

**ELISABETH SEMEL**

**University of California, Berkeley, School of Law  
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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**

*Chancellor's Clinical Professor of Law* (November 2021-Present)

*Clinical Professor of Law* (July 2005-October 2021)

*Co-Director, Berkeley Law Death Penalty Clinic* (June 2021-Present)

*Director of Clinical Programs* (July 2017-June 2020)

*Director, Berkeley Law Death Penalty Clinic* (July 2001-May 2021)

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

Co-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 Supervising Attorney.

**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

### Reports

ELISABETH SEMEL, DAGEN DOWNARD, EMMA TOLMAN, ANNE WEIS, DANIELLE CRAIG & CHELSEA HANLOCK, *WHITEWASHING THE JURY BOX: HOW CALIFORNIA PERPETUATES THE DISCRIMINATORY EXCLUSION OF BLACK AND LATINX JURORS* (2020), <https://www.law.berkeley.edu/wp-content/uploads/2020/06/Whitewashing-the-Jury-Box.pdf>.

### Articles and Book Chapters

Elisabeth Semel, *Batson and the Discriminatory Use of Peremptory Challenges in the 21st Century*, in *JURYWORK: SYSTEMATIC TECHNIQUES* (2018-19 through 2020-21 eds.; 2021-22 ed. forthcoming).

Elisabeth Semel & Tom Meyer, *Batson and the Discriminatory Use of Peremptory Challenges in the 21st Century*, in 1 *JURYWORK: SYSTEMATIC TECHNIQUES* 247 (2011-12 through 2017-18 eds.).

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

Elisabeth Semel, *2003 Batson Case Summaries*, *CAL. DEF.*, Spring 2004, at 64; and 31 *FORUM*, 2004, at 13.

Elisabeth Semel, *Breathing Life into Batson*, *CAL. CRIM. DEF. PRAC. REP.*, June 2003, at 261.

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 (2002).

Death Penalty Symposium, *The Imposition of the Death Penalty Is "Fraught with Error": Where Do We Go from Here?*, 4 *N.Y. CITY L. REV.* 229 (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.*, *FORUM*, Feb. 1999, at 37.

Elisabeth Semel, *Representing Death Row Inmates at the Outskirts of the Southern Front*, 1998 *CAL. CRIM. DEF. PRAC. REP.*, July 1998, at 387.

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*, Nov. 1997, at 10, *reprinted in CAL. DEF.*, 2nd Quarter 1999, at 46.

Elisabeth Semel, *The Good, the Bad, and the Evil: News from the Hill*, CAL. CRIM. DEF. PRAC. REP., June 1997, at 215 (analysis of criminal justice bills pending in the 105th Congress).

Elisabeth Semel, “*Victims’ Rights*”: *New Amendment to the Federal Constitution?*, CAL. CRIM. DEF. PRAC. REP., Nov. 1996, at 555 (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*, CAL. CRIM. DEF. PRAC. REP., Apr. 1995, at 125 (analysis of the habeas corpus reform provisions of H.R. 729 and S. 3).

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

Elisabeth Semel, *Laying the Groundwork for Evidentiary Hearings in Federal Capital Habeas Proceedings*, CAL. CRIM. DEF. PRAC. REP., Feb. 1994, at 35 (guide to evidentiary hearings prior to the passage of the Antiterrorism and Effective Death Penalty Act (AEDPA)).

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

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

Elisabeth Semel, *Meeting the Challenge of the Child Witness in Sexual Abuse Cases*, FORUM, Sept.-Oct. 1985, at 12.

Elisabeth Semel, *Avoiding Incompetent Counsel Claims*, SAN DIEGO TRIAL BAR NEWS, Feb. 1984.

### Opinion Pieces

Elisabeth Semel, *Open Forum: Gov. Newsom Showed Leadership on Capital Punishment*, S.F. CHRON., Mar. 14, 2019, <https://www.sfchronicle.com/opinion/openforum/article/Open-Forum-Applaud-Gov-Newsom-for-showing-13686781.php> (op-ed supporting the California Governor’s executive order granting reprieves to prevent any executions during his term).

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 & Charles Sevilla, *Is the SAFE Initiative Vote Safe?*, DAILY J., June 5, 2012, <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, Sept. 28, 2010, <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?*, SACRAMENTO BEE, May 17, 2009, <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., Aug. 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 L.J., May 12, 2008, <http://www.law.com/jsp/nlj/PubArticleNLJ.jsp?id=1202421171423&slreturn=1> (op-ed concerning the Supreme Court's decision in *Baze v. Rees*, 555 U.S. 35 (2008)).

