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OUR MISSION
is to protect and defend the rights of our indigent clients through effective, vigorous, compassionate, and creative legal advocacy.

This report was not printed at public expense.
Message from the Public Defender

Dear Friends:

Famed trial lawyer Clarence Darrow once said, “There is no such thing as justice – in or out of court.” Many who read Darrow’s quote might think it was an odd thing for this courtroom lawyer to have said. After all, Darrow dedicated his legal career to fighting against injustice and defending the poor and powerless. However, even Darrow, who had great success in bringing justice to his clients’ causes, understood that justice is something that cannot be taken for granted and must be fought for.

Each day, public defenders fight for justice in court by ensuring that the rights of all people are protected. The public defender plays a critical role in the criminal justice system by ensuring that a poor person receives the same or better representation than what that person might get from a hired lawyer. Only the public defender, if he or she executes his job properly, can ensure that we do not have a two-tiered system of justice in America.

Our fight for justice, however, does not end when we exit the Hall of Justice. Today, our office combines our core mission of providing the highest quality of legal representation with social and reentry services aimed at helping people turn their lives around.

When a public defender undertakes a client’s representation, it is a huge responsibility that is shared by every member of a skilled and diverse criminal defense team. Attorneys, paralegals, investigators, social workers and support staff work together to produce positive outcomes for our clients and their families, regardless of the charges against them or their financial means.

Of course, providing the highest level of representation in and out of court requires effective teamwork. Whether trying a felony, misdemeanor or juvenile case, assisting a mentally ill client who is participating in Behavioral Health Court, providing reentry services to a former drug addict, or working through our community-based MAGIC programs, our staff combine their collective talents and ideas to meet the high bar we have set for ourselves.

The Public Defender’s Office is grounded in excellence and consistency. Excellence is achieved through constantly improving our practice, hiring and training the best problem-solvers, and extending ourselves beyond the call of duty. Consistency requires that we always strive to perform at the highest level and provide dependable services to our clients.

It also means that we have standards in place that guarantee a certain level of representation, such as requiring that an incarcerated client is seen by his or her lawyer within 48 hours of arrest and that a complete investigation is performed in every case. With over 20,000 clients served each year, these standards are challenging but essential.

In this year’s annual report we share some of the stories of our clients and the impact that the criminal and juvenile justice systems have had on their lives. We also share with you our vision of what it means to be a nationwide model for the delivery of indigent defense services.

Darrow’s challenge is one that the Public Defender’s Office is proud to accept. Together, we believe that we can and will ensure justice for our clients – both in and out of court.

Sincerely,

Jeff Adachi

“Our fight for justice, however, does not end when we exit the Hall of Justice.”
**Benchmarks for Justice**

**Educating Our Community:**

- **Fourth Annual Juvenile Justice Summit: Youth Justice; School, Gangs & Leadership, May 2007:**
  
  Over 200 youth, families, youth agencies and community partners convened at the San Francisco Public Library to listen to expert panelists discuss violence intervention and prevention in schools, gang activity among youth, and the impact of the San Francisco gang injunctions on young people.

- **2nd Annual Reentry Summit: Working Together to Support San Franciscans After Incarceration, September 2007:**
  
  Over 375 activists, educators and lawmakers convened at the Safe Communities Reentry Council’s 2nd Annual Reentry Summit at San Francisco State University to discuss improvement of services for formerly incarcerated individuals.

A link to online video streaming of the Juvenile Justice Summit and the Reentry Summit can be found at: http://sfpublicdefender.org.

**Expanding Our Services:**

- **Public Defender’s Office Website Launch, Summer 2007:**
  
  Committed to expanding the quality of our services through the use of technology, the Public Defender’s Office launched a newly designed internet website at: http://sfpublicdefender.org.

  The website allows visitors to learn more about our office and our cases through our Newsroom section, to access job opportunities, and to leave questions or comments with our communications staff.

- **Clean Slate Program Mission Satellite Office, April 2007:**
  
  The Public Defender’s Office opened its 5th Clean Slate Program satellite office, helping English and Spanish speaking San Francisco residents clear their criminal records.

