



CHANGE THE WORLD FROM HERE

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September 14, 2020

In re: *Donor Gifts for Staff Attorneys at the USF School of Law Racial Justice Clinic*

Dear District Attorney Boudin,

I am writing this letter to set forth the parameters of two \$125,000 gifts (a total of \$250,000) received by the USF School of Law's Racial Justice Clinic (RJC) from three donors to hire two staff attorneys to support my work and the work of the RJC students who will be assisting the SF DA Office's Sentencing Review Conviction Unit and Wrongful Conviction Unit, which is supported by an all-volunteer Innocence Commission.

1. RJC Staff Attorney for section 1170(d) cases

The SF DA's office has committed to reexamine cases involving excessive sentences under Penal Code section 1170(d). Under this law, the District Attorney is empowered to vacate excessive sentences upon a showing of good cause. Section 1170(d) is a powerful tool for reversing some of the harm done by the criminal justice system, but to wield its power effectively will require more manpower and resources than the District Attorney's Office currently has available or can provide in the immediate future. In order to provide relief to any significant number of eligible incarcerated people, the SRU will need additional personnel and resources.

For that reason, the RJC secured a gift of \$125,000 for a staff attorney to work on section 1170(d) cases at the USF Racial Justice Clinic. The funding is for a staff attorney who will: (1) screen, review, and evaluate cases eligible for relief under PC 1170(d)(1); (2) position qualifying cases for rapid review by the SRU; and, (3) train and supervise clinic students to screen and review an even greater volume of eligible cases.

The Vital Projects Fund has generously donated \$125,000 to fully fund this position. Here is the breakdown of the \$125,000 gift: The staff attorney's salary will be roughly \$85,000 and the benefits (medical, etc) are \$33,750. The remaining money, \$6,250 will be used for expenses. The salary is one hundred percent donor funded and the donors made their gifts to USF School of Law.

2. RJC Staff Attorney to support the work of the Innocence Commission

The Innocence Commission is tasked with evaluating cases where an incarcerated person alleges that he or she has been wrongfully convicted. The Commission members, all of whom have full-time demanding jobs, are committing their services *pro bono* because they understand the

importance of the work. IC will include an academic, a retired judge, a prosecutor from the SF DA's Office, a PD from the SF Public Defender's Office, an attorney with the Northern California Innocence Project, and a medical expert. If the Commission, after evaluating all of the available evidence and conducting any necessary re-investigation, votes by a majority to vacate the conviction, the Commission will write a detailed Findings of Fact and Conclusions of Law Memorandum that will serve as the basis for the DA to return to court to seek to vacate the conviction. While the DA will make the final decision, the DA will afford great weight to the determination of the Commission.

The Commission's work will require additional resources, including the hiring of a full-time staff attorney. As you well know, your office is bracing for severe budget cuts and has no resources to allocate to the Commission other than the part time service of an existing prosecutor who will take on the Commission's work as part of his or her existing responsibilities. The Wrongful Conviction Unit itself has only one attorney, again due to budget cuts and staffing shortages, and she has other responsibilities as well, including reviewing approximately 900 cases where prisoners may be eligible for resentencing and release.

In short, the Innocence Commission will be the laboring oar and will be empowered to make life altering decisions. Reinvestigating post-conviction cases involving credible claims of innocence requires hundreds if not thousands of hours.

Two generous donors have stepped forward to fund the staff attorney position that will allow the IC to do its work. The staff attorney, a junior attorney with experience in wrongful conviction work, will allow the RJC to do three things: (1) train the students to help the IC members in evaluating wrongful conviction claims—including any necessary follow up investigation; (2) ensure that the Commission members can efficiently and fairly evaluate as many claims as possible.; and (3) serve as the primary drafter of the Findings of Fact Memorandum as well as any other documents authored by the IC.

The first donor's gift of \$50,000, was received on September 3, 2020.

The second donor's gift of \$75,000 will be received within a week of the date of this letter. Her donor letter was signed on September 11, 2020.

The third donor's gift of \$125,000 for the section 1170(d) staff attorney position will be received by the end of September 2020.



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Sincerely,

A handwritten signature in brown ink that reads "Lara H. Bazelon".

Lara Bazelon
Professor of Law
University of San Francisco School of Law
Director of the Racial Justice Clinic
Phillip and Muriel Collins Barnett Chair in Trial Advocacy