Elisabeth Semel, *The Death Penalty Doesn't Pay*, L.A. TIMES, Jan. 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 CTY. STAR, Sept. 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*, CHI. 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, Apr. 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, Sept. 3, 1998, at A14.

Elisabeth Semel, *Megan's Law Is a Knee-Jerk Reaction to a Senseless Personal Tragedy*, CORR. TODAY, Oct. 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-FED. JUD. OBSERVER, Apr. 1997, at 3 (an op-ed discussing provisions of the proposed amendment to the federal Constitution).

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., Apr. 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 BULL., Apr. 12, 1996, at 23 (op-ed concerning the AEDPA).

Elisabeth Semel, *GOP's Crime Plan Spells Disaster*, S.F. CHRON., Feb. 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*, SAN DIEGO UNION-TRIB., May 17, 1994 (op-ed concerning the likely adverse fiscal consequences of “three strikes” legislation).

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

Elisabeth Semel, *Who Should Represent Crime Victims?*, STATE BAR BULL., Mar. 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., Feb. 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).

### Other

ELISABETH SEMEL, *BATSON CASE SUMMARIES* (May 2018 ed.).<sup>1</sup>

### TESTIMONY AND COMMENT

Comments to the New Jersey Judicial Conference on Jury Selection regarding reducing race discrimination in the exercise of peremptory challenges (Oct. 2021).

Comments to the California Supreme Court Jury Selection Work Group offering recommendations for effective implementation and study of A.B. 3070 (peremptory challenges reform legislation) (June 2021).

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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, the California Supreme Court, and miscellaneous state appellate court opinions. I prepared them beginning in 2001, and updated the summaries twice a year for publication in criminal defense training materials and on criminal and capital websites and listservs.

Testimony before the California Senate Public Safety Committee in opposition to S.B. 212, a bill to repeal A.B. 3070 and repeal preemptory challenges in criminal cases (Apr. 2021).

Testimony before the California Committee on the Revision of the Penal Code regarding race discrimination and the administration of California's death penalty (Mar. 2021).

Testimony before the California Assembly Judiciary Committee in support of A.B. 3070, a bill to reform the procedure for exercising preemptory challenges (May 2020).

Testimony before the California Commission on the Fair Administration of Justice (Feb. 2008), <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 & 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 (Aug. 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 (Sept. 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) (May 31, 2000) (procedures in capital post-conviction cases and proposed amendments to Rule 3.112 standards for capital counsel).

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 (Jan. 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 (Apr. 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.

*AB 3070 in Action*, California Public Defender Association (CPDA) New Statutes and New Developments Seminar (Dec. 2021).

Faculty member and lecturer, *Opposing Death Qualification and Whitewashing the Jury Box*, Bryan R. Shechmeister Death Penalty College (Aug. 2021).

*Race and the Death Penalty*, California Appellate Project (CAP), Office of the State Public Defender (OSPD), and California Habeas Corpus Resource Center (HCRC) Student Intern Training Program (June 2021).

Co-Presenter, *The Batson Reform Bill*, California Attorneys for Criminal Justice (CACJ) and CPDA Capital Case Defense Seminar (Feb. 2021).

*Making Batson Better Before AB 3070's Implementation Date*, CPDA New Statutes and New Developments Seminar (Feb. 2020).

*So Much Better than Batson*, CACJ Annual Seminar (Dec. 2020).

Co-Presenter, *AB 3070: From There to Here*, CPDA Voir Dire Series (Oct. 2020).

*Way Better than Batson*, CACJ Appellate Practice Seminar (Oct. 2020).

Faculty member and lecturer, *Opposing Death Qualification and Whitewashing the Jury Box*, Bryan R. Shechmeister Death Penalty College (Aug. 2020).

*Race and the Death Penalty*, CAP, OSPD, and HCRC Student Intern Training Program (June 2020).

Co-Presenter: *AB 3070 and Batson Litigation*; Panel Presentation: *Litigating in the Moratorium Era*, CACJ and CPDA Capital Case Defense Seminar (Feb. 2020).

Faculty member and lecturer, *Death Qualification and Peremptory Challenges*, Bryan R. Shechmeister Death Penalty College, Santa Clara University School of Law (Aug. 2019).

Conference Keynote Address; co-presenter, *Litigating Batson Challenges*, CACJ and CPDA Capital Case Defense Seminar (Feb. 2019).

*Batson/Wheeler: Prying Relief out of the State and Federal Courts*, First District Appellate Project, Appellate Representation Training Seminar (Feb. 2019).