**Enhancing Our Skills:**

- **West Coast Forensic Trial College: DNA Evidence, Spring 2007:**
  
  Experts from around the country attended the 2-day weekend trial college to lecture on both basic and advanced topics in DNA. Participants cross-examined experts on the science of DNA.

- **Trial Skills College, Fall 2007:**
  
  For a full day, consultants from the National Jury Project West and other well-known trial attorneys worked with small groups of participants to develop jury selection techniques.

**Below:** Public Defender Jeff Adachi is joined at the 2007 California Lawyer of the Year Award ceremony by Chief Attorney Teresa Caffese, and Managing Attorneys Robert Dunlap, Niki Solis, Rebecca Young and Craig Peters (from left to right).

**Left:** Public Defender Adachi receives the 2007 California Lawyer of the Year Award from California Chief Justice Ronald M. George. Public Defender Adachi was recognized by California Lawyer magazine for the impact of his work in the field of prisoner reentry.
Advocating for Change:

• **Opposing Senate Bill 40**

On March 22, 2007, Public Defender Jeff Adachi appeared before the California Assembly Public Safety Committee to oppose California Senate Bill 40.

SB40 gives judges the power to sentence criminal defendants to aggravated terms without any jury findings. The Public Defender argued that SB 40 gives judges too much discretion and, without uniformity among jurisdictions, it is likely to result in sentencing disparities.

SB 40 was introduced in response to the U.S. Supreme Court’s decision in *Cunningham v. California*, which declared California’s determinate sentencing law unconstitutional.

• **Taking a Stand Against Gang Injunctions**

In 2007, the Public Defender’s Office successfully opposed the inclusion of three non-gang members in two civil injunctions filed against alleged San Francisco gangs.

The Office, in collaboration with the ACLU of Northern California, the Lawyers’ Committee for Civil Rights, and members of the private criminal defense bar, was able to tighten the general terms of the injunctions to impinge less on the rights of free speech, association, and travel.

The Public Defender’s Office continues to advocate for a clear and accessible exit process to ensure that San Francisco does not impose lifetime restrictions on people who are no longer engaged in gang activity.

• **Obtaining Equal Access to Safety Camera Recordings:**

In October 2007, robbery and assault charges against a client were dismissed based, in part, on videotaped evidence from San Francisco safety camera recordings. The videotapes, obtained by the Public Defender’s Office, confirmed the client’s claim that he was not at the scene when the crimes were committed.

Since then, our Office has advocated for legislation that would change the San Francisco Administrative Code to allow defense attorneys easier access to safety camera footage, and require the city to retain the tapes for 30 days before erasing them.

Currently, tapes are held for 7 days and only police inspectors may access them directly.
The San Francisco Public Defender’s Office is the largest criminal defense firm in San Francisco.

Each year we provide legal representation to over 20,000 people who have been charged with a crime and who are unable to afford an attorney.

Our deputy public defenders have an obligation both to the client and to the criminal justice system to fight as hard as they can on behalf of their client, no matter what the accusation.

Our motivations are personal and individually defined, but at the core of what makes us who we are is a basic desire to defend the Constitution and ensure that the promise of “justice for all” rings true for all our clients, regardless of financial means.

When an indigent person is appointed a San Francisco deputy public defender, the client not only receives an attorney, but rather a highly experienced criminal defense team.

**Felony and Misdemeanor Attorneys** advocate and litigate effectively on behalf of indigent clients charged with misdemeanor and felony offenses. Their goal is to provide compassionate and competent vertical representation.

**Investigators** work in the field gathering evidence to build the factual foundation necessary to a vigorous defense. Real life events are recreated through crime scene visits, witness interviews, photographs and record searches.

**Paralegals** provide the legal research and writing support required to carry the criminal defense team to trial. They also assist during trial by making trial binders, preparing jury instructions and creating exhibits and presentations.

The work of each criminal defense team is reinforced by the efforts of our talented support staff. In 2007:

**Legal Processing Clerks** processed the paperwork and maintained the records that comprise some 20,000 client files.

**Word Processors** transcribed and edited transcripts in English, Spanish, and Cantonese, including various forms of street slang, for a total of 3,010 pages.

