San Francisco Public Defender
Contact Information and Resources

Main Office
555 7th Street
San Francisco, CA 94103
Directory: 415-553-1671
Intern and Volunteer Program: 415-553-9630
Immigration Unit: 415-553-1428
Website: sfpublicdefender.org
facebook.com/sfpublicdefender
youtube.com/sfpublicdefender
twitter.com/sfdefender

Juvenile Division
375 Woodside Avenue, Room 118
San Francisco, CA 94127
Front Desk: 415-753-7601

Bayview MAGIC
Phone: 415-558-2487
community@bayviewmagic.org
bayviewmagic.org

Mo’ MAGIC
Phone: 415-567-0400
info@momagic.org
momagic.org

Clean Slate Program
Phone: 415-553-9337
Email: cleanslate@sfgov.org

Hours and Locations:
Arriba Juntos Office, 1850 Mission Street
4th Monday of the month,
10:30 a.m.-12:30 p.m.
Se habla Español

Community Justice Center
555 Polk St., 2nd floor
2nd Wednesday of the month, 3 p.m.-5 p.m.

Main Office, 555 7th Street
Every Tuesday, 9 a.m.-11 a.m.

Ella Hill Hutch Community Center
1050 McAllister Street
1st Thursdays of the month, 9 a.m.-11 a.m.

The Village Community Center
1099 Sunnydale Avenue
4th Wednesday of the month, 9 a.m.-11 a.m.

Southeast Community Center
1800 Oakdale Avenue
3rd Thursday of the month, 9 a.m.-11 a.m.

The Human Cost of Bail

In 2017, we fought the predatory bail industry on behalf of our clients. We launched challenges in appellate court and in the legislature, filed motions for hearings in nearly 1,000 criminal cases and publicized the most egregious examples of clients kept behind bars due to poverty.

Joseph Warren, 60, was facing welfare fraud charges and was held on $75,000 bail. The Guardian featured Warren’s story to highlight the inequities of the money bail system, contrasting his fate to that of a wealthy real estate heir in San Mateo County who was released while facing murder charges after posting $68 million.

A Guardian reader was so moved by Warren’s story that he anonymously paid his bail, and Warren was allowed to be free while fighting his case.
In the early days of film and television, the defense thrived. Perry Mason exonerated the wrongly accused each week, causing real life district attorneys to complain the television program undermined public trust in police and prosecutors. In *To Kill a Mockingbird*, Gregory Peck’s portrayal of attorney Atticus Finch personified integrity and courage in the face of racism.

By the late 20th Century, however, we had gone from heroes of the common man to inexperienced bunglers or amoral louts. From *My Cousin Vinny*, in which Joe Pesci played a loudmouth who finally passed the bar on his sixth try, to *The Devil’s Advocate*, in which Al Pacino played an attorney who was literally the devil, the defense couldn’t seem to catch a break.

Today, public defenders are telling their own stories, from former public defender David Feige’s *Raising the Bar*, to attorney-turned-filmmaker Dawn Porter’s *Gideon’s Army*, to my own documentary, *Defender*.

For our 2017 Annual Report/2018 Calendar, we decided to recast iconic movies and TV shows with public defense themes. We did it because representation matters. What people see in the media becomes what they expect. Studies show decades of police procedural dramas have eroded the presumption of innocence. For the sake of our clients, it’s time for public defenders to once again become three dimensional characters.

After all, there’s no limit to what a properly funded and highly trained group of public defenders can accomplish. Inside these pages is a transparent look into our work in 2017. Here are some of the highlights:

- We launched an unprecedented challenge to the predatory money bail system by filing motions in every case in which bail was set. This disrupts the incarceration pipeline, forcing judges to consider our clients’ financial circumstances and alternatives to jail.

- We established two innovative programs—the Pretrial Release Unit, which meets with clients immediately after booking; and the LEAD program, which diverts people at the time of arrest into treatment rather than jail.

- Our new Immigration Unit, which was fully staffed in May, secured the release of 32 people from federal immigration lockup and provided 270 consultations to attorneys.

- Our clients continued to benefit from taking their cases to trial. Approximately 63 percent of felony clients and 56 percent of misdemeanor clients who went to trial fared better than if they had accepted the prosecution’s pre-trial offer.

