitutional grounds that survived Proposition 115).

## LEGISLATIVE TESTIMONY AND JUDICIAL COMMENT

Testimony before the California Commission on the Fair Administration of Justice (February 20, 2008) available at <http://www.ccfaj.org/documents/reports/dp/expert/Semel.pdf>. (regarding California’s failure to comply with the ABA Guidelines on the Appointment and Performance of Defense Counsel in Death Penalty Cases).

Elisabeth Semel and Michael Ogul, Comments on behalf of California Attorneys for Criminal Justice regarding Proposed Rule 4.117, California Rules of Court, Qualifications for Appointed Trial Counsel in Capital Cases (August 9, 2002).

Testimony before the Congressional Black Caucus on behalf of the ABA Death Penalty Representation Project regarding the crisis in capital post-conviction representation (September 13, 2000).

Comments on behalf of the ABA to the Florida Supreme Court regarding Proposed Amended Rules of Criminal Procedure 3.851, 3.852 and 3.993 (No. SC 96646) (procedures in capital post-conviction cases) and proposed amendments to Rule 3.112 (standards for capital counsel) (May 31, 2000).

Comments on behalf of the ABA to the Hon. Jeb Bush, et al. regarding opposition to provisions of the Death Penalty Reform Act of 2000 (January 6, 2000).

Testimony on behalf of the National Association of Criminal Defense Lawyers before the Senate Judiciary Committee in opposition to proposed “Victims' Rights” Amendment (April 16, 1997).

Testimony before the House Judiciary Committee on behalf of the NACDL in opposition to the “Victims' Rights” Amendment (July 11, 1996).

### **SELECTED PRESENTATIONS, WORKSHOPS, AND DEBATES\***

\*Most lectures and workshops included published syllabus materials. Some lectures are available on the web, video or audiotape.

*Batson: Is Winning on Appeal and in Habeas as Difficult as It Feels?*, California Attorneys for Criminal Justice (CACJ) Appellate Practice Seminar (September 2014).

Faculty member and lecturer, *Batson Challenges in Capital Case Jury Selection*, Bryan R. Shechmeister Death Penalty College, Santa Clara University School of Law (August 2014).

*Eighth Amendment Introduction to Capital Defense Litigation*, California Appellate Project (CAP), Office of the State Public Defender (OSPD) and California Habeas Corpus Resource Center (HCRC) Student Intern Training Program (June 2014).

Keynote, 2014 Law Day Celebration Dinner, Sacramento County Bar Association, Federal Bar Association and Operation Protect and Defend (May 2014).

*Is There Any Justice Under Batson: One Justice at a Time* and co-presenter, *Working with Victims and Survivors*, CACJ and California Public Defender Association (CPDA) Capital Case Defense Seminar (February 2014).

Co-Presenter, *The California Public Records Act: Uncovering the Treasure Trove*, California Attorneys for Criminal Justice (CACJ) Fall Seminar (December 2013).

Panel Presentation, *The Impact of Capital Cases on the Court's Docket*, Berkeley Law California Constitution Center Conference on the Supreme Court of California (October 2013).

*Is There Any Justice Under Batson: One Justice at a Time*, California Appellate Project (CAP) Training: The Renewed Importance of Capital Direct Appeals (September 2013).

Faculty member and lecturer (*Batson Challenges in Capital Case Jury Selection*), Bryan R. Shechmeister Death Penalty College, Santa Clara University School of Law (August 2013).

*Eighth Amendment Introduction to Capital Defense Litigation*, California Habeas Corpus Resource Center (HCRC), Office of the State Public Defender (OSPD) and CAP Training Program (June 2013).

Panel Presentation, *Gideon at 50: The Future of Indigent Representation*, American Constitution Society Student Convention (March 2013).

Co-Presenter, *Batson: Backstrikes, Blackstrikes, and Beating Out Race Discrimination and Defense-Initiated Victim Outreach*, CACJ and California Public Defender Association (CPDA) Capital Case Defense Seminar (February 2013).