**Information Technology Department** upgraded every computer to the latest version of Windows XP and Internet Explorer, installed more memory in the office computers to help them run faster, implemented an easier to use computer and projector checkout system and purchased 7 new cameras for investigators.
Success By The Numbers

Total number of cases handled: 19,563

In 2007, the Misdemeanor Unit handled 9,988 cases and completed 170 jury trials with a 68% success rate: 43% resulted in no conviction and 25% resulted in mixed verdicts of conviction and acquittal. The Unit also reported:

- Arraignments (new cases): 4,410
- Dismissed cases: 2,260
- Misdemeanor trial settings: 2,088
- Non-diversion dismissals at time of trial: 556
- Avg. caseload per attorney, annually: 666
- Avg. caseload per attorney, at any given time: 137

The Felony Unit handled 9,575 cases and completed 73 jury trials with a 56% success rate: 40% resulted in no conviction and 16% resulted in mixed verdicts of conviction and acquittal. The Unit also reported:

- Arraignments (new cases): 4,571
- Dismissed cases: 1,055
- Number of cases held to answer: 843
- Resolved by plea bargain before preliminary hearing: 1,586
- Avg. caseload per attorney, annually: 188
- Avg. caseload per attorney, at any given time: 60

Join the Fight for Justice

Volunteer Attorney Program

The Volunteer Attorney Program (VAP) offers recently-graduated lawyers work experience handling misdemeanor cases. The program is also ideal for associates from law firms who wish to gain experience trying cases before juries.

Volunteer attorneys receive extensive training in trial skills, the law of evidence and courtroom protocol. This highly competitive program requires a full-time four month commitment.

In 2007, 9 attorneys participated in VAP. Participating firms included Howard Rice, Keker & VanNest and Holme, Roberts & Owen. The volunteer attorneys tried a total of 22 jury trials.

Volunteer Intern Program

The Volunteer Intern Program (VIP) provides opportunities to law students, paralegals, investigators, college students and volunteers who are interested in receiving hands-on experience. In 2007, 218 people participated in VIP, including 11 high school students.

In the words of a volunteer...

The [Volunteer Attorney Program] was outstanding and prepared me to represent my future clients.... I have the highest regard for the intellect, camaraderie and spirit of the attorneys and support staff in the [Public Defender’s] office. This experience opened my eyes to many difficult issues that exist in our criminal justice system. Additionally, I have learned many new trial skills and have much more confidence in the courtroom.

Kyle Schriner, Associate, Holme, Roberts & Owen
The Public Defender’s Office Juvenile Unit uses an interdisciplinary team model to effectively serve San Francisco’s most at-risk youth.

Attorneys can be found in court everyday defending young people. Youth advocates and social workers provide for the client’s educational and behavioral health needs throughout their involvement with the juvenile justice system.

This year, the Juvenile Unit provided legal representation to 1,134 youth who were charged with delinquent offenses.

Our attorneys referred 250 of the most high-risk cases to our youth advocates to conduct home and school visits, attend educational hearings, secure counseling, immigration, health, or housing services for our clients and their families.

In over 85% of the cases referred by the attorney to the youth advocate team, we were able to successfully return the youth home to their community or to place them in appropriate rehabilitative settings.

Our education and placement attorney provided representation to over 200 youth to meet their special education and community placement needs.

In our most serious cases, fitness hearings to determine if youth should be tried in adult criminal court, our criminal defense and social work teams successfully advocated on behalf of 7 out of 7 youth to remain in juvenile court.

Consistent with the state legislative changes to reduce the Department of Juvenile Justice population, our office provided sentencing alterna-
tives to the court. As a result, not one young person was committed to the Department of Juvenile Justice in 2007.

The Public Defender’s Juvenile Unit is composed of 9 attorneys, 2 investigators, 2 social workers, 1 paralegal, and 3 youth advocates.

In the words of our youth...

I’m happy that you were with me through all of this. You made me think that people still want to help youths that make mistakes. I am blessed by an angel for a good lawyer helping me out. I do need to change and get my life straight. I appreciate your comforting me when things weren’t going good in court. You said “everything is going to be okay,” and it turned out okay. Realizing how much people want to help me and get back on track, I don’t want to let you, Marynella [social worker], and Ilona [paralegal] down, and especially my family. I have thought a lot about what I did and all of the pain I brought. This was a great chance to build a better relationship with my mom. You are a great lawyer, Rebecca. Keep helping the youth that need help!