This past year has been among the busiest and most successful in our history. In 2018, we will continue to protect the rights of all San Franciscans both inside and outside the courtroom.

Sincerely,

Jeff Adachi
San Francisco Public Defender
AMERICAN INJUSTICE

STORY: BAIL

SOME MONSTERS PREY ON THE POOR
Public defenders made an early and strong debut on the big screen. The 1917 silent film *The Public Defender* starred Robert Edeson as a heroic lawyer for the poor. Ironically, it came at a time when the vast majority of criminal defendants did not have the right to court-appointed counsel. It was 15 years before *Powell v. Alabama* guaranteed attorneys to indigent people facing execution and 46 years before *Gideon v. Wainwright* would broaden the right to counsel to anyone facing a felony.

Even without dialogue, *The Public Defender* delivers a powerful argument for the right to counsel. A contemporary review in *Variety* describes what the audience sees: a poor young man led from his cell, the executioner’s hand on the electric chair switch, a priest taking confession. Suddenly, the man’s lover runs in with the papers that will save his life. They embrace. The film ends with a plea for the appointment of public defenders everywhere.

*The Public Defender* was co-scripted by Mayer Goldman of the New York Bar, who also wrote a book by the same name in the same year. The book is an 85-page non-fiction plea for public defenders to be created as had already happened in Los Angeles.
don’t say anything

The Pretrial Release Unit advises clients early of their right to remain silent.
In 1954, Public Defender Bart Matthews appeared on black-and-white televisions across the country. He introduced himself, and by doing so, introduced millions of Americans to public defense.

The driven, principled Matthews was played by actor Reed Hadley. The courtroom drama, *The Public Defender*, entertained Americans over 69 episodes.

It premiered eight years before the Supreme Court’s *Gideon vs. Wainwright* decision would guarantee attorneys for poor people charged with crimes, not just those whose conviction might lead to execution. For many viewers, it suddenly seemed possible for the poor to enjoy the same justice as the rich.

Despite guest appearances by stars—including Natalie Wood—*The Public Defender* stayed firmly planted in stories of the downtrodden. Matthews advocated passionately for his indigent clients, including an ex-con accused of robbing his boss, a carnival worker charged with grand theft, and a truck driver wrongly arrested for hijacking.
Accused?

You have the right to examine the evidence. Prosecutors failing to turn it over is a crime.

Public Defenders

And the Hidden Discovery
Perry Mason may not have explicitly called himself a public defender, but he inspired a generation of them. The L.A. criminal defense attorney, with help from his investigator Paul Drake and secretary Della Street, exonerated hundreds of people wrongly accused of murder. So clever was his cross-examination that witnesses eventually broke down, admitted to lying, or even confessed to the crime.

While aspiring public defenders loved *Perry Mason*, some cops and prosecutors weren’t fans. Irked by Mason outsmarting District Attorney Hamilton Burger and Lt. Arthur Tragg every week, Brooklyn District Attorney Edward Silver complained that the program was undermining public confidence in law enforcement.

Perry Mason didn’t just make defense attorneys look competent and noble. His tearing down of shoddy evidence and sloppy police work made the presumption of innocence real for millions of Americans.

Mason may get a chance to inspire a new generation. In August of 2016, HBO announced a potential revival of *Perry Mason* starring Robert Downey Jr.
DON'T GO TO TRIAL ALONE

PARALEGAL ACTIVITY

DON'T GO TO TRIAL ALONE
Joyce Davenport, a lone public defender on a primetime police drama, stood out for her intelligence and professionalism. Ambitious and acerbic, Davenport never let her romantic relationship with police captain Frank Furillo take precedence over her fierce advocacy for the accused.

For many, Davenport was the first image of a female public defender. On a show lauded for its gritty realness, she managed to be among the toughest and most justice-minded. Veronica Hamel was nominated five times for an Emmy for her role as Davenport.