*It's Too Late to Say You're Sorry: Making and Preserving Batson Objections at Trial*, Solano County Public Defender Office (January 2013).

Faculty member and lecturer (*Batson Challenges in Capital Case Jury Selection*), Bryan R. Shechmeister Death Penalty College, Santa Clara University School of Law (July 2012).

*Batson Challenges*, National Association of Criminal Defense Attorneys (NACDL) Ultimate Voir Dire Seminar (July 2012).

*Eighth Amendment Introduction to Capital Defense Litigation*, HCRC, OSPD, and CAP Training Program (June 2012).

Co-Presenter, *Batson Rejuvenated*, CACJ and CPDA Capital Case Defense Seminar (February 2012).

*Bringing Back Batson: Make the Challenge Already!* Colorado State Public Defender Annual Conference (September 2011).

*Not Batson 101*, CACJ Appellate Practice Seminar (August 2011).

Faculty member and lecturer (*Storytelling: Relaying Life Experiences*), Bryan R. Shechmeister Death Penalty College, Santa Clara University School of Law (August 2011).

*Batson: Ways Out of Demeanor, Double Deference and Death Traps*, NAACP-Legal Defense & Education Fund, Inc. (LDF) Capital Punishment Training Conference (July 2011).

*Eighth Amendment Introduction to Capital Defense Litigation*, HCRC, OSPD, and CAP Training Program (June 2011).

*Batson and Beyond*, CACJ and CPDA Capital Case Seminar (February 2011).



*Batson-Wheeler for Trial Attorneys*, Los Angeles County Bar Association Indigent Defense Counsel Program (November 2010).

*The U.S. Death Penalty: Prospects for its Demise*, UC Berkeley, Homecoming and Parents Weekend Lecture (October 2010).

Faculty member and lecturer (*Storytelling: Relaying Life Experiences*), Bryan R. Shechmeister Death Penalty College, Santa Clara University School of Law (August 2010).

*Eighth Amendment Introduction to Capital Defense Litigation*, HCRC, OSPD and CAP Training Program (June 2010).

Faculty member, The Habeas Institute of the Habeas Assistance and Training Counsel (HAT) and the National Institute of Trial Advocacy (NITA) (March 2010).

Co-Presenter, *Batson Review*, CACJ and CPDA Capital Case Defense Seminar (February 2010).

Panel Presentation, *Get the Resources You Need Using the Commission Report and the ABA Guidelines*, Capital Training Program: Using the California Commission on the Fair Administration of Justice's Work to Defend Our Clients (CACJ and CPDA) (September 2009).

Faculty member and lecturer (*Batson and Beyond*), Bryan R. Shechmeister Death Penalty College, Santa Clara University School of Law (July 2009).

Co-Presenter, *The Batson and the McCleskey Connection*, NAACP-LDF Capital Punishment Training Conference (July 2009).

*Eighth Amendment Introduction to Capital Defense Litigation*, HCRC, OSPD and CAP Training Program (June 2009).

Panel Presentation, *Race Discrimination in Capital Jury Selection*, University of Texas, School of Law, Symposium, Imprisoned by the Past: The Enduring Role of Race in the American Death Penalty (April 2009).

Panel Presentation, *Reflections on Justice Stevens's Concurring Opinion in Baze v. Rees*, UC Davis Law Review Symposium, The Honorable John Paul Stevens (March 2009).

Co-Presenter, *Legal Developments for Non-Attorneys and Assessing the Performance of Trial Counsel*, CACJ and CPDA Capital Case Defense Seminar (February 2009).

Panel Presentation, *Charles Garry Memorial Lecture Commemorating CACJ's 35th Anniversary* (December 2008).

*Batson 101 (Revised): Winning the Battle; Positioning for the War*, Santa Clara Public Defender Office (November 2008); Solano County Public Defender Office (January 2009).