Faculty member and lecturer, *Death Qualification in Jury Selection*, Bryan R. Shechmeister Death Penalty College, Santa Clara University School of Law (Aug. 2018).

Co-presenter, *Death Qualification in Jury Selection*, and Presenter, *Leveraging Recent Batson Developments*, NAACP-Legal Defense & Education Fund, Inc. (LDF) Capital Punishment Training Conference (July 2018).

*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 2018).

Co-Presenter, Plenary Session, *Selecting a Fair Jury: Witherspoon, Witt, and Batson*, CACJ and CPDA Capital Case Defense Seminar (Feb. 2018).



Faculty member and co-presenter, *Jury Composition, Litigating Jury Issues, Including Death Qualification*, Bryan R. Shechmeister Death Penalty College, Santa Clara University School of Law (July 2017).

*Eighth Amendment Introduction to Capital Defense Litigation*, CAP, OSPD, and HCRC Student Intern Training Program (June 2017).

*Winning Batson Motions at Trial and Preserving the Record for Appeal*, Office of the San Francisco Public Defender (May 2017).

Co-Presenter, *Litigating Jury Issues*, CACJ and CPDA Capital Case Defense Seminar (Feb. 2017).

Co-Presenter, *Race on the Team and in the Case*, 2016 Federal Death Penalty Strategy Session, Capital Resource Counsel Project, Denver (Nov. 2016).

Faculty member and lecturer, *Race Discrimination and Death Qualification in Jury Selection*, Bryan R. Shechmeister Death Penalty College, Santa Clara University School of Law (Aug. 2016).

Co-presenter, *Death Qualification in Jury Selection*, LDF Capital Punishment Training Conference (July 2016).

*Eighth Amendment Introduction to Capital Defense Litigation*, CAP, OSPD, and HCRC Student Intern Training Program (June 2016).

Panel Presentation, *Gathering Data and Making Claims: Tools, Resources and Emerging Litigation*, HCRC, Towards a Better Understanding of Implicit Racial Bias and Ethno-Culturally Competent Evaluations (Apr. 2016).

Panel Presentation, *Transformation of Capital Systems: Trials, 40 Years After Gregg v. Georgia: A National Conference on the Death Penalty*, University of Texas School of Law (Mar. 2016).

Panel Presentation, *Revisiting Death Qualification*, CACJ and CPDA Capital Case Defense Seminar (Feb. 2016).

Panel Presentation, *Vicarious Trauma*, Northern California Clinical Conference (Feb. 2016).

*Winning Batson Motions at Trial and Preserving the Record for Appeal*, Contra Costa County Public Defender Office (Dec. 2015).

Panel Presentation, *Making Sense of Glossip v. Gross*, University of San Francisco School of Law (Nov. 2015).

*Winning Batson Motions at Trial and Preserving the Record for Appeal*, Alameda County Public Defender Office (Oct. 2015).

Faculty member and co-presenter, *Race Discrimination and Death Qualification in Jury Selection*, Bryan R. Shechmeister Death Penalty College, Santa Clara University School of Law (Aug. 2015).

Co-presenter, *Race Discrimination and Death Qualification in Jury Selection*, LDF Capital Punishment Training Conference (July 2015).

*Eighth Amendment Introduction to Capital Defense Litigation*, CAP, OSPD, and HCRC Student Intern Training Program (June 2015).

*How to Conduct a Batson-Wheeler Challenge, Step-by-Step*, CACJ, Hands-On Jury Selection Seminar (May 2015).

Co-presenter, *Everything Old Is New Again: Batson Updates and Litigating Public Records Requests*, CACJ and CPDA Capital Case Defense Seminar (Feb. 2015).

*Objection Batson: A Review of the Law*, University of San Diego School of Law & Community Defenders, Inc. Jury Selection Seminar (Jan. 2015).

*Innovative Litigation Under the California Public Records Act*, Berkeley-Stanford Clinical Writing Workshop (Oct. 2014).

*Batson: Is Winning on Appeal and in Habeas as Difficult as It Feels?*, CACJ Appellate Practice Seminar (Sept. 2014).

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

*Eighth Amendment Introduction to Capital Defense Litigation*, CAP, OSPD, and HCRC Student Intern Training Program (June 2014).

Keynote, 2014 Law Day Celebration Dinner, Sacramento County Bar Association, Federal Bar Association & 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 CPDA Capital Case Defense Seminar (Feb. 2014).

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

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

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

*Eighth Amendment Introduction to Capital Defense Litigation*, CAP, OSP, and HCRC Student Intern Training Program (June 2013).