Davenport became a prosecutor in season 5, breaking the collective hearts of public defenders everywhere.
Night Court focused on the wacky hijinks of a motley crew of misfits working the night shift in a Manhattan municipal court. Baby-faced judge/amateur magician/son of psychiatric patients Harry T. Stone managed the chaos with a ragtag group of attorneys, bailiffs, and court staff. The show featured four public defenders over its nearly 200-episode run. But the most memorable was Public Defender Christine Sullivan, played by Markie Post in seasons 3-9. Though the plot focused less on her legal acumen and more on her budding romance with the judge, Sullivan was a do-gooder who wanted to do right by her clients. Most gags revolved around Sullivan’s bombshell looks and naivete, and she was a frequent target for prosecutor Dan Fielding’s lechery. Outside of court, she collected Princess Diana commemorative thimbles.

John Larroquette, who played the womanizing D.A. admitted, “The show may not be in any way intellectual and we don’t make any pretense of dealing with issues that are impossible to address or solve in the sitcom format. But if you just want to forget it all for a minute and laugh at pies in the face and pants around the ankles, that’s what we do very well.”
In the criminal justice system, you are presumed innocent. In San Francisco, an elite squad of investigators comb the city for exonerating evidence. These are their stories.

PUBLIC DEFENSE INVESTIGATION UNIT
Television’s most popular television franchise is also the show public defenders and legal aid attorneys love to hate. It’s not just the weekly illegal police searches or the cuffing of citizens based on hunches. It’s also a disaster for the image of indigent defense. Public defenders are portrayed as incompetent or inexperienced—oafs in ill-fitting suits who drop their files while representing clients whose names they can’t remember.

Despite not being based in reality, the ubiquitous *Law and Order* has done real damage to jury perceptions. A paper published in *Law and Psychology Review* in 2013 found the show and its spinoffs are likely to have influenced how Americans view the presumption of innocence, stating, “the show suggests that if a suspect is not guilty, he or she is not brought to trial. Law enforcement ends up with the right person. This narrative may lead viewers, and thus potential jurors, to believe this is the way the system actually works.”
Defender: Best Documentary Award, Independent Television Festival. The documentary, created by San Francisco Public Defender Jeff Adachi and Jim Choi, focuses on Adachi and his team during the racially-charged trial of Michael Smith, a 22-year-old African American man. Smith was facing nine counts of resisting arrest after being pulled off a BART train with his girlfriend and wrestled to the ground by officers. Defender also focuses on the case of a San Francisco father being held in an immigration detention facility while the office’s fledgling immigration unit fights for his release. Learn more at defenderfilm.com.

Mo’ MAGIC: Community Spirit Award, Wells Fargo Foundation, for building transformative quality programs and developing interactive community-centered events in the Western Addition.

San Francisco Public Defender Jeff Adachi: Youth Champion Award, 3rd Street Youth Center and Clinic, for advocating on behalf of justice for young Bayview-Hunters Point residents.

BMAGIC Executive Director Lyslynn Lacoste: You Make a Difference Award, Southeast Community Facility Commission, for exhibiting a quiet willingness to help make a difference in the lives of children in the southeast side of San Francisco.

Deputy Public Defender Vilaska Nguyen: Trailblazer Award, Vietnamese Bar Association of Northern California, for mentoring and championing students who have developed into stellar advocates in the courtroom and prominent leaders in the legal community. Vilaska also received a Best Lawyers Under 40 Award from the National Asian Pacific Bar Association.

Deputy Public Defender Kwixuan Maloof: Named President of the California Association of Black Lawyers (CACL).

Tony Serra Trial Room: We name our meeting rooms after attorneys that inspire us. In 2017, we dedicated a conference space to living legend J. Tony Serra, a civil rights hero and longtime friend of the San Francisco Public Defender’s Office.
2017 Statistics

Felony
73: Jury trials
37%: Acquittal, hang, mistrial, dismissal
27%: Guilty
36%: Split verdict
63%: Final outcome better than pretrial offer
8%: Final outcome same as offer
29%: Worse than offer
2,177: Motions filed
625: Preliminary hearings
950: Cases resolved by misdemeanor
476: Cases resolved by felony plea agreement
38: Average cases per attorney at any given time
1,234: Motions to reduce bail

Misdemeanor
154: Jury trials
30%: Acquittal, hang, mistrial, dismissal
32%: Guilty
38%: Split verdict
56%: Final outcome better than pretrial offer
31%: Final outcome same as offer
13%: Worse than offer
1,153: Motions filed
239: Bail motions filed
936: Dismissals
273: Dismissals at trial call
87: Average cases per attorney at any given time
9: Participants in the Volunteer Attorney Program

Clerical
10,738: Police reports scanned and digitized
1,318: File requests answered
105,000: Phone calls answered

Information Technology
151: Surveillance video retrievals with investigators
2,352: Downloaded police body camera videos.