*The Forum*, Interview by The Very Rev. Alan Jones at Grace Cathedral, San Francisco (November 2008), available at <http://www.gracecathedral.org/music/overview/forum/>.

Faculty member and lecturer (*Brainstorming*), Bryan R. Shechmeister Death Penalty College, Santa Clara University School of Law (August 2008).

Faculty member, The Habeas Institute of HAT and NITA (June 2008).  
*Eighth Amendment Introduction to Capital Defense Litigation*, HCRC, OSPD and CAP Training Program (June 2008).

Panel Presentation, *Perspectives at the Death House Door*, Bar Association of San Francisco (May 2008).

Panel Presentation, *What Happens Behind Closed Doors: Personal Accounts of Executions*, Law & Science Symposium: The Lethal Injection Debate, Fordham Urban Law Journal (March 2008).

*Restorative Justice/Victim Outreach and How Political & Cultural Trends Affect Your Case*, CACJ and CPDA Capital Case Defense Seminar (February 2008).

*Winning the Battle; Winning the War: Batson Challenges in the Roberts' Court Era*, CACJ Fall Seminar (December 2007).

*Making the Most of Batson*, Los Angeles County Public Defender Capital Trial College (October 2007).

Faculty member and lecturer (*Brainstorming*), Bryan R. Shechmeister Death Penalty College, Santa Clara University School of Law (August 2007).

*Eighth Amendment Introduction to Capital Defense Litigation*, HCRC, OSPD and CAP Training Program (June 2007).

Panel presentation, *Working with Students on Large Cases*, Northern California Clinical Conference (February 2007).

Panel presentations, *How to Make New Cases Work for Our Clients* and *Free Speech and the Not-So-Hidden Costs for Your Client*, CACJ and CPDA Capital Case Defense Seminar (February 2007).

Faculty member and lecturer (*Brainstorming*), Bryan R. Shechmeister Death Penalty College, Santa Clara University School of Law (August 2006).

*The "Crime Victims' Rights Act": What It Means for Our Clients and Our Cases*, NAACP-LDF Capital Punishment Training Conference (July 2006).

*Eighth Amendment Introduction to Capital Defense Litigation*, HCRC, OSPD and CAP Training Program (June 2006).

*Punishment and Redemption: The Death Penalty in America*, McCoy Lecture, Graduate Theological Union and Pacific School of Religion (April 2006), available at <http://www.gtu.edu/news-events/events/lectures-and-addresses/mccoy-lecture/elisabeth-semel-s-response> (revised and annotated version).

Panel presentation, *Gideon's Broken Promise: Inadequate Defense and Bad Lawyering*, The Faces of Wrongful Conviction Conference, UCLA School of Law (April 2006).

Panel presentation, *Criminal Representation from Indictment to Expungement and Everything in Between: Exploring the Many Forms of Criminal Representation in Clinical Settings*, 2006 Northern California Clinical Conference (February 2006).

*Innocence: Will It Open or End the Renewed Debate on the Death Penalty in the U.S.?* Neyman Seminar Lecture, U.C. Berkeley Department of Statistics (February 2006).

Panel presentations, *How to Make New Cases Work for Our Clients* and *Demonstrating Batson Challenges After Miller-El and Johnson*, CACJ and CPDA Capital Case Defense Seminar (February 2006).

Panel presentation, *Challenging Discrimination in Jury Selection: Batson Strategy and Demonstration*, CACJ Fall Seminar (December 2005).

*Reinvigorating Batson after Johnson and Miller-El*, San Francisco Public Defender Office (August 2005).

Faculty member and lecturer (*Reinvigorating Batson*), Bryan R. Shechmeister Death Penalty College, Santa Clara University School of Law (August 2005).

Panel presentation, *Reinvigorating Batson after Johnson and Miller-El*, NAACP-LDF Capital Punishment Training Conference (July 2005).