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

Co-Presenter, *Batson: Backstrikes, Blackstrikes, and Beating out Race Discrimination and Defense-Initiated Victim Outreach*, CACJ and CPDA Capital Case Defense Seminar (Feb. 2013).

*It's Too Late to Say You're Sorry: Making and Preserving Batson Objections at Trial*, Solano County Public Defender Office (Jan. 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 (Feb. 2012).

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

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

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

*Batson: Ways Out of Demeanor, Double Deference and Death Traps*, LDF Capital Punishment Training Conference (July 2011).

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

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

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

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

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

*Eighth Amendment Introduction to Capital Defense Litigation*, CAP, OSPD, and HCRC Student Intern 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) (Mar. 2010).

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

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

*Eighth Amendment Introduction to Capital Defense Litigation*, CAP, OSPD, and HCRC Student Intern 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* (Apr. 2009).

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

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

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

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

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

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

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

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

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

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

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

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

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

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

*Punishment and Redemption: The Death Penalty in America*, McCoy Lecture, Graduate Theological Union and Pacific School of Religion (Apr. 2006), <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 (Apr. 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 (Feb. 2006).

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

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

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

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

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

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

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

Moderator and discussant, *Deadly Course: International Law and Capital Punishment*, All-Alumni Reunion, Berkeley Law (Oct. 2003).

Faculty member and lecturer, Bryan R. Shechmeister Death Penalty College, Santa Clara University School of Law (Aug. 2003).

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

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

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

Faculty member and lecturer, Bryan R. Shechmeister Death Penalty College, Santa Clara University School of Law (Aug. 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 (Mar. 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 (Feb. 2002).

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

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

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

Moderator and panelist, *Under Penalty of Death*, All-Alumni Reunion, Berkeley Law (Oct. 2001).

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

Faculty member and lecturer, Bryan R. Shechmeister Death Penalty College, Santa Clara University School of Law (Aug. 2001).

Panel member, *Litigating the Final Stages of Habeas and Clemency in Federal Death Cases*, 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 (Apr. 2001).

Death Penalty Debate, Soka College (Apr. 2001).

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

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

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

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

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

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

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

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

Faculty member and lecturer, Bryan R. Shechmeister Death Penalty College, Santa Clara University School of Law (Aug. 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*, 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 (Apr. 2000).

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



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

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

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

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

Faculty member and lecturer, Bryan R. Shechmeister Death Penalty College, Santa Clara University School of Law (Aug. 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 (Mar. 1999).

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

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

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

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

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

Faculty member and lecturer, Bryan R. Shechmeister Death Penalty College, Santa Clara University School of Law (Aug. 1998).

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

*Child Abuse Violence and Psychological Trauma*, NACDL Making the Case for Life Seminar (Mar. 1998).

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

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

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

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

Panel presentation, *Experiencing Ethics*, National Federal Defender Seminar (Mar. 1997).

Keynote Address, *La Raza Law Journal and African-American Policy Report*, Criminal Justice, Racial Injustice Symposium, UC Berkeley, School of Law (Mar. 1997).

*Winning the Good Fight*, NACDL Advanced Criminal Law Seminar (Jan. 1997).

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 (Feb. 1996).

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

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

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

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

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

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

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

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

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

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

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

*Proposition 115*, California State Bar Convention, Criminal Law Section (Aug. 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 (Aug. 1989).

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

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

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

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

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

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

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

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

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

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

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

### **SELECTED PROFESSIONAL ACTIVITIES**

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

Member, Board of Directors, Texas Defender Service (2001-2017) (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, Planning Committee, and moderator, Symposium on Latinos and Capital Punishment (Apr. 9-11, 2015, at the University of Texas Law School; this was the first national symposium on the topic.)

Member, Planning Committee, Capital Punishment Clinic Conference (Feb. 28-Mar. 1, 2014 at the University of Texas Law School; this was the first conference that brought 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 at which capital trial attorneys, through small group workshops and lectures, develop the skills necessary to resolve cases as well as try them successfully.)

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)

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

Named one of Northern California's Criminal Defense "Super Lawyers" in CAL. LAWYER (2005-2010, 2013, 2015-21)

Listed in THE BEST LAWYERS IN AM. (1987-2000, 2014-21)

Honorary Doctor of Laws, Bard College (2016)

Rutter Award for Teaching Distinction, UC Berkeley School of Law (2015)

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

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

Named one of the "Top 100" Lawyers in California in L.A. DAILY J. (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 as one of "California's Most Respected Lawyers" in CAL. LAWYER (Sept. 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.