“Allan,” 14 years old, A letter to his attorney

The 5th Annual Juvenile Justice Summit will be held Wednesday, May 14, 2008. For information on the Summit or the MAGIC programs, visit: http://sfpublicdefender.org

Bringing MAGIC To the Community

The Public Defender’s Office BMAGIC and Mo’ MAGIC collaboratives continue to make a difference in the lives of disadvantaged youth and families in the Bayview-Hunter’s Point and the Western Addition districts of San Francisco.

• Every two weeks, with the support of the Department of Children, Youth and Families, each collaborative convenes over 40 community organizations from both neighborhoods in order to build upon their individual strengths and accomplish work that benefits youth.

• In August 2007, BMAGIC and Mo’ MAGIC distributed over 3,000 new backpacks with essential school supplies to youth ages 5-18 to celebrate the beginning of the new school year.

• Nearly 200 guests attended the opening reception of Mo’ MAGIC’s Youth Art Show, which displayed the art of more than 100 youth.

• Over 300 children, youth and their families celebrated the talents and hard work of summer program participants at the Mo’ MAGIC Youth Showcase at City Hall.

• In December 2007, over 500 youth between the ages of 14-18 attended the BMAGIC and Mo’ MAGIC Winter Balls, which provided positive and safe environments to celebrate the end of the year and acknowledge the accomplishments of young people in the community.
In 2007, nearly 130,000 people were paroled from California state prisons. Of these, approximately 1,600 people were paroled to San Francisco.

Like most California parolees, a significant percentage of these individuals will have difficulty reintegrating into the community. At nearly 70%, California has the highest criminal recidivism rate in the country.

To address the problem of recidivism, the San Francisco Public Defender’s Reentry Unit provides its indigent clients with an innovative blend of legal, social, and practical support through its Clean Slate Program and social work components.

The Reentry Unit strives to eliminate the lifetime barriers to employment presented by having a criminal record, and to maximize the health and self-sufficiency of clients who are in need of prisoner reentry services, including counseling, substance abuse and mental health treatment, education, housing, and support for families.

Our Reentry Unit is the only such dedicated program within a Public Defender’s Office in the country.

**Adult Social Work Component**

The social work component of the Reentry Unit addresses the complex legal and social problems confronted by low-income people involved in the criminal justice system in San Francisco.

Five full-time social workers assess the needs of clients who have substance abuse, mental health, and other issues that stand in their way to full rehabilitation. Individualized referrals to social service programs and one year of intensive follow-up is provided.

**Children of Incarcerated Parents**

Funded by the Zellerbach Family Fund, one full-time social worker is dedicated to meeting the needs of incarcerated parents and their children in order to maintain healthy parent-child relationships.

In partnership with the client, deputy public defender, and a network of community-based treatment providers, the social worker develops individualized service plans, provides ongoing case management, and connects clients to appropriate services, housing, and treatment.

**Clean Slate Program**

A full-time attorney, paralegal, and clerk advocate for indigent individuals who wish to clear their criminal records of past offenses.

A clean record can open doors to employment, public housing, government benefits, educational opportunities, professional licenses, certifications, legal immigration status, and other benefits. The Clean Slate Program currently serves 4,453 clients.

**Safe Communities Reentry Council**

The Safe Communities Reentry Council (SCRC) seeks to implement policies and programs that reduce recidivism and facilitate the successful reentry of probationers and parolees returning to San Francisco.

Participants include over 50 community-based service providers, government agencies, research institutions, parole and probation administrators, and formerly incarcerated individuals.
Success By The Numbers

In 2007, the Reentry Unit assessed a total of 498 current clients for social services:

- **102** were parents or grandparent caregivers of children assessed by the Children of Incarcerated Parents (CIP) Social Worker;

- **69%** of the CIP requests were for assistance in arranging contact visits with the children during their parent’s incarceration, urgent childcare or other support for the temporary caregiver of children during their parent’s incarceration, and advocacy for custody or guardianship issues;

- **396** current clients were assessed for adult social services;

- **41%** of those assessed were successfully placed into 82 different services, including: employment placement, housing, access to benefits, medical services, mental health services, and education opportunities.