*Searching for Batson: Following the U.S. Supreme Court, and the Third and Ninth Circuits*, CPDA Annual Convention (April 2005).

*Plenary: Winning Issues from Recent Developments and Creating and Preserving the Record for Batson/Wheeler Challenges*, CACJ and CPDA Capital Case Seminar (February 2005).

Faculty member and lecturer, Bryan R. Shechmeister Death Penalty College, Santa Clara University School of Law (August 2004).

Faculty member, The Habeas Institute of HAT and NITA (June 2004).

*Relationships Between Trial, Appellate and Habeas Counsel; Creating and Preserving the Record for Batson/Wheeler Challenges; and Dealing with the Media in High-Profile Cases*, CACJ and CPDA Capital Case Defense Seminar (February 2004).

*There Are No Difficult Clients*, Oregon Association of Criminal Defense Lawyers (October 2003).

Moderator and Discussant, *Deadly Course: International Law and Capital Punishment*, All-Alumni Reunion, Boalt Hall (October 2003).

Faculty member and lecturer, Bryan R. Shechmeister Death Penalty College (August 2003).

Keynote Address, Annual San Diego Defender Dinner (April 2003).

*Plenary Lecture: Litigating Batson Challenges*, CACJ and CPDA Capital Case Defense Seminar (February 2003).

*Death Row U.S.A.: America's Gulag*, Charles Garry Memorial Lecture, CACJ Fall Seminar (December 2002).

Faculty member and lecturer, Bryan R. Shechmeister Death Penalty College (August 2002).

*Litigation Opportunities Following Illinois Governor's Commission Report on Capital Punishment*, NAACP-LDF Capital Punishment Training Conference (July 2002).

Faculty member, The Habeas Institute of HAT and NITA (May 2002).

Moderator and discussant, *Risk Assessment and the Death Penalty; Competence to Be Executed; and Jurors' Use of Aggravating and Mitigating Factors*, American Psychology-Law Society 2002 Conference (March 2002).

*Race, Gender, Culture, Class Issues between Clients and Lawyers; Post-Traumatic Stress Disorder; and Dealing With The Media in Capital Cases*, CACJ and CPDA Capital Case Defense Seminar (February 2002).

Faculty member, The Habeas Institute of HAT and NITA (January 2002).

*National Perspective on Capital Punishment: The Whole World is Watching*, Women Defenders Annual Fall Seminar (November 2001).

Keynote Address, University of Colorado, Death Penalty Conference (November 2001).

Moderator and Panelist, *Under Penalty of Death*, All-Alumni Reunion, Boalt Hall (October 2001).

Death Penalty Debate, Ventura County Bar Association (September 2001).

Faculty member and lecturer, Bryan R. Shechmeister Death Penalty College (August 2001).

Panel member, *Litigating the Final Stages of Habeas and Clemency in Federal Death Cases*, NAACP-LDF Capital Punishment Training Conference (July 2001).

*Confronting the Death Penalty: What's an Ethical Lawyer Gotta Do About It?* Law and Jazz Seminar, Louisiana Association of Criminal Defense Lawyers (April 2001).

Death Penalty Debate, Soka College (April 2001).

*The Death Penalty: A Secular, National Perspective*, Archbishop Quinn Colloquium on Catholic Teaching (March 2001).

*Dealing with the Media*, National Legal Aid and Defender Association (NLADA) Life in the Balance Conference (March 2001).

*A Moratorium on Executions: Where Will That Road Take Us?* Conference on the Morality of the Death Penalty, Catholic University of America (March 2001).

*Understanding and Representing Clients Who Challenge Us*, Texas Defender Service Mitigation Seminar (February 2001).

*Trauma-Related Cognitive and Biological Changes in PTSD Demonstrated Scientifically*, CACJ and CPDA Capital Case Defense Seminar (February 2001).

Keynote Address, Florida Association of Criminal Defense Lawyers (February 2001).

*National Perspective on Capital Punishment*, Wisconsin Public Defender Conference (October 2000).