Legislative Unit
14: Criminal justice bills supported by the office passed into state law
26: State and city legislative offices which collaborated on criminal justice reform

Interns/Volunteers
142: College and law school students, post-bars, and attorneys
31: High school students

Training
39: Workshops and lectures
131: New attorney trainings
87: Case conferences
476: Case conference attendees
67: Felony trial practice group meetings
52: Misdemeanor trial practice group meetings
423: Felony trial practice group attendees

Investigation
2,529: Requests received
3,018: Hours searching for surveillance video
367: Video surveillance searches

Mental Health
3,090: Client cases
4: Dismissals for conserved clients
2: Jury trials

Mental Health trial results:
1: Not gravely disabled (win)
1: Hung jury (NGI)

Research Unit
109: Trial and pretrial motions
36: Memora
54: Writs and appeals
45: Seminars and trainings

Clean Slate
7,209: People with prior arrests and convictions served
1,758: Motions filed
84%: Motions granted
969: Convictions dismissed ("expunged")
75: Arrests sealed and arrests converted to detention only
264: Felony convictions reduced to misdemeanors

Drug Court
129: Clients served
29: Graduates
100%: Graduates were drug free, safely housed and have a legal source of income

Behavioral Health Court
348: Clients served
100%: Graduates connected to housing and community behavioral services

Paralegal
142: Clients dressed for trial
91: Exhibits prepared for trial
2: Days of testimony provided

Investigation
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Paralegal
142: Clients dressed for trial
91: Exhibits prepared for trial
2: Days of testimony provided
Veterans Justice Center
87: Current participants
100%: Receiving treatment
90%: In treatment and stable housing

Young Adult Court
91: Current participants
100%: Clients who received developmentally appropriate, trauma-informed and evidence-supported wellness plans
100%: Referred to services and housing

Children of Incarcerated Parents
76: Families served
100%: Families referred to services
100%: contact visits received for those eligible

Social Work
287: Clients assessed
90%: Reentry clients referred to treatment, housing, vocational training, and other social services

Community Justice Center
1,837: Cases handled
100%: Eligible participants referred to services or performed community service
80%: Successful graduates

Transcription
221: Recordings transcribed
1,654: Pages of transcripts

Pretrial Release Unit
(Launched in October 2017)
456: Pre-arraignment/booked attorney meetings
70: Investigations initiated

Law Enforcement Assisted Diversion (LEAD)
(Launched in October 2017)
28: Clients assessed
90%: Clients who made it to their intake appointment within 30 days

Juvenile Unit
32: Trials
36: Contested dispositions
1: State juvenile commitment
0: Youth transferred to adult court

Juvenile Social Work
79: Referrals
78%: Favorable outcomes

Legal Educational Advocacy Program (LEAP)
90: Referrals
60: IEP meetings
11: Expulsion hearings
9: Expulsions prevented

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Resisting Mass Deportation: A Community Forum
In 2017, the San Francisco Public Defender’s Office responded to rising xenophobia and federal immigration enforcement threatening San Francisco’s immigrant communities. On Feb. 22, we held a free community forum, Resisting Mass Deportation, at Main Library (watch on YouTube/sfpublicdefender.)

The event featured actor-activist Danny Glover, National Association of Immigration Judges President Hon. Dana Lee Marks, Supervisor Sandra Lee Fewer, and leaders in law and immigrant rights. In May, we launched our fully-staffed Immigration Unit to represent detained immigrants at no cost. In September, we unveiled our Immigrant Defense Fund (bit.ly/defendimmigrants) in partnership with the International Institute of the Bay Area. The fund allows attorneys providing free or low cost immigration help to hire expert witnesses to provide critical evidence on behalf of their clients fighting to stay in the U.S.
Justice prevails over rhetoric for Garcia Zarate

In November, the national spotlight descended on San Francisco for the trial of Jose Ines Garcia Zarate, a homeless immigrant charged with murder in the 2015 death of Kate Steinle on Pier 14.