In 2007, the Clean Slate Program filed 729 motions that would reduce the impact of lifetime records of arrests and/or convictions, with 90% of these motions successfully granted:

- **550** clients had a felony or misdemeanor conviction expunged from their record;

- **71** clients had a felony conviction reduced to a misdemeanor conviction;

- **28** clients had a record of arrest sealed or sealed and destroyed;

- **8** clients received a Certificate of Rehabilitation after having served a state prison sentence.

Guiding the Way


This comprehensive guide was created to help recently released individuals navigate San Francisco’s public benefits, housing, health and employment service programs.

Over 2,000 guides have been distributed to jails, prisons and community organizations.

To download a free copy of the guide, please visit: http://sfpublicdefender.org.
The prison system is not a place for people struggling with mental illness and substance abuse. Yet, each year, California sends 3,000 seriously mentally ill people to prison.

Many clients come to us with histories of institutionalization going back to adolescence. Problems such as mental illness and addiction are exacerbated by poverty and lack of access to mental health services.

When not properly dealt with, social and psychological problems result in a revolving door of hospitalization, homelessness and incarceration. Nearly 20% of California’s 173,000-plus state prison inmates are being treated for mental illness.

The Public Defender’s Office works diligently to break this cycle by identifying clients whose criminal behavior is the result of untreated mental illness or drug addiction. San Francisco has designated specialty courts to handle these sensitive cases. Each court is staffed by a competent legal defense team.

### Behavioral Health Court

Behavioral Health Court (BHC) redirects mentally ill offenders from jail and into intensive case management programs in the community mental health system. The BHC criminal defense team supports and encourages treatment, and attempts to resolve criminal charges in a way that is fair given the seriousness of the charges and of the mental illness.

BHC anticipates that relapses may occur and it emphasizes positive reinforcement for successes rather than penalties for failures.

The success of BHC was featured in a study entitled “Effectiveness of Mental Health Court in Reducing Criminal Recidivism” published in the *American Journal of Psychiatry* (September 2007).

In 2007, through the support of the Mayor’s Office, the Office was able to secure funding to staff the court with a full-time attorney and paralegal.

### Proposition 36 Court

Proposition 36, passed by California voters in 2000, established a special court that allows clients convicted of drug possession crimes to participate in treatment as an alternative to imprisonment.

“When not properly dealt with, social and psychological problems result in a revolving door of hospitalization, homelessness and incarceration.”

### Drug Court

Drug Court is a proven solution to the devastating cycle of drug addiction, homelessness, and criminal activity. The Drug Court criminal defense team works with the District Attorney’s Office and the court to look beyond the surface of criminal charges to the root causes of drug addiction. The court is designed to treat addicts who engage in drug sales, theft and prostitution to support their addiction.
Success By The Numbers

Specialty Court Units
Total cases: 1,648

Drug Court
- Total cases: 925
- Number of graduates: 63

Proposition 36 Court
- Total cases: 390
- Number of graduates: 65

Behavioral Health Court
- Total cases: 333
- Number of graduates: 29

Mental Health Unit
Total cases: 3,067

In 2007, the Public Defender’s Office Mental Health Unit provided representation in 2,889 civil proceedings, 74% of which were hearings to protest 14-day involuntary psychiatric treatment. The Unit also reported:

- 63 writs demanding release from 14-day involuntary psychiatric treatment;
- 211 conservatorship hearings to determine disability status; and
- 476 conservatorship renewal hearings.

The Mental Health Unit also defended clients in 178 criminal hearings, including:

- 14 hearings to extend the commitment of clients found not guilty by reason of insanity beyond the maximum term of their original sentence; and
- 20 “1370 top-out” hearings, where clients unfit to stand trial are transitioned from the criminal justice to the mental health system.

Representing the Liberty Interests of Our Clients

The Mental Health Unit defense team advocates the client’s choice of treatment, access to treatment, and services in the community or in state institutions. The primary objective is to transition clients out of the criminal justice system and into the mental health system.