Panel presentation, *Representation at All Stages of the Proceedings: The Loss of State and Federal Post-Conviction*, ABA Call to Action: A Moratorium on Executions (October 2000).

*Dealing with Reporters*, HAT National Habeas Corpus Seminar (August 2000).

Faculty member and lecturer, Bryan R. Shechmeister Death Penalty College (August 2000).

Panel presentation, *The Death Penalty is "Fraught with Error,"* ABA Annual Convention (July 2000).

Keynote Address and *Dealing with the Media in Capital Cases*, NAACP-LDF Capital Punishment Training Conference (July 2000).

*National Perspective on Capital Punishment*, lecture at symposium: Considering the Arizona Death Penalty, State Bar of Arizona Annual Convention (June 2000).

Faculty member, The Habeas Institute of HAT and NITA (June 2000).

*National Perspective on Capital Representation*, Tennessee Association of Criminal Defense Lawyers Capital Case Seminar (May 2000).

Faculty member and lecturer, Clarence Darrow Death Penalty College, University of Michigan Law School (May 2000).

*The Whole World is Watching*, CPDA Annual Convention (April 2000).

Panel presentation, *Lawyers Who Save Lives: Defending Death Row Inmates*, West Coast Conference on Progressive Lawyering (March 2000).

*Dealing with the Media and Strategies for Overcoming Client Self-Destructiveness*, NLADA Life in the Balance Conference (March 2000).

*Neurobiological Aspects of Post-Traumatic Stress Disorder*, CACJ and CPDA Capital Case Defense Seminar (February 2000).

Faculty member, The Habeas Institute of HAT and NITA (January 2000).

Panel presentation, *Creating, Organizing and Implementing a Successful Media Strategy*, HAT National Habeas Corpus Seminar (August 1999).

Faculty member and lecturer, Bryan R. Shechmeister Death Penalty College (August 1999).

Panel presentation, *Using New Technologies*, NAACP-LDF Capital Punishment Training Conference (July 1999).

*Opening Statement: Yes, I Do Have A Defense*, Maine Association of Criminal Defense Lawyers (June 1999).

Faculty member, The Habeas Institute of HAT and NITA (May 1999).

Panel presentation, *Capital Punishment, Legislation and Models and Quality of Representation in Capital Cases*, at symposium: *Gideon: A Generation Later*, University of Maryland School of Law (March 1999).

*Making the Most of Mitigating Evidence and Recasting "Aggravating Evidence" and Preserving the Record at Trial*, NLADA Life in the Balance Conference (March 1999).

*Demonstrative Evidence*, CACJ and CPDA Capital Case Defense Seminar (February 1999).

*Criminal Defense Practice: A Broader Perspective*, CACJ Fall Seminar (December 1998).

*Keeping Open Avenues of Post-Conviction Relief in State Courts and Looking Ahead: Promoting An Agenda of Meaningful Change*, National Conference On Wrongful Convictions and the Death Penalty, Northwestern University Law School (November 1998).

*Talking to the Media: What's Gideon Got to Do With It?*, Maryland Public Defender Association (October 1998).

*Getting Evidence into the Record: The Law and Practice of Proving Claims*, HAT National Habeas Seminar (August 1998).

Faculty member and lecturer, Bryan R. Shechmeister Death Penalty College (August 1998).

*Capital Representation in 1998: Gideon and Furman, Unrealized and Undone*, Utah Association of Criminal Defense Lawyers (March 1998).

*Child Abuse Violence and Psychological Trauma*, National Association of Criminal Defense Lawyers (NACDL) Making the Case for Life Seminar (March 1998).

*Is the Death Penalty Racially Discriminatory?* Debate with the Hon. Stephen Markman, University of Illinois School of Law (February 1998).

*Using the Client's Rap Sheet to Develop Mitigation*, CACJ and CPDA Capital Case Defense Seminar (February 1998).