It would be up to Chief Attorney Matt Gonzalez, Deputy Public Defender Francisco Ugarte, investigator Danielle Thompson, paralegal Zachary Dillon, and volunteer attorney Michael Hinckley to prove to the jury that the incident was a tragic accident instead of a crime. Forensic evidence from both sides backed the defense, showing the bullet that hit Steinle ricocheted off the ground after being fired from 100 feet away. Garcia Zarate had no history of violence and didn’t know Steinle. He told investigators he found the gun wrapped in cloth under a bench on the pier and it fired when he handled it. Video footage seemed to support his story, showing a group of people putting down and picking up objects in the area just 30 minutes before Garcia Zarate arrived.

But on the road to trial, facts had taken a back seat. Donald Trump, who was campaigning for president in 2015, used the incident to foment fear and gain support for his hardline stance against undocumented immigrants. Garcia Zarate, whose greatest crimes had been illegal entry into the United States, was branded a dangerous felon. His mugshot became ubiquitous on right wing television. His case became shorthand for criticism of Sanctuary Cities like San Francisco and was used to push anti-immigrant legislation.

Fortunately, politics never entered the courtroom. There, 12 jurors studied the evidence, weighed the testimony, and deliberated for days. On Nov. 30, they found Garcia Zarate not guilty of murder, involuntary manslaughter, and assault with a deadly weapon. He was convicted only of being a felon in possession of a firearm and sentenced to time served.

Many people—including President Trump—derided the verdict. But unlike them, jurors had spent a full month in the courtroom. They viewed the evidence through a lens of objectivity rather than hearing the facts twisted to push an agenda.

The trial remains the only time in San Francisco history prosecutors have filed murder charges in a case involving a ricochet shot. Days after the verdict, federal gun charges were filed against Garcia Zarate for the same incident. He will be represented by famed civil rights lawyer J. Tony Serra.

2017: Year of the justice-minded jury

Darryl J’Erron (shown left with Deputy Public Defender Ilona Solomon) faced felony assault charges after defending himself against an attacker who bullied and threatened him over a year. After acquitting at trial, a juror remarked, “There was a collective sense among the jury that the wrong man stood trial. Twelve objective strangers came to a unanimous decision of not guilty on all charges in a matter of minutes with the evidence provided.”

Juries in 2017 also rejected labelling black men as gang members based solely on social media photos, the testimony of a single gang officer, or having their names on years-old gang injunctions. In cases tried by Deputy Public Defenders Rebecca Young and Michelle Tong, jurors acquitted on all gang enhancements. “None of us liked the fact that [Officer] Dudley is the one who decides who is a gang member, and the decision isn't reviewed by anybody... It's as if the police department is perpetuating the gang for their own purposes,” said one juror.
Writs and Declarations

The Research Unit: Because motions don’t grow on trees.
The Trials of Rosie O'Neill (Television drama, 1990-1992)

The Trials of Rosie O'Neill was a CBS series about a lawyer starting over as a Los Angeles public defender after losing her lucrative private practice in a divorce. Despite critical acclaim, the acting chops of Sharon Gless, and a theme song by Carole King, Rosie O'Neill never attracted much of an audience.

That’s too bad, because it was a rare gem—a legal drama that focused on the work of the defense. O’Neill took serious cases: A woman accused of killing her newborn; a homeless songwriter charged with kidnapping the star who stole his song; a gang member whose fight was caught on video. Some of her clients were difficult, like the eco-terrorist whose idealism got in the way of the mistaken identity defense O’Neill wanted to argue. The Trials of Rosie O’Neill also took on the criminalization of mental illness, with an episode devoted to O’Neill’s preoccupation with fixing a system that punishes the sick instead of helping them.
TOGETHER, WE CHANGE CHILDREN’S LIVES

Mobilization for Adolescent Growth in our Communities
Living Single, one of the most popular African American sitcoms of its era, explored the professional, personal and romantic lives of six friends sharing a Brooklyn brownstone. In an ensemble full of compelling characters, Public Defender Maxine Shaw managed to stand out.