In civil commitment proceedings, the role of the mental health attorney is to represent the liberty interests of the client and to safeguard a range of basic human rights such as the right to live in one’s own home and the right to give or withhold consent to psychiatric interventions.

Given the scarcity of mental health resources, it is imperative that the Office advocates forcefully on behalf of individual clients for alternatives to locked, long-term confinement in out-of-county facilities.

The Mental Health Unit is staffed by 2 attorneys, 2 investigators, and 1 paralegal.

In the words of our staff...

To say ‘don’t treat the mentally ill people differently’ does not work for me. Of course I am going to treat our mentally ill clients differently. When I work with them, I am going to be extra patient, extra attentive, and extra generous with my time, at the same time without being condescending.

Karen Masi, Investigator
Mental Health Unit

In 2007, graduation ceremonies were held for successful participants of Drug Court, Prop 36 Court and BHC.
In April 2005, J.M., a single mother of three, was arrested and charged with attempted murder and five counts of assault with a firearm.

The charges against J.M. stemmed from allegations that she fired a single shot at her ex-boyfriend during an early evening drive by. J.M. denied the charges and insisted that she was on her way home from work at the time of the alleged shooting.

If convicted, J.M. faced 34 years to life in prison. J.M., who worked as a temporary office assistant, could not afford to hire an attorney. Deputy Public Defender Jacque Wilson was assigned to represent J.M.

After meeting with J.M. and assembling his defense team, Wilson soon learned that the case against J.M. was circumstantial at best.

According to police reports, an investigation of the crime scene minutes after the shot yielded no evidence of a shooting. Records also showed that an inspection of J.M.’s car revealed no evidence of gunshot residue. The only piece of physical evidence recovered in the case was a single bullet found near the scene of the crime four days after the alleged shooting. No ballistics tests were ever conducted on the bullet.

The defense team would also learn that J.M.’s ex-boyfriend and a friend present during the shooting initially reported that they did not know who fired at them. It was days later, during a police interview, that they first said that it was “probably” J.M. However, the ex-boyfriend asserted that he never saw the shooter. His friend claimed that he did not think it was J.M.

The case went forward against J.M. based on the dubious, shifting testimony of a single witness, an off-duty San Francisco deputy sheriff and childhood friend of the ex-boyfriend. At the time of the incident, he reported to police that he heard a shot and saw a car drive away. However, during questioning at J.M.’s preliminary hearing, he testified that he had witnessed the entire event and identified the shooter as J.M.

“"No explanation was given as to why the evidence was destroyed during trial.""

By the time trial began, Wilson and his team had spent weeks preparing J.M.’s defense. Investigator Jill Shaw recreated the crime scene through photographs and witness interviews. Paralegal Liliana Vera, assisted by Legal Processing Clerk Ana Guevara, obtained timesheets that confirmed J.M.’s presence in Sacramento a half hour before the shooting. Intern Jose Gonzalez worked with Wilson to refine his trial strategy.

On the third day of trial, however, Wilson became suspicious after the prosecution rested its case without introducing the bullet into evidence. Wilson learned upon inquiry that police had disposed of the bullet. No explanation was given as to why the evidence was destroyed during trial.

Wilson’s team subpoenaed the evidence room officers to the stand. During Wilson’s questioning, an officer admitted to discarding the bullet and then searching the trash days later to retrieve it.

The prosecution subsequently attempted to enter the bullet allegedly found in the trash into evidence. Wilson objected and the Judge ruled the bullet was inadmissible. There was no reason to believe that the bullet pulled from trash was the same bullet discarded by police, or that it was in any way connected to the alleged shooting.

On November 16, 2007, justice was finally served when J.M. was acquitted on all counts. J.M. sobbed as the jury foreperson read the verdict aloud.

Thanks to the teamwork and dedication of her defense team, J.M. is home.
Public Defender Staff

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- Roberto Evangelista
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- Greg Goldman
- Carla Gomez
- Danielle Harris
- Kroh Hauthway
- Chris Hipps
- Christopher Hite
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- Mark Iverson
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Photographer: Richard Bui. Additional photos: Sheryl Davis (page 7, top photo) and Benjamin La (page 9, bottom photo).
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