*Talking to the Media: What's Gideon Got to Do With It?* CACJ Fall Seminar (December 1997).

*Opening Statement*, CPDA Annual Trial Skills Seminar (July 1997).

Panel presentation, *Experiencing Ethics*, National Federal Defender Seminar (March 1997).  
Keynote Address, *La Raza Law Journal and African-American Policy Report*, Criminal Justice, Racial Injustice Symposium, University of California, Boalt Hall (March 1997).

*Winning the Good Fight*, NACDL Advanced Criminal Law Seminar (January 1997) (analysis of legislative issues facing criminal defense lawyers during the 105th Congress).

Faculty member and lecturer, Institute for Criminal Defense Advocacy, California Western School of Law, San Diego (~ June 1992, 1994, 1996-97).

*1996 Habeas "Reform" Bill*, NACDL Legislative Fly-In Briefing Seminar (May 1996).

*Development of Life Histories: How To Be Creative*, CACJ and CPDA Capital Case Defense Seminar (February 1996).

Co-Presenter, *Dealing with the Media: Proactive and Reactive*, CACJ and CPDA Capital Case Defense Seminar (February 1995).

*The New Crime Bill for Federal and State Practitioners*, Statewide Criminal Law Seminar, CACJ (December 1994).

*Opening Statement*, CPDA Annual Trial Skills Seminar (July 1994).

*Three Strikes and You're Out: An Overview*, CACJ Three Strikes Seminar (April 1994).

*Cross-Examination of Trial Counsel*, CACJ and CPDA Capital Case Defense Seminar (February 1994).

Panel presentation, *Relationships Between Trial, Appellate and Habeas Counsel*, CACJ and CPDA Capital Case Defense Seminar (February 1993).

*Attacking and Supporting Witness Credibility*, Courtroom Evidence Seminar, California Judges Association (January 1993).

*Expert Witnesses*, CPDA Annual Trial Skills Training (July 1992).

*Expert Witnesses*, Criminal Law Review, Law Education Institute (March 1992).

*Handling High Profile Cases*, CPDA Annual Convention (May 1991).

*Voir Dire*, Annual Convention, California Trial Lawyers Association (August 1990).

*Proposition 115*, California State Bar Convention, Criminal Law Section (August 1990).

*Avoiding Incompetency of Counsel Claims*, American Trial Lawyers Association (June 1990).

*Eyewitness Identification*, Continuing Education of the Bar Eyewitness Identification and Testimony Seminar (June 1989).

Faculty member and lecturer, CACJ Trial Skills Workshop (August 1989).

Faculty member and lecturer, *Voir Dire*, NITA, San Diego (June 1984, 1987, 1989).

Lecturer, CACJ and CPDA Capital Case Defense Seminar (February 1989).

Faculty member and lecturer, Hastings Law School Center for Trial and Appellate Advocacy Fundamentals of Advocacy Program (1984-1988).

Lecturer, CACJ and CPDA Capital Case Defense Seminar (February 1988).

*Jury Selection in Homicide Cases*, CPDA Handling Homicide Cases Seminar (May 1987).

*Voir Dire in Child Molestation Cases*, Jury Selection Seminar, San Diego Criminal Defense Bar Association (April 1987).

Lecturer, CACJ and CPDA Capital Case Defense Seminar (February 1987).

*Case Organization and Trial Preparation*, CPDA Annual Trial Skills Seminar (August 1986).

*Defense of Sex Cases*, CPDA Seminar (March 1985).



*How to Cross-Examine a Rape Victim*, CPDA Seminar (September 1984).

*Innovative Trial Techniques*, CPDA Annual Trial Skills Seminar (May 1984).

*Proposition Eight*, Proposition Eight Training Seminar, Office of the State Public Defender (February 1984).

*Use and Admissibility of Polygraph Evidence*, CACJ Spring Seminar (March 1983).