Maxine was more than just main character Khadijah James’ wise-cracking best friend. “Maxine Shaw, attorney at law” was a second generation lawyer who wasn’t afraid to revel in her courtroom victories, proclaiming “my look and my law were fierce” at the end of a successful day. She was outspoken with her advice and unapologetic about her ambition, even while navigating the uncertainty of her twenties.

She was never a familiar sitcom trope and managed to defy every stereotype about race, gender, lawyers and public defenders. Actress Erika Alexander won numerous awards for her portrayal of Maxine, including two NAACP Image Awards for Outstanding Actress in a Comedy Series. She was strong-willed but sensible, focused on her career but always there for her friends.
PUTTING THE PUBLIC IN PUBLIC DEFENSE SINCE 1921
Filmmakers Pamela Yates and Peter Kinoy were embedded in the trenches with San Francisco public defenders and investigators. Their unprecedented access chronicling a year in the lives of public defenders and clients resulted in an award winning documentary for PBS. *Presumed Guilty* aimed to show the robust defense of the poor at a time when public defense was under attack. Filmmakers followed the case of a murder for hire, the killing of a gang boss, a woman accused of concealing a gun in her purse, and a man charged with being under the influence of crack. It profiled seasoned attorneys fighting for their clients’ lives and rookie defenders giving their all to misdemeanor clients.

*Presumed Guilty* was accompanied by a comprehensive website where viewers could explore case timelines, find criminal justice resources, and understand their own legal rights.

*photo by Robert Gumpert*
Cast out your convictions with our Clean Slate program.
Because looking for a job with a criminal record is an unholy terror.
Raising the Bar was a love letter to public defenders. Its co-creator, David Feige, was a longtime public defender in New York City and one of the founding members of The Bronx Defenders. He’s spoken frequently of his love of indigent defense, and even wrote a book about it in 2006: Indefensible: One Lawyer’s Journey into the Inferno of American Justice.

The show’s main character was idealistic public defender Jerry Kellerman, whose dedication to his clients led to clashes with cops, judges, and prosecutors (including the one he was secretly dating.) Kellerman was so committed to his principles and outraged by injustice that he joined his client behind bars in the pilot episode.

Raising the Bar ran two seasons and garnered mixed reviews.
You’ll get tech support too.

I.T.
Filmmaker and attorney Dawn Porter’s award winning documentary follows the personal stories of three young and idealistic public defenders in the Deep South. The trio and their mentor, Jonathan Rapping, who leads the Southern Public Defender Training Center (now known as Gideon’s Promise) want to make “justice for all” a reality.

They struggle with staggering caseloads, long hours, and low pay in a region where indigent defense is chronically underfunded. The courageous young lawyers advocate tirelessly for each client despite the odds stacked against them. One attorney even tattoos the name of a client on his back when he loses a case.

Porter spoke at the San Francisco Public Defender’s Justice Summit in 2013 following the premiere of Gideon’s Army on HBO.
DEFENDERS
THE NEXT GENERATION

THE MISDEMEANOR UNIT:
TO BOLDLY GO SEEK JUSTICE
Television’s most recent public defender-focused offering was goofy fish-out-of-water sitcom *Benched*. Main character Nina Whitley is a prestigious corporate attorney who throws such a powerful tantrum when denied a promotion that she becomes a pariah. She starts over as an LA public defender, which the audience is to believe is “the bottom.” Nevermind that Los Angeles County had the first public defender’s office in the nation, which remains among the most innovative anywhere.

Fancy, type-A Whitley suffers various humiliations in her new gig. Along the way, however, she sees the way the legal system treats poor people.

*Benched* got some positive reviews for its comic performances. Alas, it was benched after a single season.
San Francisco Public Defender’s Office
555 7th Street
San Francisco, CA 94103
415-553-1671

Production Credits:
Editor: Jeff Adachi
Managing Editor/Writer: Tamara Barak Aparton
Photography: Richard Bui
Designer: Larry Roberts
Data Editor: Seni Richmond
Additional photo credits:
Cover center photo of Garcia Zarate team by Jessica Christian, SF Examiner
Hollywood sign photo by flickr.com/soerenpeters
Cover film strip design by www.123Freevectors.com
American Injustice Story bars photos by flickr.com/wwarby
American Injustice Story screaming face photo by flickr.com/khalil_gamela
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