### **SELECTED PROFESSIONAL ACTIVITIES**

Member, Planning Committee, Symposium on Latinos and Capital Punishment (April 9-11, 2015, at the University of Texas Law School; this will be the first national symposium on the topic.)

Member, Planning Committee, Capital Punishment Clinic Conference (February 28-March 1, 2014 at the University of Texas Law School; this will be the first conference that brings together faculty in capital punishment clinic programs around the country to share information about the operation of their programs and to develop opportunities for productive collaborations among the clinics.)

Co-Organizer, Bryan R. Shechmeister Death Penalty College 2013 (The Death Penalty College is a week-long training program where capital trial attorneys, through small group workshops and lectures, develop the skills necessary to resolve cases as well as try them successfully.)

Member, Board of Directors, Texas Defender Service (2001-Present) (The Texas Defender Service is a non-profit organization that aims to improve the quality of representation to those facing the death penalty and to eradicate systemic flaws in the Texas capital punishment system.)

Member, Advisory Board, Amicus (2001-2005) (Amicus is a non-profit organization in the United Kingdom designed to assist in the provision of legal representation to persons awaiting capital trial or under death sentence in the United States.)

Member, Board of Directors, NACDL (1996-2002)

Member, Advisory Board, THE CHAMPION, NACDL (1997-2002)

Vice-Chair, Death Penalty Committee, NACDL (1999-2001)

Co-Chair, Public Affairs Committee, NACDL (1996-2000)

Co-Chair, Legislative Committee, NACDL (1994-1999)

Member, National Resource Group, Center for Sex Offender Management (1997-1999)

Master, San Diego Inns of Court, Enright Inn (1993-1997)

Co-Coordinator for California, Legislative Committee, NACDL (1993-1994)

President, CACJ (1990); Co-Chair, Public Information Committee (1992-1995); member, Board of Governors (1983-Present)

Member, Board of Directors, ACLU, San Diego-Imperial Counties (1992-September 1997); Executive Committee Member (1993-September 1997); Co-Chair Litigation Committee (1994-September 1997); Co-Chair Lawyers' Campaign (1992-September 1997)

Criminal Law Editor, San Diego Trial Lawyers Association TRIAL BAR NEWS (1987 and 1988)

Delegate to the California State Bar Convention, San Diego County Bar Association (1986)

Assistant Editor, CACJ FORUM (1985-1989)

President, San Diego Criminal Defense Lawyers Club (1985)

President, San Diego Criminal Defense Bar Association (1982-1984)

Ninth Circuit Conference Lawyer Representative (1984)

### **HONORS AND AWARDS**

Death Penalty Focus, 2011 Abolition Award presented to the Berkeley Law Death Penalty Clinic and Elisabeth Semel

Named one of Northern California's Criminal Defense "Super Lawyers" (CALIFORNIA LAWYER, 2005-2010, 2013, 2015)

Outstanding Legal Service Award, National Coalition to Abolish the Death Penalty (2008)

Named one of the "Top 100" Lawyers in California (LOS ANGELES DAILY JOURNAL, 2002)

Distinguished Alumni Award, University of California, Davis, School of Law (2000)

John Dewey Award for Distinguished Public Service, Bard College (1997)

Marshall Stern Award for Legislative Advocacy, NACDL (1996)

Civil Rights Award, San Diego League of Women Voters (1995)

Listed in THE BEST LAWYERS IN AMERICA (Woodward/White, Inc. 1987-2000 eds. and 2015 ed.)

Listed as one of "California's Most Respected Lawyers," CALIFORNIA LAWYER (September 1989)

E. Stanley Conant Award for Protecting the Rights of the Indigent Accused, Defender Programs of San Diego (1982)

**SELECTED PROFESSIONAL MEMBERSHIPS**

American Bar Association; Association of American Law Schools (CLEA Section); National Association of Criminal Defense Lawyers; California Attorneys for Criminal Justice; California Public Defender Association; San Diego Criminal Defense Bar Association.